

BY-LAW NO. 80

A By-law to amend and consolidate the By-laws relating to Licenses other than Liquor licenses.

The Council of the Corporation of the Town of Garman in Session assembled enacts as follows:-

1. No auctioneer or other person whatsoever shall sell, offer for sale, or put up for sale goods, wares, merchandise, or effects by Public Auction within the Corporation without having first applied for and obtained a License so to do.
2. That from and after the passing of this by-law there shall be taken out by every hawker or petty chapman, or other person or persons carrying on petty trades, or who go from place to place, or to other men's houses, on foot or with any animal bearing or drawing any goods, wares or merchandise for sale, a license for which such person or persons applying for and obtaining the same shall pay the fee therefor as set forth in the Schedule contained in Clause 20 of this by-law, providing always that no license shall be required for hawking, peddling, or selling from any vehicle or other conveyance any goods wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise the growth, produce or manufacture of this Province, not being liquors within the meaning of "The Liquor License Act," if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his bona fide servants or employees having written authority in that behalf.
3. That from and after the passing of this by-law there shall be taken out by every transient trader, whether occupying premises or not, who may offer within the Corporation goods or merchandise of any description for sale by auction, or in any other manner, conducted by himself or by a licensed auctioneer or otherwise, a license for which the person or persons applying for an obtaining the same shall pay the fee therefor, as set forth by said Clause 20 of this by-law.
4. Any person or persons, whether he or they be the owner or owners of, or the person in charge of such goods or merchandise, as in the last preceding clause mentioned, who shall offer the same for sale

without having previously obtained such license, shall be guilty of a breach of this By-law.

5. No auctioneer shall sell at auction or in any other manner goods or merchandise for any transient trader unless such Transient Trader has obtained a license under the provisions of this by-law.

6. Each and all person or persons who for hire or gain, directly or indirectly, keep or have within said Corporation in his or their possession, or on his or their premises, any billiard table, pool table, or other bagatelle table in a house or place of public entertainment or resort, whether such billiard, pool or bagatelle table be used or not, shall be and are hereby required to obtain a license so to do, and the fee therefor shall be that set forth in the Schedule of Clause 20 of this by-law.

7. No person or persons shall have or keep any bowling alley or shooting gallery for hire or profit in said Corporation without having first obtained a license so to do, the fee for such license to be that set forth therefor in the Schedule of Clause 20 of this by-law.

8. No person or persons shall sell or keep for sale by retail any cigarettes, cigarette tobacco or cigarette papers, without first having obtained a license therefor as hereinafter provided.

9. No person or persons shall sell or keep for sale any child labor or any child labor except on the terms and conditions of the license of the Corporation of such child.

9. Every person obtaining a license to keep a billiard, pool, bagatelle table or bowling alley shall keep his license posted up in some conspicuous place in the premises so licensed, as shall be determined by the License inspector, and a copy of every billiard, pool, bagatelle or bowling alley license shall be posted up in every room in which a billiard, pool, bagatelle table or bowling alley is kept, and all licenses or copies of licenses shall remain so posted up during the time the said premises are licensed. Every other person licensed under the provisions of this by-law, shall, upon the demand of

the License Inspector, Police Officer or other person duly authorized in that behalf, produce and exhibit his license.

10. No person licensed under this by-law to keep a billiard pool, bagatelle table or bowling alley, cigarette store or shop, shall be permit to be kept in his house, any disorderly person or habitual drunkard or any one who keeps or resides in a house of ill fame, or any prostitute or woman of ill fame to resort or frequent his house or premises, and no person so licensed shall keep in his house or premises any faro bank rouge et noir, roulette table or any device for gambling or gaming, or suffer or permit any tippling or gambling of any kind to be carried on therein or thereupon.

11. Any person or persons whether he or they be the owner or owners of or the person in charge who shall sell or offer for sale cigarettes without having previously obtained a license as set forth in Schedule of Clause 20, shall be guilty of a breach of this by-law.

12. The owner or owners of any truck, cart, dray, wagon, sleigh or other vehicle used for hire within said Corporation shall be and is and are hereby required to obtain a license, the fee for which license shall be that set forth in the Schedule of Clause 20 of this by-law. The License to keep any such truck, cart, dray, wagon, sleigh or other vehicle shall include the horse or horses used for the purpose of drawing the same.

13. No person or persons licensed as aforesaid shall permit or allow any billiard table, pool table, or bagatelle table or bowling alley or shooting gallery in the said Corporation to be frequented or used between the hours of ^{ten} eleven o'clock at night and six o'clock on the following morning, or on Sunday; and no person or persons shall at any time suffer or permit any gaming or gambling for money or value at or on any billiard, pool, or bagatelle table or bowling alley or shooting gallery kept or had by him or them, or at any time permit any minor under the age of sixteen years to play at any billiard, pool or bagatelle table.

14. Any and all commercial travellers selling goods, merchandise

or any effects whatever, or offering the same for sale by sample cards, specimens or otherwise for or on account of any retail merchant, retail manufacturer or other person selling direct to the consumer, not having his principal place of business in the said Corporation, and any and all Commercial travellers who take orders for any goods or for any finished article whatsoever which is to be manufactured, made or completed in some place outside of the Municipality by any retail merchant, manufacturer or other person or Corporation not having his or its principal place of business in the Municipality, shall apply for and obtain a license so to do. The fee to be paid for such license shall be that as mentioned therefor in Clause 20 of this By-law.

15- No circus, exhibition of waxwork, menageries, circus riding, side shows in connection with a circus, or any other such like shows usually exhibited by showmen, shall be permitted within the limits of said Corporation, and it shall be the duty of the Chief of Police, or other officer, or constable or person acting in his place, to prevent same or any of same by taking down or removing the appliances or properties for giving such exhibition, or used in connection with any such circus, menagerie, circus riding, or other show, or by forcibly and summarily restraining and preventing the same. Providing nevertheless, that upon application made therefor, and upon payment to the Secretary-Treasurer of the said Corporation of the respective sum or sums named in the schedule in Clause 20 of this by-law for the respective purposes in this clause named, a license may issue for any such circus riding, side show or other like show, and upon such license being notified to the Chief of Police, or other person acting in his place, he shall permit such exhibition.

16- From and after the passing of this by-law there shall be taken out by every person giving or exhibiting or causing or procuring to be given or exhibited, any dramatic, theatrical, musical, or other similar performance, exhibition of ropewalking, tumbling or any such other like feats, exhibition of novelties, wonderful animals, or other side shows usually exhibited by showmen, exhibitions of leger-

demon or juggling, pictures or other works of art, or natural or artificial curiosities, panoramas, museums, or exhibitions of a like nature to be given, kept or had, or shown for hire or profit in the said Corporation, a License, for which said License the person or persons obtaining the same shall pay the License fee as set forth in the Schedule in Clause 20 of this By-law; and any person or persons giving or exhibiting any of the said performances or exhibitions without having first paid the License fee appropriate thereto and obtained a license therefor, shall be deemed guilty of an infraction of this By-law. It is distinctly a part of this by-law that the side show in connection with a circus shall pay a license as provided in the schedule hereto, separate and apart from the general circus and menagerie license.

Provided that this section shall not apply to any musical performance or entertainment given in aid of any local church, or local or charitable institution, if given by residents of the Town of Carman.

17- That any and all fines imposed on any person or persons infringing on the provisions of Clause 14 of this by-law may, in addition to any and all other remedies hereby provided, be levied by distress and sale of the goods and chattels of the person or persons infringing the same, or belonging to or used with the exhibition usually given by such person or persons, whether such goods or chattels be owned by such person or persons or not, and any person or persons found guilty of an infraction of said Clause 14, on conviction therefor, the Police Magistrate, Justice or Justices convicting, may commit the person so convicted to the Central Judicial District Jail for any term not exceeding one month.

18- Any and all persons keeping a junk store or shop, or second hand store or shop, shall apply for and obtain a license so to do, the fees for which shall be that mentioned therefor in Clause 20 of this by-law.

19- Provided, the Council may in its discretion refuse to issue any license if the applicant therefor be not of a good character

and a fit and proper person to have such license. The question of the character of the applicant shall be determined by the Council in regular session assembled, and they shall be the sole and final judges as to whether the applicant is of good character and a fit and proper person to obtain the license.

20- There shall be paid by every person or persons or company obtaining a license for any of the occupations, businesses, trades, callings, purposes or objects in this by-law specified requiring a license, the fee thereof respectively as set forth in the following schedule, that is to say:-

SCHEDULE LICENSES.

- (1) - For a License as an auctioneer\$10.00
- (2) - For a License as Hawker, petty chapman, or other perso
person mentioned in Clause 2 of this by-law,
travelling on foot \$10.00
And for every horse or other animal used by
such hawker, petty chapman, or other person, an
additional sum of 5.00
- (3) - For a License as a transient trader or other per-
son mentioned in Clause 3 of this by-law..... 50.00
- (4) - For a License to keep a billiard or pool table 15.00
And for each additional table 10.00
- (5) - For a License to keep a bagatelle table, each table 10.00
- (6) - For a License to keep a bowling alley, first alley 15.00
For each additional alley 15.00
- (7) - For a License to keep a shooting gallery, each butt 10.00
- (8) - For a license to sell cigarettes, cigarette tobacco and cigar-
ette papers\$50.00.
- waggon, sleigh, or other vehicle, if drawn by
one animal, each 10.00
If drawn by two animals 15.00
And for each other additional to same owner .. 5.00
- 10)- For a License as a Commercial traveller under
Clause 14 of this By-law 15.00

- (11)- For a License for any dramatic, theatrical or musical performance or exhibition, first performance under canvas\$10.00
Each subsequent performance 5.00
- (12)- For a license to every person or persons exhibiting wax-works, pictures, or other works of art, or natural or artificial curiosities, panoramas, museums, or exhibitions of a like nature, for each exhibition 10.00
- (13)- For a license for a circus, or circus and menagerie or travelling show, including side shows, for first day ...100.00
And for each subsequent day 25.00
- (14)- For a license for a side show in connection with a circus, or circus and menagerie, and for itinerant persons, and for exhibitions of circus riding, rope walking, tumbling, or such other like feats and for every common show, exhibition of novelties, wonderful animals, or other side shows usually exhibited by showmen, for each day 20.00
- (15) For a license for every exhibition of legerdemain or juggling, each exhibition..... 20.00
- (16)- For a License for any exhibition or entertainment not hereinbefore specially mentioned, for first day..... 10.00
And each subsequent day 5.00
- (17)-For License for merry go round or other like amusement .. 5.00
- (18)- For a License for each junk shop or second hand store or shop25.00
- (19)- For a License for every description of amusement or entertainment not herein specially mentioned, the sum of \$50.00 per annum.
- (20)- For a license for any game, ring, ball, or club throwing at a mark or object for a prize, or any kindred amusement or game the sum of two dollars and fifty cents per diem.
- (21)- For each transfer of a license 1.00
- (22)- For a License for an itinerant photographer..... 5.00

- (23) - For a License for a Palmist, phrenologist, fortune teller, spiritualist.....\$10.00
- (24)- For a License for a Book agent, or canvasser not paying business tax 5.00
- (25)- For a license for slot machine, phonograph, weighing or testing machine..... 5.00
- For each additional machine 2.00

(26) That every person holding a license from the Town of Carman as an auctioneer may take out a second license in the name of his partner, clerk, agent, or employee, paying therefor the sum of twenty dollars, and which said license shall empower the person named therein to sell by auction within the Corporation, and may at any time cause such license to be transferred to the name of any other partner, clerk, agent, or employee, by filing his written request to that effect in the office of the Clerk of the Corporation of the Town of Carman and paying a Transfer fee of One Dollar.

27- That from and after the passing of this by-law any person or persons obtaining a license or being in possession of a license as owner of a truck, cart, dray, waggon, sleigh, or other vehicle which shall be used within said Corporation shall have at all times attached to such truck, cart, dray, waggon, sleigh or other vehicle as aforesaid, the number thereof, being a number corresponding to the number of the license held by such person or persons. Each letter or figure of such number shall not be less than one inch and a half in length, and shall be attached to the vehicle in a conspicuous place.

28- Any Licensed hotel keeper may, without payment of a license fee, obtain a license to run an omnibus or omnibusses to and from his house, to and from any railway station, but such hotel keeper shall not be entitled to charge any fee for the carriage of passengers, or their baggage in such omnibus. Hotel keepers or any other persons may, however, obtain licenses for omnibusses for the conveyance of passengers for hire from place to place within the Town, on payment of a license fee set forth in the schedule in Clause 20 of this by-law, and subject to the provisions of this by-law.

(29)- The person in whose name a license is taken out under the pro-

visions of this by-law shall be considered as the owner or proprietor of the vehicle or place licensed, and shall be liable to the penalties therein contained for any breach of any of the provisions of said by-law, whether committed by said owner or proprietor or by any employee of the said owner or proprietor.

(30)- Any person or persons holding the licenses mentioned in Clause 27 and — respectively of this by-law, shall be and are hereby required to give his or their services to any person asking for the same on payment of the usual fees.

31- That the holder of any license issued under this by-law may have the same transferred by the Secretary-Treasurer upon paying the fee therefor as mentioned in Schedule contained in Clause 20 of this by-law, if such transfer be approved of by the Chairman of the By-laws and License Committee of the Council.

32- That on and after the passing of this by-law it shall be lawful for any member of the Police Force, or any officer of the Corporation, or the Mayor, or any member of the Town Council, to demand from any hawker, petty chapman, or other person carrying on petty trades, or who go from place to place or to other men's houses, on foot or with any animal bearing or drawing goods, wares, or merchandise for sale, the production of his or their license, and such person or persons are and shall be obliged to produce and exhibit his or their licenses when so demanded, or in the absence thereof, shall forthwith proceed to procure same; and any person or persons refusing to produce and exhibit his or their license when so demanded shall be guilty of a breach of this by-law, and upon conviction thereof shall, in addition to the penalties provided by this by-law, forfeit such license, and it shall be the duty of the said Secretary -Treasurer to cancel the same in the book kept by him.

33- Any license granted under this by-law, unless it be expressed to be granted for a shorter period, and unless the same shall become sooner forfeited, shall be for the license year current at the time of the granting thereof, and shall expire on the 31st day of May next succeeding the date of the same; and ~~for a license issued~~

See By-law No 263

~~for a year or any portion thereof between the First day of June and the First day of November following, both inclusive, the fee to be paid for the same shall be the fee for a full year, and for any license issued after the First day of ^{May} ~~November~~ in each year, and before the First day of June in the following year, the fee to be paid for the same shall be equal to two-thirds of the full fee for one year.~~

34- All fees for a license to be issued under this by-law, and for any transfer thereof, shall be paid to the Secretary-Treasurer of the Corporation for the use thereof, and the said Secretary-Treasurer shall keep a book in which all licenses issued under this by-law shall be entered, with the names of the persons to whom issued, the date thereof, the amount of fee paid, and nature thereof, and if transferred the date of such transfer, and to whom, and shall exhibit the same at any time when requested so to do by the Mayor or by the Chairman of the Committee on Finance and Assessment.

35- A License under this by-law may be in Form "A" of this by-law, and shall be signed by the Secretary-Treasurer, who shall have the Seal of the Corporation affixed thereto by said Secretary Treasurer, and shall be accepted by the applicant therefor, and held subject from time to time during its continuance to all by-laws, rules and regulations as are now or hereafter may be in force in said Corporation respecting the same, or the trade, business or calling thereby licensed, and any application for a license issued under this by-law shall be in the form "B" to this by-law annexed, and all applications for a license are to be made to the said Secretary-Treasurer, and accompanied by the proper fee therefor.

36- That any person or persons guilty of a breach of any of the provisions of this by-law shall upon conviction thereof before a Police Magistrate or any Justice or Justices of the Peace having jurisdiction, either upon the confession of the party complained of, or on the oath or affirmation of any credible witness or witnesses, forfeit and pay at the discretion of the said Police

*all
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Magistrate, Justice or Justices convicting, a fine not exceeding the sum of ~~one hundred~~ ^{fifty} dollars and costs for each offense, and in case of non-payment thereof it shall be lawful for the Police Magistrate, Justice or Justices so convicting as aforesaid, or any of them to issue a warrant under his hand and seal, to levy the fine and costs by distress and sale of the goods and chattels of such person or persons, and in case of no sufficient distress to satisfy the fine and costs, it shall and may be lawful for the Police Magistrate, Justice or Justices so convicting as aforesaid, or any of them, to commit such person or persons to the Common Gaol of the Central Judicial District for any period not exceeding twenty-one days.

37-

FORM "A"

Canada

No. PROVINCE OF MANITOBA.

TOWN OF CARMAN-

License.

Whereasof the TOWN of CARMAN has made application for licensein CARMAN and has complied with By-law No. of said Town providing for such license.

This certifies that is hereby licensed as provided by law..... in from the day of@-3-19 to the day ofA.D. 19 inclusive.

Given under my hand and the Corporate seal of the Town of Carman this day ofA.D. 19

(Seal)

38-

FORM OF APPLICATION FOR LICENSE.

To the Mayor and Council of the Corporation of the Town of Carman:-

I, the undersigned (name in full) of.....in
the Province of Manitoba, hereby apply for a license.....
..... and I herewith deposit the sum of.....
.....Dollars with the Secretary-Treasurer of said
Corporation, being the fee payable for such license; and I agree
to accept and hold such license subject from time to time during
its continuance to any and all by-laws, rules and regulations as
are now or hereafter may be put in force in said Corporation resp-
ecting the same, or the trade, business or calling hereby licensed
to be carried on.

Dated thisday of

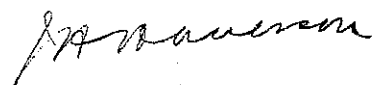
A.D. 19 .

Applicant.

All by-laws inconsistent with this are hereby repealed.

Done and finally Passed in Council, at Corporation at the
Town of Carman, this *Nineteenth* day of *November* A.D. 1909.


Secretary-Treasurer.


Mayor.