

## CHAPTER 268.

## PAWNBROKERS.

## AN ORDINANCE RELATING TO PAWNBROKERS.

[25th September, 1889.]

Ordinance  
No. 41  
" 6 of 1918,  
" 69 of 1921.

Short title.

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

Interpretation.

2. In this Ordinance—

“ Constable ” includes any member of the Constabulary Force; (*Substituted by 69 of 1921, s. 2.*)

“ 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; (*Substituted by 69 of 1921, s. 2.*)

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“ San Fernando ” means the Borough of San Fernando as defined from time time under the Municipal Corporations Ordinance; (*Substituted by 69 of 1921, s. 2.*)

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“ 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.

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 ten pounds 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.

Definition of pawnbroker, etc.

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.

Executors, etc., of pawnbrokers.

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 authorized to be done by a pawnbroker may be done by his servant, apprentice, or agent.

Agents, servants, and apprentices of pawnbrokers.

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

Assigns, executors, etc., of pawners.

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

Application  
of Ordinance  
in respect of  
loans.

7. (1) This Ordinance shall apply to every loan by a pawnbroker of ten pounds or under.

(2) 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 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 ten pounds. (*Substituted by 69 of 1921, s. 3.*)

*General Obligations of Pawnbrokers.*

Pawnbrokers  
to keep  
books, etc.,  
as in First  
Schedule.

8. (1) A pawnbroker shall keep and use in his business such books and documents as are described in the First Schedule to this Ordinance, 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.

(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.

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

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.

(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.

*Pawning; Redemption; Sale.*

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. Pawn-tickets.

11. (1) A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in the Second Schedule to this Ordinance. Profit and charges.

(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.

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

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. (*Substituted by 69 of 1921, s. 4.*) Forfeiture of pledges under 20/-.

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. (*Substituted by 69 of 1921, s. 5.*) Pledges above 20/ redeemable until sale.

Sale by  
auction of  
pledges above  
20/-.

15. (1) A pledge pawned for above twenty shillings shall, when disposed of by the pawnbroker, be disposed of by sale by public auction by an auctioneer licensed in that behalf by the Governor, and not otherwise; and the regulations in the Third Schedule to this Ordinance shall be observed with reference to the sale.

(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. (*Substituted by 69 of 1921, s. 6.*)

Offences by  
auctioneers.

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 against this Ordinance.

Power to  
inspect sale  
book.

17. At any time within three years after the auction at which a pledge pawned for above twenty shillings 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. (*As amended by 69 of 1921, s. 7.*)

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

18. (1) Where a pledge pawned for above twenty shillings 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.

(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. (*As amended by 69 of 1921, s. 7.*)

19. If, with respect to pledges for loans of above twenty shillings, a pawnbroker—

Offences as to pledges for above 20/-.

- (1) does not *bonâ fide* according to the directions of this Ordinance sell a pledge pawned with him;
- (2) 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;
- (3) 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;
- (4) fails without lawful excuse (proof whereof shall lie on him) to produce such a catalogue on lawful demand;
- (5) 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 against this Ordinance, and shall be liable, on summary conviction before a Magistrate, to forfeit to the person aggrieved a sum not exceeding ten pounds. (*As amended by 69 of 1921, s. 7.*)

#### *Delivery up of Pledge.*

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.

Holder of pawn-ticket entitled to redeem.

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.

Production of pawn-ticket on redemption.

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

Liability of pawnbroker in case of fire.

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. (*Substituted by 69 of 1921, s. 9.*)

Compensation  
for deprecia-  
tion of  
pledge.

**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 any term not exceeding thirty days.

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

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

- (1) 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;
- (2) 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);

- (3) The pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid;
- (4) 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;
- (5) No fee shall be payable on any such declaration.

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. (*As amended by 69 of 1921, s. 10.*)

25. In each of the following cases :—

- (1) 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 authorized by the owner thereof to pawn the same;
- (2) 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;
- (3) 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,

Delivery to owner of property unlawfully pawned.

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.

Order for  
delivery of  
pledge to  
person  
entitled.

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.

*General Restrictions on Pawnbrokers.*

Prohibition  
of purchas-  
ing pledges;  
taking  
pledges from  
children,  
etc.

27. If a pawnbroker does any of the following things:—

- (1) Takes an article in pawn from any person appearing to be under the age of sixteen years or to be intoxicated; (*As amended by 69 of 1921, s. 11.*)
- (2) Purchases or takes in pawn or exchange a pawn-ticket issued by another pawnbroker;
- (3) Employs any servant or apprentice or other person under the age of sixteen years to take pledges in pawn;
- (4) Carries on the business of a pawnbroker on Sunday, Good Friday, or Christmas Day, or on any public holiday;
- (5) Under any pretence purchases, except at public auction, any pledge while in pawn with him;
- (6) Suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it;
- (7) 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;
- (8) Sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as authorized by this Ordinance,

he shall be guilty of an offence against this Ordinance.

*Unlawful Pawning and taking in Pawn.*

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 authorized by the owner thereof to pawn the same, he shall be guilty of an offence against this Ordinance, and shall be liable, on summary conviction before a Magistrate, to forfeit any sum not exceeding five pounds, and, in addition thereto, any sum not exceeding the full value of the pledge as ascertained by the Magistrate.

Unlawful pawning of goods not property of pawner.

(2) The forfeitures 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 forfeitures, then the forfeitures or surplus (as the case may be) shall be paid to the Treasurer for the use of His Majesty.

29. (1) If any person does any of the following things:—

- (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;
- (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;
- (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,

Persons offering articles in pawn and not giving a good account of themselves, etc.

he shall be guilty of an offence against this Ordinance.

(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.

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

**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 against this Ordinance, and shall be liable, on summary conviction before a Magistrate, 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.

Search warrant for linen, etc., unlawfully pawned.

**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.

(2) If the pawnbroker, on request by a constable authorized 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 Treasurer an excise licence for carrying on his business, on which licence there shall be charged and paid for the use of His Majesty the excise duties following, that is to say:—

Yearly  
licence and  
excise duty.

- |  |   |                                 |
|--|---|---------------------------------|
| (a) For carrying on business<br>within the limits of Port-<br>of-Spain                     | } | Fifty pounds.                   |
| (b) For carrying on business<br>within the limits of San<br>Fernando                       | } | Twenty-five pounds.             |
| (c) For carrying on business<br>outside the limits of<br>Port-of-Spain and San<br>Fernando | } | Twelve pounds<br>ten shillings. |

(2) 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.

(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, on summary conviction before a Magistrate, be liable to a penalty not exceeding fifty pounds. (*Substituted by 69 of 1921, s. 12.*)

**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.

Cesser of  
licence on  
conviction.

**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.

Licences not  
to be granted  
without  
certificate.

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.

36. A certificate under this Ordinance shall be in the Form given in the Fourth Schedule to this Ordinance, or to the like effect, and shall continue in force until the thirty-first day of December in the year in which it is granted.

Notice of  
application.

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 Inspector-General, and shall in the notice set forth his name and address and the district within which he intends to carry on his business. The Inspector-General shall forthwith cause notice of such application to be published in the *Royal Gazette*.

Grounds of  
refusal of  
certificate.

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

- (1) That the applicant has failed to produce satisfactory evidence that he is a fit and proper person to hold a licence; (*Substituted by 69 of 1921, s. 13.*)
- (2) 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;
- (3) That he has not complied with the last preceding section.

Forgery of  
certificate.

39. (1) If any person forges a certificate, or tenders a certificate knowing it to be forged, he shall, on summary conviction before a Magistrate, be liable to a penalty not exceeding twenty pounds.

(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 Inspector-General 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, on summary conviction before a Magistrate, be liable to a penalty not exceeding ten pounds. (Added by 69 of 1921, s. 14.)

*Penalties and Legal Proceedings.*

41. If a pawnbroker or other person is guilty of an offence against this Ordinance, in respect whereof a specific forfeiture or penalty is not prescribed by this Ordinance, he shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding ten pounds.

General penalty for offences.

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 five pounds, 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.

Frivolous informations.

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 against this Ordinance.

Common informers compounding informations.

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

Detention of persons offering forged pawn-tickets, etc.

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.

Pawnbroker's books subject to examination by officer of Constabulary.

**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 Constabulary Force not under the rank of sergeant and also by any constable holding a written authority from the Inspector-General specially authorizing him to act under this section, who are hereby severally authorized 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 against this Ordinance. (*Added by 6 of 1918, s. 2.*)

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

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

(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 Constabulary 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 sub-section, he shall be guilty of an offence against this Ordinance.

(4) A pawnbroker shall have power to seize and detain the person offering or showing such property until the arrival of a constable. (*Added by 6 of 1918, s. 2.*)

Right to enter and search pawnshops, etc.

**47.** Any officer of the Constabulary Force not under the rank of sergeant, and also any constable holding a written authority from the Inspector-General specially authorizing 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. (*Added by 6 of 1918, s. 2.*)

48. (1) Any constable having reason to believe that a person in or loitering about a pawnbroker's shop under suspicious circumstances has with him any article dishonestly obtained, may detain such person and require him to produce any articles he may have with him.

Constable may arrest persons loitering about pawnshops under suspicious circumstances.

(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 Constabulary 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. (*Added by 6 of 1918, s. 2.*)

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 against this Ordinance.

Production of books, etc., before Magistrate.

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.

Contracts not void on account of offences.

51. If any person thinks himself aggrieved by any conviction or order of a Court of summary jurisdiction

Appeal.

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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 Conviction Offences (Procedure) Ordinance.

(Section 8.)

## FIRST SCHEDULE. (a)

## 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.

## 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.

(Section 8.)

## 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 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 Twenty Shillings.

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.]

(a) Substituted by 69 of 1921, s. 15.

\*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.

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.

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

III.—SALE BOOK OF PLEDGES FOR LOANS OF ABOVE TWENTY SHILLINGS.

(Section 8.)

[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.	£ s. d.			Amount for which Pledge sold as stated by Auctioneer.
			Amount of Loan.			

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 }.

(Section 8.)

V.—DECLARATION WHERE PAWN-TICKET LOST, ETC.

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 \_\_\_\_\_ of \_\_\_\_\_ pledged at the shop \_\_\_\_\_, 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 \_\_\_\_\_ day }  
this \_\_\_\_\_ }  
of \_\_\_\_\_ }  
19 . \_\_\_\_\_ }

(Section 8.)

VI.—RECEIPT.

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

(Section 11.)

SECOND SCHEDULE (a).

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.

(a) Substituted by 69 of 1921, s. 16.

## 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.

## THIRD SCHEDULE. (a)

*Regulations as to Auctions of Pledges above Twenty Shillings.*

(Section 15.)

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.

## FOURTH SCHEDULE (b)

*Form of Certificate.*

(Section 36.)

I hereby certify that I authorize 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.

(a) Substituted by 69 of 1921, s. 17.

(b) Substituted by 69 of 1921, s. 18.