

## CHAPTER 31. No. 12.

## PAWNBROKERS.

AN ORDINANCE RELATING TO PAWNBROKERS.

Ordinances  
Ch.31. No.12  
-1940.  
No. 7-1945.  
Commence-  
ment.

[25th September, 1889.]

1. This Ordinance may be cited as the Pawnbrokers Ordinance. Short title.

2. In this Ordinance—

Interpre-  
tation.

“ pawnbroker ” includes every person who carries on the business of taking goods and chattels in pawn;

“ pawner ” means a person delivering an article for pawn to a pawnbroker;

“ pledge ” means an article pawned with a pawnbroker;

“ Port-of-Spain ” means the City of Port-of-Spain as defined from time to time under the Port-of-Spain Corporation Ordinance;

“ San Fernando ” means the Borough of San Fernando as defined from time to time under the San Fernando Corporation Ordinance;

“ shop ” includes dwelling-house, warehouse, and office, or other place of business, or place where business is transacted;

“ unfinished goods or materials ” includes any goods of any manufacture or of any part or branch of any manufacture, either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after such goods or materials are put into a state or course of manufacture, or into a state

for any process or operation to be performed thereupon or therewith, and before the same are completed or finished for the purpose of wear or consumption.

Definition  
of pawn-  
broker and  
pawning  
transactions.

3. In order to prevent evasion of the provisions of this Ordinance, the following persons shall be deemed to be persons carrying on the business of taking goods and chattels in pawn; that is to say, every person who keeps a shop for the purchase or sale of goods or chattels, or for taking in goods or chattels by way of security for money advanced thereon, and who purchases or receives or takes in goods or chattels, and pays or advances or lends thereon any sum of money not exceeding forty-eight dollars with or under an agreement or understanding, expressed or implied, or to be from the nature and character of the dealing reasonably inferred, that those goods or chattels may be afterwards redeemed or re-purchased on any terms; and every such transaction, article, payment, advance, and loan shall be deemed a pawning, pledge, and loan respectively within this Ordinance.

Executors,  
etc., of  
pawn-  
brokers.

4. The provisions of this Ordinance relating to pawnbrokers shall extend to and include the executors or administrators of deceased pawnbrokers, except that an executor or administrator shall not be answerable for any penalty or forfeiture personally, or out of his own estate, unless the same is incurred by his own act or neglect.

Agents,  
servants,  
and appren-  
tices of  
pawn-  
brokers.

5. For the purposes of this Ordinance, anything done or omitted by the servant, apprentice, or agent of a pawnbroker in the course of or in relation to the business of the pawnbroker shall be deemed to be done or omitted (as the case may be) by the pawnbroker; and anything by this Ordinance authorised to be done by a pawnbroker may be done by his servant, apprentice, or agent.

Assigns,  
executors,  
etc., of  
pawners.

6. The rights, powers, and benefits by this Ordinance reserved to and conferred on pawners shall extend to and be deemed to be reserved to and conferred on the assigns of pawners, and to and on the executors or administrators of deceased pawners; but any person representing himself to a

pawnbroker to be the assign, executor, or administrator of a pawn shall, if required by the pawnbroker, produce to the pawnbroker the assignment, probate, letters of administration or other instrument under which he claims.

7. (1) This Ordinance shall apply to every loan by a pawnbroker of forty-eight dollars or under.

Application of Ordinance in respect of loans.

(2) Nothing in this Ordinance shall apply to a loan by a pawnbroker of above forty-eight dollars, or to the pledge on which the loan is made or to the pawnbroker or pawn in relation to the loan or pledge; and notwithstanding anything in this Ordinance contained, 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 forty-eight dollars.

*General obligations of pawnbrokers.*

8. (1) A pawnbroker shall keep and use in his business such books and documents as are described in the First Schedule hereto, in the forms therein indicated or to the like effect, and shall, from time to time as occasion requires, enter therein in a fair and legible manner the particulars indicated in and in accordance with the directions of the said Schedule, and shall make all enquiries necessary for that purpose.

Pawnbrokers to keep books, etc., as in 1st Schedule.

(2) If a pawnbroker fails in any respect to comply with the requisitions of this section, he shall be guilty of an offence against this Ordinance.

9. (1) A pawnbroker shall observe the following rules:—

(a) he shall always keep exhibited in large characters over the outer door of his shop his christian name and surname or names, with the word " Pawnbroker ";

(b) he shall always keep placed in a conspicuous part of his shop (so as to be legible by every person pawning or redeeming pledges, standing in any box or place provided in the shop for persons pawning or redeeming pledges) the same information as is in the First Schedule required to be printed on pawn-tickets.

Pawnbrokers to keep names over doors, and tables of rates, etc., exhibited in shops.

(2) If a pawnbroker fails in any respect to comply with the requisitions of this section, he shall be guilty of an offence.

*Pawning: Redemption: Sale.*

Pawn-tickets.

**10.** A pawnbroker shall, on taking a pledge in pawn, give to the pawner a pawn-ticket, and shall not take a pledge in pawn unless the pawner takes the pawn-ticket.

Profits and charges. 2nd Schedule.

**11.** (1) A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in the Second Schedule hereto.

(2) A pawnbroker may demand and take the charges specified in the Second Schedule in the cases, and according to the rules, therein stated and prescribed.

(3) A pawnbroker shall not, in respect of a loan on a pledge, take any profit, or demand or take any charge or sum whatever, other than those specified in the Second Schedule.

(4) A pawnbroker shall, if required at the time of redemption, give a receipt for the amount of loan and profit paid to him.

Pledges redeemable for one year, with seven days of grace.

**12.** Every pledge shall be redeemable within twelve months from the day of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace, within which every pledge (if not redeemed within the year of redemption) shall continue to be redeemable.

Forfeiture of pledges under \$4.80.

**13.** A pledge pawned for \$4.80 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 \$4.80 redeemable until sale.

**14.** A pledge pawned for above \$4.80 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.

15. (1) A pledge pawned for above \$4.80 shall, when disposed of by the pawnbroker, be disposed of by sale by public auction by an auctioneer licensed under the Auctioneers Ordinance, and not otherwise; and the regulations in the Third Schedule hereto shall be observed with reference to the sale.

Sale by auction of pledges above \$4.80. 3rd Schedule.

(2) 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.

16. If an auctioneer does anything in contravention of the provisions of this Ordinance relating to auctioneers, or fails to do anything which he is required by this Ordinance to do, he shall be guilty of an offence.

Offences by auctioneers.

17. At any time within three years after the auction at which a pledge pawned for above \$4.80 is sold, the holder of the pawn-ticket may inspect the entry of the sale in the pawnbroker's book, and in the filled up catalogue of the auction (authenticated by the signature of the auctioneer), or in either of them.

Power to inspect sale book.

18. (1) Where a pledge pawned for above \$4.80 is sold, and appears from the pawnbroker's book to have been sold for more than the amount of the loan and profit due at the time of sale, the pawnbroker shall, on demand, pay the surplus to the holder of the pawn-ticket, in case the demand is made within three years after the sale, the necessary costs and charges of the sale being first deducted.

Pawnbroker to account for surplus within three years, subject to set-off.

(2) If on any such demand it appears from the pawnbroker's book that the sale of a pledge or pledges has resulted in a surplus, and that, within twelve months before or after that sale, the sale of another pledge or other pledges of the same person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus, and shall be liable to pay the balance only after such set-off.

Offences as  
to pledges  
for above  
\$4.80.

19. If, with respect to pledges for loans of above \$4.80, a pawnbroker—

(a) does not *bonâ fide* according to the directions of this Ordinance sell a pledge pawned with him,

(b) enters in his book a pledge as sold for less than the sum for which it was sold, or fails duly to enter the same,

(c) refuses to permit any person entitled under this Ordinance to inspection of an entry of sale in the pawnbroker's book, or of a filled up catalogue of the auction authenticated by the auctioneer's signature, to inspect the same,

(d) fails without lawful excuse (proof whereof shall lie on him) to produce such a catalogue on lawful demand,

(e) refuses to pay on demand the surplus to the person entitled to receive the same,

he shall, in every such case, be guilty of an offence, and shall be liable, on summary conviction, to forfeit to the person aggrieved a sum not exceeding forty-eight dollars.

*Delivery up of pledge.*

Holder of  
pawn-ticket  
entitled to  
redeem.

20. The holder for the time being of a pawn-ticket shall be presumed to be the person entitled to redeem the pledge, and, subject to the provisions of this Ordinance, the pawnbroker shall accordingly (on payment of the loan and profit) deliver the pledge to the person producing the pawn-ticket, and he is hereby indemnified for so doing.

Production  
of pawn-  
ticket on  
redemption.

21. A pawnbroker shall not (except as in this Ordinance provided) be bound to deliver back a pledge unless the pawn-ticket for it is delivered to him.

Liability of  
pawnbroker  
in case of  
fire.

22. (1) 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 centum on the amount of the loan.

(2) 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 centum on the amount of the loan.

23. If a person entitled and offering to redeem a pledge shows to the satisfaction of a Magistrate that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect, or wilful misbehaviour of the pawnbroker, such Magistrate may, if he thinks fit, award a reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker (as the case requires) in such manner as such Magistrate shall direct, and in default of payment of any amount which such pawnbroker may be directed to pay, he may be imprisoned for thirty days.

Compensation for depreciation of pledge.

24. (1) The following provisions shall have effect for protection of owners of articles pawned, and of pawners not having their pawn-tickets to produce,—

Protection of owners and of pawners not having pawn-tickets.

(a) any person claiming to be the owner of a pledge but not holding the pawn-ticket, or any person claiming to be entitled to hold a pawn-ticket but alleging that the same has been lost, mislaid, destroyed, or stolen or fraudulently obtained from him, may apply to the pawnbroker for a printed form of declaration, which the pawnbroker shall deliver to him;

(b) if the applicant delivers back to the pawnbroker the declaration duly made before a Justice by the applicant and by a person identifying him, the applicant shall thereupon have, as between him and the pawnbroker, all the same rights and remedies as if he

produced the pawn-ticket: Provided that such a declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than on the third day after the day on which the form is delivered to the applicant by the pawnbroker (exclusive of a day or days on which the pawnbroker is prohibited from carrying on business);

(c) the pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid;

(d) the pawnbroker is hereby further indemnified for delivering the pledge, or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or is false in any material particular;

(e) no fee shall be payable on any such declaration.

(2) If any person makes a declaration under this Ordinance, either as an applicant or as identifying an applicant, knowing the same to be false in any material particular, he shall be guilty of a misdemeanor, and shall be liable to the punishment attaching by law to perjury.

Delivery to  
owner of  
property  
unlawfully  
pawned.

25. In each of the following cases,—

(a) if any person is convicted under this Ordinance before any Magistrate of knowingly and designedly pawning with a pawnbroker anything being the property of another person, the pawner not being employed or authorised by the owner thereof to pawn the same,

(b) if any person is convicted in any court of feloniously taking or fraudulently obtaining any goods and chattels, and it appears to the court that the same have been pawned with a pawnbroker,

(c) if, in any proceedings before a Magistrate, it appears to such Magistrate that any goods and chattels brought before the court have been unlawfully pawned with a pawnbroker,

the court or Magistrate, on proof of the ownership of the goods and chattels, may, if it or he thinks fit, order the delivery thereof to the owner, either on payment to the pawnbroker of the amount of the loan or of any part

thereof, or without payment thereof or of any part thereof, as to the court or Magistrate, according to the conduct of the owner and the other circumstances of the case, seems just and fitting.

26. If a pawnbroker, without reasonable excuse (proof whereof shall lie on him), neglects or refuses to deliver a pledge to the person entitled to have delivery thereof under this Ordinance, he shall be guilty of an offence against this Ordinance, and a court or Magistrate may, if the court or Magistrate thinks fit, with or without imposing a penalty, order the delivery of the pledge on payment of the amount of the loan and profit.

Order for delivery of pledge to person entitled.

*General restrictions on pawnbrokers.*

27. Any pawnbroker who—

(a) takes an article in pawn from any person appearing to be under the age of sixteen years or to be intoxicated, or

(b) purchases or takes in pawn or exchange a pawn-ticket issued by another pawnbroker, or

(c) employs any servant or apprentice or other person under the age of sixteen years to take pledges in pawn, or

(d) carries on the business of a pawnbroker on Sunday, Good Friday, or Christmas Day, or on any public holiday, or

(e) under any pretence purchases, except at public auction, any pledge while in pawn with him, or

(f) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it, or

(g) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale, or disposition thereof within the time of redemption, or

(h) sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as authorised by this Ordinance,

shall be guilty of an offence.

Prohibition of purchasing pledges; taking pledges from children, etc.

*Unlawful pawning and taking in pawn.*

Unlawful  
pawning of  
goods not  
property of  
pawner.

28. (1) If any person knowingly and designedly pawns with a pawnbroker anything being the property of another person, the pawner not being employed or authorised by the owner thereof to pawn the same, he shall be liable, on summary conviction, to a fine of twenty-four dollars, and, in addition thereto, to forfeit any sum not exceeding the full value of the pledge as ascertained by the Magistrate.

(2) The fine and forfeiture when recovered shall be applied towards making satisfaction thereout to the party injured and defraying the costs of prosecution, as the Magistrate may direct; but if the party injured declines to accept of such satisfaction and costs, or if there is any surplus of the fine and forfeiture, then the amount shall be paid into the Treasury for the use of the Colony.

Persons  
offering  
articles in  
pawn and  
not giving a  
good account  
of them-  
selves, etc.

29. (1) Any person who—

(a) offers to a pawnbroker an article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article, or

(b) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article, or

(c) not being entitled to redeem, and not having any colour of title by law to redeem, a pledge, attempts or endeavours to redeem the same,

shall be guilty of an offence.

(2) In every such case, and also in any case where, on an article being offered in pawn to a pawnbroker, he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person and the article, or either of them, and shall deliver the person and the article or either of them (as the case may be) as soon as may be into the custody of a constable, who shall, as soon as may be, convey the person, if so detained, before a Magistrate to be dealt with according to law.

30. If a pawnbroker knowingly takes in pawn any linen or apparel or unfinished goods, or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, he shall be guilty of an offence, and shall be liable, on summary conviction, to forfeit a sum not exceeding double the amount of the loan; and the pawnbroker shall likewise restore the pledge to the owner thereof, in the presence of the court, or as the court directs.

Prohibition of taking in pawn linen, clothing, unfinished goods, etc., in certain cases.

31. (1) If the owner of any linen or apparel or unfinished goods, or materials entrusted to any person as aforesaid, and unlawfully pawned with a pawnbroker, or the owner of any other article unlawfully pawned with a pawnbroker (the last mentioned owner having on oath satisfied a Magistrate that his goods have been unlawfully obtained or taken from him), makes out on oath before a Magistrate that there is good cause to suspect that a pawnbroker has taken in pawn the linen, apparel, goods, materials, or article aforesaid, without the privity or authority of the owner, and makes appear to the satisfaction of the Magistrate probable grounds for such suspicion, the Magistrate may issue his warrant for searching, within the hours of business, the shop of the pawnbroker.

Search warrant for linen, etc., unlawfully pawned.

(2) If the pawnbroker, on request by a constable authorised by the warrant, refuses to open the shop and permit it to be searched, a constable may break it open within the hours of business, and search as he thinks fit therein for the linen, apparel, goods, materials, or article aforesaid, doing no wilful damage; and if any pawnbroker or other person opposes or hinders the search, he shall be guilty of an offence against this Ordinance.

(3) If, on the search, any linen, apparel, goods, materials, or article aforesaid is or are found, and the property of the owner thereof is made out to the satisfaction of a Magistrate, such Magistrate shall cause the same to be forthwith restored to the owner thereof.

*Licences.*

32. (1) Every pawnbroker shall yearly take out from the Commissioner of Inland Revenue an excise licence for carrying on his business, on which licence there shall be

Yearly licence and excise duty.

charged and paid for the use of the Colony the excise duties following, that is to say, for carrying on business—

- (a) within the limits of Port-of-Spain, \$240;
- (b) within the limits of San Fernando, \$120;
- (c) outside the limits of Port-of-Spain and San Fernando, \$60.

(2) Every licence shall be dated on the day on which it is issued, and shall determine on the 31st of December of each year.

(3) A separate licence shall be taken out and paid for by a pawnbroker for each pawnbroker's shop kept by him.

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

(5) If a person acts as a pawnbroker without having in force a proper licence, he shall, for every such offence be liable, on summary conviction, to a fine of two hundred and forty dollars.

**33.** If a pawnbroker is convicted on indictment of any fraud in his business, or of receiving stolen goods, knowing them to be stolen, the court before which he is convicted may, if it thinks fit, direct that his licence shall cease to have effect, and the same shall cease accordingly.

**34.** A pawnbroker's licence shall not be granted to any person except on the production and in pursuance of the authority of a certificate granted under this Ordinance. Any licence granted in contravention of this section shall be void.

**35.** Certificates under this Ordinance shall be granted by the Magistrate of the district where the application is made.

**36.** A certificate under this Ordinance shall be in the form given in the Fourth Schedule hereto, or to the like effect, and shall continue in force until the 31st of December in the year in which it is granted

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(3) If, on the search, any linen, apparel, goods, materials, or article aforesaid is or are found, and the property of the owner thereof is made out to the satisfaction of a Magistrate, such Magistrate shall cause the same to be forthwith restored to the owner thereof.

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(3) A separate licence shall be taken out and paid for by a pawnbroker for each pawnbroker's shop kept by him.

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

(5) If a person acts as a pawnbroker without having in force a proper licence, he shall, for every such offence be liable, on summary conviction, to a fine of two hundred and forty dollars.

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**33.** If a pawnbroker is convicted on indictment of any fraud in his business, or of receiving stolen goods, knowing them to be stolen, the court before which he is convicted may, if it thinks fit, direct that his licence shall cease to have effect, and the same shall cease accordingly.

Licences not  
to be granted  
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**34.** A pawnbroker's licence shall not be granted to any person except on the production and in pursuance of the authority of a certificate granted under this Ordinance. Any licence granted in contravention of this section shall be void.

Certificates  
to be  
granted by  
Magistrates.

**35.** Certificates under this Ordinance shall be granted by the Magistrate of the district where the application is made.

Form and  
duration of  
certificate.  
4th  
Schedule.

**36.** A certificate under this Ordinance shall be in the form given in the Fourth Schedule hereto, or to the like effect, and shall continue in force until the 31st of December in the year in which it is granted.

37. A person intending to apply for a certificate under this Ordinance shall, twenty-one days at least before the application, give notice by registered letter sent by post of his intention to the Magistrate of the district, and to the Commissioner of Police, and shall in the notice set forth his name and address and the district within which he intends to carry on his business. The Commissioner of Police shall forthwith cause notice of such application to be published in the *Royal Gazette*.

Notice of application.

38. An application for a certificate shall not be refused, except on the following grounds, or one of them—

Grounds of refusal of certificate.

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

(b) that the shop in which he intends to carry on the business of a pawnbroker, or any adjacent house or place owned or occupied by him, is frequented by thieves or persons of bad character;

(c) that he has not complied with the last preceding section.

39. (1) If any person forges a certificate, or tenders a certificate knowing it to be forged, he shall be liable, on summary conviction, to a fine of ninety-six dollars.

Forgery of certificate.

(2) A licence granted in pursuance of a forged certificate shall be void; and if any person makes use of a forged certificate, knowing it to be forged, he shall be disqualified from obtaining at any time thereafter a pawnbroker's licence.

40. (1) 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 Commissioner of Police has been notified of the proposed transfer, and has had an opportunity of objecting to the same.

Transfer of business to other premises.

(2) Any pawnbroker contravening the provisions of this section shall be liable, on summary conviction, to a fine of forty-eight dollars.

charged and paid for the use of the Colony the excise duties following, that is to say, for carrying on business—

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*Penalties and legal proceedings.*

General  
penalty for  
offences.

41. If a pawnbroker or other person is guilty of an offence under this Ordinance, in respect whereof a specific forfeiture or penalty is not prescribed by this Ordinance, he shall be liable, on summary conviction, to a fine of forty-eight dollars.

Frivolous  
informa-  
tions.

42. Where an information or complaint of any offence against this Ordinance (not being an offence against any provision relating to licences) is laid or made before a Magistrate, and is not further prosecuted, or if any such information or complaint is further prosecuted, but it appears to the Magistrate by whom the case is heard that there was no sufficient ground for the making of the charge, such Magistrate shall have power to award such amends, not exceeding the sum of twenty-four dollars, to be paid by the informer or complainant to the party informed or complained against for his loss of time and expenses in the matter, as to such Magistrate seems meet.

Common  
informers  
compounding  
informa-  
tions.

43. If any person lodges an information for an offence alleged to have been committed against this Ordinance by which he was not personally aggrieved, and afterwards directly or indirectly receives, without the permission of a Magistrate, any sum of money or other reward for compounding, delaying, or withdrawing the information, he shall be guilty of an offence.

Detention  
of persons  
offering  
forged pawn-  
tickets, etc.

44. If any person utters, produces, shows, or offers to a pawnbroker a pawn-ticket which the pawnbroker reasonably suspects to have been counterfeited, forged, or altered, the pawnbroker may seize and detain the person and the ticket, or either of them, and shall deliver the person and the ticket, or either of them (as the case may be), as soon as may be into the custody of a constable, who shall, as soon as may be, convey the person, if so detained, before a Magistrate to be dealt with according to law.

Pawn-  
broker's  
books sub-  
ject to ex-  
amination  
by officer  
of Police.

45. (1) The books required by this Ordinance to be kept by a pawnbroker shall be produced by him for examination at any time during business hours on demand by any officer

of the Police Force not under the rank of sergeant and also by any constable holding a written authority from the Commissioner of Police specially authorising him to act under this section, who are hereby severally authorised to enter at any time during business hours any pawnbroker's shop, without warrant, to search for and examine the said books and to take extracts and copies therefrom.

(2) If a pawnbroker fails to comply with the requirements of this section, he shall be guilty of an offence.

46. (1) Information as to property lost, stolen, or otherwise fraudulently disposed of shall be given by the Police, as soon as possible after such loss or fraud, to all pawnbrokers, with lists and descriptions of the same.

Information to be given by Police to pawnbrokers of lost and stolen property.

(2) If any property answering such lists and descriptions shall be in the possession of any pawnbroker, or shall thereafter be offered to or shown to any pawnbroker, he shall, without unnecessary delay, give information to that effect at the nearest Police Station or to a constable, with the name and address of the person in whose possession the property was seen.

(3) If a pawnbroker fails to comply with any of the requirements of the last preceding subsection, he shall be guilty of an offence.

(4) A pawnbroker shall have power to seize and detain the person offering or showing such property until the arrival of a constable.

47. Any officer of the Police Force not under the rank of sergeant, and also any constable holding a written authority from the Commissioner of Police specially authorising him to act under this section, may enter any pawnbroker's shop at any time during business hours and may, without warrant, search the house, shop, or premises of such pawnbroker for any articles that he may have reason to suspect to be therein and to have been dishonestly obtained or dishonestly placed there.

Right to enter and search pawnshops, etc.

48. (1) Any constable having reason to believe that a person is or loitering about a pawnbroker's shop under suspicious circumstances has with him any article dis-

Constable may arrest persons loitering about pawnshops under

suspicious  
circum-  
stances.

honestly obtained, may detain such person and require him to produce any articles he may have with him.

(2) If any articles are produced which the constable has reason to suspect to have been dishonestly obtained, he may take or cause to be taken the person and the articles to the nearest Police Station, there to be dealt with according to law.

(3) If any person so required to produce such articles refuses to be searched, the constable may take him or cause him to be taken before a Magistrate or Justice, who, if he shall see fit, may search or order to be searched such person, and if any such articles are found may detain him with the articles so found to be dealt with according to law.

Production  
of books,  
etc., before  
Magistrate.

49. A pawnbroker shall, at any time when ordered or summoned by a Magistrate, attend before the court and produce all books and papers relating to his business which he is required by the court to produce. If he fails to do so, he shall be guilty of an offence.

Contracts  
not void on  
account of  
offences.

50. Where a pawnbroker is guilty of an offence against this Ordinance (not being an offence against any provision relating to licences), any contract of pawn or other contract made by him, in relation to his business of pawnbroker, shall nevertheless not be void by reason only of that offence, nor shall he by reason only of that offence lose his lien on or right to the pledge or to the loan and profit; but nothing in this section shall restrict the operation of any provision of this Ordinance providing for the delivery of any goods and chattels, or the restoration of any linen, apparel, goods, materials, or article to the owner, under the order of any court.

Appeal.

51. If any person thinks himself aggrieved by any conviction or order of a court of summary jurisdiction under this Ordinance or by the refusal of a certificate for a licence, he may appeal therefrom under and subject to the provisions of the Summary Courts Ordinance.

SCHEDULES.

FIRST SCHEDULE.

I.—Pledge Book.

(Section 8.)

of \_\_\_\_\_, Pawnbroker, of \_\_\_\_\_, 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.

(Section 8.)

A.—For a Loan of \$4.80 or under.

Pawned with [John Smith], Pawnbroker, [36, Upper Prince Street, Port-of-Spain,] for sum of [\$2.40].

[One black Frock Coat.]

\* The Pawnbroker is entitled to charge—

For this ticket ... .. One cent.  
 For profit on each forty-eight cents or part of forty-eight cents lent on this pledge for not more than one calendar month ... Two cents.  
 and so on at the same rate per calendar month.

After the first 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.

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

## B.—For Loan of above \$4.80.

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 [\$10].

[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 ... .. Two cents.

For profit on each forty-two cents or part of forty-two cents lent on this pledge for every calendar month or part of a calendar month One cent.

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 two cents, 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.

If this ticket is lost or mislaid 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.

(Section 8.)

## III.—Sale Book of Pledges for Loans of above \$4.80.

[Date and place of Sale.]

[Name and place of business of Auctioneer.]

No. of Pledge as in Pledge Book.	Date of Pawning.	Name of Pawner.	Amount of Loan.	Amount for which Pledge sold as stated by Auctioneer.
			\$	

IV.—Declaration where Pledge claimed by Owner.

(Section 8.)

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 the article [or articles] described below is [or are] my property, and that I believe they are pledged at the shop of \_\_\_\_\_

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., \_\_\_\_\_ of \_\_\_\_\_

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

V.—Declaration where Pawn-Ticket lost, etc.

(Section 8.)

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 \_\_\_\_\_, 19\_\_\_\_, 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 \_\_\_\_\_ pledged 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., \_\_\_\_\_ of \_\_\_\_\_

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

(Section 8.)

## VI.—Receipt.

	[Date.]	\$
Received on redemption of Pledge No. ... ..		
Amount of loan ... ..		
Profit ... ..		
TOTAL ... ..		
	A.B.,	Pawnbroker.

## SECOND SCHEDULE.

(Section 11.)

## Profit and Charges allowed to Pawnbrokers.

## I.—PROFIT ON LOAN.

## A.—On a loan of \$4.80 or under—

For any time during which the pledge remains in pawn not exceeding one month, for every forty-eight cents or fraction of forty-eight cents lent ... .. Two cents.

For every month after the first, including the current month in which the pledge is redeemed, although that month is not expired, for every forty-eight cents or fraction of forty-eight cents lent ... .. Two cents.

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 \$4.80—

For every month or part of a month for every sum of forty-two cents or fraction of a sum of forty-two cents One cent.

## II.—CHARGE ON PAWN-TICKET.

Where the loan is \$4.80 or under ... .. One cent.  
Where the loan is above \$4.80 ... .. Two cents.

## III.—CHARGE ON INSPECTION OF SALE BOOK.

For inspection of the entry of a sale ... .. Two cents.

## THIRD SCHEDULE.

(Section 15.)

## Regulations as to Auctions of Pledges above \$4.80.

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<sup>2</sup> in the pledge book;
- (4) The place where the auction is to be held, not being a pawn broker'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.

#### FOURTH SCHEDULE.

##### FORM OF CERTIFICATE.

(Section 36.)

I, \_\_\_\_\_ hereby certify that I authorise the grant to *A.B.* of \_\_\_\_\_ in the  
 county of \_\_\_\_\_ of a Licence to carry on the business of a Pawnbroker at  
 [specify premises].

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Magistrate.