

ANNO QUINQUAGESIMO

GEORGII III. REGIS.

CAP. XLI.

An Act for placing the Duties of Hawkers and Pedlars under the Management of the Commissioners of Hackney Coaches. [2d *June* 1810.]

WHEREAS it is expedient that the Powers and Provisions contained in any Acts of Parliament relating to the Duties upon Hawkers and Pedlars should be brought together into one Act, and that the said Duties should be placed under the Management of the Commissioners of Hackney Coaches; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *August* One thousand eight hundred and ten, an Act passed in a Parliament holden in the Ninth and Tenth Years of His late Majesty King *William*, intituled, *An Act for licensing Hawkers and Pedlars, for a further Provision for the Payment of the Interest of the Transport Debt for the reducing of* Ireland; and all Acts made for continuing, altering, or regulating the Duties thereby imposed, as far only as the said Acts relate to such Continuance, Alteration, or Regulation, and all Powers, Provisions, and Clauses contained in any Act or Acts of Parliament relating to the Collection of the same Duties, shall be repealed, except such of the said Powers, Provisions, and Clauses, as may be necessary to be kept in force, for the Recovery of any Arrears of the said Duties hereby repealed, or any Penalties incurred under any of the Acts hereby repealed: Provided always, that nothing herein contained shall be construed to revive any Act or Provision which had been repealed by any of the Acts or Provisions repealed

From Aug. 1, 1810, 9 & 10 Gul. 3. c. 27. and all Acts relating to the Duties thereby imposed, &c. shall be repealed.

pealed by this Act, and which were not in force at the Time of paſſing this Act, but the ſame ſhall continue repealed notwithſtanding any Thing contained in this Act.

Former Licences to be in force till Sept. 1, 1810, and all future Licences to continue in force till Aug. 1.

II. And be it further enacted, That all Licences granted under any former Act to Hawkers and Pedlars, by the Commiſſioners of Hawkers and Pedlars, and in force immediately before the paſſing of this Act, ſhall continue in force until the Firſt Day of *September* One thouſand eight hundred and ten; and that all future Licences which ſhall be granted under and by virtue of this Act, ſhall continue in force until the Firſt Day of *Auguſt* next following the Dates of ſuch Licences reſpectively.

Commiſſion for licenſing to ceaſe after Aug. 1.

III. And be it further enacted, That from and after the ſaid Firſt Day of *Auguſt*, the Commiſſion by which Commiſſioners are appointed for licenſing Hawkers, Pedlars, and Petty Chapmen, ſhall ceaſe and determine.

Treaſury to make Allowances to the Commiſſioners of Hackney Coaches and their Officers for their Services under this Act, and may grant Penſions to the Commiſſioners for licenſing Hawkers.

IV. And be it further enacted, That it ſhall be lawful for the Lord High Treaſurer or the Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of them, out of the Monies raiſed by this Act, to pay to the ſaid Commiſſioners for licenſing and regulating Hackney Coaches, their Clerks or any other Perſons ſuch Sums of Money as they or any of them ſhall or may reaſonably deſerve for their Service, or ſhall or may have expended in the Execution of or in Relation to this Act: Provided always, that the Lord High Treaſurer, or the Commiſſioners of the Treaſury for the Time being, or any Three or more of them, ſhall have Power to grant ſuch Penſions by way of Compenſation to the Commiſſioners and other Perſons who ſhall be employed in the Office for granting Licences to Hawkers, Pedlars, and Petty Chapmen, at the Time of the paſſing of this Act, as to them ſhall ſeem fit, ſo as that the ſame ſhall not in any Caſe exceed the Amount of the Salary which any ſuch Commiſſioners, or any ſuch other Perſon ſhall be entitled to in reſpect of his or her Situation in the ſaid Office.

Goods may be expoſed to Sale in Public Markets.

V. And be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to hinder any Perſon or Perſons from ſelling or expoſing to Sale any Sorts of Goods or Merchandize in any Publick Mart, Market, or Fair, legally eſtabliſhed within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, but ſuch Perſon or Perſons may do therein as they lawfully might have done before the making of this Act; any Thing herein contained to the contrary notwithſtanding.

Duty for Licences.

VI. And be it enacted, That from and after the ſaid Firſt Day of *Auguſt* there ſhall be raiſed, anſwered, and paid to and for the Uſe of His Majeſty, His Heirs and Succeſſors, the Rates and Duties following, that is to ſay, by every Hawker, Pedlar, Petty Chapman, and every other trading Perſon and Perſons going from Town to Town, or to other Men's Houſes, and travelling either on Foot, or with Horſe, Horſes, or otherwiſe in *England*, *Wales*, or the Town of *Berwick upon Tweed*, carrying to ſell or expoſing to Sale any Goods, Wares, or Merchandize, a Duty of Four Pounds for each Year; and every Perſon ſo travelling with a Horſe, Aſs, or Mule, or other Beaſt, bearing or drawing Burthen, the Sum of Four Pounds yearly for each Beaſt he or ſhe ſhall ſo travel

travel with, over and above the ſaid firſt mentioned Duty of Four Pounds.

Hawkers (not being Reſidents) not to ſell by Auction on Penalty of 50l.

VII. And be it further enacted, That from and after the ſaid Firſt Day of *Auguſt* it ſhall not be lawful for any 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 Horſe or Horſes, either by opening a Room or Shop, and expoſing to Sale any Goods, Wares or Merchandize by retail in any Town, Pariſh, or Place, ſuch Perſon not being a Houſeholder there, or the ſame not being an uſual Place of his or her Abode, or by any other Means or Device to vend or ſell either by himſelf or herſelf, or by any Auctioneer whether licenſed or not, Broker, Appraiſer, Agent, Servant or other Perſon on his or her Behalf, any Goods, Wares or Merchandize whatſoever, by outcry, knocking down of Hammer, Candle, Lot, Parcel or any other Mode of Sale at Auction, or whereby the beſt or higheſt Bidder is or ſhall be deemed to be the Purchaſer, and that every Perſon and Perſons ſo vending or ſelling contrary to ſuch Prohibition as laſt aforeſaid ſhall forfeit and pay for every Offence the Sum of Fifty Pounds, to be recovered and applied as herein-after mentioned.

Duties to be under the Management of the Commiſſioners for licenſing Hackney Coaches.

VIII. And be it further enacted, That the Duties by this Act impoſed ſhall be under the Management of the Commiſſioners for the Time being for licenſing and regulating Hackney Coaches, who ſhall have Power to employ ſuch additional Clerks and Officers as may be required for collecting, recovering, paying, and accounting for the ſaid Duties, and ſhall themſelves receive ſuch additional Allowances out of the ſaid Duties ſo collected by them, as ſhall be approved by the Lords Commiſſioners of the Treaſury.

Hawkers to take out a Licence annually;

IX. And be it further enacted, That every Hawker, Pedlar, and Petty Chapman ſubject to the Duties hereby impoſed, ſhall annually take out a Licence in the Manner herein-after mentioned, which Licence ſhall continue in force for ſuch Time and Times as are herein-before reſpectively provided in that Behalf.

and pay the Duties to the Commiſſioners of Hackney Coaches on receiving the Licence.

X. And be it further enacted, That, from and after the ſaid Firſt Day of *Auguſt*, every Hawker, Pedlar, Petty Chapman, and other trading Perſon or Perſons ſo travelling as aforeſaid, ſhall at the Time of receiving his or her Licence as hereafter mentioned, and without any Diſcount whatſoever pay all Duties granted or made payable by, or impoſed upon him or her reſpectively, to the Commiſſioners for the Time being for licenſing and regulating Hackney Coaches, or ſome Perſon or Perſons in that Behalf authorized or deputed by them or the major Part of them in Writing under their Hands and Seals, and upon Payment thereof, and not otherwiſe, a Licence ſhall be granted to ſuch Perſon, ſubſcribed by the ſaid Commiſſioners for the Time being, or any one of them, for him or her to travel and trade according to the true Intent and Meaning of this Act, and according to the Duties which ſhall then be paid upon receiving ſuch Licence.

Perſons already authoriſed to grant Licences out of London

XI. Provided always, and be it further enacted, That any Perſon duly authorized and deputed by the preſent Commiſſioners to grant Licences in any Place within the Limits of *England* and *Wales*, and the Town of *Berwick-*

and Weſtminſter to continue to do ſo till their Authority is annulled.

Berwick-upon-Tweed, except the Cities of *London* and *Weſtminſter*, and having Authority for that Purpoſe at the Time of paſſing this Act, ſhall have Power to grant Licences under the Proviſions of this Act, as if they had been duly authorized and deputed under this Act by the Commiſſioners of Hackney Coaches, until ſuch laſt mentioned Commiſſioners ſhall think fit to annul their Authority.

Hawkers before they are licenſed, to produce Certificate of their good Character.

XII. And be it enacted, That before any Perſon or Perſons ſhall receive any Licence to trade or travel as aforeſaid, every ſuch Perſon or Perſons ſhall produce to the Commiſſioner or Commiſſioners for licenſing and regulating Hackney Coaches, or their Deputy or Deputies appointed for licenſing Hawkers, Pedlars, Petty Chapmen, and other trading Perſons as aforeſaid, a Certificate, ſigned by ſome one Clergyman officiating within the Pariſh, Chapelry, or Place, wherein ſuch Perſon ſo applying for ſuch Licence has his uſual Reſidence, and alſo by Two reputable Inhabitants of the ſaid Pariſh, Chapelry, or Place, atteſting that the Perſon ſo applying is of good Character and Reputation, and is a fit Perſon to be licenſed to exerciſe the Trade of a Hawker, Pedlar, and Petty Chapman.

XIII. And be it further enacted, That the Certificate ſo to be produced as aforeſaid, ſhall be in the Form or to the Effect following:

Form of Certificate.

'WE *A. B.* the Miniſter, and *C. D.* and *E. F.* being two Houſeholders, reſiding at , in the Pariſh, Chapelry, or otherwiſe, '[*as the Caſe may be*], of , in the County of , 'do hereby certify, that *G. H.* hath been known to us for the Space of Years laſt paſt, and during all that Time hath uſually reſided 'in the ſaid Pariſh, Chapelry, or otherwiſe, [*as the Caſe may be*], of , and is a Perſon of good Character and Reputation, 'and is a fit Perſon to be licenſed to exerciſe the Trade of a Hawker, 'Pedlar, and petty Chapman. Dated the . . . . Day of

A. B. Miniſter.
C. D. }
E. F. } Houſeholders.

Packages of Hawker to have the Words 'Licenſed Hawker,' &c. put thereon.

XIV. And be it further enacted, That every Perſon to whom any ſuch Licence as aforeſaid ſhall be granted, under or by virtue of this Act, and who ſhall trade with or under Colour of ſuch Licence, ſhall cauſe to be written, painted, or printed in large legible Roman Capitals, upon the moſt conſpicuous Part of every Pack, Box, Bag, Trunk, Caſe, Cart, or Waggon, or other Vehicle or Conveyance in which he or ſhe ſhall carry his or her Goods, Wares, and Merchandize, and of every Room and Shop in which he or ſhe ſhall ſo trade; and likewiſe upon every Hand-Bill or Advertiſement which he or ſhe ſhall give out, diſtribute, or publiſh, the Words Licenſed Hawker, together with the Number, Name, or other Mark or Marks of Diſtinction ſo written or printed upon his or her Licence as aforeſaid, and that every ſuch Perſon in any Reſpect making Default herein ſhall forfeit for every Offence the Sum of Ten Pounds.

Penalty on Perſons not licenſed uſing ſuch Words.

XV. And be it further enacted, That if at any Time from and after the ſaid Firſt Day of *Auguſt*, any Perſon other than to whom ſuch Licence ſhall have been ſo granted as aforeſaid, ſhall write, paint, or print, or cauſe to be written, painted, or printed, or kept or continue written,

painted, or printed upon any Pack, Bag, Box, Trunk, Caſe, Cart, Waggon, or other Vehicle or Conveyance for any Goods, Wares, or Merchandize, or in any Room or Shop in which he or ſhe ſhall ſell or expoſe to Sale or keep for Sale any Goods, Wares, or Merchandize, the Words Licenſed Hawker or Licenſed Pedlar, or any other Word or Words to that Effect, every Perſon offending herein ſhall forfeit for each Offence the Sum of Ten Pounds.

Hawkers dealing in Smuggled Goods ſhall forfeit their Licence.

XVI. And be it further enacted, That if any Hawker, Pedlar, Petty Chapman, or other trading Perſon as aforeſaid, ſhall, from and after the ſaid Firſt Day of *Auguſt*, be convicted of knowingly dealing in, vending, or ſelling any Kind of ſmuggled, contraband, or prohibited Goods, Wares, or Merchandize, or knowingly dealing in, vending, or ſelling any 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 or her Licence, and for ever thereafter be incapable of obtaining or holding any new Licence, or dealing, trafficking, or trading under the ſame, and that over and above all ſuch Forfeitures and Incapacities, Fines and Penalties to which he or ſhe is or ſhall be by Law ſubject and liable, for ſuch illicit and illegal trafficking and dealing.

Penalty on Hawkers trading contrary to Licence.

XVII. And be it further enacted, That if any ſuch Hawker, Pedlar, or Petty Chapman, or other trading Perſon ſo travelling as aforeſaid, ſhall, from and after the ſaid Firſt Day of *Auguſt*, trade as aforeſaid without, or contrary to, or otherwiſe than as ſhall be allowed by ſuch Licence, ſuch Perſon ſhall, for each and every ſuch Offence, forfeit the Sum of Ten Pounds, to be recovered and applied as herein-after mentioned; and that if any Perſon trading under or by virtue of any Licence to him or her granted as aforeſaid, upon Demand made by any Perſon or Perſons authorized or appointed to demand any ſuch Licence by the Commiſſioners for licenſing Hawkers, Pedlars, and Petty Chapmen for the Time being, or any Two of them, under their Hands and Seals, and upon producing or ſhewing ſuch Authority or Appointment to ſuch Perſon ſo trading as laſt aforeſaid, or upon Demand made by any Juſtice of the Peace, Mayor, Conſtable, or other Officer of the Peace of any County, Riding, Diviſion, Town Corporate, Borough, or Place where he or ſhe ſhall ſo trade, or by any Officer of the Cuſtoms or Exciſe, or by any Perſon to whom ſuch Hawker, Pedlar, or Petty Chapman ſhall offer any Goods to Sale, ſhall refuſe to produce and ſhew his or her Licence for ſo trading as aforeſaid, or ſhall not have his or her Licence ready to produce and ſhew unto ſuch Perſon authorized or appointed as laſt aforeſaid, or unto ſuch Juſtice of the Peace, Mayor, Conſtable, or other Officer of the Cuſtoms or Exciſe, that then the Perſon ſo refuſing, or not having his or her Licence ready to produce and ſhew as aforeſaid, ſhall forfeit Ten Pounds, to be recovered and applied as herein-after mentioned, and for Nonpayment thereof ſhall ſuffer as a common Vagrant, and be committed to the Houſe of Correction.

Penalty on Perſons forging or uſing forged

XVIII. 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 ſhew any ſuch forged

Licences, 300l.

or counterfeited Licence or Licences, for any of the Purpoſes aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Three hundred Pounds, to be recovered and applied as herein-after directed.

Penalty on Perſons hiring or lending Licence.

XIX. And be it further enacted, That in caſe any Perſon ſhall let out, or hire or lend any Licence to him or her granted as aforeſaid, or ſhall trade with or under colour of any Licence granted unto any Perſon whatſoever, or of any Licence in which his or her own real Name ſhall not be inſerted as the Name of the Perſon to whom the ſame is granted, the Perſon letting out to hire or lending any ſuch Licence, and the Perſon ſo trading with or under Colour of any Licence granted to any other Perſon, or any Licence in which his or her own real Name ſhall not be inſerted, as the Name of the Perſon to whom the ſame is granted, ſhall each of them forfeit the Sum of Forty Pounds, to be recovered and applied as hereinafter mentioned; and in caſe any Perſon ſhall be convicted or have Judgement againſt him for lending his or her Licence to any other Perſon or Perſons contrary to this Act, ſuch his or her Licence ſhall be from henceforth forfeited and void, and he or ſhe ſhall be utterly incapable of having any Licence again granted to him or her to trade as aforeſaid; provided always, that nothing herein contained ſhall ſubject to the ſaid Penalty any Servant travelling for a licenſed Maſter, with the Licence of ſuch Maſter, and for his Benefit, or any licenſed Maſter ſending ſuch Servant to travel with ſuch Licence.

Perſons trading without a Licence, or refuſing to produce it may be detained and taken before a Juſtice.

XX. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons whatſoever to ſeize and detain any ſuch Hawker, Pedlar, Petty Chapman, or other trading Perſon 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 to ſuch Perſon or Perſons a Licence according to this Act, after being required ſo to do for a reaſonable Time, in order to give Notice to a Conſtable, Headborough, Tithingman or other Peace Officer or Officers who are hereby required to carry ſuch Perſons ſo ſeized unleſs they ſhall in the mean Time produce their reſpective Licences before ſome one of His Majeſty's Juſtices of the Peace of the County or Place where ſuch Offence or Offences ſhall be committed, which ſaid Juſtice of the Peace is hereby authorized and ſtrictly required to examine into the Fact or Facts charged, and upon the Proof either by Confeſſion of the Party offending, or by the Oath of one or more credible Witneſs or Witneſſes (which the ſaid Juſtice is hereby empowered to adminiſter) that the Perſon ſo brought before him had ſo traded as aforeſaid, and no ſuch Licence being produced by ſuch Offender before the ſaid Juſtice to convict the Offender ſo trading without a Licence, and thereupon it ſhall be lawful for ſuch Juſtice, and he is hereby required by Warrant under his Hand and Seal to cauſe the ſaid Sum of Forty Pounds to be levied by Diſtreſs and Sale of the Goods, Wares or Merchandize of ſuch Offender or Offenders, or of the Goods which ſuch Offender or Offenders ſhall be found trading as aforeſaid, rendering the Overplus, if any be, to the Owner or Owners thereof, after deducting the reaſonable Charges for making ſuch Diſtreſs, and out of the ſaid Sale to pay the ſaid reſpective Penalties and Forfeitures aforeſaid, and in the mean Time to commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, Riding, Diviſion, City, Liberty, Town or Place where the ſaid Offence ſhall

Penalty for trading without a Licence.

be committed, there to remain until the ſaid Penalties and Forfeitures, and the reaſonable Charges of taking the ſaid Diſtreſs, ſhall be levied by ſuch Diſtreſs and Sale as aforeſaid, or until the ſame ſhall be otherwiſe paid or ſatisfied by ſuch Offender.

Penalty on Conſtables refuſing to aſſiſt in Execution of this Act.

XXI. And be it further enacted, That if any Conſtable, Headborough, or Tythingman, or other Officer or Officers of the Peace ſhall refuſe or neglect upon due Notice, or on his or their own View to be aiding and aſſiſting in the Execution of this Act, being thereunto required, and each and every ſuch Officer or Officers being thereof convicted upon his Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes before any Juſtice of the Peace for the County or Place where the Offence ſhall be committed, ſhall forfeit for each and every ſuch Offence the Sum of Ten Pounds, to be recovered and applied as hereafter mentioned.

Hawkers who on May 1, were duly licenſed may ſet up any Trade in the Place of their Reſidence.

XXII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who on the Firſt Day of *May*, was or were duly licenced to trade as Hawkers and Pedlars, to ſet up, occupy, uſe or exerciſe any Craft, Myſtery, or Occupation, uſed or occupied within this Realm, in any Place where they ſhall be reſident Inhabitants, although they ſhall not have been brought up in ſuch Craft, Myſtery, or Occupation Seven Years as Apprentices; and alſo to ſet any Perſon to work in ſuch Craft, Myſtery, or Occupation, although ſuch Perſon ſhall not have been Apprentice therein as aforeſaid, any Penalty, Matter or Thing contained in an Act paſſed in the Fifth Year of the Reign of Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry and Apprentices*, to the contrary notwithſtanding; and that if any ſuch Perſon or their Wives or Children ſhall be proſecuted for uſing or exerciſing any ſuch Craft, Myſtery, or Occupation in any City, Town, or Place, and ſhall make it appear that they had ſuch Licence as aforeſaid, they ſhall upon the General Iſſue pleaded be found Not Guilty, in any Action, Bill, Plaint, Information, or Indictment for ſuch Cauſe exhibited againſt him, and in all Caſes where Coſts are allowed, ſuch Perſons ſo acquitted ſhall be entitled to and ſhall receive Double Coſts, and that no ſuch Perſons, their Wives or Children during the Time they ſhall uſe and exerciſe ſuch Craft, Myſtery, or Occupation in any Pariſh or Place, ſhall be removeable therefrom to his, her, or their laſt legal Place of Settlement until ſuch Perſon or Perſons ſhall become actually chargeable to ſuch Pariſh or Place, any Law not in being relative to the Settlement of the Poor, to the contrary thereof notwithſtanding.

Act not to affect Perſons ſelling certain Articles, nor Tinkers, &c.

XXIII. Provided always, and it is hereby enacted, That nothing in this Act ſhall extend to prohibit any Perſon or Perſons from ſelling any printed Papers licenſed by Authority, or any Fiſh, Fruit, or Victuals, nor to hinder the real Worker or Workers, or Maker or Makers of any Goods, Wares, or Manufactures of *Great Britain*, or his, her, or their Children, Apprentices, or known Agents, or Servants, uſually reſiding with ſuch real Workers or Makers only, from carrying abroad or expoſing to ſale, and ſelling by retail or otherwiſe, any of the ſaid Goods, Wares, or Manufactures, of his, her, or their own making, in any Mart, Market, or Fair, and in every City, Borough, Town Corporate, and Market Town, nor any Tinkers, Coopers, Glaziers, Plumbers, Harneſs Menders, or other Perſons uſually trading in mending Kettles, Tubs, Houſehold Goods, or Harneſs whatſoever, from going about and carrying with him or them, proper Materials for mending the ſame.

XXIV. And

Penalties above 20l. where to be recovered.

XXIV. And be it further enacted, That all pecuniary Penalties which ſhall be incurred under this Act, of a greater Sum than Twenty Pounds, ſhall be recovered together with Coſts of Suit in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, Privilege, or Wager of Law, or more than One Imparlance ſhall be allowed, and one Moiety of every ſuch Penalty or Forfeiture ſhall belong to His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof to the Perſon or Perſons who ſhall inform or ſue for the ſame.

Penalties under 20l. how to be recovered.

XXV. And be it further enacted, That in all Caſes where the pecuniary Penalty by this Act impoſed, does not exceed the Sum of Twenty Pounds, it ſhall be recoverable before One of His Majeſty's Juſtices of the Peace of the County, Riding, Shire, Diviſion, City, Liberty, Town, or Place, wherein the Offence ſhall be committed, on Proof of the Offence, either by voluntary Confeſſion of the Party or Parties accuſed, or by the Oath of One or more credible Witneſs or Witneſſes, and one Moiety of every ſuch laſt-mentioned Penalty, ſhall belong to His Majeſty, His Heirs and Succeſſors, and the other Moiety to the Informer or Informers proſecuting for the ſame, and in caſe of Non-payment the ſaid Juſtice, by Warrant under his Hand and Seal, ſhall cauſe the ſame to be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, or of the Goods and Chattels with which ſuch Offender ſhall be found trading, and the Overplus of the Money raiſed, after deducting the Penalty and Expence of the Diſtreſs and Sale, ſhall be rendered to the Owner, and ſhall alſo commit the Offender to the Priſon of ſuch County, Shire, Diviſion, City, Liberty, Town, or Place, there to remain until the ſaid Penalties and the reaſonable Charges of taking the ſaid Diſtreſs, ſhall be levied by ſuch Diſtreſs and Sale as aforeſaid, or until the ſame ſhall be paid or ſatisfied by ſuch Offender, and it ſhall be lawful for any ſuch Juſtice of the Peace, by his Warrant to cauſe ſuch Offender to be apprehended and brought before him to anſwer to any Charge or Complaint for any ſuch Penalty, and to commit ſuch Offender to Priſon as aforeſaid, until the hearing of ſuch Charge or Complaint, unleſs he or ſhe ſhall and do enter into a Recognizance before ſuch Juſtice, with Two ſufficient Sureties in a ſufficient Sum, to be ordered by ſuch Juſtice to appear at the hearing of ſuch Charge or Complaint.

Time of Commitment not to exceed Three Months.

XXVI. Provided always, and be it further enacted, That no Perſon committed to any Gaol or Houſe of Correction for any Offence committed againſt this Act, ſhall be detained in ſuch Gaol or Houſe of Correction for any longer Space of Time than Three Months.

Appeal may be made to Quarter Seſſions.

XXVII. And be it further enacted, That if any Perſon or Perſons ſhall find himſelf, herſelf, or themſelves aggrieved by the Judgement of any ſuch Juſtice, then he, ſhe, or they ſhall or may upon entering into a Recognizance with Two ſufficient Sureties, to be approved by ſuch Juſtice, to the Amount of the Value of ſuch Penalty and Forfeiture, together with a Sum which in the Judgement of ſuch Juſtice ſhall be adequate to the Amount of the Coſts which may be awarded, conditioned to pay the Amount of ſuch Penalties, Forfeitures, and Coſts as ſhall be adjudged in caſe ſuch Judgement ſhall be affirmed, appeal to the Juſtices of the Peace at the next General Seſſions for the County, Riding, or Place, are hereby empowered to ſummon and examine Witneſſes upon Oath, and finally to

hear and determine the ſame, or at their Diſcretion to ſtate the Facts eſpecially for the Determination of His Majeſty's Court of King's Bench thereon; and in caſe the Judgement of ſuch Juſtice ſhall be affirmed, it ſhall be lawful for ſuch Juſtices or the Court of King's Bench to award the Perſon or Perſons to pay ſuch Coſts occaſioned by ſuch Appeal as to them ſhall ſeem meet.

Convictions to be in the following Form.

XXVIII. And be it further enacted, That a Conviction in the Form or to the Effect following, *mutatis mutandis*, as the Caſe ſhall happen to be, ſhall be good and effectual to all Intents and Purpoſes whatſoever, without ſtating the Evidence, and without alledging more than the Subſtance of the Offence in all Caſes wherein any ſuch Juſtice of the Peace hath Power to convict by virtue of the preſent Act:

'BE it remembered, That on the Day of in the Year of our Lord at in the County of *A.B.* came 'before me *C.D.* one of His Majeſty's Juſtices of the Peace for the ſaid 'County reſiding near the Place where the Offence herein-after mentioned 'was committed, and informed me that *E.F.* of in the 'ſaid County of [*here ſet forth the Fact for which 'the Information is laid*] whereupon the ſaid *E.F.* being duly ſummoned 'to anſwer the ſaid Charge, appeared before me (and having heard the 'Charge contained in the ſaid Information acknowledged and voluntarily 'confeſſed the Facts therein ſtated to be true) but in his [*or* her] Defence 'alledged [*here ſetting forth the Subſtance of the Defence*] or voluntarily con-'feſſed the ſaid Charge to be true, or did not make any Defence againſt 'the ſaid Charge, whereupon the ſame was fully proved on the Oath of 'G.H. a credible Witneſs, or ſaid that he [*or* ſhe] was not guilty of the ſaid 'Offence, whereupon the ſame was fully proved on the Oath of *G.H.* a 'credible Witneſs [*or as the Caſe ſhall be*], or did not appear before me 'purſuant to the ſaid Summons, but the ſaid Charge was fully proved on 'the Oath of *G.H.* a credible Witneſs [*or as the Caſe ſhall be*] and there-'fore it manifeſtly appearing to me, that the ſaid *E.F.* is guilty of the 'Offence charged in the ſaid Information, I do hereby convict him '[*or* her] of the ſaid Offence, and do adjudge that he [*or* ſhe] hath 'forfeited the Sum of or his [*or* her] Licence and 'the Sum of of lawful Money of *Great Britain*, 'to be diſtributed as the Law directs according to the Form of the 'Statute in ſuch Caſe made and provided. Given under my Hand and 'Seal the

Convictions not to be removed.

XXIX. And be it further enacted, That no Conviction upon this Act ſhall be removed or removeable by Writ of *Certiorari* or otherwiſe into His Majeſty's Court of King's Bench or any other Court, ſave upon an Appeal as by this Act is directed.

Juſtices ſhall tranſmit to the Commiſſioners for licenſing Hawkers Accounts of Convictions,

XXX. And be it further enacted, That every Juſtice before whom any Perſon hath already been convicted of any Offence under or by virtue of any of the Acts hereby repealed, and having received for His Majeſty's Uſe any Part or Share of any Penalty levied, inflicted, or paid under or by virtue of ſuch Conviction for which he has not already accounted, ſhall within Six Months after the paſſing of this Act tranſmit to the Commiſ-

and of the Penalties belonging to His Majesty, and pay over the Money in their Hands to the Clerk of the Peace, who shall remit the same to the Commissioners, &c.

sioners for licensing Hawkers, Pedlars, and Petty Chapmen, a Schedule or Schedules containing the Names of the Persons so convicted, the Day on which they were convicted, their respective Offences, and the respective Sums now remaining in the Hands of such Justice for His Majesty's Use, which were levied or paid under or by virtue of such Convictions, arranged according to the several Counties, Ridings or Places within which such Convictions hath been made, and every Justice before whom any such Person shall be convicted of any Offence under or by virtue of this Act, shall take and receive His Majesty's Share of the Penalty levied or paid under or by virtue of such Conviction, and that every such Justice, his Executors or Administrators, shall pay or cause to be paid all such Sums of Money as shall be remaining in his or their Hands at the Time of the passing of this Act, at the next General Quarter Sessions of the Peace after the passing of this Act, and all such Sums which he shall so take or receive upon any Conviction under or by virtue of this Act as aforesaid, at the next General Sessions of the Peace after he shall have so taken or received the same, into the Hands of the Clerk of the Peace or other such like Officer for the County, Riding, or Place, within which such Conviction shall have been made, who is hereby directed to remit the same forthwith, without Fee or Reward, to the said Commissioners for licensing Hawkers, Pedlars, and Petty Chapmen, or to such Person or Persons as the greatest Part of them shall appoint; and that every Justice, his Executors or Administrators, shall immediately on such Payment made to any Clerk of the Peace or other such Officer, transmit a like Schedule to the said Commissioners, or to such Person or Persons as they or the greater Part of them shall appoint.

Powers of recited Act of 9 & 10 Gul. 3. where applicable extended to this Act.

XXXI. And be it further enacted, That all and every the Powers, Authorities, Directions, Rules, Methods, Penalties and Forfeitures, Exemptions, Clauses, Matters, and Things whatsoever, which in and by the said Act made in the Reign of King *William* the Third, or by any other Law now in force relating to or concerning the Duties by that Act granted, are provided, settled, or established, (other than so far as the same is, are, or shall be inconsistent with, or contradictory or repugnant to any Thing in this Act contained, and other than in such Cases for which different Provisions are prescribed by this Act), shall be exercised, practised, applied, used, and put in Execution in and for the managing, raising, levying, collecting, recovering, and paying the several Duties hereby granted, and be in force with respect to the same, as fully and effectually, to all Intents and Purposes, as if all and every the said Powers, Authorities, Directions, Rules, Methods, Penalties, Forfeitures, Exemptions, Clauses, Matters, and Things, were particularly repeated and again enacted in this present Act.

Penalty on Witnesses refusing to attend or to give Evidence.

XXXII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses, to give Evidence before any Justice or Justices of the Peace, touching any of the Matters relative to this Act, or the herein-before mentioned Act, made in the Reign of King *William* the Third, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such Neglect or Refusal, to be allowed of by such Justice or Justices of the Peace, or appearing shall refuse to be examined upon Oath, and give Evidence before such Justice or Justices of the Peace before whom

the Profecution ſhall be depending, that then every ſuch Perſon ſhall forfeit for every ſuch Offence the Sum of Ten Pounds, to be recovered, levied, and paid, in ſuch Manner and by ſuch Means as are herein directed as to the other Penalties.

Application of Duties.

XXXIII. And be it further enacted, That the ſeveral Duties herein-before granted, ſhall be paid from Time to Time into the Hands of the Caſhier for the Time being, of the Duties on Hawkers, Pedlars, and Petty Chapmen, who ſhall keep a ſeparate and diſtinct Account of the ſeveral Rates and Duties, and pay the ſame, (the neceſſary Charges of raiſing, paying and accounting for the ſame being deducted), into the Receipt of the Exchequer, at ſuch Time and in ſuch Manner as the Duties now charged on Hawkers, Pedlars, and Petty Chapmen, are directed to be paid; and that in the Office of the Auditor of the ſaid Receipt, ſhall be provided and kept in a Book or Books, in which all the Monies ariſing from the ſaid ſeveral Rates and Duties, and paid into the Receipt as aforeſaid, ſhall be entered ſeparate and apart from all other Monies paid or payable to His Majeſty, His Heirs or Succeſſors, upon any Account whatſoever, and the ſaid Money ſo paid into the ſaid Receipt of Exchequer as aforeſaid, ſhall be carried to and made part of the Conſolidated Fund, and ſhall be ſubject to all the Charges to which the Duties upon Hawkers and Pedlars were liable immediately before the paſſing of this Act.

Perſons ſued may plead the General Iſſue.

XXXIV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times be ſued, moleſted, or proſecuted for any Thing by him or them done or executed in purſuance of this Act, or of any Clauſe, Matter, or Thing herein contained, ſuch Perſon or Perſons ſhall and may plead the General Iſſue, and give the Special Matter in Evidence, for his or their Defence; and if upon the Trial a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuited, or Judgement ſhall be recovered againſt him or them upon Demurrer, or if the Plaintiff or Plaintiffs ſhall diſcontinue his, her, or their Action, or be non-proſſed therein, then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them againſt ſuch Plaintiff or Plaintiffs.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1810.