

## ITINERANT VENDERS.

date that part of the annual salary or compensation proportioned to the actual term served by them as such commissioners.

Vacancy shall be filled for unexpired term only.

**206. SEC. 3.** That any vacancy which may happen in the office of member of excise commissioners in such city shall be filled by the mayor of said city for the unexpired term only, and that the member so appointed to fill such vacancy shall be selected from the same party as the member for whose expiring term he is appointed.

When terms of present officers and employes shall cease.

**207. SEC. 4.** That the terms of office of all officers and employes appointed by the board of excise commissioners in any such city shall cease on the first day of June, one thousand eight hundred and ninety-four, notwithstanding such officers or employes may have been appointed for a longer term, and that such officers and employes shall receive and be paid as salary and compensation for services rendered up to said date that part of the salary or compensation proportioned to the actual time served by them in said office or employment.

Powers, duties, &c., of new boards.

**208. SEC. 5.** That the commissioners appointed under the provisions of this act shall perform all the duties, possess all the powers, and be subject to all the liabilities now or hereafter conferred or imposed on the members of boards of excise commissioners in such cities by the laws of this state.

Repealer.

**209. SEC. 6.** That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

## Itinerant Venders.

1. Construction of words "wearing apparel."
2. Construction of words "itinerant venders."
3. Act not to apply to certain sales.
4. Preamble.
5. Penalty for selling without license.
6. Penalty for advertising.
7. Itinerant vender required to take out state and local licenses.
8. Shall deposit \$500 with state treasurer and pay license fee.
9. Applications for license to be sworn to, &c.
10. State license to be exhibited to municipal clerk. Local license fee to be paid.
11. Shall not advertise certain sales except under certain conditions.
12. Licenses good for one year. Deposit held by state treasurer. Proceedings to recover fines and penalties.
13. Penalties for violating act.
14. Penalty for false statement in application for license, &c.
15. Repealer.

An act to prevent and punish fraud in sales of wearing apparel at public or private sales by itinerant venders and to regulate all such sales.

Passed May 24, 1894.

P. L. 1894, p. 498.

Construction of words "wearing apparel."

**1.** That the words "wearing apparel," for the purposes of this act, shall be construed to mean and include all kinds of clothing, underwear, hats and shoes.

Construction of words "itinerant venders."

**2.** That the words "itinerant venders," for the purposes of this act, shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling wearing apparel as specified in section one of this act.

Act shall not apply to certain sales.

**3.** That this act shall not apply to sales made to dealers by commercial travelers or selling agents, in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, or to hawkers on the street, or to peddlers from vehicles or baskets or packs carried on back, or to sheriffs, constables or other public officers selling goods, wares and merchandise according to law.

Preamble.

**4.** That whereas, certain evil-disposed and irresponsible persons have been in the habit of engaging in business in this state as itinerant venders of wearing apparel, and by fraudulent and deceitful practices in advertising and conducting their business have greatly defrauded and damaged the people of the state; now therefore,

5. That every itinerant vender who shall sell or expose for sale, at public or private sale, any articles of wearing apparel without state and local license therefor, issued as hereinafter provided, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars, or imprisonment not more than sixty days, or both. Penalty for selling without license.
6. That all persons, both principals and agents, who shall by circular, handbill, newspaper or any other manner advertise any such sales as referred to in the section last preceding, before proper licenses shall be issued to the vender, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars, or imprisoned not more than sixty days, or both. Penalty for advertising before obtaining license.
7. That it shall be the duty of every itinerant vender, whether principal or agent, before commencing business, to take out a state license and local licenses in the manner hereinafter set forth, but nothing herein contained shall affect the right of any municipal corporation to pass such additional ordinances relative to itinerant vendors as may be permissible under the general law, or under their respective charters. Itinerant vender shall take out state and local licenses.
8. That every itinerant vender desiring to do business in this state shall deposit with the treasurer of the state the sum of five hundred dollars as a special deposit; and after such deposit, upon application in proper form and the payment of a further sum of twenty-five dollars as a state license fee, the state treasurer shall issue to him an itinerant vender's license, authorizing him to do business in this state in conformity with the provisions of this act for the term of one year from the date thereof; every license shall set forth a copy of the application upon which it is granted; such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vender, either by agent or clerk, or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid their principal, but not to act for or without him. Shall make deposit with state treasurer.  
Shall pay license fee.  
License not transferable.
9. That all applications for licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interests said business is conducted, and shall be kept on file by the state treasurer, and a record shall be kept by him of all licenses issued upon such applications; all files and records both of the state treasurer and of the respective town or city clerks, shall be in convenient form and open for public inspection. Applications shall be sworn to and filed.  
Files shall be open to public inspection.
10. That before selling under said state license, every itinerant vender shall exhibit the same to the clerk of each town or city where he proposes to make sales, and upon payment to said clerk a further local license fee of five dollars, and the proof of payment of all such other license fees, if any, as are legally chargeable upon local sales, the said clerk shall record the state license in full, shall indorse upon it the words "local license fees paid," and shall affix his official signature, together with the date of such indorsement; he shall then issue a local license authorizing sales within the limits of such town or city; any failure to obtain a local license and have proper indorsements made on the state license shall be subjected to the same penalty as though no state license had been issued. Vender shall exhibit license to town or city clerk and pay license fee.  
Clerk shall issue local license.
11. That no itinerant vender shall advertise, represent or hold forth any sale as an insurance, bankrupt, syndicate, insolvent, assignee, trustee, estate, executor, administrator, receiver or closing-out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless he shall, before so doing, state, under oath to the state treasurer, either in the original application for a state license or in a supplementary application, subsequently filed and copied on the license, the details of said bankruptcy, insolvency, trusteeship, closing out, damage, and so forth, such details to include and cover all the facts relating to time, place, persons, and so forth, necessary to exactly locate and fully identify the same. Shall not advertise certain sales without complying with certain conditions.
12. That all state licenses issued by the treasurer under this act shall expire one year from the date thereof, and may be, if so desired, surrendered at any time prior thereto for cancellation; upon the expiration and return or surrender of each state license the treasurer shall cancel the same and Licenses shall expire one year from date.

Treasurer shall hold deposit subject to claims.

Proceedings to recover fines and penalties.

indorse the date of delivery and cancellation thereon, and place the same on file; he shall then hold the special deposit of each licensee hereinbefore mentioned for the period of sixty days, and after satisfying any and all claims made upon the same as hereinafter provided shall return said deposit or such portion of the same, if any, as may remain in his hands to the licensee depositing it; each deposit made with the treasurer as aforesaid shall be subject, so long as it remains in his hands, to legal process in behalf of creditors whose claims arise in connection with the business of the licensee as an itinerant vender; such deposit shall also be subject to the payment of any and all fines or penalties incurred by the licensee through violation of this act, and the clerk of the court in which, or the trial justice by whom, such fine or penalty is imposed, or the officer or other person prosecuting for such fines or penalties shall thereupon notify the treasurer of the name of the licensee against whom such fine or penalty is adjudged and of the amount of such fine or penalty, and the treasurer, if he has in his hands a sufficient sum deposited by such licensee, shall pay the sum so specified to said clerk or trial justice, and if the treasurer shall not have a sufficient sum so deposited he shall make payment as aforesaid of so much as he has in his hands; all claims upon said deposit shall be satisfied after judgment, fine or penalty in the order in which notice of the claim is received by the treasurer, until all such claims are satisfied or the deposit exhausted, but no notice filed after the expiration of the sixty days' limit aforesaid shall be valid; no deposit shall be paid over by the treasurer to licensees so long as there are any outstanding claims or notice of claims against them respectively unless he is satisfied that such claims will not be prosecuted to final judgment or that no fine or penalty will be imposed; notice of claim under this section shall be in writing, and shall contain the names of the claimant and of the itinerant vender against whom the claim is made, the amount of the claim and the circumstances under which it arose and shall be verified by the oath of the claimant, and if the said claimant fails or neglects to commence an action to enforce his said claim within sixty days after the filing of the said notice he shall be deemed to have waived all claim on the fund aforesaid.

Penalties for violating act.

13. That every person, either principal or agent, who shall in any manner advertise any sale of goods, wares or merchandise to be conducted contrary to the provisions of this act, and every itinerant vender or his agent who shall conduct any sale or who shall sell or expose for sale any goods, wares or merchandise contrary to the provisions of this act, is guilty of a misdemeanor and shall be further liable to the penalty of one hundred dollars; to be recovered by any person prosecuting the same, one-half of which shall be retained by such person, the remainder to be paid in for the use of the town, village or city where the penalty is incurred.

Penalty for false statement in application for license, &c.

14. That any false statement in an application, either original or supplementary, for a license and any failure on the part of the licensee to comply with the requirements of this act shall subject such itinerant vender to the same penalty as if he had no license.

Repealer.

15. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

## Jails and Workhouses.

1. Price for victualing prisoners to be fixed by board of freeholders.
2. Board of freeholders may remit part of sentence for good conduct of prisoner.
3. If such person be again committed, required to serve time remitted.
4. Board of freeholders may remit fines and costs.
5. Amended by section 7.
6. Jailers to put and keep at work all persons detained for non-payment of fines or costs of conviction.
7. Action of board of freeholders in remitting fine or term of imprisonment to be approved by judge of court.
8. Keeper of jail to keep record of inmates.
9. Penalty for failure to comply with act.
10. Deputy keepers and wardens to give bonds.
11. Board of freeholders may assume custody of jail, &c.
12. In such case, board to appoint keeper or warden. Warden to give bond.
13. When sheriffs are not to be held liable for escape of prisoner. When board or warden shall be liable.