

MAINE STATE LEGISLATURE

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DOCUMENTS

PUBLISHED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1866.



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1866.

FORTY-FIFTH LEGISLATURE.

SENATE.

No. 10.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

AN ACT relating to hawkers and pedlers.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. No person except as hereinafter provided, shall travel from town to town, or place to place in any town in this state, on foot, or by any kind of land or water conveyance whatsoever, carrying for sale any goods, wares or merchandise, under a penalty of not less than fifty, nor more than two hundred dollars, and the forfeiture of all property thus unlawfully carried.

SECT. 2. The county commissioners may license for the purposes aforesaid, any inhabitant of their county, who proves to their satisfaction that he sustains a good

4 moral character, has been five years a citizen of the
5 United States, and the year next preceding, a resident
6 of this state ; and such licenses shall expire in one
7 year from their date, and shall not be transferable ;
8 and the person receiving such license, shall pay there-
9 for to the county in which it is granted, if he is to
10 travel on foot, or on any boat or water craft, ten dol-
11 lars, if with a carriage drawn by one animal, fifteen
12 dollars, and if drawn by two animals, twenty dollars ;
13 and he shall present to the county commissioners with
14 his application, a certificate of good moral character
15 from the municipal authorities of the town where he
16 resides, which shall be attached to his license.

SECT. 3. No person licensed as aforesaid, shall sell,
2 carry or offer for sale, any jewelry, playing cards, or
3 other property, the sale of which is prohibited by law,
4 under the penalties provided in this act ; but nothing
5 herein shall prevent any citizen of this state from sell-
6 ing any fish, fruit, provisions, farming utensils, or
7 other articles, lawfully raised or manufactured in this
8 state.

SECT. 4. Every person who receives a license under
2 this act, shall exhibit it all times when required, by
3 any trial justice, constable or other peace officer, and
4 upon refusal, he shall forfeit the sum of fifty dollars,

5 and the carriages, goods, wares and merchandise of
6 such person, which he is then and there employing
7 under such license, upon complaint before any justice
8 of a police or municipal court, or any trial justice in
9 said county, may be seized under his warrant, and
10 detained in the custody of the officer until payment of
11 said penalty or the discharge of the accused ; and in
12 case of his conviction, if said property is not redeemed
13 within twenty days thereafter, it shall be forfeited,
14 and may be sold as if taken on execution, and the net
15 proceeds distributed as hereinafter provided.

SECT. 5. All penalties and forfeitures herein provi-
2 ded may be recovered by indictment, or by action of
3 debt in the name of the prosecutor, one half to the use
4 of the town where the offence is committed, and the
5 other to the use of the person prosecuting therefor ;
6 and any trial justice or justice of a police or municipal
7 court, upon complaint for a violation of this act, may
8 issue his warrant and cause the arrest of the accused,
9 and the seizure of the property alleged to be forfeited,
10 and if upon examination he shall find there is probable
11 cause to believe that the person charged is guilty, he
12 may order him to recognize with sufficient sureties, to
13 appear before the next supreme judicial court for said
14 county, and in default thereof may commit him, and

15 may order the detention of said property by the officer
16 in whose custody it is until trial in said court, and in
17 cases of conviction, said property shall be decreed for-
18 feited to the uses aforesaid, and shall be sold as if taken
19 on execution.

SECT. 6. Every person licensed, shall have painted
2 on some conspicuous place, on every carriage employed
3 by him, in letters at least one inch wide, his name,
4 and the words, licensed by C. C.

SECT. 7. Chapter forty-four of the revised statutes,
2 and chapter two hundred and ninety-six of the public
3 acts of eighteen hundred and sixty-five, are hereby
4 repealed, except as to all prosecutions and actions
5 under them, pending when this act shall take effect.

SECT. 8. This act shall take effect upon its approval
2 by the governor.

STATE OF MAINE.

IN SENATE. January 31, 1866.

Reported by Mr. ABBETT, from the Committee on the Judiciary.

THOMAS P. CLEAVES, *Clerk.*