



ANNO QUINTO

VICTORIÆ REGINÆ,

No. 5.

By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to amend an Act passed in the Fourth Year of Her present Majesty intituled An Act to repeal an Act passed in the Eighth Year of His late Majesty King William the Fourth intituled An Act for the preventing of Fraud in taking Goods in Pawn and to make regulation for the preventing Fraud in the taking of Goods in Pawn and for affording an efficacious Mode of Redress to those Persons who may be aggrieved by the Misconduct of Pawnbrokers.

WHEREAS an Act was passed in the fourth year of the reign of Her present Majesty intituled *An Act to repeal an Act passed in the Eighth Year of His late Majesty King William the Fourth intituled An Act for the preventing of Fraud in taking Goods in Pawn and to make regulation for the preventing Fraud in the taking of Goods in Pawn and for affording an efficacious Mode of Redress to those Persons who may be aggrieved by the Misconduct of Pawnbrokers* by which it is amongst other things enacted that every Pawnbroker taking any article or articles in pawn whereon should be lent any sum exceeding two shillings should cause a description of such article or articles to be entered in a book to be kept for that purpose in the manner therein mentioned and should deliver a duplicate of such entry to the person pawning—AND WHEREAS it hath been found that the non-delivery of a duplicate in cases only where two shillings or a smaller amount hath been lent on articles pawned leads to frequent pledging of the property of masters by servants and increases the difficulty of detecting

PREAMBLE.

Recites 4 Vict. No. 3.

Directing Pawnbroker to enter articles pawned and to give duplicates where more than two shillings lent.

And that it is expedient that such entry should be made and duplicate given in all cases.

And that certain penalties are recoverable in the Supreme Court which it is desirable should be more summarily recoverable.

Repeals certain portions of that Act.

Pawnbroker to enter articles and deliver a duplicate in all cases.

Recites 12th section of 4 Vict. No. 3.

offenders and it is expedient therefore in all cases wherein any sum of money is lent to cause a description of the article pawned to be entered in a book and a duplicate of such entry to be delivered to the party pawning—AND WHEREAS certain pecuniary penalties for offences committed under the said recited Act are thereby declared to be recoverable by action of debt or information in the name of Her Majesty's Attorney-General in the Supreme Court of Van Diemen's Land—AND WHEREAS it is desirable that all pecuniary penalties under the said Act should be recovered in a summary way before any two Justices of the Peace in the manner provided by the last section of the said recited Act and for the purposes aforesaid it is expedient to repeal so much of the said Act as relates to the non-delivery of such duplicates as aforesaid and as directs certain penalties to be recovered in the Supreme Court in the manner before mentioned—BE IT THEREFORE ENACTED by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer and a Captain in Her Majesty's Royal Navy Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that from and after the First day of August next from and after which day this Act shall take effect so much of the second section of the said recited Act as relates to the recovery of the penalties by that section imposed by action of debt or information in the name of Her Majesty's Attorney-General in the Supreme Court of Van Diemen's Land and also so much of the tenth section of the said Act as relates to the entering of any article or articles pledged not exceeding in value two shillings shall be and the same are hereby repealed.

II. AND BE IT ENACTED that from and after the First day of August next every Pawnbroker taking in pawn any article or articles whatsoever whereon shall be lent any sum of money whatsoever shall forthwith (before advancing any money thereon) cause to be entered in a fair and legible manner in some book kept for that purpose a description of every such article and the sum of money in the whole advanced thereon with the rate of interest to be charged on the same by the week or month (as the case may be) and the true date at which and the name of the party by or for whom all such articles are pawned and his or her place of residence according to the statement of the person so pawning into which last-mentioned circumstances the Pawnbroker is hereby enjoined to enquire of the party so pawning before any money shall be lent or advanced to him or her and any such Pawnbroker in any manner offending against the provisions of this section shall forfeit and pay a penalty not exceeding Ten Pounds.

III. AND WHEREAS it was also by the twelfth section of the said recited Act enacted that all articles forfeited on which in the whole any sum above five shillings should be lent should be sold by Public Auction and that the same should be previously advertised in the manner therein mentioned under a certain penalty therein mentioned—AND WHEREAS it is expedient to repeal the said sections and to extend the pro-

visions thereof in the manner hereinafter set forth—BE IT THEREFORE ENACTED that from and after the First day of August next (from and after which day the said twelfth section of the said recited Act shall cease and be of no effect) all articles forfeited on which any sum of money whatsoever shall be lent shall be sold by Public Auction and not otherwise and a Notice of every such Sale containing a catalogue of all such articles together with the name of the party by or for whom and the time when the same were respectively taken in pawn shall be inserted in some public newspaper ten days at least before the first day of sale upon pain of forfeiting a penalty not exceeding Twenty Pounds and no purchase or pretended purchase by any Pawnbroker or person on his behalf of any article or articles pawned with him shall be lawful or (if made) shall be valid against the owner in any case.

Repeals it and enacts that in every case articles shall be sold by Auction and advertised previously in the manner therein mentioned.

Purchase by Pawnbroker void.

IV. AND BE IT ENACTED that all offences for which pecuniary penalties are imposed by the second section of the said recited Act or by this present Act shall be heard and determined and every such penalty be awarded and imposed in a summary way by and before any two Justices of the Peace and all penalties so imposed shall go and be distributed and all persons aggrieved by any summary conviction under that section shall be entitled to appeal therefrom in the manner provided respectively by the Act intituled *An Act to regulate Summary Proceedings before Justices of the Peace.*

Penalties under the 2nd section of 4 Vict. No. 3 to be summarily recoverable before two Justices.

JOHN FRANKLIN.

Passed the Legislative Council this twenty-eighth day of June one thousand eight hundred and forty-one,

W. E. NAIRN, *Clerk of the Council.*