

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

CHAP. V.

An Act to continue, repeal part of, and amend an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled, "An Act for granting to His Majesty Duties on Licences to Hawkers, Pedlars and Petty Chapman, and other Trading Persons therein mentioned," and to extend the provisions of the same.

[Passed 1st April, 1818.]

Preamble. 55th Geo. 3, chap. 56, continued.

WHEREAS an Act passed in the Fifty-sixth Year of the Reign of our Sovereign Lord the King, entitled, "An Act granting to His Majesty, Duties on Licences to Hawkers, Pedlars and Petty Chapman, and other Trading Persons therein mentioned," will shortly expire, and whereas it is expedient to continue and amend the same, Be it Enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America. and to make further provision for the Government of the said Province," and by the authority of the same, that the said Act, with the exception of the first, second, seventh and eighth Clauses thereof, which are hereby repealed, shall be and remain in force for and during the continuance of this Act.

Except the 1st, 2d, 7th and 8th Clauses.

Duties on Licences to be taken out by Hawkers, Pedlars and Petty Chapman.

When Licence to be taken out.

By whom.

Amount of Duties thereon.

II. And be it further enacted by the authority aforesaid, That there shall be raised, collected and paid to His Majesty, his Heirs and Successors, to and for the Public uses of this Province, and the support of the Government thereof, the several and respective Duties therein mentioned, for and upon the respective Licences, to be taken out in manner and by the Persons hereinafter mentioned; that is to say, from and after the fifth day of April in this and every ensuing Year, during the continuance of this Act, there shall be taken out a Licence by every Hawker, Pedlar, Petty Chapman and any Trading Person or Persons, such Person or Persons having taken the Oath of Allegiance to His Majesty, going from Town to Town, or to other Men's Houses, or who have not become House-holders by permanent residence in any Town or Place within this Province, by or for the space of One Year, previous to the passing of this Act, or Travelling either on Foot, or with a Horse or Horses, Mule or Mules, or other Beast bearing or drawing burthen; Boat or Boats, Decked Vessels or other Craft or otherwise within this Province, carrying to sell or exposing to sale, any Goods, Wares or Merchandise, for which Licence there shall be paid the following sums, at the time such Licence be taken out:—For every Man Traveller on foot, Five Pounds Current Money of this Province, for every Horse, Ass or Mule, or other Beast bearing or drawing burthen, an additional sum of Five Pounds; for every Man sailing with a Decked Vessel, trading and exposing for sale, Goods, Wares and Merchandise, on board or from the same, the sum of Twenty-five Pounds; for every Man trading with a Boat or other Craft, and exposing for Sale, Goods, Wares and Merchandise, for each Boat or Craft, the sum of Twenty Pounds.

Authority to seize any Hawker, Pedlar, &c. trading without a Licence,

Or refusing to produce his Licence.

Three or more Justices on complaint may fine offenders.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any Justice of the Peace, Collector, Deputy Collector, Constable or Peace Officer, to seize and detain any such Hawker, Pedlar or Petty Chapman, or other Trading Persons as aforesaid, who shall be found Trading without a Licence, contrary to this Act, or being found Trading, shall refuse or neglect to produce a Licence according to this Act, after being required so to do, in order to His or Her being carried; and they are hereby required to carry such Person or Persons so seized, unless he or they shall produce their respective Licences before three or more of his Majesty's Justices of the Peace, the nearest to the place where such Offence or Offences shall be committed, which said three or more Justices of the Peace are hereby authorised and strictly required, either upon the confession of the Party offending,

or due proof by Witness or Witnesses, other than the Informer, upon Oath, which Oath they are hereby empowered to administer, that the Person or Persons so brought before them had so traded, as aforesaid, without a Licence, and in case no such Licence shall be produced by such Offender or Offenders, before such Justices, the said Justices by Warrant under their Hands and Seals, directed to a Constable or other Peace Officer, shall cause a Sum, not exceeding Twenty Pounds nor less than Five Pounds, with reasonable Costs, to be forthwith levied by Distress and Sale of the Goods, Wares and Merchandise of such Offender or Offenders, or of the Goods with which such Offender or Offenders shall be found trading as aforesaid; rendering the overplus (if any there be) to the Owner or Owners thereof, after deducting the reasonable charges for taking the said Distress; and for want of sufficient Distress, the Offender or Offenders shall be sent to the nearest Gaol of such District, for a time not exceeding six months, nor less than one month; as such Justices of the Peace shall think most proper.

Amount of Penalty.

Imprisonment in default of distress.

IV. *And be it further enacted by the authority aforesaid,* That the Collectors acting by virtue of and under the authority of this Act, shall and they are hereby required to make returns to the Inspector General of this Province, and transmit all such monies as may come to their hands, to the Receiver-General of the Province, in like manner and subject to the same penalties as Inspectors and Collectors now are by virtue of any Law now in force in this Province.

Collectors to account,

and pay over Monies.

V. *And be it further enacted by the authority aforesaid,* That the Duties levied, collected and paid by virtue of this Act, and one moiety of every pecuniary penalty or satisfaction by this Act imposed shall belong to His Majesty, His Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the Receiver-General, to and for the uses of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof; to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner as it shall please His Majesty to direct, and the other moiety of such pecuniary penalty or satisfaction, shall belong to the person or persons who shall sue for the same.

Appropriation of Penalties.

Informer.

VI. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force Four Years, and from thence to the end of the then next ensuing Session of Parliament.

Continuance of this Act.

CHAP. VI.

An Act Granting to His Majesty a Duty on Licences to Auctioneers, and on Goods, Wares and Merchandise sold by Auction.

[Passed 1st April, 1818.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is expedient to increase the Revenue of this Province, to meet the increased Expenditure of the same, and whereas it would be for the advantage of the said Province if all Persons using or exercising the Trade or Business of an Auctioneer, should be obliged to take out a Licence for that purpose, specifying their Names and Places of Abode respectively, and to grant unto Your Majesty a certain Rate upon all Sales of Goods, Wares and Merchandise whatsoever, sold by way of Auction, as herein-after mentioned: We Your Majesty's Dutiful and Loyal Subjects, the Commons of Upper-Canada, in Provincial Parliament assembled, do most humbly Beseech your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled

Preamble:

by