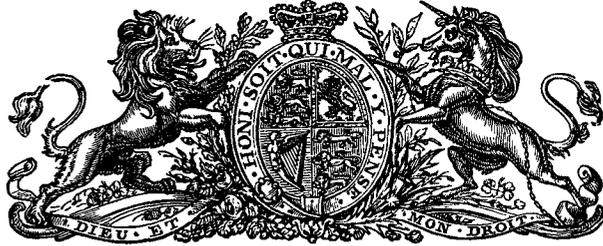


NEW ZEALAND.



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. IV.

AN ACT to Regulate the Trade or Business of Pawn-brokers. [17th August 1868.]

Title.

WHEREAS it is expedient to make provision for the regulation of the business of pawnbrokers within the Colony of New Zealand

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Pawnbrokers Act 1868" and it shall come into operation on the first day of January one thousand eight hundred and sixty-nine.

Short Title.

2. The Ordinances specified in the first Schedule hereto shall be and the same are hereby repealed Where before the coming into operation of this Act any offence has been wholly or partly committed against any or either of the Ordinances so repealed or any forfeiture or penalty thereunder has been incurred or any act has been done or any instrument has been made or license has been granted under the authority of any or either of such Ordinances or where in respect of any matter or thing done before the coming into operation of this Act any right liability privilege or protection accrues or has accrued or any action prosecution or other proceeding has been or is hereafter commenced every such offence shall be dealt with and punished and every such forfeiture and penalty shall be enforced and recovered and every such act or instrument or license and every such right liability privilege or protection shall continue and be in force and every such action prosecution or other proceeding shall be prosecuted continued or defended in the same manner as if such Ordinances were not repealed.

First Schedule.

Repeal of Acts.

3. Every person who shall carry on business or shall seek his livelihood in or by advancing upon interest or for or in expectation of profit gain or reward any sum of money upon security (whether collateral or otherwise) of any article or articles goods or chattels whatsoever taken by such person by way of pawn pledge or security

Interpretation of terms.

Pawnbrokers.

shall be deemed and taken to be a "pawnbroker" and shall be deemed and taken to have carried on the trade or business of a pawnbroker within the intent and meaning of this Act. The term "article" used herein shall be considered to include every species of chattel and goods whatsoever. Nothing herein shall be held or construed to apply to loans or advances made on any goods chattels live stock wool bonds bills or other security by merchants bankers commission agents brokers or auctioneers in the ordinary and *bonâ fide* course of mercantile or banking transactions.

Pawnbrokers to obtain license.

4. From and after the coming into operation of this Act it shall not be lawful for any person not being the holder of a license granted as aforesaid to carry on the trade or business of a pawnbroker in New Zealand without having previously obtained a license to carry on such trade or business in manner and form as is hereinafter directed. And if any person shall without having first obtained such license carry on such trade or business of pawnbroker he shall forfeit and pay on conviction for every such offence any sum not exceeding twenty pounds.

Obtaining of license.

5. Any person wishing to obtain any such license shall deliver to the clerk of the Resident Magistrate's Court or Court of Petty Sessions which shall be nearest to the place in which he intends to carry on such business an application in the form in the second Schedule to this Act and recommended by five householders residing in the district in which such applicant may apply and it shall be lawful for the resident magistrate or justices holding such court at the next sitting of the said court after the lapse of three days from the time when such notice shall have been so delivered if he or they shall be satisfied with the character of the person so applying to grant a license to such person under his or their hands in the form in the third Schedule to this Act which license shall be in force for one year from the date thereof and shall be delivered to the person so applying for it on payment of the sum of ten pounds.

Second Schedule.

Third Schedule.

Judicial inquiry.

6. The matter of all such applications shall be heard and determined in open court and shall be a judicial inquiry.

Record of licenses.

7. The clerk of every court by which such licenses shall be granted shall keep an alphabetical record thereof and every such clerk neglecting so to do shall forfeit and pay on conviction any sum not exceeding five pounds.

Proof of license.

8. In any proceeding before any justice or justices against any person alleged to be a licensed pawnbroker and liable as such to any such proceeding the production of the alphabetical record hereinbefore directed to be kept by the clerk of the Resident Magistrate's Court or Court of Petty Sessions shall be *primâ facie* evidence both of the personal identity of the person therein named and that the said person is a licensed pawnbroker under this Act until the contrary be shown. Provided always that any other proof as to the fact of any person holding any such license may be admitted before any such justice or justices as they in their discretion may see fit.

Burden of proof.

9. In all proceedings under this Act against any person carrying on the trade or business of a pawnbroker without a license such person shall for all purposes connected with such proceedings be deemed and taken to be unlicensed unless such person shall produce the license authorizing him to carry on such trade or business to the justice or justices hearing the case or shall produce other proof which shall be satisfactory to such justice or justices of his being a licensed pawnbroker within the meaning of this Act.

Name on premises.

10. Every person who shall hold a pawnbroker's license shall and he is hereby required to have his name at length painted in legible characters at least two inches long with the words "licensed pawn-

Pawnbrokers.

broker" constantly and permanently remaining and plainly to be seen and read over the door of each shop or other place by him or them respectively kept or made use of for carrying on the trade or business aforesaid and any such licensed person who shall fail or neglect to comply with the regulations hereby imposed or any of them shall for every such offence forfeit and pay on conviction any sum not exceeding fifty pounds.

11. If any person not actually holding a pawnbroker's license shall keep up any sign writing painting or other mark on or near to his shop house or premises which may imply or give reasonable cause to believe that such shop house or premises is or are the house shop or premises of a licensed pawnbroker he shall for every such offence forfeit and pay on conviction any sum not exceeding fifty pounds.

Unlicensed persons
pretending to be
licensed.

12. No pawnbroker licensed by authority of this Act shall by virtue of one license keep more than one house shop or other place for taking in articles to pawn but for each and every house shop or other place which any person shall keep for the purpose aforesaid a separate and distinct license shall be taken out and paid for by such pawnbroker Provided that persons in partnership and carrying on the trade or business of a pawnbroker in one house shop or tenement only shall not be obliged to take out more than one license in any one year for the carrying on such trade or business.

Extent of license.

13. Every person holding a pawnbroker's license shall on demand at his licensed house or place wherein or whereat such license shall be exercised produce his license to any justice of the peace or to any constable authorized by any writing under his hand to demand the production thereof and if any such licensed person shall refuse or neglect to produce his license he shall forfeit and pay on conviction for every such refusal or neglect any sum not exceeding fifty pounds unless some reasonable excuse can be given by such licensed person to the satisfaction of the justice or justices hearing the case for the non-production thereof.

Production of license.

14. If any person having obtained such license as aforesaid shall lend the same to any other person for the purpose of carrying on such business as aforesaid under colour thereof he shall forfeit and pay on conviction for every such offence any sum not exceeding fifty pounds and on conviction it shall be lawful for the justice or justices so convicting to declare the said license void and no such license shall thereafter be granted to such person so convicted for the period of two years from the date of such conviction.

Lending license.

15. If any person shall forge counterfeit or alter or cause to be forged counterfeited or altered any license as aforesaid or shall produce or show any such forged counterfeited or altered license to any person entitled to demand the production of licenses every person in any case so offending shall be deemed guilty of a misdemeanor and being lawfully convicted thereof shall suffer such punishment by fine or imprisonment with or without hard labour or both not in any case exceeding two years' imprisonment as the court shall think fit.

Forged license.

16. If by information on oath it shall be made to appear to any two or more justices of the peace near to the place in which any pawnbroker may be residing or carrying on his business that such pawnbroker has been guilty of any fraud or dishonesty in his business or has been guilty of any offence under this Act relating to the business of pawnbrokers and which fraud dishonesty or offence shall in the opinion of such justices show such pawnbroker to be an unfit person to exercise or carry on the business of a pawnbroker then it shall be lawful for such justices in their discretion (and independent of any other penalty

Justices in certain
cases may deprive
pawnbrokers of
license.

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or penalties such pawnbroker may have incurred or become liable to by reason of such offence) absolutely to deprive such pawnbroker of his license Provided however that in the event of and after such deprivation he shall be allowed to pursue and wind up his business in respect of such pledges as he may have received previously to such deprivation and not otherwise Provided always that it shall be lawful for such pawnbroker to appeal against such deprivation of license to the District Court at the next sitting which shall be holden after the expiration of fifteen days next after the date of such deprivation in and for the district within which the magistrate or justices adjudicating shall at the time of such adjudication have been sitting or if such justice shall not at the time of such adjudication have been sitting within a district in and for which there shall at the time being have been a District Court then such pawnbroker may appeal to the Supreme Court and the practice and procedure in the conduct of such appeals shall be regulated by the provisions of "The Appeals from Justices Act 1867."

17. It shall be lawful for every and any person exercising the business of a pawnbroker to demand and receive of and from any person or persons applying or offering to redeem any goods or chattels pawned or pledged with such pawnbroker after the coming into operation of this Act a profit after and not exceeding the following rates over and above the principal sum and sums which shall have been lent and advanced upon the respective pledge or pledges—

For every pledge upon which shall have been lent any sum not exceeding two shillings and sixpence the sum of twopence for any time during which the said pledge shall remain in pawn not exceeding one month and the same for every subsequent month including the current month in which such pledge shall be redeemed although such month shall not be expired

For every pledge upon which shall have been lent the sum of five shillings—fourpence per month

For every pledge upon which shall have been lent the sum of seven shillings and sixpence—sixpence per month

For every pledge upon which shall have been lent the sum of ten shillings—eightpence per month

For every pledge upon which shall have been lent the sum of twelve shillings and sixpence—tenpence per month

For every pledge upon which shall have been lent the sum of fifteen shillings—twelvepence per month

For every pledge upon which shall have been lent the sum of seventeen shillings and sixpence—one shilling and twopence per month

For every pledge upon which shall have been lent the sum of one pound—one shilling and fourpence per month and so on progressively up to ten pounds and beyond that amount a sum not exceeding the rate of fifty per centum per annum which said several sums shall be taken in lieu of and as a full satisfaction for all interest due and charges for warehouse room or on any other account whatsoever

Provided that in all cases where the party entitled to and applying for the redemption of goods shall within the space of seven days after the expiration of the first month after the said goods shall have been pledged apply to redeem the same he shall and may be at liberty to redeem the same without paying anything by way of profit to the pawnbroker for the said seven days or for such part thereof as shall then have elapsed and that in all cases where the party so entitled

Rates of interest limited to pawnbrokers in New Zealand.

39 and 40 Geo. III. c. 99 s. 2.

Ib. s. 5.

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and applying as aforesaid shall after the expiration of the first seven days and before the expiration of the first fourteen days of the second month so apply he shall and may be at liberty to redeem such goods upon paying the profit payable for one month and the half of another month to the pawnbroker but that in all cases where the party so entitled and applying as aforesaid shall after the expiration of the said first fourteen days and before the expiration of the said second month so apply it shall be lawful for the pawnbroker to demand to take the profit of the whole second month and that the like regulation and restriction shall take place and be in force in every subsequent month wherein application shall be made for redeeming goods pawned.

18. Every pawnbroker or person carrying on such business of a pawnbroker shall cause to be painted or printed in large legible characters the rates of profit allowed by this Act to be taken by him according to the rates aforesaid and place the same in a conspicuous part or parts of the shop or other place wherein he shall carry on such business and so as to be easily visible to and legible by any persons at or resorting to such place of business.

Pawnbrokers to exhibit rates of profit in their places of business.

19. Every pawnbroker shall as hereinafter directed forthwith and before advancing any money on any pledge enter in a book of large folio size to be kept for that purpose all the particulars relating to every pledge received by him viz. the date at which such pledge was received the number of the pledge (corresponding with the number of the pledge ticket issued thereon) the residence and calling of the pledger a description of the article or articles pledged the amount or sum of money advanced thereon the rate of interest charged and shall subsequently enter a statement as to whether the pledge has been redeemed or is unredeemed and if unredeemed then whether sold or unsold and if sold when and through whom and for what amount and if not sold how otherwise disposed of and such particulars shall be kept in such book in separate distinct and immediately successive columns and in the form set forth in the fourth Schedule hereunto annexed. If any licensed pawnbroker shall fail or neglect to keep such book or to enter therein in manner aforesaid the particulars relating to any pledge received by him as hereinbefore mentioned he shall forfeit and pay on conviction for every such offence any sum not exceeding fifty pounds.

Pledges to be entered in books.

Fourth Schedule.

20. Every pledge whatsoever which shall be received by any pawnbroker shall be numbered with a number corresponding with the number of the entry of such pledge in the book or books of the pawnbroker and with the number on the pledge-ticket issued on such pledge to the pawner and every such pledge shall be so placed and arranged in the premises of such pawnbroker as to be immediately accessible to such pawnbroker and to be producible on demand to the pawner or such other persons and within such time and under such circumstances as hereinafter mentioned.

Pledges to be numbered same as in book.

21. Every pawnbroker at the time of taking any article in pawn shall give to the person pawning the same a pledge-ticket which shall be a duplicate of every such entry fairly and legibly written or partly written and partly printed with the signature of such pawnbroker thereto attached and which shall contain every particular inserted in the original entry and shall correspond therewith in number and any licensed pawnbroker who shall fail or neglect so to do shall forfeit and pay on conviction any sum not exceeding fifty pounds and no pawnbroker shall receive or retain any pledge unless such pledge-ticket shall be or shall have been accepted at the time by the party pawning and every such pledge-ticket shall be delivered gratis and shall be produced to the pawnbroker before he shall be obliged to re-deliver the articles mentioned therein or any of them.

Pledge-tickets.

Pawnbrokers.

Forging or stealing
pledge-ticket.

22. If any person shall forge or alter or cause to be forged or altered or shall knowingly assist in forging or altering any such pawnbroker's pledge-ticket as aforesaid or shall utter sell dispose of or put off any such pledge-ticket so forged or altered (knowing the same to be so forged or altered) with intent to defraud any person whatsoever or if any person shall steal or unlawfully take any pawnbroker's pledge-ticket with a fraudulent intent to deprive the owner thereof or of any article specified therein every person in any case 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 two years' imprisonment as the court shall think fit.

Holders of pledge-
tickets to be deemed
owners of goods
pawned.

23. Every person who shall at any time produce any such pledge-ticket as aforesaid to the pawnbroker who gave the same and shall require delivery of the articles therein specified claiming to be the owner or representing himself to be authorized by the owner thereof shall be deemed and taken to be such owner or to be so authorized and shall be entitled to redeem such articles accordingly unless such pawnbroker shall previously have had notice from the real owner that such pledge-ticket hath been lost by him or fraudulently taken or obtained from him or such pawnbroker shall have been informed by some credible person that such articles have been stolen. Provided always that in every case where the pawnbroker shall refuse to deliver the articles to the person producing such pledge-ticket he shall give immediate information of such refusal and of the particular grounds thereof to a justice or to some constable together with a description of such person or (if known to the pawnbroker) such person's name and place of residence.

Copy of lost pledge-
ticket.
39 and 40 Geo. III.
c. 99 s. 16.

24. In case any pawnbroker's pledge-ticket shall be lost or mislaid by or fraudulently taken or obtained from the owner thereof and the articles mentioned therein shall remain unredeemed the pawnbroker who gave such pledge-ticket shall at the request of any person representing himself to be such owner deliver to such person a copy of such pledge-ticket such person previously producing to and leaving with such pawnbroker a written declaration duly made and administered under the authority of any Act now or hereafter to be in force authorizing the making in certain cases of a declaration in lieu of an oath and setting forth the circumstances of such loss or otherwise satisfactorily accounting for the non-production of such pledge-ticket.

Pledges not to be sold
within a certain time
of being pawned.

25. No goods or chattels (except wearing apparel) pawned or pledged shall be deemed to be or shall be treated or sold as forfeited until the expiration of six months from the time of the pawning of the same and exclusive of the day on which the said goods or chattels shall have been pawned or pledged and no wearing apparel pawned or pledged shall be deemed to be or shall be treated or sold as forfeited until the expiration of three months from the time of the pawning such wearing apparel and exclusive of the day on which the said wearing apparel shall have been pawned or pledged.

Sale of pledges.

26. At the expiration of the said period of six months or (in the case of wearing apparel) at the expiration of the said period of three months or at the expiration of such longer period as may have been agreed upon all such goods and chattels and wearing apparel shall be deemed forfeited and may be sold and if any pawnbroker shall under any circumstances or upon any pretence sell or otherwise dispose of or cause or knowingly suffer to be sold or disposed of any such goods or chattels whatever so pawned before the expiration of the said term of six months or any wearing apparel so pawned before the expiration of the said period of three months or any goods chattels or wearing apparel so pawned before the expiration of such longer period (if any)

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as was so agreed upon he shall forfeit and pay for every such offence upon conviction (over and above any damages for which he may be liable to the owner or party injured) any sum not exceeding fifty pounds. Provided always that in every case where a longer time for redemption than the said term of six or three months shall have been agreed upon such time shall be specified in the book so to be kept as aforesaid and shall be mentioned in like manner in the pledge-ticket required to be given to the party pawning. Provided also that any agreement for the forfeiture of any goods or chattels (other than wearing apparel) before the expiration of six months or for the forfeiture of any wearing apparel before the expiration of three months from the time of the pawning of the same shall be wholly void.

27. All articles forfeited on which in the whole any sum above five shillings shall have been lent shall be sold by public auction and not otherwise and a notice of every such sale containing a catalogue of all such articles and the time when the same were respectively taken in pawn shall be twice inserted in some newspaper published in the province county or district within which the same shall have been pledged four days at the least before the proposed day of sale upon pain of forfeiting to the owner of any articles sold contrary to the provisions of this section a sum not exceeding twenty pounds to be paid by the pawnbroker in any such case offending. Mode of sale.

28. In case any such article shall have been sold for more than the full amount of the principal money and interest thereon which was due at the time of sale then the overplus (deducting the necessary charges of such sale) shall if claimed within twelve months next after such sale be paid upon demand to the person by or for whom such article was pawned or his agents or assigns or (in case of death) to his executor or administrator. Surplus after payment.

29. Every person by or for whom any such article as last aforesaid shall have been pawned shall be permitted to inspect the entry of such sale thereof and if any pawnbroker or person employed by a pawnbroker shall refuse to permit any such person as aforesaid to inspect any such entry (such person producing the duplicate relating to the article respecting which such inspection is required) or shall not produce the book containing such entry or shall in any manner offend against the provisions of the preceding section every person so offending shall for every such offence forfeit and pay on conviction any sum not exceeding fifty pounds. Inspection of entry.

30. If in the course of any proceedings whatsoever before any Resident Magistrate or Justices of the Peace (whether under this Act or otherwise) it shall appear to him or them to be material or proper to require the production before him or them of any book note voucher entry memorandum license or other paper required by this Act to be kept by or which ought to be in the custody of any pawnbroker it shall be lawful for such magistrate or justices to summon such pawnbroker to attend before him or them and produce the same and such pawnbroker is hereby required to produce every such book note voucher entry memorandum license or other paper before such Resident Magistrate or Justices accordingly and in case such pawnbroker shall not attend upon such summons or shall not produce to such magistrate or justices any book note voucher entry memorandum license or other paper so required or shall produce the same in an altered state and shall not show a reasonable excuse in that behalf to such magistrate or justices he shall for every such offence forfeit and pay on conviction any sum not exceeding fifty pounds. Production of books before justices.

31. If any justice shall on information on oath received by him from any person think it necessary to the ends of justice to grant to Justices may grant warrants for certain purposes.

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any constable a warrant authorizing him or them to demand a search and inspection of the business books or book of any pawnbroker or to obtain a copy of any entry or entries contained therein or to obtain the inspection or possession (for the purpose of being produced in evidence or identified by the owner or by any one in his behalf) of any pledge then on the premises of such pawnbroker such warrant for the purposes aforesaid shall and may be issued by such justice to any constable as aforesaid and shall in every case be in the form set forth in the fifth Schedule to this Act annexed.

Fifth Schedule.

Hours of business.

32. No licensed pawnbroker shall receive or take in or permit or suffer to be received or taken in any goods or chattels by way of pawn pledge or in exchange before eight of the clock in the forenoon or after nine of the clock in the evening 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 and in case any licensed pawnbroker shall offend against the provisions hereof every such pawnbroker shall for every such offence on conviction forfeit and pay any sum not exceeding fifty pounds.

Days prohibited.

33. No pawnbroker shall in any way exercise or carry on his trade or business as such pawnbroker on any Sunday Christmas Day or Good Friday and in case any such pawnbroker shall offend against this provision every such pawnbroker shall for every such offence on conviction forfeit and pay any sum not exceeding fifty pounds.

Pawning the property of others.

39 and 40 Geo. III.
c. 99 s. 8.

34. If any person shall knowingly pawn pledge exchange or otherwise unlawfully dispose of any article whatsoever belonging to any other person without the consent or authority of such owner and with a fraudulent intent in any such case to deprive the owner (whether wholly or temporarily) of the use thereof 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 two years' imprisonment as the court shall think fit.

Infants' or drunkards' or exchanged pledges.

Ib. s. 21.

35. If any licensed pawnbroker or any agent or servant employed by any such pawnbroker shall at any time purchase receive or take in pawn any article whatever from any person apparently under the age of fourteen years or who shall be apparently intoxicated with liquor or shall (in any case where the value of the pledge or the amount agreed to be lent thereon does not exceed ten pounds) advance upon any article or articles pawned or offered in pawn anything but money or shall in respect of any such article or articles give sell or exchange any goods or property in lieu of or in return for money such pawnbroker shall for every such offence upon conviction forfeit and pay any sum not exceeding fifty pounds.

Restoration of unlawful pledges.

36. If any articles goods or chattels shall be stolen or unlawfully obtained from any person or being lawfully obtained shall be unlawfully deposited pawned pledged sold or exchanged and complaint shall be made thereof to any justice of the peace and that such goods are in possession of any licensed pawnbroker it shall be lawful for such justice to issue a summons or warrant for the appearance of such licensed pawnbroker before any two or more justices of the peace and for the production of the goods and such justices may order such goods to be delivered up to the owner thereof either without any payment or upon payment of such sum and at such time as the said justices shall think fit and every licensed pawnbroker who being so ordered shall refuse or neglect to deliver up the goods or who shall dispose of or make away with the same after notice that such goods were stolen or unlawfully obtained as aforesaid shall forfeit to the owner of the goods the full value thereof to be determined by the said justices Provided

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always that no such order shall bar any such licensed pawnbroker from recovering possession of such goods by suit or action at law from the person into whose possession they may come by virtue of the order of the said justices so that such action be commenced within three months next after such order shall be made.

37. It shall be lawful for any two or more Justices of the Peace to order that any goods unlawfully pawned pledged or exchanged which shall be brought before them and the ownership of which shall be established to the satisfaction of such justices shall be delivered up to the owner by the party with whom they were so unlawfully pawned pledged or exchanged either without compensation or with such compensation to the party in question as the said justices may deem fit.

Payment of compensation or otherwise.

38. In case any person who shall offer by way of pawn pledge exchange or sale any articles goods or chattels shall not be able or shall refuse to give a satisfactory account of himself or of the means by which he became possessed of such goods or chattels or shall wilfully give any false information to the pawnbroker or to his servant or servants as to whether such articles goods or chattels are his own property or not or of his name or place of abode or of the name and place of abode of the owner or owners of the said goods or chattels or if there shall be any other reason to suspect that such articles goods or chattels are stolen or otherwise illegally or clandestinely obtained or if any person or persons not entitled nor having any colour of title by law to redeem any articles goods or chattels in pledge or pawn shall attempt or endeavour to redeem the same it shall be lawful for any pawnbroker or his servants or agents to whom such articles goods or chattels shall be so offered or with whom such articles goods or chattels are in pledge to seize and detain such person or persons and the said articles goods or chattels and to deliver such person or persons immediately into the custody of a constable or other peace-officer who shall and is hereby required as soon as may be to convey such person or persons and the said articles goods or chattels so offered before some justice or justices near to the place where such person or persons may be apprehended and if such justice or justices shall upon examination and inquiry have cause to suspect that the said articles goods or chattels were stolen or illegally or clandestinely obtained or that the person or persons offering or endeavouring to redeem the same shall not have any pretence or colour of right to redeem the same it shall be lawful for such justice or justices to commit such person or persons into safe custody for such reasonable time as shall be necessary for obtaining proper information on the subject in order to be further examined and if upon either of the said examinations it shall appear to the satisfaction of such justice or justices that the said articles goods or chattels were stolen or illegally or clandestinely obtained or that the person or persons offering or endeavouring to redeem the same hath or have not any pretence or colour of right so to do the said justice or justices is and are hereby authorized and required to commit the party or parties offending to any gaol there to be dealt with according to law where the nature of the offence shall authorize such commitment by any other law and where the nature of the offence shall not authorize such commitment by any other law then such commitment shall be for any term not exceeding three months at the discretion of such justice or justices.

Suspicious offering of pledges.
39 and 40 Geo. III.
c. 99 s. 10.

39. For any offence against any of the provisions of this Act not hereinbefore provided for the party offending shall upon complaint on oath made before any Resident Magistrate or two or more Justices of the Peace near to the place of business of such party be liable to

Recovery of penalties.

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forfeit and pay any sum not exceeding fifty pounds and one-half of every such forfeiture shall go to the informer and the other half thereof to the Consolidated Fund and all fines penalties and forfeitures pecuniary or otherwise authorized or required to be imposed by this Act shall be recovered or enforced in a summary way before any two or more Justices of the Peace in the manner provided by "The Justices of the Peace Act 1866."

License fees how to be applied.

40. All fees for licenses granted under this Act shall be accounted for to the Provincial Treasurer of the Province in which the premises in respect of which such license is granted are situate and if such premises are situate in any district or division of the Colony not within any Province shall be paid to such fund as the Governor in Council shall from time to time direct.

Act to extend to executors and administrators.

41. All the provisions and regulations of this Act shall extend to the executors administrators and assigns of all and every pawnbroker in the same manner as the same extend to and include the pawnbroker when living save and except that no such executor or administrator shall be answerable for any penalty or forfeiture personally or out of his own moneys or estate unless such penalty or forfeiture shall be incurred and forfeited by his own act or neglect.

General denial.

42. No action shall be against any Resident Magistrate Justice or any constable or other peace-officer for or on account of any matter or thing whatsoever done or commanded to be done by him in the execution of his duty or office under this Act against any person offending or suspected to be offending against the provisions of this Act unless there be direct proof of corruption or malice and if any person shall at any time be sued molested or prosecuted for anything by him done or executed in pursuance of any clause or provision of this Act such person may plead a general denial and give the special matter in evidence for his defence Provided that all actions shall be commenced within three calendar months next after the cause thereof has arisen.

No *certiorari*.

43. No information conviction or other proceeding before or by any justice or justices for any offence under this Act shall be quashed or set aside or adjudged void or insufficient for want of form or be removed by *certiorari* or otherwise into the Supreme Court.

SCHEDULES.

SCHEDULE I.

Section 2.

Title of Act or Ordinance.	By what Legislature passed.	Session or date and Number of Act or Ordinance.
"Pawnbrokers Ordinance 1862"	Superintendent and Provincial Council of the Province of Otago	Session XVI. No. 113.
"Pawnbrokers Ordinance 1863"	Superintendent and Provincial Council of the Province of Southland	27 Vict. No. 36.

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SCHEDULE V.

FORM OF SEARCH WARRANT.

Section 31.

To A.B. [*or to A.B. and C.D. according to fact*] a constable [*or constables*] and officer of the peace for the city of [*or as the case may be*].

WHEREAS on the day of in the year of our Lord one thousand eight hundred and at E.F. came before me G.H. one of the Justices of the Peace for the said Colony [*or according to fact*] and being duly sworn by me the said justice gave me such information as hath satisfied me that it is necessary to the ends of justice that I should grant this my warrant according to the Act in that case made and provided Now I the said justice being so satisfied as aforesaid do hereby authorize empower and direct you the said A.B. [*being a constable or peace-officer as aforesaid*] to enter the premises of I.J. [*being a licensed pawnbroker*] at

in and there to search and inspect the same and also to search and inspect the business book of the said I.J. and also to take possession [*for purposes of safe custody and evidence only*] of any pledge or pledges goods or chattels then on the said premises and which shall be identified by the said E.F. or by any one on his behalf as his property And I also hereby direct that you the said do within one week make return to me [*or to the nearest Resident Magistrate's Court or Court of Petty Sessions*] endorsed hereon what you may have done by virtue and under authority of this warrant.

Signed by me this day of &c.

[*Here insert name of Justice of Peace.*]

WELLINGTON, NEW ZEALAND :

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