

SEC. 2. This act shall take effect, and be in force from and after its passage.

Approved, August 8th, 1840.

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No. 26.

AN ACT to restrain Pedlars and other persons from trading without license.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

SEC. 1. That no pedlar, or other trading person, travelling from place to place, shall be permitted to sell, or expose to sale, any goods, wares or merchandise, in any county in this territory, without first having obtained a license from the board of county commissioners of such county authorising him thereto.

Pedlars required to obtain a license.

SEC. 2. That for every such license, so granted, there shall be paid, by the person applying therefor, such a sum as the county commissioners of the several counties shall establish, for the use of the county in which such license is granted.

Comm'rs. to fix the license in the several counties.

SEC. 3. That hereafter it shall be the duty of any person, desirous of trading as aforesaid, to apply to the county commissioners of the county in which he is desirous to trade, and pay to the treasurer of said county the sum so required to be paid for such license, who shall receipt for the same; and which receipt shall be forthwith filed with the clerk of the board of county commissioners of the proper county: whereupon it shall be the duty of such clerk, under the direction of the county commissioners, to make out a license, under the seal of his county; which license shall be a sufficient authority for such applicant to trade in said county for the term of one year from the date thereof.

License, how obtained.

SEC. 4. The clerk of the board of county commissioners shall be entitled to demand and receive as a fee for issuing a license under this act, the sum of one dollar, to be paid by the party applying for such license, previous to the issuing thereof.

Fees allowed the clerk for such license.

SEC. 5. That when, and as often as any pedlar, or other person, shall be found travelling, or disposing of goods as aforesaid, without such license as is herein provided for, such person shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered, on the complaint of any one who will sue for the same, before any justice of the peace within the county, in a summary way, with costs of suit; which sum, when recovered, shall be paid into the treasury of the county, for the use thereof: and if any person, so trading as aforesaid, on demand made by any justice of the peace, sheriff, constable, or any other person within the county, shall refuse to produce or show his or her license, he or she shall forfeit the sum of five dollars to the use of the county, which shall be recoverable in the manner mentioned above: *Provided*, That on neglect or refusal, by any person against whom judgment shall have been rendered according to the provisions of this act, to pay any fine or penalty so imposed, the justice, before whom such offender shall be convicted, may, by warrant under his hand, commit such offender to the jail of the county where the offence shall have been committed, there to remain until the fine or penalty be paid, or the offender released from imprisonment by due course of law.

Pedling without license, penalty for.

How recovered.

Penalty to ensue to county.

Refusing to show license, penalty for.

SEC. 6. That if any person or persons shall forge or counterfeit any such license, or travel with any forged or counterfeit license, for the purpose aforesaid, such person shall be deemed guilty of forgery; and on conviction thereof, shall be punished accordingly.

Counterfeiting license to be deemed a forgery.

SEC. 7. That all suits to be brought for any offence against this act, shall be brought within ninety days after the offence shall have been committed.

Approved, February 8th, 1841.