

TRINIDAD AND TOBAGO.

No. *69*.—1921.



I ASSENT,

WV Best

Acting Governor.

31st December, 1921.

AN ORDINANCE to amend the Pawnbrokers Ordinance, No. 141.

[*2nd January, 1922.*]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Pawnbrokers Short title. (amendment) Ordinance, 1921, and shall be read as one Construction. with the Pawnbrokers Ordinance, No. 141, hereinafter called the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby Amendment of s. 2 of Principal Ordinance. amended by striking out the definitions of "Constable," "The Town of Port-of-Spain" and "The Town of San Fernando," and substituting therefor the following:—

"Constable" means any member of the Constabulary Force;

"Port-of-Spain" means the city of Port-of-Spain as defined from time to time under the Port-of-Spain Corporation Ordinance, 1914;

[*Price 6d.*]

“San Fernando” means the Borough of San Fernando as defined by the Municipal Corporations (San Fernando Amendment) Ordinance, 1912.

Application
of Ordinance.

3. Section 7 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:—

7. This Ordinance shall apply to every loan by a Pawnbroker of ten pounds or under.

Nothing in this Ordinance shall apply to a loan by a Pawnbroker of above ten pounds, or to the pledge on which the loan is made, or to the Pawnbroker or pawner in relation to the loan or pledge; and notwithstanding anything in this Ordinance, a person shall not be deemed a Pawnbroker by reason only of his paying, advancing, or lending on any terms any sum or sums of above ten pounds.

Forfeiture of
pledges under
20/-.

4. Section 13 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be inserted the following:—

13. A pledge pawned for twenty shillings or under, if not redeemed within the year of redemption and days of grace, shall at the end of the days of grace become and be the Pawnbroker's absolute property.

Pledges
above 20/-
redeemable
until sale.

5. Section 14 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be inserted the following:—

14. A pledge pawned for above twenty shillings shall further continue redeemable until it is disposed of as in this Ordinance provided, although the year of redemption and days of grace are expired.

Sale by auction
of pledges
above 20/-.

6. Section 15 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:—

15. A pledge pawned for above twenty shillings shall when disposed of by the Pawnbroker be disposed of by sale at public auction by an

auctioneer licensed in that behalf by the Governor and not otherwise, and the regulations in Schedule III to this Ordinance shall be observed with reference to the sale.

A Pawnbroker may bid for and purchase at a sale by auction made or purporting to be made under this Ordinance, a pledge pawned with him; and on such purchase he shall be deemed the absolute owner of the pledge purchased.

7. In sections 17, 18 and 19 of the Principal Ordinance, in lieu of the word "ten," wherever the same shall appear, shall be read the word "twenty."

Amendment of sections 17, 18 and 19 of Principal Ordinance.

8. Section 20 and Form VII of Schedule I of the Principal Ordinance are hereby repealed.

Repeal of provisions as to Special contracts.

9. Section 23 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:—

Liability of Pawnbroker in case of fire.

23. Where a pledge is destroyed or damaged by or in consequence of fire, whether such destruction or damage occur upon the premises of the Pawnbroker or of an auctioneer to which such pledge has been removed for the purpose of being sold, the Pawnbroker shall nevertheless be liable, on application within the period during which the pledge would have been redeemable, to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount agreed upon between the Pawner and the Pawnbroker at the time of pawning, and declared to be the value on the ticket, and if not so declared at the time of pawning such value to be the amount of the loan and profit and fifty per cent. on the amount of the loan.

A Pawnbroker shall be entitled to insure to the extent of the value so declared, and if not so declared to the extent of the loan and profit and fifty per cent. on the amount of the loan,

Declarations
as to lost
pawn tickets.

10. Section 25 of the Principal Ordinance is hereby amended as follows:—

(1.) In paragraph (2) in lieu of the words "Stipendiary Justice of the Peace" shall be read the words "Justice of the Peace."

(2.) The following shall be inserted after paragraph (4):

(5) No fee shall be payable on any such declaration.

Taking pledges
from children.

11. Paragraph (1) of section 28 of the Principal Ordinance is hereby amended by substituting the word "sixteen" for the word "twelve."

Licences.

12. Section 33 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:—

33. Every Pawnbroker shall yearly take out from the Receiver-General an excise licence for carrying on his business, on which licence there shall be charged and paid for the use of His Majesty, His Heirs and Successors, the excise duties following, that is to say:—

- | | | |
|---|---|------------------------------------|
| (1.) For carrying on business
within the limits of Port-
of-Spain | } | Fifty Pounds. |
| (2.) For carrying on business
within the limits of San
Fernando | | |
| (3.) For carrying on business
outside the limits of Port-
of-Spain and San Fernando | } | Twelve
Pounds Ten
Shillings. |

Every licence shall be dated on the day on which it is issued, and shall determine on the thirty-first day of December of each year.

A separate licence shall be taken out and paid for by a Pawnbroker for each Pawnbroker's shop kept by him.

Every such licence shall specify the premises in which the business is to be carried on.

If a person acts as a Pawnbroker without having in force a proper licence, he shall, for every such offence, on summary conviction before a magistrate be liable to an excise penalty not exceeding fifty pounds, and in default of payment may be imprisoned with or without hard labour for any term not exceeding six months.

13. Section 39 of the Principal Ordinance is hereby amended by substituting the following for paragraph (1) :— Grounds of refusal of certificate.

(1) That the applicant has failed to produce satisfactory evidence that he is a fit and proper person to hold a licence;

14. A Pawnbroker shall not transfer his pawnbroking business to premises other than those specified in his licence except with the consent of the magistrate of the district, which consent shall not be given until the Inspector-General of Constabulary has been notified of the proposed transfer and has had an opportunity of objecting to the same. Transfer of business to other premises.

Any Pawnbroker contravening the provisions of this section shall on summary conviction before a magistrate be liable to a fine not exceeding £10.

15. Schedule I to the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :— Amendment of Schedule I.

SCHEDULE I.

I.—PLEDGE BOOK.

of
of
Pawnbroker,
19

Date of Redemption.	Profit charged.	Amount of Loan.	Number of Pledge in the month.	Name of Pawner.	Address of Pawner.	Name of Owner, if other than Pawner.	Address of Owner, if other than Pawner.	List of Articles pawned, as described on Pawn Ticket.	Declared value of each article pawned.
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RULE.

All entries in the last six columns respecting each pledge shall be made on the day of the pawning thereof or within four hours after the end of that day.

II.—PAWN TICKET.

A.—For a Loan of Twenty Shillings or under.

Pawned with [John Smith] Pawnbroker, [36, Upper Prince Street, Port-of-Spain,] for sum of [Ten] shillings,
[One black Frock Coat.]

*The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back.

*The Pawnbroker is entitled to charge—
For this ticket One half-penny.
For profit on each two shillings or part of two shillings lent on this pledge for not more than one calendar month One penny,
and so on at the same rate per calendar month.

After the first calendar month, any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.

This pledge must be redeemed within twelve calendar months and seven days from the date of pledging. At the end of that time it becomes the property of the Pawnbroker.

If the pledge is destroyed or damaged by fire, the Pawnbroker will be bound to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount agreed upon between the Pawner and Pawnbroker at the time of pawning and declared to be the value on the ticket; and if not so declared at the time of pawning, such value to be the amount of the loan and profit and fifty per cent. on the amount of the loan.

If this ticket is lost, mislaid or stolen, the Pawner should at once apply to the Pawnbroker for a form of declaration to be made before a Justice of the Peace, or the Pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

B.—For Loan of above One Pound.

Pawned with [John Smith,] Pawnbroker, [36, Upper Prince Street, Port-of-Spain,] this [19th] day of [March, 19 .,] by [Henry Jones,] of [25, King Street, Port-of-Spain,] for the sum of [Forty-five] shillings.
[One Dress Coat.]

*The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back.

*The Pawnbroker is entitled to charge—
For this ticket One penny.
For profit on each one shilling and ninepence, or part of one shilling and ninepence lent on this pledge for every calendar month or part of a calendar month ... One half-penny.

If this pledge is not redeemed within twelve calendar months and seven days from the day of pledging, it may be sold by auction by the Pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after the sale the pawner may inspect the account of the sale in the Pawnbroker's books on payment of one penny, and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the Pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire, the Pawnbroker will be bound to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount agreed upon between the Pawner and Pawnbroker at the time of pawning and declared to be the value on the ticket; and if not so declared at the time of pawning, such value to be the amount, of the loan and profit and fifty per cent. on the amount of the loan.

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V.—DECLARATION WHERE PAWN-TICKET LOST, &c.

TAKE NOTICE, if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a Justice of the Peace and declared to and signed and delivered back to the Pawnbroker not later than the day of the articles mentioned in it will be delivered to any person producing the pawn-ticket.

I, A.B., of in pursuance of "The Pawnbrokers Ordinance," do solemnly and sincerely declare that at the shop of , Pawnbroker, the article [or articles] described below, being property, and received a pawn-ticket for the same which has since been by , and that the pawn-ticket has not been sold or transferred to any person by or to knowledge or belief.

The article [or articles] above referred to is [or are] the following:—

And I, C.D., of in pursuance of the same Ordinance, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A.B.

Declared before me, Justice of the Peace for this of 19 day

VI.—RECEIPT.

Table with 3 columns: Description, Amount, Date. Rows include: Received on redemption of Pledge No., Amount of loan, Profit, and TOTAL.

A.B., Pawnbroker.

16. Schedule II of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:— Amendment of Schedule II.

SCHEDULE II.

Profit and Charges allowed to Pawnbrokers.

I.—PROFIT ON LOAN.

A.—On a loan of one pound or under—

For any time during which the pledge remains in pawn not exceeding one month, for every two shillings or fraction of two shillings lent One penny.

For every month after the first, including the current month in which the pledge is redeemed, although that month is not expired, for every two shillings or fraction of two shillings lent One penny.

If the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the Pawnbroker shall, in respect of those fourteen days, be entitled to take half the amount which he would be entitled to take for the whole month.

B.—On a loan of above one pound—

For every month or part of a month for every sum of one shilling and ninepence or fraction of a sum of one shilling and ninepence One half-penny.

II.—CHARGE ON PAWN TICKET.

Where the loan is twenty shillings or under One half-penny.
Where the loan is above twenty shillings One penny.

III.—CHARGE ON INSPECTION OF SALE BOOK.

For inspection of the entry of a sale One penny.

17. Schedule III to the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:— Auction sales of pledges.

SCHEDULE III.

Regulations as to Auctions of Pledges above Twenty Shillings.

1. At least seven days notice of sale by auction of pledges shall be given by the auctioneer in a public daily newspaper stating:—

- (1.) The Pawnbroker's name and place of business;
- (2.) The month in which each pledge was pawned;
- (3.) The number of each pledge as entered at the time of pawning in the pledge book;
- (4.) The place where the auction is to be held not being a Pawnbroker's premises.

2. The advertisement shall be inserted on two several days in the same newspaper and the second insertion shall be at least three clear days before the first day of sale.

3. Pawnbrokers shall send all pledges to the Auctioneer at least two days before the sale duly ticketed and numbered and the same shall be fully exposed for sale to public view by the Auctioneer on the day before the day of sale.

4. All sales shall be held in places open to the general public and large enough for the accommodation of intending purchasers.

5. The Auctioneer shall publish catalogues of the pledges stating:—

- (1.) The Pawnbroker's name and place of business;
- (2.) The month in which each pledge was pawned;
- (3.) The number of each pledge as entered at the time of pawning in the pledge book.

6. In the catalogues the pledges of each Pawnbroker shall be set out separately from the pledges of other Pawnbrokers.

7. Where a Pawnbroker bids at a sale the Auctioneer shall not take the bidding in any other form than that in which he takes the biddings of other persons at the same sale; and the Auctioneer on knocking down any article to a Pawnbroker shall forthwith declare audibly the name of the Pawnbroker as purchaser.

8. The Auctioneer shall within seven days after the sale deliver to the Pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that Pawnbroker, filled up with the amounts for which the several pledges of that Pawnbroker were sold, and authenticated by the signature of the Auctioneer.

9. The Pawnbroker shall preserve a copy of every such catalogue for three years at least after the auction.

10. Pictures, prints, books, bronzes, statues, busts, carvings in ivory and marble, cameos, intaglios, musical, mathematical, and philosophical instruments, and china, sold by auction, shall be sold by themselves and without any other goods being sold at the same sale, four times only in every year, (that is to say), on the first Monday in the months of January, April, July and October, and on the following day and days, if the sale exceeds one day, and at no other time.

Amendment of
Schedule IV.

18. Schedule IV to the Principal Ordinance is hereby revoked, and in lieu thereof shall be read the following:—

SCHEDULE IV.

Form of Certificate.

I, _____ hereby certify that I authorise
the grant to A.B. of _____ in the county of _____
business of a Pawnbroker at (specify premises). _____ of a Licence to carry on the
Witness my hand this _____ day of _____ 19 _____

Magistrate.

19. Nothing in this Ordinance contained shall be construed as in any way affecting any right, privilege, obligation or liability of the Pawner or the Pawnbroker under any contract of pawning entered into prior to the commencement of this Ordinance. ^{Saving existing rights.}

20. This Ordinance shall commence on the second day of January, 1922. ^{Commencement.}

Passed in Council this twenty-third day of December, in the year of Our Lord one thousand nine hundred and twenty-one.

John De Wulunga

Acting Clerk of the Council.
