

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1829. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1829.

9 & 10 George IV – Chapter 27

An Act to prevent Pedlars travelling and selling within this Province without Licence. Passed 10th February, 1829.

Whereas it is expedient that regulations should be made for Pedlars and Petty Chapmen going about this Province without Licence:

I. Be it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the first day of April next, there shall be paid into the Treasury of this Province, by every Hawker, Pedlar, Petty Chapman, or any other Trading person or persons going from Town to Town or to other men's houses, and travelling either on foot or with a beast of burthen, or otherwise within this Province, carrying to sell, or exposing to sale, any goods, wares, or merchandize, the following duties, that is to say; for every person so travelling on foot, two Pounds and ten Shillings per annum, for every person so travelling with a beast of burthen, bearing or drawing a burthen, the further sum of four pounds for each and every beast of burthen, and for every Waggon, Cart, Sled, or other Carriage by Land, or for any Vessel, Boat or Canoe, by Water, and by a person or persons for the purpose aforesaid, the sum of four pounds.

II. And be it further enacted, That every Pedlar, Hawker, or Petty Chapman, and other trading person or persons, so travelling as aforesaid, within this Province, shall take a Licence for that purpose, from the Treasurer of the Province or any Deputy Treasurer for the time being, and shall pay unto the said Treasurer or such Deputy, the sum or sums of money, above mentioned; upon payment whereof, the said Treasurer or his Deputy is hereby authorized and required to grant such Licence, under his hand and seal, which Licence shall particularly specify whether such person so receiving the same, is to travel on foot, or with a beast of burthen, or with a Waggon, Cart, Sled, or other Carriage, or in any Vessel, Boat, or Canoe, according to the form contained in the Schedule of this Act; and that the said Treasurer, or his Deputy, shall keep a Register of all persons Licenced under and by virtue of this Act, and from time to time publish the names of such persons in the Royal Gazette, and shall also keep a distinct account of the Duties to be received by virtue of this Act.

III. And be it further enacted, That if any Hawker, Pedlar, or Petty Chapman, or Itinerant Trader as aforesaid, shall after the said first day of April next, be found trading as aforesaid, without or contrary to such Licence, such person shall, for each and every offence forfeit and pay the sum of four pounds.

IV. And be it further enacted, That every person so trading as aforesaid, who upon demand made by any Justice of the Peace, Sheriff, or Constable, or by any person with whom he shall be so trading as aforesaid, shall refuse to produce and shew the Licence for so trading, he shall forfeit and pay the sum of twenty Shillings.

V. And be it further enacted, That the penalties and forfeitures imposed by this Act shall be recovered in a summary way with costs, upon information or complaint made to any one or more Justice or Justices of the Peace, in the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses, or confession of the party offending, and levied by warrant of digress and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the charges of such distress and sale, to the owner thereof; and the penalty when recovered, to be paid and applied as follows, that is to say; one moiety to the person who shall inform and sue for the same, and the other moiety to the Overseers of the Poor for the use of the Poor of the Parish where such offence shall be committed; and if there should not be any goods and chattels found whereon to levy such distress, it shall and may be lawful for such Justice or Justices to commit the offender to the Common Gaol of the County, for the space of five days, unless the penalty, with costs, be sooner paid.

VI. And be it further enacted, That any Hawker, Pedlar, Petty Chapman, or other trading person as aforesaid, shall, from and after the said first day of April, be convicted of knowingly dealing or vending or selling any kind of smuggled, contraband, or prohibited goods, wares, or merchandize, fraudulently or dishonestly procured, either by themselves or through the medium of others, with their privity and knowledge, every such Hawker, Pedlar, Petty Chapman, or trading person shall from and after such conviction, forfeit his Licence, and forever thereafter be incapable of obtaining or holding any new Licence, or dealing, trafficking, or trading under the same, and over and above all such forfeitures and incapacities, fines and penalties, to which he is, or shall be by Law subject and liable to, for such illicit and illegal trafficking and dealing.

VII. And be it further enacted, That if any person or persons whatsoever, shall forge or counterfeit any Licence or Licences by this Act directed to be granted, or travel with or produce, or show any forged or counterfeited Licence or Licences for any of the purposes aforesaid, every such person shall, upon conviction thereof, be subject to the like pains and penalties as persons guilty of forging, or uttering any forged instrument within this Province, are now by Law liable.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prohibit any person or persons from selling any fruit, fish, victuals or country produce, or to hinder any person or persons who are the real makers or workers of any goods or wares, or carrying about for sale or selling the goods of his, her, or their own manufacture, or to vessels of fifteen tons burthen.

IX. Provided also, and be it further enacted, That nothing in this Act contained, shall extend or be construed to affect the rights, privileges and immunities granted by Charter to the Mayor, Aldermen and Commonalty of the City of Saint John.

X. And be it further enacted, That this Act shall continue and be in force until the first day of April one thousand eight hundred and thirty-one.

Treasurer's or Deputy Treasurer's Office, Province of New-Brunswick.

No. _____ District of _____

Be it known that A. B. a native of _____ of the age of _____ or thereabouts, having this day paid into the Treasury the sum of _____ pounds, licence and permission are therefore hereby given and granted to the said A. B. to use occupation of a Hawker, Pedlar, or Itinerant Trader throughout this Province [here state particularly whether the person is privileged to travel on foot or with a horse, gelding, mare, or other beast of burthen, carriage or boat, as the case may be,] pursuant to the Act of Assembly passed in the tenth year of King George the Fourth, intituled, "An Act to prevent Pedlars travelling and selling within this Province without Licence."

This Licence to continue and be in force for one Year from the date hereof and no longer.

Given under my hand and seal the (L.S.) day of _____ one thousand eight hundred and C. D.

Province Treasurer, or Deputy Treasurer.