

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
and March 16, 1842.

Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

1846.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1846.

Chapter 200.

CHAP. 200.

An Act relating to hawkers and pedlers.

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

SECTION 1. Every hawker, pedler or petty chapman, or other person, not having been five years a citizen of the United States, who shall hereafter travel from town to town or place to place, on foot or with a horse, carriage, or otherwise, carrying to sell or exposing to sale, any goods, wares or merchandise, shall forfeit a sum not exceeding fifty dollars nor less than twenty dollars, to be recovered by complaint or indictment, and all articles and merchandise aforesaid, one half to the town where the offense is committed, and the other half to the prosecutor.

Penalty for pedling goods by persons not five years resident of the U. S.

Articles also forfeited.

SECT. 2. Any justice, on complaint made to him, may cause the arrest of the party accused, and the seizure of such goods or chattels, and detain the same until trial; and in case of conviction of the offender, the said goods and chattels shall be decreed forfeited to the uses aforesaid and sold in the same manner as goods seized on execution for debt.

Mode of recovery.

SECT. 3. Any person who shall hereafter travel from town to town, or place to place, in the state, for the purpose of vending any goods, wares or merchandise, shall first obtain a license therefor, from the county commissioners of the county in which he proposes to travel, and pay therefor, a certain sum for the use of the county, to wit: every person who shall travel on foot for the purpose aforesaid, shall pay the sum of ten dollars. Every person who shall travel with any carriage drawn by one animal, for the purpose aforesaid, shall pay the sum of fifteen dollars; and if drawn by two horses or other animals, twenty dollars. Any person who shall transport or convey any goods or merchandise by water, in any boat or other water craft, for the purpose of vending the same as aforesaid, shall first obtain a license therefor, as above specified, and shall pay the sum of ten dollars for the use of the county; and any person thus licensed, who shall sell and vend under his license, goods and merchandise, the property of persons not five years residents of this state, shall be subject to the provisions of the first and second sections of this act; and all licenses granted as aforesaid, shall expire in one year from the time of granting the same. *Provided*, that every person who shall travel as aforesaid, for the purpose of vending any jewelry or playing cards, shall be subject to all the penalties and liabilities provided in the first and second sections of this act.

County commissioners may grant license.

Liable for vending goods the property of persons not five years residents of this state.

Articles prohibited.

SECT. 4. No person shall receive license under the provisions

When license may be granted.

CHAP. 200.

of this act, until he shall have proved to the satisfaction of the county commissioners, that he sustains a good moral character; that he has been five years a citizen of the United States, and that he has resided in some city, town or plantation in the county where he shall apply for license as aforesaid, for the term of one year next preceding the time of such application; and no license granted by this act shall be assigned or transferred without the consent of the county commissioners by whom such license was granted.

Penalty for transgressing the provisions of the third section of this act.

SECT. 5. Any person who shall transgress any of the provisions of the third section of this act, shall forfeit and pay a sum not exceeding double the amount required to be paid for such license as he is bound to obtain by the provisions of said preceding section; and all fines and forfeitures for any violation of the foregoing provisions or requirements, shall be recovered in an action for debt, before any court competent to try the same, in the county where the offense may have been committed, by any person who may prosecute for the same, for the use of the county where such offense shall have been committed.

How recovered.

License to be exhibited to certain officers.

SECT. 6. Any person who shall travel for the purposes aforesaid, shall exhibit his license at any and all times, when required to do so by any justice of the peace, or any constable of any city, town or plantation, and a refusal to exhibit such license when required as aforesaid, shall be deemed as evidence of not having such license; and if prosecuted after such refusal to show his license, the production of his license at the time of trial shall not avail him in the defense of such prosecution, and the person so refusing shall be dealt with as is provided in the fifth section of this act.

Penalty for refusal.

How recovered.

SECT. 7. The carriages, goods, wares and merchandise of any such person as is described in the third section of this act, who refuses to exhibit his license as provided in this act, may be seized by warrant from any justice of the peace, and detained until such justice shall decide whether such person is liable to any fine imposed by this act, and until such fine, if any, shall be paid.

Certificate of good moral character to be attached to the license granted.

SECT. 8. Every person who shall apply to the county commissioners for the purpose of obtaining a license as aforesaid, shall present to said commissioners a certificate of his good moral character, signed by the selectmen of the town where he has his residence, as aforesaid, which shall be attached to the license granted.

Certain exceptions.

SECT. 9. Nothing in this act shall be construed to prevent any citizen of this state from selling any fish, fruit or provisions or from vending any farming utensils or other articles raised or manufactured in this state—playing cards, intoxicating liquors and jewelry excepted.

SECT. 10. The act entitled an act relating to hawkers and ped- **CHAP. 201.**
 lers, approved March twenty-third, in the year of our Lord one inconsistent acts
 repealed.
 thousand eight hundred and forty-three—and all other acts and
 parts of acts inconsistent with the provisions of this act, are hereby
 repealed.

SECT. 11. This act shall take effect from and after the thirtieth When to take ef
 fect.
 day of September next..

[Approved July 30, 1846.]

Chapter 201.

An Act in addition to an act relating to pounds and impounding beasts.

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

In all cases when any town shall omit to choose a suitable per- Selectmen au-
 thorized to fill
 vacancies.
 son as pound-keeper in said town, or in case the person chosen fails
 to be sworn, or a vacancy occurs by death, resignation, or other-
 wise, the selectmen of said town shall have authority to fill the
 vacancy.

[Approved August 6, 1846.]

Chapter 202.

An Act explanatory of an act making further provision for cost in cases of usury.

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

The provisions of said act passed on the twenty-second day of Not to extend to
 suits now pend-
 ing.
 July, eighteen hundred and forty-six, shall not extend to, or em-
 brace in its application, any suits now pending.

[Approved August 7, 1846.]

Chapter 203.

An Act in relation to the duties, privileges and liabilities of mutual fire insurance
 companies.

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

SECTION 1. Upon the decease of a member of any mutual fire