ITINERANT VENDERS.

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

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.

207. Sec. 4. That the terms of office of all officers and employees 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 employees may have been appointed for a longer term, and that such officers and employees 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.

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.

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 That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.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

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

P. L. 1894, p. 498.
Construction of words “wearing apparel.”
Construction of words “itinerant vendors.”
Act shall not apply to certain sales.

Preamble.

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.

2. That the words “itinerant vendors,” 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.

3. That this act shall not apply to sales made by 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.

4. That whereas, certain evil-disposed and irresponsible persons have been in the habit of engaging in business in this state as itinerant vendors 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,
ITINERANT VENDERS.

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 thereof, 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.

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.

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 venders as may be permisible under the general law, or under their respective charters.

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.

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.

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 fee 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.

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.

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
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 any person be again committed, required to serve time remitted.
4. Board of freeholders may remit fines and costs.
5. Amended by Section 7.
6. Fails to put and keep at work all persons detailed 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, etc.
12. In such cases, 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.