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No.

1st Session, 2nd Parliament, 8 Victoria, 1844.

BILL.

**An Act to impose duties on Hawkers,
Pedlars and Petty Chapmen, and on
Persons keeping Billiard Tables for
profit, and to provide for the collec-
tion of the said Duties.**

Printed by order of the Legislative Assembly.

HON. MR. ATTY. GENL. SMITH.

PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to impose duties on Hawkers, Pedlars and Petty Chapmen, and on Persons keeping Billiard Tables for profit, and to provide for the collection of the said Duties.

WHEREAS, by an Act passed during the Preamble. present Session it is enacted, that the several Acts imposing duties on Hawkers, Pedlars, and other itinerant Traders, and on persons keeping Billiard Tables for profit, and providing for the collection of such duties, shall be repealed from and after the day of

in the year of Our Lord one thousand eight hundred and _____, to the end that the provisions of law relative to the matters aforesaid may be amended, consolidated and made uniform throughout the Province, and it is expedient to make legislative provision accordingly; Be it therefore enacted, &c.,

and it is hereby enacted by the authority of the same, That (except as hereinafter excepted) no person other than a person licensed in the manner hereinafter mentioned as a Hawker and Pedlar, shall act as such within this Province under a penalty of

currency, for each offence or act done in contravention to this section; and every travelling Petty Chapman or itinerant Trader, or person who shall travel with goods, wares, or merchandize, for the purpose of trade or barter, from place to place, or to other men's houses, or who shall act as a trader without having a permanent residence in some town or place within the Province, shall be deemed to be a Hawker and Pedlar within the meaning of this Act, and for all the purposes thereof; Provided always, that any person or party having at the time when this Act shall come into force, a License to act as a Hawker and

No person to act as a Hawker and Pedlar without a License.

Who shall be deemed Hawkers and Pedlars.

Provido, as to parties licensed before this Act is in force.

Pedlar, lawfully issued under any Act repealed during the present Session, may continue to act under such License and according to the terms thereof until the day of _____ next, after this Act shall come into force, (but not afterwards) as if such person or party had been licensed for a like purpose under this Act.

Exceptions as to the sale of certain things, &c.

Manufacturers.

Tinkers, &c.

Hucksters.

Agricultural produce.

II. Provided always, That nothing herein contained shall be construed to prevent any person not being licensed as aforesaid, from selling the Acts of the Legislature, Prayer-Books or Church Catechisms, Confessions of Faith, Proclamations, Gazettes, Almanacs, or other printed papers that shall be licensed by authority, or any fresh fish, fruit or victuals, live stock or agricultural produce, or any leather, hollow ware, or farming utensils, being the growth, produce, or manufacture of this Province,—nor to prevent any person, being a subject of Her Majesty and the real maker of any goods, wares or merchandize manufactured within this Province, or his children, apprentices, agents, or servants, from carrying abroad, exposing to sale or selling by retail or otherwise, any such goods, wares, or merchandize, of his own making as aforesaid,—nor to prevent any tinker, cooper, glazier, harness-mender, or other person usually trading in mending kettles, tubs, or other household goods, and being Her Majesty's subject, from going about and carrying proper materials for mending the same,—nor to prevent any huckster or person having a stall or stand in a market in any town in this Province, and being such subject as aforesaid, from selling or exposing to sale, any fish, fruits, or victuals, or any goods, wares or merchandize, in such stall or stand, provided he shall comply with the rules and regulations made or to be made by the proper authorities, concerning such market, stall or stand,—nor to prevent any person whomsoever from importing into this Province any wheat, flour, peas, beans, oats, barley, Indian corn or meal, rye, staves or heading, oak, pine or fir timber, or other lumber, pot or pearl ashes, furs or skins not dressed, beef,

pork, cheese, butter, or other provisions, and disposing thereof at the port at which the same shall be entered,—nor to prevent any person whomsoever, from driving any live stock to or through any part of the Province, for the purpose of selling the same.

III. And be it enacted, That it shall be the duty of any District Inspector to issue a License to act as a Hawker and Pedlar within this Province, in favor of any person requiring the same and paying the duty thereon, and being a subject of Her Majesty; and such License shall remain in force until the day of

next after the expiration of ten days from the date thereof and no longer; and the person to whom such License shall be issued, shall pay to the District Inspector issuing the same, the sum which under this Act shall be payable as a duty to Her Majesty upon such License: Provided always, that no such License shall authorize the person to whom it is granted to offer or expose to sale, any goods, wares, or merchandize, which shall not be *bona fide* the property of such person, or to sell any spirituous or fermented liquor without being specially licensed to sell such liquor.

IV. And be it enacted, That if the person to whom any such License shall be granted, shall intend to travel as a Hawker and Pedlar, alone and on foot, carrying himself the goods, wares and merchandize he shall expose or offer for sale, the sum he shall pay for the duty on such License shall be currency; and if such person shall intend to travel as a Hawker and Pedlar, with any assistant, or with a boat, carriage, or beast of burthen, he shall pay a further duty of currency, for each such assistant, of currency for every horse, ass, mule, or other beast of burthen, of currency for every decked vessel, and of currency for every open boat or other craft; and the License shall set forth the manner in which the person licensed shall be entitled to tra-

Live-stock.

Inspectors to issue Licenses.

Duration of License.

Duty.

Proviso.

Spirituous liquors.

Amount of duty to vary according to circumstances.

Mode of travelling to appear in the License.

vel as aforesaid and the sum paid as duty; and any act inconsistent with the terms of the License shall be deemed to have been done without a License.

Any person acting as a Hawker and Pedlar may be required to produce his License.

Proceedings if he be found to have no License or refuse to produce it.

Conviction.

Costs.

Distress, if the penalty and costs be not paid.

Distribution of penalty.

V. And be it enacted, That it shall be lawful for any Justice of the Peace, District Inspector, or other officer employed in the collection of the revenue, officer of Militia, Constable, or Peace officer, to require any person found acting, or having acted as a Hawker and Pedlar, to exhibit his License; and if such person be found to have no License, or shall refuse or neglect to exhibit his License, or if he shall be found to be acting, or to have acted as aforesaid in a manner inconsistent with his License, such Justice of the Peace or officer is hereby empowered and required to detain him or cause him to be detained, and to seize any goods, wares and merchandize he may have with him, and to carry him or cause him to be carried or brought before the Justice so detaining him, or any one Justice of the Peace residing near the place where he shall have been found; and his refusal or neglect to exhibit his License when lawfully called upon as aforesaid, shall render him liable to the penalty to which he would be liable if found to have no License; and such Justice shall, on the evidence on oath of any credible witness other than the informer, (or of the informer if he shall renounce all claim to any part of the penalty,) to be sworn before him, condemn the offender in the penalty hereinbefore imposed on any person acting as a Hawker and Pedlar without a License, and costs,—and shall, if such penalty and costs be not forthwith paid, cause the same to be levied by distress and sale of the goods and chattels of the offender, or, if there be not sufficient distress, shall commit the offender to the common gaol of the district for a term not exceeding months, unless the penalty and costs be sooner paid; and one moiety of any such penalty shall be paid over by such Justice to the District Inspector for the revenue district in which the same shall be levied; and

shall belong to Her Majesty, and the other moiety shall belong to the prosecutor or informer, unless he shall have renounced his claim thereto, in which case the whole shall belong to Her Majesty, and shall be paid over as aforesaid.

VI. And be it enacted, That if any person licensed as a Hawker and Pedlar shall be convicted in any competent Court, of holding seditious discourse, uttering treasonable words, maliciously spreading false news, publishing or distributing libellous or seditious papers, written or printed, tending to excite discontent in the minds and to lessen the affections of Her Majesty's subjects, or to disturb the peace and tranquillity of the Province, he shall, in addition to any other penalty or punishment to which he may be liable for such offence, incur a penalty of Punishment of Hawkers and Pedlars holding seditious discourse, &c. currency, and shall forfeit his License, (which shall be null and void from and after his conviction,) and shall moreover be incapable of obtaining another at any time thereafter.

VII. And be it enacted, That (except as hereinafter excepted,) no person other than a person licensed in the manner hereinafter mentioned, shall within this Province set up, keep, or have upon his premises, or in his possession, power or control, a Billiard Table, producing or intended to produce, directly or indirectly, hire or gain to such person, under a penalty of No person to keep a Billiard Table for hire without a License. currency: Provided always, That any person or party having at the time when this Act shall come into force, a License to keep a Billiard Table or Billiard Tables, lawfully issued under any Act repealed during the present Session, may continue to act under such License and according to the terms thereof, until the Penalty. Proviso, as to Licenses issued before this Act shall be in force. day of next after this Act shall come into force (but not afterwards) as if such person or party had been licensed for a like purpose under this Act.

Certain Billiard Tables to be deemed to be kept for hire.

VIII. And be it enacted, That if any person licensed to keep a house or place of public entertainment, or to retail spirituous or fermented liquors, or keeping any ordinary, boarding house, recess, or other house of public resort, shall have any Billiard Table upon his premises, or in his possession, power or control, such Billiard Table shall be deemed to be intended to produce hire or gain to such person, and no proof of its having been allowed to be used shall be necessary: Provided always, That if any person illegally keeping a house or place of public entertainment, or illegally retailing spirituous or fermented liquors, shall have any Billiard Table upon his premises or in his possession, power or control, such Billiard Table shall be also deemed to be intended to produce hire or gain to such person, and no proof of its having been allowed to be used shall be necessary, but such person, if not licensed to keep such Billiard Table, shall be liable to a penalty double the amount of that mentioned in the next preceding section, that is to say, to a penalty of
currency.

Proviso.

Double penalty on unlicensed sellers of spirituous liquors.

District Inspector to issue licenses.

IX. And be it enacted, That it shall be the duty of the District Inspector for any revenue district, to issue a License to keep one or more Billiard Tables, in some certain building or buildings within such revenue district, and to be designated in the License, in favour of any person being a subject of Her Majesty, who having previously complied with the requirements of this Act in that behalf, shall require such license; and such License shall remain in force until the
day of

Duration of license.

Duty.

next after the date thereof, and the person to whom the same shall be granted shall pay to the District Inspector, as a duty to Her Majesty upon such License, the sum of
currency, for each Billiard Table which he shall be thereby licensed to keep.

Bond to be given by any person obtaining a license.

X. Provided always, and be it enacted, That no License to keep a Billiard Table shall be granted to any person, until he shall,

jointly and severally with two good and sufficient sureties, to the satisfaction of the District Inspector issuing such License, have entered into a bond to Her Majesty, in the sum of _____ pounds currency, which bond shall be taken before the said District Inspector, and shall be conditioned that the person obtaining the License shall not, while the same shall be in force, knowingly suffer any merchant's clerk, bank clerk, apprentice, school-boy, or servant, to play at such Billiard Table, and shall not knowingly suffer any person whomsoever to play or gamble at the same for money; and the said bond shall be kept by the District Inspector, and a new bond shall be entered into whenever a new License shall be granted.

XI. And be it enacted, That any pecuniary penalty hereby imposed on any person setting up, keeping or having a Billiard Table, without being duly licensed so to do, may be sued for and recovered, with costs, on the oath of any one competent witness, in any Court having civil jurisdiction to the amount of such penalty, by any District Inspector, or by any other person or officer thereunto authorized under the provisions of the Act next hereinafter mentioned; and one moiety of such penalty shall belong to the District Inspector or other person or officer suing for the same, and the other moiety shall belong to Her Majesty, and shall be paid to the District Inspector for the revenue district where the offence shall have been committed, and by him accounted for and paid over as other public monies coming into his hands.

Penalties how to be recovered.

And how to be distributed.

XII. And be it enacted, That all duties hereby imposed shall be held to be duties within the meaning of the Act passed during the present Session, and intituled, "*An Act to provide for the Management of the Customs, and of matters relative to the collection of the Provincial Revenue,*" and shall, as shall also all matters and things thereunto relating, be subject to all the provisions of the said Act, in so far as the same shall not be inconsistent with this Act; and all monies

Duties to be subject to the Management Act of this session.

Accounting clause.

arising from the said duties, or from any penalties hereby imposed and belonging to Her Majesty, shall be paid over by the officer receiving the same to the Receiver General, and shall form part of the Consolidated Revenue Fund of this Province, and shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty shall direct.

Interpreta-
tion clause.

XIII. And be it enacted, That the words "Her Majesty," wherever they occur in the foregoing enactments, shall be held to mean and include Her Majesty, Her Heirs and Successors; and all words importing the singular number or the masculine gender only, shall be held to include several persons, matters, or things of the same kind, as well as one person, matter, or thing, and females as well as males, unless it be otherwise specially provided, or there be something in the context repugnant to or inconsistent with such interpretation.

Commence-
ment of this
Act.

XIV. And be it enacted, That this Act shall commence and be in force and effect upon, from, and after the day of in the year of our Lord one thousand eight hundred and and not before.