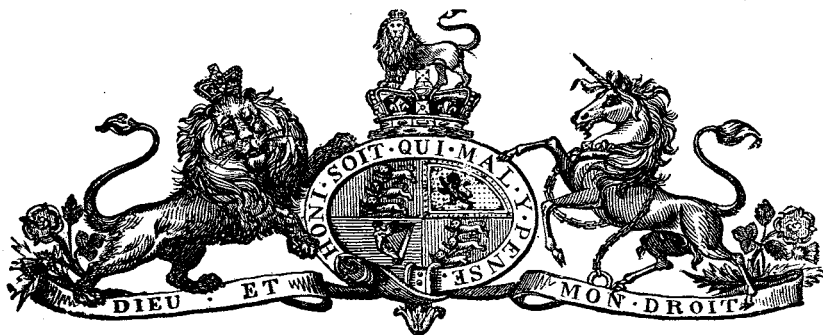


T A S M A N I A.



*See English Act 857.*  
*on this subject*  
*2 Stephen's Comm. 13.*  
ANNO VICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 23.

*Act No. 23 of 1857*

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AN ACT to regulate the Business of Pawnbrokers.  
[22 December, 1857.]

WHEREAS it is desirable to amend the Law relating to Pawnbrokers : Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

PREAMBLE.

*Construction.*

1 In the construction and for the purposes of this Act, and of all proceedings under this Act, the following words shall have the meanings hereunder assigned to them, unless there is something in the context of the Act repugnant to such construction :—

Interpretation.

“Shop” shall mean the premises in which the business of a Pawnbroker is carried on, or in which it is proposed to carry on, the business of a Pawnbroker : “Shop.”

“Article” shall mean any goods or chattels whatsoever : “Article.”

“Pawn” used as a verb shall mean the delivering or depositing any article by way of pawn, pledge, or exchange for the repayment of money lent thereon : “Pawn.”

“Take in pawn” shall mean the receiving or taking any article by way of pawn, pledge, or exchange for the repayment of money lent thereon : “Take in pawn.”

“Pawnbroker.”

Sec 23 Vic 23

“Pawnbroker” shall mean any person who takes articles in pawn, and on any pretence whatever takes any further or greater profit for the loan or forbearance of the money lent than at the rate of Five Pounds per centum per annum interest; And also any person who keeps a shop, house, or other place for the purchase or sale of articles, or for taking in articles by way of security for money advanced thereon, and purchases or receives or takes in articles, and pays or advances or lends thereon any sum of money not exceeding *Ten* Pounds, with or under any agreement or understanding, express or implied, or which from the nature or character of the dealing may reasonably be inferred, that such articles may be afterwards redeemed or repurchased on any terms whatever.

*General Penalty for Offences.*

Penalty for offending against Act where no specific penalty is provided.

**2** If any person refuses or neglects to do anything enjoined by this Act, or wilfully does anything prohibited by this Act, or in any other respect offends against this Act or any of the provisions thereof, every such person in any such case offending shall, where no other penalty is in that behalf specifically provided, forfeit a penalty not exceeding Twenty Pounds.

*Pawnbrokers to be licensed.*

Pawnbrokers to be licensed.

**3** Every person using or exercising the business of a Pawnbroker, shall annually take out a Licence for that purpose, in manner hereinafter directed.

Penalty on Pawnbrokers not taking out a proper Licence.

**4** If any person, using or exercising the business of a Pawnbroker, neglects or omits to take out the proper Licence in that behalf, he shall forfeit a penalty not exceeding Fifty Pounds.

Penalty on unlicensed persons taking articles in pawn.

**5** Any person, not being licensed as a Pawnbroker, who takes any article in pawn, and on any pretence whatever takes any further or greater profit for the loan or forbearance of the money lent than at the rate of Five Pounds per centum per annum interest, or who keeps a shop, house, or other place for the purchase or sale of articles, or for taking in articles by way of security for money advanced thereon, and purchases or receives or takes in any article, and pays or advances or lends thereon any sum of money not exceeding Ten Pounds, with or under any agreement or understanding, express or implied, or which from the nature or character of the dealing may reasonably be inferred, that such article may be afterwards redeemed or re-purchased on any terms whatsoever, shall for every such offence forfeit a penalty not exceeding Fifty Pounds.

*Mode of obtaining Licences.*

Justices in Sessions to certify in favour of issue of Licences.

**6** Every person desirous of using and exercising the business of a Pawnbroker shall notify such desire to the Clerk or Deputy Clerk of the Peace of the Police District in which the shop is situate Ten clear days prior to the holding, by adjournment or otherwise, of a Court of General Sessions of the Peace for such District; and if, on the hearing of the application, which such Court is required to entertain, the Court is of opinion that the applicant is deserving of such Licence, and the shop suitable for the business, such Court shall deliver to the applicant a Certificate under the hands of any Two Justices present at such Court, approving of his receiving such Licence, and specifying the shop in which the business is to be carried on.

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**7** Upon receipt of any such Certificate the Colonial Treasurer shall forthwith grant to the person named in such Certificate a Licence to use and exercise the business of a Pawnbroker in the shop named for that purpose in such Certificate.

Colonial Treasurer to issue such Licences.

*Duration of Licences.*

**8** Every Licence granted under this Act on or after the First day of *January* and before the First day of *February* in the year 1858, and any subsequent year, shall bear date on, and have effect and be in force from, the First day of *January* in such year respectively; and every Licence granted under this Act at any time in the year 1857, or at any other than the time aforesaid in the year 1858, or any subsequent year, shall bear date on, and have effect and be in force from, the day it is actually granted; and every such Licence shall, if granted in the year 1857, have effect and be in force until and upon the Thirty-first day of *December* 1858, and if granted in the year 1858, or any subsequent year, until and upon the Thirty-first day of *December* then next following, and shall then cease and determine.

Duration of Licences.

**9** Every Licence which, at the time of the commencement of this Act, has been granted to any person to use and exercise the business of a Pawnbroker, and which is then in force, shall be deemed to be a Licence under this Act, and shall continue in full force and effect until the expiration thereof by effluxion of time: Provided, that no such Licence shall continue in force beyond the Thirty-first day of *December* 1857, but shall cease and determine from that day.

Existing Licences to continue until 31 *December*, 1857, if they have so long to run, and then determine.

*Fees for Licences.*

**10** Every such Licence shall be granted by the Colonial Treasurer, upon payment of the sum specified in the Schedule as the fee for such Licence, and not otherwise.

Fees for Licences.

**11** If a Licence is granted under this Act before the First day of *February* 1858, to any person who obtained a Licence which, under the provisions of this Act, ceased and determined on the Thirty-first day of *December* 1857, before the expiration of the full term for which the same was originally granted, the Colonial Treasurer shall make to such person an allowance of a proportionate part of the fee payable for the Licence granted under this Act, according to the period of such former Licence to come or unexpired on the Thirty-first day of *December* 1857; and if a Licence is granted to any person under this Act at any time in the year 1857, such person shall pay an increased amount of fee in proportion to the period for which such Licence has effect and is in force during the year 1857.

Proportionate deduction and increase of fee in certain cases.

*General Provisions as to Licences.*

**12** Every Pawnbroker using or exercising his business in any other shop than that specified in his Licence shall be deemed to be unlicensed.

Pawnbroker only to carry on business in shop named in Licence Licences to be advertised in *Gazette*.

**13** The Colonial Treasurer shall within Ten Days after the granting of any such Licence, cause a notice of the same, specifying the name and shop of the person to whom such Licence was granted, to be published in the *Gazette*.

*Profit.*

**14** It shall be lawful for every Pawnbroker to demand, receive, and take of and from any person applying or offering to redeem any article

Pawnbrokers allowed to take

*Handwritten notes:* 1857, 1858, 1859

*Handwritten notes:* 1857, 1858, 1859

*Handwritten notes:* 1857, 1858, 1859

*Handwritten notes:* 1857, 1858, 1859

profit specified  
and no more.

pawned with such Pawnbroker a profit after the rate of One Penny per Shilling per Month, and no more, over and above the principal sum of money which has been advanced or lent by such Pawnbroker upon such article before such Pawnbroker is obliged to re-deliver the same; and the amount so allowed as profit shall be taken in lieu of and as a full satisfaction for all interest due and other charges whatsoever; and if any Pawnbroker in any case demands, receives, or takes over and above the principal sum advanced or lent any greater profit than that allowed by this Act, or on any pretence whatsoever makes any charge other than such allowed profit, he shall for every such offence forfeit a penalty not exceeding Fifty Pounds.

Special rate of  
profit may be  
agreed upon, not  
exceeding allowed  
rate.

**15** If in any case any Pawnbroker agrees to take any less profit than the profit allowed by this Act, the rate of profit so specially agreed upon to be taken shall be specified in the entry to be made as hereinafter provided at the time of taking the article in pawn; and if, in any such case, any Pawnbroker demands, receives, or takes over and above the principal sum advanced or lent any greater profit than that so specially agreed upon, or on any pretence whatsoever makes any charge other than such agreed profit, he shall for every such offence forfeit a penalty not exceeding Fifty Pounds.

Pawnbrokers to  
place allowed rate  
of profit in  
view in the shop.

**16** Every Pawnbroker shall cause the rate of profit allowed by this Act to be taken to be painted or printed in large legible characters, and shall keep the same in a conspicuous part of his shop, so as to be visible to and legible by persons standing in each box or place provided at such shop for persons coming to pawn or redeem articles.

#### *Entry of Pledges.*

Pawnbroker to  
enter articles  
pawned.

**17** Every Pawnbroker taking any article in pawn shall forthwith, before advancing or lending any money thereon, enter or cause to be entered in a fair and legible manner, in a book kept for that purpose, a description of such article, and the sum of money to be advanced or lent thereon, and the date at which and the name and place of abode of the person by whom such article is pawned, and also the name and place of abode of the owner of such article, according to the information of the person pawning the same, into all which circumstances the Pawnbroker is hereby enjoined to enquire of the person pawning such article before any money is advanced or lent thereon; and any Pawnbroker in any manner offending against the provisions of this Section shall for every such offence forfeit a penalty not exceeding Ten Pounds.

Entries to be  
numbered.

**18** Every such entry as aforesaid shall be numbered in such book progressively, the first entry made after the commencement of this Act being numbered One, the second Two, and so on progressively until the end of the present year; and the first entry made on or after the First day of *January* in the year 1858, and on or after the like day in every succeeding year, being numbered One, and so on progressively throughout each year: Provided that, in the case of present holders of Licences, the number of entries which has been made in any such book by virtue of any former Law shall be continued until the end of the present year.

#### *Duplicates.*

Pawnbrokers to  
give Duplicates.

**19** Every Pawnbroker, at the time of taking any article in pawn, shall give to the person pawning the same a Duplicate of such entry, fairly and legibly written or printed, or partly written and partly printed,

signed by such Pawnbroker, containing every particular inserted in the original entry, and corresponding therewith in number; and the name and place of abode of the Pawnbroker giving such Duplicate shall be fairly and legibly written or printed on the back thereof; and no Pawnbroker shall take any article in pawn, or retain the same, unless the person pawning or offering to pawn such article accepts or takes such Duplicate; and every such Duplicate shall be delivered *gratis*, and shall be produced to the Pawnbroker before he shall be obliged to re-deliver the article mentioned therein.

*By 23. 1796. the name & address  
to be written or printed  
on the back of the Duplicate.*

**20** Any person who produces any such Duplicate to the Pawnbroker who gave the same, and as the owner of the article therein specified, or as authorised by the owner thereof to redeem the same, requires delivery of such article, shall be deemed and taken to be, so far as respects such Pawnbroker, the real owner of such article, or to be so authorised as aforesaid, and shall be entitled to redeem such article accordingly, unless such Pawnbroker knows to the contrary thereof, or has previously had notice from the real owner that such Duplicate has been lost or stolen, or unlawfully taken or obtained from him, or such Pawnbroker has been informed by some credible person that the article pawned is suspected to have been stolen; and in every case where the Pawnbroker refuses to deliver the article to the person producing such Duplicate, he shall give immediate information of such refusal, and of the particular grounds thereof, to the principal Constable of the District in which the shop is situate, together with a description of such person, and if known to the Pawnbroker such person's name and place of residence.

Holder of Duplicate to be deemed owner.

**21** In case any such Duplicate is lost or mislaid by, or stolen or unlawfully taken or obtained from, the owner thereof, and the article mentioned therein remains unredeemed, the Pawnbroker who gave such Duplicate shall, at the request of any person representing himself to be the owner of the article mentioned therein, deliver to such person a copy of such Duplicate, with the form of a Declaration of the particular circumstances attending the case, printed or written, or in part printed and in part written, on the said copy Duplicate, as the same are stated to such Pawnbroker by the person making such request as aforesaid, for which copy Duplicate and form of Declaration the Pawnbroker shall receive the sum of Three-pence, and no more, to be paid by the person making such request as aforesaid at the time of making such request; and the person having so obtained such copy Duplicate and form of Declaration as aforesaid shall thereupon prove his property in or right to the article in question to the satisfaction of some Justice of the Peace, and shall also make and subscribe the said Declaration before the said Justice, who is hereby required to authenticate the same by his signature thereto; and every person wilfully making any such Declaration falsely shall be and be deemed guilty of perjury, and be liable to be dealt with accordingly; and the holder of any such copy Duplicate shall be entitled to redeem the article mentioned therein as in the case of an original Duplicate.

Where Duplicate is lost a copy may be obtained.

*Rep by 37 C. No 6*  
**22** If any person forges or alters, or causes or procures to be forged or altered, any Pawnbroker's Duplicate, or offers, utters, disposes of, or puts off any such forged or altered Duplicate knowing the same to be forged or altered, with intent to defraud, or if any person steals or unlawfully takes or obtains any Pawnbroker's Duplicate with intent to defraud, or if any person not entitled nor having any colour of title by law to redeem any article in pawn, unlawfully attempts to redeem the same,

Form of forged  
Forging or stealing  
Duplications, or  
unlawfully  
attempting to  
redeem, a mis-  
demeanor.

*762.6 p. 5  
p 257*

every person in any such case offending shall be deemed guilty of a misdemeanor, and shall suffer such punishment by fine or imprisonment, with or without hard labour, or both, not exceeding in any case Two years' imprisonment, as the Court thinks fit.

*Sale of Pledges.*

Period for redemption of articles taken in pawn.

**23** Unless a longer time is specially agreed upon, the period for redemption of any article taken in pawn shall be Six Months, at the expiration of which period, or of any such longer period as may in any case be so specially agreed upon, such article shall be deemed forfeited, and may be sold; and if any Pawnbroker, under any circumstances or upon any pretence, sells or otherwise disposes of, or causes or knowingly suffers to be sold or disposed of, any article taken in pawn before the expiration of the said term of Six Months, or of such longer period, if any, as is so specially agreed upon, he shall, over and above any damages thereby sustained by the owner of such article, to be ascertained by the convicting Justices, forfeit a penalty not exceeding Twenty Pounds: Provided, that in every case where a longer time for redemption than the said period of Six Months is specially agreed upon as aforesaid, such time shall be specified in the entry so to be made as aforesaid upon taking the article in pawn, or at the foot thereof, and shall be mentioned in like manner in the Duplicate of such entry by this Act required to be given to the person pawning such article.

Mode of sale of forfeited articles.

**24** All articles so forfeited on which any sum above Ten Shillings has been lent shall be sold by public Auction and not otherwise; and a notice of every such sale, stating the name and place of abode of the Pawnbroker with whom the articles were pawned, and containing a catalogue of all the articles to be sold at such sale, in which catalogue such articles shall be inserted separately and apart from each other, and the date when such articles were respectively taken in pawn, and the number of the entry then made as by this Act provided shall be shown, shall be inserted in a newspaper published in the City or Town in or nearest to which such sale is to take place, Ten days at least before the First day of sale; and any Pawnbroker in any manner offending against the provisions of this Section shall for every such offence forfeit a penalty not exceeding Twenty Pounds.

Entry to be made of articles sold.

**25** Every Pawnbroker shall from time to time enter in a book to be kept for that purpose a true and just account of the sale of every article which is sold as aforesaid, specifying the date when such article was pawned, the number of the entry then made thereof, and the name of the person by and for whom such article was pawned, according to the entry made at the time of taking such article in pawn, and the day when, and the amount for which, and the name and place of abode of the Auctioneer by whom, such article was sold; and any Pawnbroker in any such case offending shall forfeit a penalty not exceeding Twenty Pounds.

Overplus from sale of articles to be paid to owner, if demanded, within One Year.

**26** If any article is sold for more than the principal money and profit aforesaid due thereon at the time of sale, the overplus shall, on demand, be paid by the Pawnbroker to the person who would have been entitled to redeem such article if it had not been forfeited as aforesaid, in case such demand is made within One Year after the sale; and the person by or for whom any article was pawned, or who is entitled to such overplus money, shall be permitted to inspect the

Entries of sale may be inspected.

entry made as aforesaid of the sale of such article; and in case any Pawnbroker or person employed by a Pawnbroker, refuses to permit any such person to inspect such entry of the sale of any article, or if any Pawnbroker refuses to pay any such overplus to the person who would have been entitled to redeem the article if it had not been forfeited as aforesaid, such Pawnbroker or person offending shall for every such offence forfeit a penalty not exceeding Twenty Pounds, and also treble the amount for which the article in question was pawned.

**27** Every contract or agreement made by any Pawnbroker with any person pawning or offering to pawn any article, or with the owner of any article pawned, for the forfeiture, purchase, sale, or disposition of such article before the expiration of Six Months from the time of pawning the same, shall be void.

Agreements to forfeit articles before expiration of Six Months to be void.

**28** No Pawnbroker having articles in pawn shall, under any pretence whatsoever, either by himself or by any person on his behalf, purchase any such article during the time the same remains in his custody, save and except at such public Auction as aforesaid; nor shall any Pawnbroker suffer any article to be redeemed with the view or intention of purchasing the same.

Pawnbrokers not to purchase articles whilst in pawn.

#### *Unlawfully pawning.*

**29** If any person wilfully and knowingly pawns with any Pawnbroker any article belonging to any other person without the consent or authority of the owner, the person so offending shall be deemed guilty of a misdemeanor, and shall suffer such punishment by fine or imprisonment, with or without hard labour, or both, not exceeding in any case One year's imprisonment, as the Court thinks fit.

Unlawfully pawning articles a misdemeanor.

**30** If the owner of any article makes it appear on oath to the satisfaction of any Justice of the Peace that there is probable ground to suspect and believe that any article of the owner has been taken in pawn by any person without the privity or authority of such owner, then and in any such case it shall be lawful for such Justice, in his discretion, to grant his Warrant to a Constable to enter and search the house and premises of the person who is suspected to have taken such article in pawn, in the day time; and such Constable may break open any door of such house or premises if not opened within a reasonable time after demand, and search as he thinks fit in such house or premises for the article suspected to be there, doing no wilful damage; and no Pawnbroker or other person shall oppose or hinder any such search; and if upon any such search any such article is found, and the property of the owner in the same, and that the same was pawned without the privity or authority of the owner is made out to the satisfaction of any Justice, on oath, or by the confession of the person in whose house or premises such article is found, such Justice shall thereupon cause such article to be forthwith restored to the owner thereof.

Articles unlawfully pawned to be restored to owners.

#### *General Provisions.*

**31** For the better manifesting by whom the business of a Pawnbroker is carried on, every Pawnbroker shall cause to be painted in large legible characters over the door of his shop the initial letter at least of his Christian name and his surname at full length, and the word "Pawnbroker" following the same, or shall forfeit a penalty not

Name to be painted over shop.

exceeding Ten Pounds for any shop which is made use of for the space of One Week without having such names and word so painted as aforesaid.

Hours at which articles are to be taken in pawn.

**32** Every Pawnbroker who takes any article in pawn, or permits or suffers any article to be taken in pawn, before Eight of the clock in the forenoon or after Seven of the clock in the evening during the months of *April, May, June, July, August, and September*, or before Seven of the clock in the forenoon or after Eight of the clock in the evening during the remainder of the year, excepting only until Eleven of the clock on the evenings of *Saturday* throughout the year, and the evenings next preceding *Good Friday* and *Christmas-day*, shall forfeit a penalty not exceeding Ten Pounds.

Articles not to be taken in pawn from children, &c.

**33** If any Pawnbroker at any time takes any article in pawn from any person appearing to be under the age of Sixteen Years, or to be in a state of intoxication, or employs any servant or apprentice or other person under the age of Sixteen Years to take articles in pawn, or purchases or takes in pawn the Duplicate of any other Pawnbroker, or advances or lends upon any article pawned or offered in pawn anything but money, or in respect of any such article gives, sells, or exchanges any other article in lieu of or in return for money, such Pawnbroker in any such case offending shall forfeit a penalty not exceeding Twenty Pounds.

Penalty on Pawnbroker for not re-delivering articles when lawfully required.

**34** If on production of the Duplicate, and tender made of the principal money borrowed on the article mentioned therein and the amount of profit allowed by this Act, by the person entitled to redeem such article, at any time before the expiration of the period of Six Months from the date of taking such article in pawn, or of such longer period, if any, as was in that behalf specially agreed upon as aforesaid, any Pawnbroker neglects or refuses to deliver back such article, it shall be lawful for any Justice upon complaint in that behalf made to inquire into the matter in a summary way; and if it appears to such Justice that such Duplicate was produced and tender made of such principal money and profit as aforesaid by such person and within such period as aforesaid, such Justice shall thereupon order that upon payment of such principal money and profit such article shall be delivered up to such person, or such satisfaction made to such person for the same as such Justice in that behalf directs; and if such Pawnbroker neglects or refuses to deliver up such article, or to make such satisfaction as aforesaid, in pursuance of such order, upon payment or tender of such principal money and profit, such Justice shall, and he is hereby authorised and required to commit such Pawnbroker to some Gaol or House of Correction, there to remain without bail until he delivers up such article or makes such satisfaction as aforesaid.

Pawnbrokers to make satisfaction if articles pawned are lost or injured.

**35** If, on complaint made in a summary way, it is proved to the satisfaction of any Justice of the Peace that any article taken in pawn by any Pawnbroker has been embezzled or lost, or is become or has been rendered of less value than the same was at the time the same was pawned by or through the default, neglect, or wilful misbehaviour of such Pawnbroker, his agents or servants, then and in any such case it shall be lawful for such Justice, and he is hereby required, to allow and award a reasonable satisfaction to the owner of such article in respect thereof or of such damage; and if the sum of money so allowed or awarded as satisfaction does not amount to the principal and profit due to the Pawnbroker in respect of such article, the same shall



be deducted out of such principal and profit ; and it shall be sufficient to pay or tender to such Pawnbroker the money due upon the balance after deducting out of the principal and profit as aforesaid such sum of money allowed or awarded as satisfaction as aforesaid, and upon so doing the like proceeding may be had as if the whole money due for principal and profit as aforesaid had been paid or tendered ; and if the sum of money allowed or awarded as satisfaction as aforesaid is equal to or exceeds such principal and profit as aforesaid, the Pawnbroker shall deliver the article to the owner thereof without being paid anything for principal or profit in respect thereof, and shall also pay such excess, if any, to the owner of such article, or forfeit a penalty not exceeding Ten Pounds.

**36** If, in the course of any proceeding whatsoever before any Justice of the Peace, whether under this Act or otherwise, it appears to such Justice to be material or proper that any book, Duplicate, or entry, or other paper or writing required by this Act to be kept or made by, and which ought to be in the custody or power of, any Pawnbroker, or any article pawned with any Pawnbroker, should be produced before such Justice, it shall be lawful for such Justice to summon such Pawnbroker to attend before him, and produce the same ; and such Pawnbroker is hereby required to produce such book, Duplicate, or entry, or other paper or writing, or the article pawned, as the case may be, before such Justice accordingly ; and in case any such Pawnbroker does not attend upon such summons, or does not produce to such Justice, any such book, Duplicate, or entry, or other paper or writing, or the article pawned, as the case may be, or does not produce the same in its true and perfect state, and does not in any such case show to such Justice a reasonable excuse in that behalf, he shall forfeit a penalty not exceeding Twenty Pounds.

Pawnbrokers to produce books, &c. and articles pawned.

*Apprehension of Offenders.*

**37** If, in any case, any Pawnbroker, or the servant or agent of any Pawnbroker, to whom a Duplicate is offered, uttered, produced, or shown, has reason to suspect the same to be forged or altered, or if, in any case, any person who offers to pawn any article is not able or refuses to give a satisfactory account of himself, or of the means by which he became possessed of such article, or gives any false information to the Pawnbroker, or his servant or agent, as to whether such article is his own property or not, or as to his name and place of abode, or the name and place of abode of the owner of such article, or there is any other reason to suspect that such article is stolen or otherwise unlawfully or fraudulently taken or obtained, or if any person not entitled nor having any colour of title by law to redeem any article in pawn unlawfully attempts or endeavours to redeem the same, it shall be lawful for the Pawnbroker to whom such Duplicate is offered, uttered, produced, or shown, or such article is so offered, or with whom such article is in pawn, as the case may be, or his servant or agent, as the case may be, to seize and detain such person and the said Duplicate, or article, as the case may be, and to deliver such person and Duplicate, or article, as soon as conveniently may be, into the custody of a Constable, who is hereby required to convey such person, as soon as may be, before a Justice of the Peace for examination, and in the mean time to confine such person in a watch-house ; and if upon such examination it appears to the Justice taking the same that such Duplicate is forged or altered, or that the said article was stolen or unlawfully or fraudulently taken or obtained, or that the person attempting or endeavouring to redeem the said article knew that he had not any

Persons offering forged Duplicates, or stolen articles, or unlawfully attempting to redeem, may be apprehended.

pretence or colour of right so to do, as the case may be, such Justice shall commit the person offending to some Gaol or House of Correction, there to remain until discharged out of custody by due course of law.

*Executors, &c. of Pawnbrokers.*

Act to extend to executors, &c. of Pawnbrokers.

**38** The provisions of this Act shall extend to and include the Executors and Administrators of every deceased Pawnbroker in the same manner as such provisions extend to the Pawnbroker when living, save and except that no such Executor or Administrator shall be answerable for any penalty personally, or to be paid out of his own money or estate, unless such penalty is incurred by his own act or neglect.

*Recovery of Penalties.*

Recovery of penalties.

19 Vict. No. 8.

Appeal.

19 Vict. No. 10.

**39** All offences against this Act, other than offences which are hereinbefore declared to be misdemeanors, shall be heard and determined, and all penalties be recovered, in a summary way by and before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any summary conviction under this Act may appeal therefrom in the manner directed by *The Appeals Regulation Act*.

*Onus probandi* of Licence on Pawnbrokers.

**40** In all proceedings under this Act the defendant shall, unless he produces his Licence, or other satisfactory proof of his having been licensed at any particular time, be deemed to have been unlicensed under this Act at such time.

Mode of describing offence of acting as a Pawnbroker without a Licence.

**41** In any information or other proceeding for using or exercising the business of a Pawnbroker without a Licence, it shall be a sufficient description of the offence to charge that the defendant did use and exercise the business of a Pawnbroker without taking out a proper Licence in that behalf.

*Limitation of Proceedings.*

Offences by Pawnbrokers to be prosecuted within Twelve Months.

**42** No Pawnbroker shall be liable to be proceeded against for any offence against this Act unless information is given of such offence within Twelve Months after the offence committed.

*Protection.*

General issue.

**43** If any action is brought against any person for anything done in pursuance of this Act, the defendant may plead the general issue, and give this Act and the special matter in evidence; and if a verdict passes for the defendant, or the plaintiff becomes nonsuit or discontinues the action, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall have double costs awarded to him, and have the like remedy for recovering the same as any defendant has by law in other cases.

Double costs.

*Repeal of existing Laws.*

Repeal of 4 Vict. No. 3, and 5 Vict. No. 5.

**44** Upon the commencement of this Act the Act of Council of the 4th *Victoria*, No. 3, and also the Act of Council of the 5th *Victoria*, No. 5, shall be repealed, excepting always as to all offences committed and matters and things done before that time.

*Title of Act.*

**45** In referring to this Act it shall be sufficient to use the expression *The Pawnbrokers Act.* Short title.

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**SCHEDULE.**

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**FEEs FOR LICENCES.**

For every Licence to use and exercise the business of a Pawnbroker in a shop situate in the Police District of *Hobart* or *Launceston* the sum of Twenty Pounds:  
For every Licence to use and exercise the trade of a Pawnbroker in a shop situate elsewhere than in the Police District of *Hobart* or *Launceston* the sum of Five Pounds.

