

things whatsoever except such as have been received by the said pawnbroker by way of pawn or pledge at his place of business.

18. SEC. 12. That no pawnbroker shall purchase any goods, articles or things whatever offered to him as a pawn or pledge, except at the public sale thereof.

Pawnbrokers not to purchase articles, &c., except at public sale.

19. SEC. 13. [Amended by Sec. 23, *post*.]

20. SEC. 14. That all acts or parts of acts inconsistent with the provisions of this act be and are hereby repealed.

Repealer.

Supplement.

Approved March 4, 1890.

P. L. 1890, p. 27.

21. SEC. 1. That no pawnbroker shall sell, keep or offer for sale, in the house or place designated in the license, under and by authority of which the business of such pawnbroker is conducted, any goods or merchandise whatsoever which have not been regularly received by such pawnbroker by way of pledge or pawn.

Pawnbrokers not to sell goods, &c., which have not been pledged.

22. SEC. 2. That any pawnbroker who shall violate the provisions of this act shall forfeit and pay to the city from which such license was received a fine or penalty of one hundred dollars for each and every offense.

Penalty for violation of act.

Amendatory act.

Approved March 17, 1893.

P. L. 1893, p. 394.

23. SEC. 1. That section thirteen of an act entitled "An act to regulate and license pawnbrokers," approved March twenty-ninth, one thousand eight hundred and eighty-seven [see Sec. 19, *ante*], be and the same is hereby amended so as to read as follows:

[That any person or corporation who shall violate the provisions of the first section of this act shall be liable to a penalty of one hundred dollars for each and every day of the continuance of said violation; and any person or corporation who shall violate any of the provisions of any other section of this act shall be liable to a penalty of fifty dollars for every such violation; the said penalties shall be recovered by complaint under oath before any criminal court, police justice or recorder in such city, upon which a warrant or summons may be issued and the case shall be summarily heard and disposed of without the filing of any pleadings; said penalties when imposed shall be collected, in the case of an individual, by a body execution, and in the case of a corporation, by an execution against the goods and chattels of said corporation.]

Penalty for violation of provisions of this act.

How penalties recovered.

Peddlers.

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| <ol style="list-style-type: none"> 1. License required. 2. How obtained. Fee for license. Tax. 3. Penalty for forging. 4. Penalty for lending or hiring. 5. Peddling without license. 6. Sales in public markets, no license required. 7. License certified and copy filed. 8. Penalties recovered and applied. 9. Limitation of suits, &c. 10. Liquor and ardent spirits not to be vended by virtue of any license. 11. Penalty for vending liquors. 12. Penalty for peddling without license. 13. License to travel on foot not to authorize traveling and transferring goods by railroad, &c. | <ol style="list-style-type: none"> 14. License fee to be paid to county clerk in addition to other duties imposed. 15. No person to act as clerk, agent or assistant of hawker, peddler, &c., without license. 16. County clerks to keep account record of moneys received. 17. Lawful to arrest persons hawking, &c., without license in cities, &c. 18. Persons to be taken before magistrates. 19. Penalty on conviction. 20. Lawful to arrest persons hawking, &c., without license in townships. 21. Persons to be taken before justice of the peace. 22. Penalty on conviction. 23. Penalty for violating ordinance. |
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An act relating to hawkers, peddlers and petty chapmen.

R. S. 1040.

Approved April 10, 1846.

License required.

1. That no person shall follow, use or exercise the business or calling of a hawker, peddler, petty chapman or itinerant auctioneer in this state, or shall go or travel from town to town, or to the houses of other persons, either on foot, or with a horse or horses, mule or mules, or other beast or beasts of burthen, carrying, selling or exposing, either at private or public sale, any goods, wares or merchandise not the growth, product or manufacture of this state, until such person shall have first obtained a license for that purpose, in the manner hereinafter directed. (a)

How obtained.

2. That such license shall be granted by the governor of this state, or person administering the government, upon a recommendation for that purpose, by the inferior court of common pleas of the county where the application for such license may be made; and that every person who shall obtain such license to travel with a horse or horses, or other beasts of burthen, for the purpose of selling goods, wares or merchandise, either at public or private sale, or both, shall pay to the governor, or person administering the government, the sum of three dollars and fifty cents; and every person who shall obtain a license to travel on foot for the purposes aforesaid, shall pay two dollars; *provided*, that no such license shall be exercised or used until the person or persons licensed to travel with a horse or horses, or other beasts of burthen, shall have first paid to the governor, or person administering the government, the sum of fifteen dollars, for the use of the state; and the persons licensed to travel on foot, shall have first paid to the governor, or person administering the government, the sum of eight dollars, for the use of the state; which said payment shall be indorsed by the governor, or person administering the government, on the said license, at the time of granting the same, and which said license shall continue and be valid for one year only, unless renewed, as herein-after provided. [See Secs. 13 and 14, *post*.]

Fee for license.

Tax.

Term.

Penalty for forging.

3. That if any person shall forge or counterfeit any license, or any such indorsement thereon, as before mentioned, for the purpose of using the same, or shall willfully and knowingly travel with any such forged license, for the purpose of selling as aforesaid, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as in other cases of forgery.

Penalty for lending or hiring.

4. That if any person, having obtained a license as aforesaid, shall lend or hire the same to any other person or persons, for the purpose of using or exercising the same, such license shall thereby become void; and the person lending or hiring such license, and the person using the same under color thereof, shall each forfeit the sum of one hundred dollars, to be recovered in any court of competent jurisdiction, with costs of suit, in an action of debt, the one-half to the use of the poor of the township in which said suit shall be brought, and the other half to the person suing for the same.

Penalty for peddling without license.

5. That if any person shall be found hawking, peddling or traveling from house to house, or place to place, to vend, either at public or private sale, any goods, wares or merchandise hereinbefore mentioned and described, without first having obtained a license as hereinbefore mentioned, such person shall forfeit the sum of fifty dollars, to be recovered in an action of debt, by any person who may sue for the same, the one-half to the prosecutor, and the other half to the use of the state, before any justice of the peace of any of the counties in this state, together with the costs of prosecution. [See Sec. 12, *post*.]

Sales in public markets not prevented.

Proviso.

6. That nothing in this act contained shall prevent any person from selling, or exposing to sale, any goods, wares and merchandise in any public market in this state, without a license for that purpose; *provided always*, that any person found hawking or peddling as aforesaid, who shall

(a) Query—As to the constitutionality of this act. *Welton v. Missouri*, 91 U. S. (1 Otto), 276. The supreme court of Tennessee decided (February 24th, 1877) that a similar provision in the

constitution of Tennessee, and an act of the legislature passed thereunder, were not in contravention of the constitution of the United States. *Howe Machine Co. v. Cope*.

upon demand being made by any person in this state, refuse to produce and show such license as aforesaid, then the person so offending shall forfeit and pay the sum of ten dollars for every offense, to be recovered in an action of debt, by any person who shall sue for the same.

7. That it shall be the duty of every person who may have obtained a license in pursuance of this act, before he shall sell, or expose for sale, any goods, wares or merchandise by virtue thereof, in any county of this state, to file in the clerk's office of such county a copy of his license, and the clerk of such county shall thereupon indorse on the original license a certificate of a filing of the said copy; and in case any person shall sell or expose for sale, any goods, wares or merchandise, as aforesaid, without having first procured the said certificate on his license, he shall be liable to all the penalties of this act; and the said clerks shall be entitled to receive fifty cents for such certificate and filing. [See Sec. 14, *post.*]

License certified and copy filed.

8. That it shall be the duty of the overseers of the poor of every township in this state, to sue for and recover the penalties of any person or persons who may offend against any of the provisions of this act in their respective townships; and they shall be entitled to one-half of any penalty or penalties, when received, to their own use, the other half to be appropriated to the poor of the township.

Penalties recovered and applied.

9. That every suit for any penalty prescribed by this act, shall be commenced within six months from the time of incurring such penalty, and not after; and every such suit may be commenced by warrant, in the court for the trial of small causes, any law, usage or custom to the contrary notwithstanding.

Limitation of suits, &c.

Supplement.

Approved March 18, 1854.

P. L. 1854, p. 402.

10. SEC. 1. That no person shall be authorized, by virtue of any license granted under the authority of the act to which this is a supplement, to carry, sell or expose, either at private or public sale, any wine, gin, rum, brandy, whiskey, cider spirits or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient.

Ardent spirits not to be vended by virtue of any license.

11. SEC. 2. That if any person or persons shall be found hawking, peddling, or traveling from house to house, or place to place, to vend either at public or private sale any wine, gin, rum, brandy, whiskey, cider spirits or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient, such person shall forfeit and pay the sum of fifty dollars, to be recovered in an action of debt by any person who may sue for the same, before any justice of the peace of any of the counties of this state, together with the cost of prosecution.

Penalty for vending liquor, &c.

Supplement.

Approved March 18, 1858.

P. L. 1858, p. 466.

12. SEC. 1. That if any person shall follow, use or exercise the business or calling of a hawker, peddler, petty chapman or itinerant auctioneer, in this state, or shall go or travel from town to town, or to houses of other persons, either on foot or with a horse or horses, mule or mules, or other beast or beasts of burthen, carrying, selling or exposing either at private or public sale, any goods, wares or merchandise, not the growth, product or manufacture of this state, without having first obtained a license therefor, as provided by the act to which this act is a supplement, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or imprisonment for any term not exceeding one year, or both.

Penalty for peddling without license.

Supplement.

Approved March 15, 1860.

P. L. 1860, p. 265.

13. SEC. 1. That no license which shall be obtained by any person to travel on foot, under the second section of the act to which this is a supplement, shall be held, deemed or taken to authorize any such person to travel or to transport any goods, wares or merchandise, for the purpose of

License to travel on foot not to authorize person to travel and transport goods by railroad, &c.

such trade, by railroad, steamboat or other public conveyance; but every person desirous of so transporting any goods, wares or merchandise, for the purpose aforesaid, shall first obtain and pay for a license to travel with a horse or horses, or other beasts of burthen, and in default thereof, shall be held liable to all the pains and penalties of the act to which this is a supplement, and all the supplements thereto.

License fee to be paid to county clerk in addition to other duties imposed.

P. L. 1861, p. 468.

14. SEC. 2. That it shall be the duty of any person who may have obtained a license, in pursuance of the act to which this is a supplement, or in pursuance of any supplement thereto, in addition to the other duties imposed upon such persons by the said act and the supplements thereto, before he shall sell or expose, either at public or private sale, any goods, wares, or merchandise by virtue of such license, in any county in this state, to pay to the clerk of such county the sum of [twenty] dollars for the use of such county, and also the sum of one dollar to the clerk of such county as his fee, which payments so made to such clerk shall authorize the person paying the same to exercise his calling in said county, under his license, during the continuance thereof; and in case any person shall sell or expose, either at public or private sale, any goods, wares, or merchandise as aforesaid, without having complied with the provisions of this act, he shall be liable to all the pains and penalties imposed upon persons selling without license by the act to which this is a supplement, and the various supplements thereto. (1)

No person to act as clerk, agent or assistant of hawker, peddler, &c., without license.

15. SEC. 3. That no person shall act as the clerk, agent or assistant of any person following, using or exercising the business or calling of a hawker, peddler, petty chapman or itinerant auctioneer in this state, unless such person so acting as such clerk, agent or assistant shall have first obtained a license under the act to which this is a supplement, and in all respects complied with all the provisions of such act, and all the supplements thereto, in all respects the same as if such person were trading on his own account; and any person who shall be found acting as such clerk, agent or assistant as aforesaid, without having complied with all the provisions of the act to which this is a supplement, and the various supplements thereto, shall be liable to all the pains and penalties imposed upon persons selling without license by such act and the supplements thereto.

County clerks to keep account record of moneys received.

16. SEC. 4. That the clerks of the several counties of this state are hereby required to keep an account record of the moneys by them received under this act, with the names of the persons paying the same, which record shall be open at all reasonable hours to the inspection of all the citizens of this state. (2)

An act respecting cities, boroughs and incorporated towns.

P. L. 1885, p. 247.

Approved April 17, 1885.

Lawful to arrest persons hawking, peddling, &c., without license in cities, &c.

17. SEC. 1. That in any city, borough or incorporated town of this state it shall be lawful for the license inspector, by whatever name designated, or any police officer thereof, to summarily arrest any person hawking, peddling, selling or buying anything whatsoever in such city, borough or incorporated town without a license, when it is required to obtain a license therefor by any ordinance of such city, borough or incorporated town.

Persons to be taken before magistrates.

18. SEC. 2. That it shall be lawful to carry such person so arrested before any magistrate of said city, borough or incorporated town before whom violations of ordinances are triable, whereupon such magistrate shall determine whether the person so arrested has been guilty of the violation complained of.

Penalty on conviction.

19. SEC. 3. That on conviction of such violation, it shall be lawful for the magistrate to impose a fine on such person of not less than one dollar nor more than twenty-five dollars, or to commit such person so convicted to the county jail for a period not to exceed ten days.

(1) By supplement of March 20th, 1863 (P. L. 1863, p. 414), the fee for license in the counties of Bergen and Camden is fixed at \$100. By supplement of April 6th, 1875 (P. L. 1875, p. 452), the fee for license in Hudson county is fixed at \$100.

(2) For act to prevent peddlers and auctioneers, &c., from exercising their business in Phillipsburg, Warren county, see acts of March 16th, 1854 (P. L. 1854, p. 364) and supplement thereto (P. L. 1857, p. 417).

An act respecting townships.

Approved June 13, 1890. P. L. 1890, p. 448.

20. SEC. 1. That in any township of this state it shall be lawful for any constable or police officer thereof to summarily arrest, without warrant, any person hawking, peddling or selling anything whatsoever in such township without a license, where it is required to obtain a license therefor by any ordinance of such township.

May arrest persons hawking, &c., without license in townships.

21. SEC. 2. That it shall be lawful to carry such person so arrested before any justice of the peace of said township, before whom violations of ordinances are hereby made triable, whereupon such justice of the peace shall determine whether the person so arrested has been guilty of the violation complained of, and the said justice may adjourn the hearing of said complaint for a period not longer than five days, and may take the defendant's bond for his appearance at such adjourned hearing.

Such persons to be tried before justice of the peace.

22. SEC. 3. That on conviction of such violation, it shall be lawful for the said justice of the peace to impose a fine on such person, not exceeding twenty dollars and costs, which costs are to be taxed the same as in cases of disorderly persons, which fine and costs shall be paid forthwith, and upon failure to pay such fine and costs he shall commit such person to the county jail of the county in which such township is located, there to be detained by the sheriff of the county or keeper of said jail until the fine and costs are paid; *provided*, no person shall, under this act, be detained in jail for a longer period than ten days for any one offense.

Penalty on conviction.

23. SEC. 4. That in addition to the penalties heretofore imposed in this act, the penalties prescribed by any township committee of any township of this state, by virtue of any general law for the violation of any ordinance of said township, shall be recoverable before any justice of the peace of said township in an action on contract in the name of the inhabitants of said township, and for the use of said township, which suit shall be conducted in the same manner as other suits in actions of contract now triable before justices of the peace are conducted, and when judgment is given, executions thereon shall issue in the same manner, and shall be subject to appeal to the court of common pleas of the county on the same terms.

Penalty for violating ordinance.

Pensions.

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| 1. No money to be paid on account of pensions without production of affidavit, &c. | 8. Repealer. |
| 2. Amended by sections 4 and 9. | 9. Pension allowed by state of New Jersey. |
| 3. Evidence of service to be filed in office of adjutant-general. | 10. Rights of widow to pension. |
| 4. Amended by section 9. | 11. Examination of unsettled claims. |
| 5. Amended and supplied by section 9. | 12. Expenses, how paid. |
| 6. Adjutant-general to present pension claims at Washington. | 13. What soldiers, &c., of war of 1812 entitled to pensions. |
| 7. Pensions allowed from March 12th, 1874. | 14. Repealer. |

An act to regulate the payment of pensions to invalids and widows.

Passed November 24, 1802.

Rev. 514.

R. S. 786.

1. That from and after the passing of this act, no person or persons whatsoever, who are or shall be entitled to receive from the treasurer of this state any money on account of warrants to widows or invalid pensioners, shall receive the same, except in cases of arrearages of pensions due at the time of the death of an invalid, or at the marriage or death of a widow, unless he or she produce to the said treasurer the affidavits of two reputable freeholders of the county in which he or she resides, setting forth, that of their own knowledge, the person named in said warrant is at the time living, and if a widow, that to the best of their knowledge and belief she is still a widow of the deceased person mentioned in the said warrant.

No money to be paid on account of pensions without the production of affidavit, &c.