

CAP. XXXVII.

An Act to prevent Non-Resident Pedlars travelling and selling within this Province without Licence.

Section	Section
1. Non-resident Pedlars not to sell without licence.	6. Penalty for selling smuggled or prohibited goods.
2. County Treasurers to grant licences and account to Receiver General.	7. Penalty for forging or travelling with forged or counterfeit licence.
3. Penalty for trading without licence.	8. Act not to affect cities of Saint John and Fredericton, and town of Woodstock. Form.
4. Licence, when to be produced.	
5. Penalties, how recovered, &c.	

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly, as follows:—

1. No non-resident person shall vend or sell goods from place to place throughout this Province without an annual Licence first had and obtained for that purpose from the Treasurer or the Deputy Treasurer of any County therein, for such Licence he shall pay the sum of thirty dollars.

2. The said Treasurers or Deputy Treasurers respectively, are authorized to grant such Licence (A) and receive the Licence Fee, which Licence Fee he shall account for to the Receiver General; he shall also keep a register of the Licences issued, a copy of which, shewing the amount collected, he shall transmit annually to the Auditor General.

3. Every non-resident aforesaid shall, if found trading without a Licence, or contrary thereto, for each and every offence forfeit and pay the sum of twenty dollars.

4. Every such person so trading, on demand made by the Treasurer, or any Deputy Treasurer, Justice of the Peace, Sheriff, or Town or City Clerk, or by any person with whom he shall be trading, shall produce and shew his Licence under which he is at the time selling, under a penalty of sixteen dollars.

5. All penalties under this Act shall be recovered under and by virtue of Chapter 138, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions,' and when recovered shall be paid to the County or City Treasurer where collected for the use of the said City or County.

6. If such person shall be convicted of knowingly dealing, vending or selling any smuggled, contraband, or prohibited goods, fraudulently or dishonestly procured, either by themselves or through the means of others, or with their privity or knowledge, such person shall, on conviction thereof, forfeit his Licence, and shall thereafter be incapable of obtaining or holding a new Licence, or dealing or trading under the same, over and above all such forfeitures, fines and penalties, which he is by law subject for such illicit and unlawful dealing.

7. If any person shall forge or counterfeit any Licence by this Act directed to be granted, or travel with or produce any forged or counterfeit Licence for the purposes aforesaid, every such person on conviction thereof shall be liable to the like pains and penalties as persons guilty of forgery, or writing or making any forged instrument within this Province, are now by Law liable.

8. Nothing herein contained shall be construed to interfere with the rights and privileges given to the Cities of Saint John and Fredericton and Town of Woodstock by their respective Charters.

(A)

PROVINCE OF NEW BRUNSWICK.

No. —

Be it remembered, that A. B., a non-resident of this Province, having this day paid to me the sum of thirty dollars, Licence is hereby granted to the said A. B., a non-resident, to use the occupation of a Hawker or Pedlar throughout this Province, pursuant to the Act of Assembly passed in the thirtieth year of the Reign of Queen Victoria, intituled *An Act to prevent Non-Resident Pedlars travelling and selling within this Province without Licence*; this Licence to continue and be in force for one year from this date, and no longer.—Given under my hand this day of A. D. 18

C. D., Dep. Treas. County of

1. In addition to the sixth Section of the said recited Act, it shall be the duty of the several Policemen belonging to the Police Force in the Parish of Portland aforesaid, to report to the Police Magistrate all persons guilty or suspected of being guilty of any breach of the provisions of an Act passed twenty fourth Victoria, Chapter twenty three, to regulate the sale of Spirituous Liquors in the City and County of Saint John; and all persons so offending against the said last recited Act shall and may be dealt with by the said Police Magistrate, in all respects as at present under the said last recited Act.

2. So much of the fourteenth Section of Chapter twenty three, of twenty fourth Victoria, as is inconsistent with this Act, shall be and the same is hereby repealed, and the list therein required to be transmitted to the Town Clerk of the said Parish by the Clerk of the Peace, shall in lieu thereof be furnished to the Police Magistrate of the said Parish.

3. It shall be the duty of the Police in the said Parish of Portland to carry into effect any regulation of the Sessions of the City and County of Saint John, imposing a tax on dogs in the Parish of Portland, and to collect any tax so imposed, and pay the same over to the Portland Police Magistrate, and to report to the said Police Magistrate all persons in the said Parish refusing or neglecting to pay such tax after such notice as may be provided for in the said regulation, and to report all persons keeping dogs in the said Parish contrary to any such regulation, all of whom shall and may be dealt with by the said Police Magistrate, and fined in accordance with the provisions of such regulation, and all moneys collected under any such regulation, whether for fines or taxes, shall go into and form a part of the Police and Light Fund for the said Parish of Portland.

4. And the said Magistrate mentioned in the thirteenth and fourteenth Sections of said Act shall have jurisdiction in actions for any kind of debt, and in actions of debt upon specialty for a sum certain to be paid at a specified time where the amount claimed does not exceed eighty dollars; and where the dealings between the parties have exceeded eighty dollars, the plaintiff's claim may be reduced by payment or abandonment so as to bring it within the jurisdiction hereby created; the said Magistrate shall also have jurisdiction in all actions of tort to real and personal property whether the damages shall be immediate or consequential, where the damages claimed do not exceed sixteen dollars.

5. Any person who shall wilfully break or cause to be broken any water pipe, water hydrant, fire hydrant, or any other thing belonging to or in connection with the Water Works in the Parish of Portland, shall, on conviction thereof before the Police Magistrate sitting at the Police Office in the Parish of Portland, be liable to a fine of not more than fifty dollars nor less than eight dollars, and for non-payment thereof, it shall be lawful for the Police Magistrate to commit the offender to the common gaol or Provincial Penitentiary for any term not exceeding three calendar months.

6. When any person shall be charged with any larceny, or any offence of receiving stolen goods, whenever the value of the property stolen shall not exceed twenty dollars, it shall be lawful for the said Police Magistrate forthwith to hear and determine such offence, and upon conviction to commit the offender to the common gaol of the City and County of Saint John, or to the Provincial Penitentiary, in the discretion of the said Magistrate, for any term not exceeding six months; and any thing in Section two of an Act passed nineteenth Victoria, Chapter fifty seven, inconsistent with this Act, shall be and the same is hereby repealed.