

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1816. York: R. C. Horne, 1816.

56 George III – Chapter 36

**An Act for granting to His Majesty, Duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading Persons therein mentioned. Passed 1st April 1816.**

Most Gracious Sovereign,

Whereas, it is necessary to grant to His Majesty, certain Duties on Licences to Hawkers, Pedlars, Petty Chapmen and other Trading Persons, within this Province, We, your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, 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, 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 there shall be raised, levied, 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 herein mentioned, for and upon the several respective Licences to be taken out, in the 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 and Petty Chapman, and every Trading Person or Persons, such person or persons aforesaid having taken the Oath of Allegiance to His Majesty, before persons duly authorized to administer the same, going from town to town, or to other men's houses, or travelling on foot, or with a horse or horses, ass or asses, mule or mules, or other beasts bearing or drawing burthen, boat or boats, decked vessel or other craft, or carrying to sell or exposing to sale, any Goods, Wares or Merchandize within this Province; for which Licences there shall be paid, hereafter, at the time such Licences shall be taken out; for every man travelling on foot the sum of ten pounds, current money of this Province; for every horse, ass, mule or other beast, bearing or drawing burthen, the sum of ten pounds yearly; for every other beast he shall so travel with, the further sum of five pounds; for every person sailing with a decked vessel, trading and exposing for sale, any Goods, Wares or Merchandize, on board or from the same, the sum of fifty pounds for every such decked vessel; for every person trading with a boat or other craft, and exposing for sale, Goods, Wares or Merchandize, for each boat or craft he shall so trade with, the sum of forty pounds; Provided always, that every person not being a natural born subject of His Majesty, or a subject of His Majesty naturalized by act of the British Parliament, or a subject of His Majesty, become such by the conquest and cession of the Province of Quebec, and not having become a house holder by permanent residence, in any town or township within this Province, for and during the space of twelve months, shall for every such Licence as aforesaid, pay the sum of fifty pounds.

II. And be it further enacted by the authority aforesaid, That all and every person or persons that shall take out License as aforesaid, are hereby required to take out a fresh Licence on or before the fifth day of April in each and every year, before he, she or they shall presume, hereafter during the continuance of this Act, to travel and trade as aforesaid.

III. And be it further enacted by the authority aforesaid, That nothing in this Act shall extend, or be construed to extend to prohibit any person or persons being British born subjects, or subjects become such by naturalization, or by conquest, from selling Leather, Hollow Ware, farming Utensils, or any printed Papers, published by Authority, they being the growth, produce or manufacture of this Province, nor to hinder any person or persons, who are the real makers of any Goods, Wares or Merchandize of the manufactory of this Province, or his, her or their children, apprentices, agents or servants, to such real workers or makers of such Goods, Wares or Manufactories, (they being subjects as above) only from carrying abroad, exposing to sale, or selling by retail or otherwise, any of the said Goods, Wares or Manufactories, of his, her or their own making, in any part of this Province; nor any Tinkers, Coopers, Glaziers, Harness Menders, or any other persons, usually trading in mending kettles, tubs, household goods or harness whatsoever, from going about and carrying with him, her or them, proper materials for mending the same, without having a Licence as aforesaid, they being subjects as before recited; Provided also, that this Act shall not be construed to extend, to prohibit Hucksters or Persons having Stalls or Stands in the Markets, in the Towns within this Province, from selling or exposing to sale, without having a Licence as aforesaid, any Fish, Fruit, Victuals or Goods, Wares and Merchandize, in such stall or stands, they being British subjects as aforesaid, and complying with such Rules and Regulations of Police, as by the Justices in their General Quarter Sessions of the Peace, or by any other authority are or may be established in such Towns, respecting such stalls and stands.

IV. And be it further enacted by the authority aforesaid, That the Licences hereinbefore mentioned, shall be granted by the Governor, Lieutenant Governor or Person administering the Government of this Province, and for every such Licence that shall be delivered, there shall be paid by the person or persons applying for the same, to the Collector, the sum of three shillings and nine pence, current money, and no more, for issuing the same.

V. And be it further enacted by the authority aforesaid, That every Collector as aforesaid, before he enter upon the execution of his said office, shall take and subscribe the following oath; which oath shall be taken before any two of His Majesty's Justices of the Peace, in and for the District in which such Collector shall reside, who are hereby authorized and required to administer and transmit the same, to be filed in the Office of the Clerk of the Peace, amongst the Records of the said District:

I, A.B. do swear, that I will well and truly execute, do and perform the duty of Collector of His Majesty's Revenue, arising on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading Persons described by an Act, passed in the fifty sixth year of His Majesty's Reign, entitled, "An Act for granting to His Majesty, Duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other Trading Persons therein mentioned: and will duly and impartially superintend the Collection

thereof, according to the bet of any skill and knowledge, and in all cases of Fraud, or suspicion of Fraud, that shall come to my knowledge, I will shew no person favor or affection, nor will I aggrieve any person from hatred or ill-will; and that I will in all cases faithfully do, execute and perform, to the best of my skill and knowledge, all and every the duties imposed upon me, by the beforementioned Act. So help me God.

VI. And be it further enacted by the authority aforesaid, That every Collector, acting under, and by virtue of this Act, shall within three months from and after the passing thereof, give security by two sureties, in two hundred pounds each, and himself in four hundred pounds, current money of this Province, to His Majesty, His Heirs and Successors, for the due performance of his office.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for each and every Collector as aforesaid, and he is hereby required to render a just, true and faithful account, of all monies which he shall collect and receive, under and by virtue of this Act, to the Inspector General of the Province, once in every three months, and such Collector, shall twice in every year, pay or cause to be paid, into the hands of the Receiver General of this Province, all such monies as he shall so receive, once, on or before the first day of September, and once, on or before the first day of February, in each and every year; and that the said Collector shall retain and take, at the rate of five pounds, for every hundred pounds, which he shall so collect as aforesaid, during the continuance of this Act; and all monies so paid by the said Collectors, into the hands of the Receiver-General, shall be by him accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

VIII. 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, Petty Chapman or other Trading Persons as aforesaid, who shall be found trading without a Licence contrary to this Act, or who 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 seized, unless he or they shall produce their respective Licences, before two of His Majesty's Justices of the Peace, the nearest to the place where such offence or offences shall be committed, which said two Justices of the Peace are hereby authorized 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 Peace Officer, shall cause a sum not exceeding fifty pounds, nor less than twenty pounds, with reasonable costs, to be forthwith levied by the Distress and Sale of the Goods, Wares and Merchandize 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, for such time not exceeding six months, or less than one month, as such Justices of the Peace shall think most proper.

IX. And be it further enacted by the authority aforesaid, That nothing in this Act shall be construed to permit any person or persons whatsoever, to sell any Wine, Brandy, Rum, or other Spirituous Liquors, without first having taken out a Licence for the sale thereof, agreeably to the Laws of this Province.

X. Provided always, and be it further enacted by the authority aforesaid, That no Suit or Action shall be brought or commenced against any person or persons, for any Penalty by this Act imposed, that shall not be brought or commenced within twelve months after the offence or offences respectively committed.

XI. And be it further enacted by the authority aforesaid. That if any person or persons shall be summoned, as a witness or witnesses, to give evidence before any Justice of the Peace, touching any of the matters relative to this Act, and shall neglect or refuse to appear at the time and place for that purpose appointed, without reasonable excuse for such neglect or refusal, to be allowed of by the said Justices of the Peace before whom the Prosecution shall be depending, that then every such person shall forfeit for every such offence, the sum of ten pounds, current money aforesaid with costs, to be levied, recovered and paid in such manner and by such means, as are herein-before directed; and for want of sufficient distress, the offender or offenders shall be sent by such Justices of the Peace, to the nearest Gaol for such time not exceeding two months, nor less than one month, as such Justices of the Peace shall think they merit.

XII. And be it further enacted by the authority aforesaid, That the 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 thereof shall belong to the person or persons who shall sue for the same.

XIII. And be it further enacted by the authority aforesaid, That if any Action or Suit, shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, such Action or Suit shall be commenced, within six months next after the matter or thing done, and not afterwards; and the defendant or defendants, in such Action or Suit may plead the General issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and if afterwards Judgment shall be given to the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her or their Action or Suit, after the defendant or defendants shall have appeared, then such defendant or defendants, shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs at law.

XIV. Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained, shall extend or be construed to extend, to authorize any person or persons, who shall or may be Licenced as aforesaid, to offer and expose to Sale, any Goods, Wares or Merchandize, which shall not be bona fide the property of such person so Licenced as aforesaid.

XV. Provided nevertheless, That nothing in this Act, shall extend, or be construed to extend, to compel any person or persons, to take out Licence as aforesaid, who may only import into this Province, the following articles, viz: Wheat, Flour, Peas, Beans, Oats, Barley, Indian Corn and Meal, Rye, Staves and Heading, Oak, Pine and Fir Timber, and other Lumber, Pot and Pearl Ashes, Furs and Skins not dressed, Beef, Pork, Sheep, Swine and Live Cattle, Cheese, Butter, and all other .articles of Provisions; all or any of which articles shall be discharged and disposed of at the Port at which such persons shall make Entry.

XVI. And be it further enacted by the authority aforesaid, That this Act shall be in force, for and during the space of two years.