ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. LXXXVII.

An Act for regulating the Trade or Business of Pawnbrokers. [14th *May* 1796.]

Preamble. 29 *Geo.* III, Cap. 57, 31 *Geo.* III, Cap. 52, and 33 *Geo.* III, Cap. 53, recited.

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for further regulating the Trade or Business of Pawnbrokers*, which was to be in force for One whole Year, and from thence to the End of the then next Session of Parliament: And whereas, by an Act passed in the Thirty-first Year of the Reign of His present Majesty, the said Act of the Twenty-ninth Year of the Reign of His present Majesty was continued for One whole Year, and from thence to the End of the then next Session of Parliament: And whereas, by an Act passed in the Thirty-third Year of the Reign of His present Majesty, the said Act passed in the Twenty-ninth Year of His present Majesty's Reign was in Part repealed, and, subject to such Repeal, continued from the Expiration thereof for the further Term of Two Years, and from thence to the End of the then next Session of Parliament: And whereas the said Act of the Twenty-ninth Year of His present Majesty's Reign requires some Amendments, Alterations, and Additions; and it would be convenient for the Magistrates, and beneficial to the Pawnbrokers and the Publick, if the Powers of the said Act, with such Amendments, Alterations, and Additions as are requisite, were consolidated and reduced into One Act of Parliament, to be in force for a limited Time: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

aſſembled, and by the Authority of the ſame, That the ſaid Acts, paſſed in the Twenty-ninth, Thirty-firſt, and Thirty-third Years of the Reign of His preſent Majeſty, for further regulating the Trade or Buſineſs of Pawnbrokers, ſhall be, and the ſame are hereby declared to be in full Force and Effect until the Expiration of the preſent Seſſion of Parliament; and from and after ſuch Expiration this Act ſhall commence and take Effect in Lieu and in Stead thereof, and be put in Execution for and during the Term of Three Years, and from thence to the End of the then next Seſſion of Parliament.

From Expiration of the preſent Seſſion this Act to be put in Execution for Three Years.

II. And be it further enacted, That, upon and from the Commencement of this Act, it ſhall be lawful for all Perſons uſing and exerciſing the Trade and Buſineſs of a Pawnbroker, to demand, receive, and take, of and from all and every Perſon and Perſons applying or offering to redeem any Goods or Chattels pawned or pledged with ſuch Pawnbroker, a Profit after the following Rates, over and above the Principal Sum and Sums which ſhall have been lent and advanced upon the reſpective Pledge or Pledges, before any ſuch Pawnbroker ſhall be obliged to re-deliver the ſame; *videlicet*,

Pawnbrokers allowed to take the following Rate for Profit.

For every Pledge upon which there ſhall have been lent any Sum not exceeding Two Shillings and Sixpence, the Sum of One Halfpenny, for any Time during which the ſaid Pledge ſhall remain in Pawn, not exceeding One Calendar Month, and the ſame for every Calendar Month afterwards, including the current Month in which ſuch Pledge ſhall be redeemed, although ſuch Month ſhall not be expired:

For every Pledge upon which there ſhall have been lent the Sum of Five Shillings, One Penny:

For every Pledge upon which there ſhall have been lent Seven Shillings and Sixpence, One Penny Halfpenny:

For every Pledge upon which there ſhall have been lent Ten Shillings, Two-pence:

For every Pledge upon which there ſhall have been lent Twelve Shillings and Sixpence, Two-pence Halfpenny:

For every Pledge upon which there ſhall have been lent Fifteen Shillings, Three-pence:

For every Pledge upon which there ſhall have been lent Seventeen Shillings and Sixpence, Three-pence Halfpenny:

For every Pledge upon which there ſhall have been lent One Pound, Four-pence; and ſo on progreſſively and in Proportion for any Sum not exceeding Forty Shillings:

For every Pledge upon which there ſhall have been lent any Sum of Money exceeding Forty Shillings, and not exceeding Forty-two Shillings, Eight-pence:

And for every Pledge upon which there ſhall have been lent any Sum exceeding Forty-two Shillings, and not exceeding Ten Pounds, at and after the Rate of Three-pence, and no more, for the Loan of every Twenty Shillings, for all ſuch Money ſo lent, by the Calendar Month, including the current Month; and ſo in Proportion for any fractional Sum:

Which ſaid ſeveral Sums ſhall be taken in lieu of, and as a full Satisfaction for, all Intereſt due, and Charges for Warehouſe Room.

III. And

III. And be it further enacted by the Authority aforeſaid, That in all Caſes where any intermediate Sum lent upon any Pawn or Pledge ſhall exceed the Sum of Two Shillings and Sixpence, and not exceed the Sum of Forty Shillings, the Perſon lending the ſame ſhall and may take, by Way of Profit as aforeſaid, at and after the Rate of Four-pence, and no more, for the Loan of Twenty Shillings by the Calendar Month, including the current Month as aforeſaid. Pawnbrokers Rates further regulated.

IV. Provided always, and be it further enacted, That in all Caſes where the Party or Parties entitled to and applying for the Redemption of Goods pawned, within the Space of Seven Days after the Expiration of the Firſt Calendar Month after the ſame ſhall have been pledged, he, ſhe, or they ſhall and may be at Liberty to redeem the ſame, without paying any Thing by Way of Profit to the Pawnbroker for the ſaid Seven Days, or ſuch Part thereof as ſhall then have elapſed; and that in all Caſes where the Party or Parties ſo entitled, and applying as aforeſaid, after the Expiration of the ſaid Firſt Seven Days, and before the Expiration of the Firſt Fourteen Days of the Second Calendar Month, he, ſhe, or they ſhall and may be at Liberty to redeem ſuch Goods, upon paying the Profit payable for One Calendar Month, and the Half of another Calendar Month to the Pawnbroker; but that in all Caſes where the Party or Parties ſo entitled, and applying as aforeſaid, after the Expiration of the ſaid Firſt Fourteen Days, and before the Expiration of the ſaid Second Calendar Month, it ſhall be lawful for the Pawnbroker to demand and 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 Calendar Month wherein Application ſhall be made for redeeming Goods pawned. Limiting the Profits for Part of a Month.

V. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons who, from and after the Commencement of this Act, ſhall take, by Way of Pawn, Pledge, or Exchange, of or from any Perſon or Perſons whomſoever, any Goods or Chattels, of what Kind ſoever the ſame ſhall be, and whereon ſhall be lent any Sum of Money exceeding Five Shillings, ſhall forthwith, and before he, ſhe, or they ſhall or may advance or lend any Money upon ſuch Pawn or Pledge, enter or cauſe to be entered, in a fair and regular Manner, in a Book or Books to be kept by him, her, or them for that Purpoſe, a Deſcription of the Goods or Chattels which he, ſhe, or they ſhall receive in Pawn, Pledge, or Exchange, and alſo the Sum of Money to be advanced or lent thereon, with the Day of the Month and Year on which, and the Name of the Perſon or Perſons by whom, ſuch Goods or Chattels are ſo pawned, pledged, or exchanged, and the Name of the Street, and Number of the Houſe, if the ſame ſhall be ſaid to be numbered, where ſuch Perſon ſhall abide, and whether ſuch Perſon or Perſons is or are a Lodger in, or the Keeper of ſuch Houſe, by uſing the Letter *L.* if a Lodger, and the Letters *H. K.* if a Houſekeeper; and alſo the Name and Place of Abode of the Owner or Owners of ſuch Goods and Chattels, according to the Information of the Perſon pawning, pledging, or exchanging the ſame, into all which Circumſtances the Pawnbroker is hereby required to inquire of the Party pawning before any Money ſhall be lent or advanced, or any Exchange ſhall take place; and in all Caſes where the Money lent on any ſuch Goods or Chattels ſhall not exceed the Sum of Five Shillings, ſuch Entry ſhall be made in ſuch Book or Books, by all and every ſuch Perſon and Perſons ſo taking the ſame by Way of Pawn, Pledge, Pawns to be entered in Books.

or Exchange as aforeſaid, within Four Hours next after the ſaid Goods and Chattels ſhall have been ſo pawned, pledged, or exchanged as aforeſaid; and every ſuch Perſon ſhall, at the Time of the taking of every Pawn, Pledge, or Exchange whatſoever, give to the Perſon or Perſons ſo pawning, pledging, or exchanging the ſame, a Note or Memorandum, fairly and legibly written or printed, or in Part written and in Part printed, containing therein, in like Manner, a Deſcription of the Goods and Chattels which he, ſhe, or they have received in Pawn, Pledge, or Exchange, and alſo the Sum of Money advanced thereon, with the Day of the Month and Year on which, and the Name and Place of Abode, and Number of the Houſe, if ſaid to be numbered, of the Perſon or Perſons by whom ſuch Goods or Chattels are ſo pawned, pledged, or exchanged, and whether ſuch Perſon is a Lodger or Houſekeeper as aforeſaid, by uſing the Letter *L.* if a Lodger, and the Letters *H. K.* if a Houſekeeper, and alſo the Name and Place of Abode of the Owner or Owners thereof according to the Information aforeſaid, and upon which ſaid Note or Memorandum, or on the Back whereof, ſhall be moreover fairly written or printed the Name and Place of Abode of the Pawnbroker giving the ſame; which ſaid Note or Memorandum the Party and Parties pawning, pledging, or exchanging the ſaid Goods or Chattels ſhall, and he, ſhe, or they is and are hereby required to accept and take in all Caſes, and the Pawnbroker ſhall not receive and retain ſuch Pledge, unleſs the Party pledging, or offering to pledge the ſame, ſhall accept and take ſuch Note or Memorandum; and every ſuch Note, where the Sum lent ſhall be leſs than Five Shillings, ſhall be delivered *gratis*; and where the Sum lent ſhall be Five Shillings or upwards, and leſs than Ten Shillings, ſuch Pawnbroker ſhall and may take One Halfpenny for the ſame; and where the Sum lent ſhall be Ten Shillings or upwards, and leſs than Twenty Shillings, ſuch Pawnbroker ſhall and may take One Penny for the ſame; and where the Sum lent ſhall be Twenty Shillings or upwards, and leſs than Five Pounds, the Sum of Two-pence for the ſame; and where the Sum lent ſhall be Five Pounds or upwards, the Sum of Four-pence, and no more, and which Note ſhall be produced to the Pawnbroker before he or ſhe ſhall be obliged to re-deliver the reſpective Goods or Chattels, except as herein-after is excepted.

Pawnbrokers to give a Note deſcribing Things pawned.

VI. And be it further enacted by the Authority aforeſaid, That in all Caſes where any Goods or Chattels, pawned or pledged, ſhall be redeemed, the Pawnbroker of whom the ſame ſhall be redeemed ſhall, at the Time of ſuch Redemption, fairly and legibly write or indorſe, or cauſe to be written or indorſed, upon every Duplicate reſpecting ſuch Pawn or Pledge, the Amount of the Profit taken by him, or on his Account, on the Money lent upon ſuch Goods or Chattels ſo redeemed, and ſhall keep ſuch Duplicate in his Cuſtody for the Space of One Year then next following.

The Amount of Profits on Duplicates, indorſed on Pledges redeemed.

VII. And be it further enacted by the Authority aforeſaid, That, from and after the Commencement of this Act, if any Perſon or Perſons ſhall knowingly and deſignedly pawn, pledge, or exchange, or unlawfully diſpoſe of the Goods or Chattels of any other Perſon or Perſons, not being employed or authorized by the Owner or Owners thereof ſo to do, it ſhall be lawful for any Juſtice to grant his Warrant to apprehend any Perſon ſo offending, and if he, ſhe, or they ſhall be thereof convicted by the Oath of any credible Witneſs or Witneſſes,

Penalty againſt unlawfully pawning Goods the Property of others.

neſſes, or by the Confeſſion of the Perſon or Perſons charged with ſuch Offence, before any Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, City, Liberty, Town, or Place, where the Offence ſhall be committed, (which Oath every ſuch Juſtice or Juſtices as aforeſaid is and are hereby empowered and required to adminiſter), every ſuch Offender ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings, and alſo the full Value of the Goods or Chattels ſo pawned, pledged, exchanged, or diſpoſed of, ſuch Value to be aſcertained by ſuch Juſtice or Juſtices; and in caſe the ſaid Forfeiture ſhall not be forthwith paid, the Juſtice or Juſtices of the Peace as aforeſaid, before whom ſuch Conviction ſhall be had, ſhall commit the Party or Parties ſo convicted to the Houſe of Correction, or ſome other publick Priſon of the County, Riding, Diviſion, City, Liberty, Town, or Place, wherein the Offender or Offenders ſhall reſide or be convicted, there to remain and be kept to hard Labour for a Space not exceeding Three Calendar Months, unleſs the ſaid Forfeitures ſhall be ſooner paid; and if, within Three Days before the Expiration of the ſaid Term of Commitment, the ſaid Forfeitures ſhall not be paid, the ſaid Juſtice or Juſtices, at his and their Diſcretion, may order the Perſon or Perſons ſo convicted to be publickly whipped in the Houſe of Correction or Priſon to which the Offender or Offenders ſhall have been committed, or in ſome other publick Place of the County, Riding, Diviſion, City, Liberty, Town, or Place, where the Offence ſhall have been committed, as to ſuch Juſtice or Juſtices ſhall ſeem proper; and the ſaid reſpective Forfeitures, when recovered, ſhall be applied towards making Satisfaction thereout to the Party or Parties injured, and defraying the Coſts of the Proſecution, as ſhall be adjudged reaſonable by the Juſtice or Juſtices before whom ſuch Conviction ſhall be had; but if the Party or Parties injured ſhall decline to accept of ſuch Satisfaction and Coſts, or if there ſhall be any Overplus of the ſaid reſpective Forfeitures, after making ſuch Satisfaction, and paying ſuch Coſts as aforeſaid, then ſuch reſpective Forfeitures, or the Overplus thereof, (as the Caſe ſhall happen) ſhall be paid and applied to and for the Uſe of the Poor of the Pariſh or Place where ſuch Offence ſhall have been committed, and ſhall be paid to the Overſeers of the Poor of ſuch Pariſh or Place for that Purpoſe.

Perſons forging or counterfeiting Notes.

VIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall counterfeit, forge, or alter, or procure to be counterfeited, forged, or altered, any ſuch Note or Memorandum as aforeſaid, or ſhall utter, vend, or ſell, any ſuch Note as aforeſaid, knowing the ſame to be counterfeited, forged, or altered, with Intent to defraud any Perſon or Perſons whomſoever, every ſuch Perſon ſhall be puniſhed in Manner herein-after mentioned; and it ſhall be lawful for any Perſon or Perſons, his, her, or their Servants or Agents, to whom any Note ſhall be uttered or offered, which he, ſhe, or they ſhall have Reaſon to ſuſpect to have been counterfeited, forged, or altered, to ſeize and detain ſuch Perſon or Perſons uttering or offering the ſame, and to deliver him, her, or them, as ſoon as conveniently may be, into the Cuſtody of a Conſtable, or other Peace Officer, who ſhall, and is hereby required, as ſoon as conveniently may be, to convey ſuch Perſon or Perſons before ſome Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, City, Liberty, Town, or Place, wherein the Offence ſhall be ſuppoſed to have been committed; and if upon Examination it ſhall appear, to the Satisfaction of ſuch Juſtice or Juſtices, that the Perſon or Perſons

Perſons charged with having committed any ſuch Offence is or are guilty thereof, then and in every ſuch Caſe the ſaid Juſtice or Juſtices is and are hereby authorized and required to commit the Party or Parties offending to the Common Gaol or Houſe of Correction of the County, Riding, Diviſion, City, Liberty, Town, or Place, wherein the Offence ſhall be committed, there to be impriſoned for any Time not exceeding the Space of Three Calendar Months, nor leſs than One Calendar Month, at the Diſcretion of ſuch Juſtice or Juſtices.

For puniſhing Perſons not giving a good Account of themſelves, on offering to pawn Goods, &c.

IX. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons who ſhall offer, by way of Pawn, Pledge, Exchange, or Sale, any Goods or Chattels, ſhall not be able, or ſhall refuſe to give a ſatisfactory Account of himſelf, herſelf, or themſelves, or of the Means by which he, ſhe, or they became poſſeſſed of ſuch Goods or Chattels, or ſhall wilfully give any falſe Information to the Pawnbroker, or to his or her Servant or Servants, as to whether ſuch Goods or Chattels are his, her, or their own Property or not, or of his or her Name and Place of Abode, or 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 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 Goods or Chattels in Pledge or Pawn, ſhall attempt or endeavour to redeem the ſame, it ſhall be lawful for any Perſon or Perſons, his, her, or their Servants or Agents, to whom ſuch Goods or Chattels ſhall be ſo offered, or with whom ſuch Goods or Chattels are in Pledge, to ſeize and detain ſuch Perſon or Perſons, and the ſaid 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 Goods or Chattels ſo offered, before ſome Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, City, Liberty, Town, or Place, wherein the Offence ſhall be ſuppoſed to have been committed; and if ſuch Juſtice or Juſtices ſhall, upon Examination and Enquiry, have Cauſe to ſuſpect that the ſaid Goods or Chattels were ſtolen, or illegally or clandeſtinely obtained, or that the Perſon or Perſons offering and 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 the 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 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 the Common Gaol or Houſe of Correction of the County, Riding, Diviſion, City, Liberty, Town, or Place, wherein the Offence ſhall be committed, 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 Time not exceeding Three Calendar Months, at the Diſcretion of ſuch Juſtice or Juſtices.

X. And be it further enacted by the Authority aforeſaid, That if the Owner or Owners of any Goods or Chattels unlawfully pawned, pledged, or exchanged, ſhall make out, either on his, her, or their Oath, or by the Oath of any credible Witneſs, or being One of the People called *Quakers*, by ſolemn Affirmation, before any Juſtice or Juſtices of the Peace, within his or their Juriſdiction, that ſuch Owner or Owners hath or have had his, her, or their Goods or Chattels unlawfully obtained, or taken from him, her, or them, and that there is juſt Cauſe to ſuſpect that any Perſon or Perſons, within the Juriſdiction of any ſuch Juſtice or Juſtices, hath or have taken to Pawn, or by way of Pledge, or in Exchange, any Goods or Chattels of ſuch Owner or Owners, and without the Privity or Authority of ſuch Owner or Owners thereof, and ſhall make appear, to the Satisfaction of any ſuch Juſtice or Juſtices, probable Grounds for ſuch the Suſpicion of the Owner or Owners thereof, then, and in any ſuch Caſe, any Juſtice or Juſtices of the Peace, within his or their Juriſdiction, may iſſue his or their Warrant for ſearching, within the Hours of Buſineſs, the Houſe, Warehouſe, or other Place of any ſuch Perſon or Perſons who ſhall be charged on Oath or Affirmation as aforeſaid, as ſuſpected to have received or taken in Pawn, or by way of Pledge, or in Exchange, any ſuch Goods or Chattels, without the Privity of, or Authority from, the Owner or Owners thereof; and if the Occupier or Occupiers of any Houſe, Warehouſe, or other Place wherein any ſuch Goods or Chattels ſhall, on Oath or Affirmation as aforeſaid, be charged or ſuſpected to be, ſhall, after the Commencement of this Act, on Requeſt made to him, her, or them, to open the ſame, by any Peace Officer authorized to ſearch there, by Warrant from a Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, City, Liberty, Town, or Place, in which ſuch Houſe, Warehouſe, or other Place, ſhall be ſituate, refuſe to open the ſame, and permit the ſame to be ſearched, it ſhall be lawful for any Peace Officer to break open any ſuch Houſe, Warehouſe, or other Place, within the Hours of Buſineſs, and to ſearch as he ſhall think fit therein, for the Goods or Chattels ſuſpected to be there, doing no wilful Damage; and no Pawnbroker, or other Perſon or Perſons, ſhall oppoſe or hinder any ſuch Search; and if upon the Search of the Houſe, Warehouſe, or other Place, of any ſuch ſuſpected Perſon or Perſons as aforeſaid, any of the Goods or Chattels which ſhall have been ſo pawned, pledged, or exchanged as aforeſaid, ſhall be found, and the Property of the Owner or Owners from whom the ſame ſhall have been unlawfully obtained or taken, ſhall be made out to the Satisfaction of any ſuch Juſtice or Juſtices, by the Oath of One or more credible Witneſs or Witneſſes, or if any ſuch Witneſs or Witneſſes ſhall be of the People called *Quakers*, by ſolemn Affirmation, or by the Confeſſion of the Perſon or Perſons charged with any ſuch Offence, any ſuch Juſtice or Juſtices ſhall thereupon cauſe the Goods and Chattels found on any ſuch Search, and pawned, pledged, or exchanged as aforeſaid, to be forthwith reſtored to the Owner or Owners thereof.

Where Goods unlawfully pawned, the Pawnbroker to reſtore them.

XI. And whereas Goods and Chattels are often pawned or pledged for ſecuring the Payment of Money lent thereon, and the Profit thereof, and afterwards the Borrowers, or their Repreſentatives, are deſirous to repay the ſame, and the Profit due thereon, and make Tender thereof to the Perſon or Perſons with whom the ſame are ſo pawned or pledged; yet they are frequently under great Difficulties to get back the Goods

Puniſhing the Pawnbroker who will not deliver up Goods to the Pawner.

and Chattels ſo pawned, and are often under a Neceſſity to commence Suits at Law for the Recovery thereof, to their great Expence: For Remedy whereof be it further enacted by the Authority aforeſaid, That, from and after the Commencement of this Act, if any Goods or Chattels ſhall be pawned or pledged for ſecuring any Money lent thereon, not exceeding in the Whole the principal Sum of Ten Pounds, and the Profit thereof, and if within One Year after the pawning or pledging thereof, (Proof having been made on Oath or Affirmation as aforeſaid, by One or more credible Witneſs or Witneſſes, and by producing the Note or Memorandum directed to be given by this Act as aforeſaid, before any Juſtice or Juſtices, to the Satisfaction of any ſuch Juſtice or Juſtices, of the pawning or pledging of any ſuch Goods or Chattels within the ſaid Space of One Year, or One Year and Three Months, as the Caſe may be), any ſuch Pawner or Pawners, who was or were the real Owner or Owners of ſuch Goods or Chattels at the Time of the pawning or pledging thereof, his, her, or their Executors, Adminiſtrators, or Aſſigns, ſhall tender unto the Perſon or Perſons who lent, on the Security of the Goods or Chattels pawned, his Executors, Adminiſtrators, or Aſſigns, the Principal Money borrowed thereon, and Profit according to the Table of Rates by this Act eſtabliſhed, and the Perſon who took ſuch Goods or Chattels in Pawn, his or her Executors, Adminiſtrators, or Aſſigns, ſhall thereupon, without ſhewing reaſonable Cauſe for ſo doing, to the Satisfaction of ſuch Juſtice or Juſtices, neglect or refuſe to deliver back the Goods or Chattels ſo pawned for any Sum or Sums of Money not exceeding the ſaid Principal Sum of Ten Pounds, to the Perſon or Perſons who borrowed the Money thereon, his, her, or their Executors, Adminiſtrators, or Aſſigns, then and in any ſuch Caſe, on Oath or Affirmation as aforeſaid thereof made by the Pawner or Pawners thereof, his, her, or their Executors, Adminiſtrators, or Aſſigns, or ſome other credible Perſon, any Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, City, Liberty, Town, or Place, where the Perſon or Perſons who took ſuch Pawn as aforeſaid, his Executors, Adminiſtrators, or Aſſigns, ſhall dwell, on the Application of the Borrower or Borrowers, his, her, or their Executors, Adminiſtrators, or Aſſigns, is and are hereby required to cauſe ſuch Perſon or Perſons who took ſuch Pawn, his, her, or their Executors, Adminiſtrators, or Aſſigns, within the Juriſdiction of the Juſtice or Juſtices, to come before ſuch Juſtice or Juſtices, and ſuch Juſtice or Juſtices is and are hereby authorized and required to examine on Oath or ſolemn Affirmation, as the Caſe may require, the Parties themſelves, and ſuch other credible Perſon or Perſons as ſhall appear before him or them, touching the Premiſes; and if Tender of the Principal Money due, and all Profit thereof as aforeſaid, ſhall be proved, by Oath or Affirmation as aforeſaid, to have been made, (ſuch Principal Money not exceeding the ſaid Sum of Ten Pounds), to the Lender or Lenders thereof, his, her, or their Executors, Adminiſtrators, or Aſſigns, by the Borrower or Borrowers of ſuch Principal Money, his, her, or their Executors, Adminiſtrators, or Aſſigns, within the ſaid Space of One Year, or One Year and Three Months, as the Caſe may be, after the ſaid pawning or pledging of the Goods or Chattels, then on Payment by the Borrower or Borrowers, his, her, or their Executors, Adminiſtrators, or Aſſigns, of ſuch Principal Money, and the Profit due thereon as aforeſaid, to the Lender or Lenders, his, her, or their Executors, Adminiſtrators, or Aſſigns; and in caſe the Lender or

Lenders, his, her, or their Executors, Adminiſtrators, or Aſſigns, ſhall refuſe to accept thereof, on Tender thereof to him, her, or them, made by the Borrower or Borrowers thereof, his, her, or their Executors, Adminiſtrators, or Aſſigns, before any ſuch Juſtice or Juſtices, ſuch Juſtice or Juſtices ſhall thereupon, by Order under his or their Hand or Hands, direct the Goods or Chattels ſo pawned forthwith to be delivered up to the Pawner or Pawners thereof, his, her, or their Executors, Adminiſtrators, or Aſſigns; and if the Perſon or Perſons who ſhall have lent any Principal Sum or Sums of Money, not exceeding in the Whole the ſaid Sum of Ten Pounds, on any Goods or Chattels pawned, his, her, or their Executors, Adminiſtrators, or Aſſigns, ſhall neglect or refuſe to deliver up or make Satisfaction for the Goods or Chattels which ſhall be ſo proved, to the Satisfaction of ſuch Juſtice or Juſtices as aforeſaid, to have been ſo pawned, as any ſuch Juſtice or Juſtices of the Peace as aforeſaid ſhall order and direct, then any ſuch Juſtice or Juſtices ſhall, and is and are hereby authorized and required to commit the Party or Parties ſo refuſing to deliver up or make Satisfaction for the ſame, to the Houſe of Correction, or ſome other publick Priſon for the County, Riding, Diviſion, City, Liberty, Town, or Place, wherein the Offender or Offenders ſhall reſide or be convicted, there to remain, without Bail or Mainprize, until he, ſhe, or they ſhall deliver up the Goods or Chattels ſo pawned and continuing redeemable as aforeſaid, according to the Order of ſuch Juſtice or Juſtices as aforeſaid, or make ſuch Satisfaction or Compenſation as ſuch Juſtice or Juſtices ſhall adjudge reaſonable, for the Value thereof, to the Party or Parties entitled to the Redemption of ſuch Goods or Chattels ſo pawned, and continuing redeemable as aforeſaid.

Perſons producing Notes or Memorandums deemed the Owners.

XII. And, to prevent any Inconvenience to Perſons carrying on the Trade and Buſineſs of a Pawnbroker, from ſeveral different Perſons claiming a Property in the ſame Goods or Chattels, be it further enacted by the Authority aforeſaid, That, from and after the Commencement of this Act, any Perſon or Perſons who ſhall at any Time produce any ſuch Note or Memorandum as aforeſaid to the Perſon or Perſons with whom the Goods therein ſpecified were pawned or pledged, as the Owner thereof, or as authorized by the Owner thereof to redeem the ſame, and require a Delivery of the Goods or Chattels mentioned therein to him, her, or them, ſuch Perſon or Perſons ſhall be, and is and are hereby deemed and taken to be, ſo far as reſpects the Perſon or Perſons having ſuch Goods or Chattels in Pledge, the real Owner and Owners, Proprietor and Proprietors of ſuch Goods and Chattels, and the Perſon or Perſons ſo uſing the ſaid Trade and Buſineſs of a Pawnbroker ſhall be, and is and are hereby directed and required, after receiving Satisfaction purſuant to the Proviſions of this Act reſpecting Principal and Profit, to deliver ſuch Goods and Chattels to the Perſon or Perſons who ſhall ſo produce the ſaid Note or Memorandum to him, her, or them, and ſhall be, and is and are hereby indemnified for ſo doing, unleſs he, ſhe, or they ſhall have had previous Notice, from the real Owner or Owners thereof, not to deliver the ſame to the Perſon or Perſons producing ſuch Note, or unleſs Notice ſhall have been given to him, her, or them, that the Goods and Chattels pawned have been, or are ſuſpected to have been fraudulently or feloniouſly taken or obtained, and unleſs the real Owner or Owners thereof proceeds or proceed in Manner herein-after provided and

and directed for the redeeming of Goods and Chattels pledged, where ſuch Note hath been loſt, miſlaid, deſtroyed, or fraudulently obtained from the Owner or Owners thereof.

Where Notes or Memorandums loſt, the Pawnbroker to deliver a Copy.

XIII. And be it further enacted by the Authority aforeſaid, That in caſe any Pawnbroker ſhall have had ſuch previous Notice as aforeſaid, or in caſe any ſuch Note or Memorandum as aforeſaid ſhall be loſt, miſlaid, deſtroyed, or fraudulently obtained from the Owner or Owners thereof, and the Goods and Chattels mentioned therein ſhall remain unredeemed, that then and in every ſuch Caſe the Pawnbroker or Pawnbrokers with whom the ſaid Goods and Chattels were ſo pledged or exchanged ſhall, at the Requeſt and Application of any Perſon or Perſons who ſhall repreſent himſelf, herſelf, or themſelves to the Pawnbroker as the Owner or Owners of the Goods and Chattels in Pledge, or exchanged as aforeſaid, deliver to ſuch Perſon or Perſons ſo requeſting and applying for the ſame a Copy of the Note or Memorandum ſo loſt, miſlaid, deſtroyed, or fraudulently obtained as aforeſaid, with the Form of an Affidavit of the particular Circumſtances attending the Caſe, printed or written, or in Part printed and in Part written, on the ſaid Copy, as the ſame ſhall be ſtated to him or her by the Party applying as aforeſaid, for which Copy of ſuch Note or Memorandum, and Form of Affidavit, in Caſe the Money lent ſhall not exceed the Sum of Five Shillings, the Pawnbroker ſhall receive the Sum of One Halfpenny, and in caſe the Money lent ſhall exceed the Sum of Five Shillings, and not exceed the Sum of Ten Shillings, the Pawnbroker ſhall receive the Sum of One Penny; and in caſe the Money lent ſhall exceed the Sum of Ten Shillings, the Pawnbroker ſhall receive the like Sum of Money as he is entitled to receive and take on giving the original Note or Memorandum, ſuch Money to be paid by the Party applying for the ſame at the Time of making the ſaid Application; and the Perſon or Perſons having ſo obtained ſuch Copy of the Note or Memorandum, and Form of Affidavit as aforeſaid, ſhall thereupon prove his, her, or their Property in, or Right to, ſuch Goods and Chattels, to the Satisfaction of ſome Juſtice of the Peace for the County, Riding, Diviſion, City, Town, Liberty, or Place, where the ſaid Goods or Chattels ſhall have been pledged, pawned, or exchanged, and ſhall alſo verify on Oath or Affirmation, as the Caſe may be, before ſome Juſtice of the Peace, the Truth of the particular Circumſtances attending the Caſe mentioned in ſuch Affidavit or Affirmation to be made as aforeſaid, the Caption of ſuch Oath or Affirmation to be authenticated by the Hand Writing thereto of the Juſtice before whom the ſame ſhall be made, and who ſhall and is hereby required ſo to authenticate the ſame, whereupon the Pawnbroker ſhall ſuffer the Perſon or Perſons proving ſuch Property to the Satisfaction of ſuch Juſtice as aforeſaid, and making ſuch Affidavit or Affirmation as aforeſaid, on leaving ſuch Copy of the ſaid Note or Memorandum, and the ſaid Affidavit or Affirmation with the ſaid Pawnbroker, to redeem ſuch Goods or Chattels.

Pawned Goods deemed forfeited at the End of a Year.

XIV. And be it further enacted by the Authority aforeſaid, That all Goods and Chattels which ſhall be pawned or pledged ſhall be deemed forfeited, and may be ſold at the Expiration of One whole Year, excluſive of the Day whereon the Goods and Chattels were ſo pawned as aforeſaid; and that all Goods and Chattels ſo forfeited, on which any Sum above Ten

Shillings, and not exceeding Ten Pounds, ſhall have been lent, ſhall be ſold by publick Auction, but not otherwiſe, by the Order of the Perſon having the ſame in Pawn, at and after the Expiration of the ſaid Year; but the Perſon employed to ſell ſuch Goods and Chattels by Auction ſhall, and he is hereby required to cauſe the ſame to be expoſed to publick View, and Catalogues thereof to be publiſhed, and an Advertiſement, giving Notice of ſuch Sale, and containing the Name or Names of the Pawnbroker or Pawnbrokers with whom the ſaid Goods or Chattels were in Pledge, to be inſerted on Two ſeveral Days in ſome publick Newſpaper, Two Days at leaſt before the Firſt Day of Sale, upon Pain of forfeiting to the Owner or Owners of the ſaid Goods or Chattels, for every Offence in the Premiſes, the Sum of Ten Pounds.

On Notice from Perſons having Goods in Pledge not to ſell, Three Months further allowed beyond the Year, for Redemption.

XV. Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons entitled to redeem Goods or Chattels in Pledge ſhall, before or upon the Expiration of the ſaid One Year from the Time of pawning the ſame, give Notice in Writing, or in the Preſence of One Witneſs, to the Perſon or Perſons having the ſame in Pledge, or leave the ſame at his, her, or their uſual Place of Abode, not to ſell the ſame at the End of the ſaid One Year, then and in every ſuch Caſe ſuch Goods or Chattels ſhall not be ſold or diſpoſed of by the Perſon or Perſons having the ſame in Pledge until after the Expiration of Three Calendar Months, to be computed from the Expiration of the ſaid Year; during which ſaid Term of Three Months the Owner or Owners of the ſaid Goods and Chattels ſhall have Liberty to redeem the ſame upon the Terms ſtipulated and provided by this Act.

Account of Sales to be entered by the Pawnbrokers in a Book;

and Overplus paid to the Owner of the Goods pawned or ſold.

XVI. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons to whom any Goods or Chattels ſhall have been pawned or pledged ſhall, from Time to Time, enter in a Book or Books, to be kept by him, her, or them, for that Purpoſe, a true and juſt Account of the Sale of all Goods and Chattels pawned to him, her, or them, for upwards of Ten Shillings, which ſhall be ſold as aforeſaid, expreſſing the Day when, and the Money for which ſuch Goods or Chattels pawned were ſold, together with the Name and Place of Abode of the Auctioneer by whom the ſame were ſold, according to the Information thereof from the Auctioneer; and in caſe any ſuch Goods or Chattels ſhall be ſold for more than the Principal Money and Profit aforeſaid due thereon at the Time of ſuch Sale, the Overplus ſhall, by every ſuch Pawnbroker, be paid, on Demand, to the Perſon by whom, or on whoſe Account ſuch Goods or Chattels were pawned, his, her, or their Executors, Adminiſtrators, or Aſſigns, in caſe ſuch Demand ſhall be made within Three Years after ſuch Sale, the neceſſary Coſts and Charges of ſuch Sale being firſt deducted; and ſuch Perſon or Perſons who pawned or pledged ſuch Goods or Chattels, or for whom ſuch Goods or Chattels were ſo pawned or pledged, his, her, or their Executors, Adminiſtrators, or Aſſigns ſhall, for his, her, or their Satisfaction in this Matter, be permitted to inſpect the Entry to be made as aforeſaid of every ſuch Sale, paying for ſuch Inſpection the Sum of One Penny, and no more; and in caſe any Perſon or Perſons ſhall refuſe to permit any ſuch Perſon or Perſons who pawned or pledged ſuch Goods or Chattels, or who is entitled to ſuch Overplus Money, to inſpect ſuch

Entry as aforeſaid, in any ſuch Book or Books, ſuch Perſon or Perſons, if an Executor or Executors, Adminiſtrator or Adminiſtrators, or Aſſignee or Aſſignees, at ſuch Time producing his, her, or their Letters Teſtamentary, Letters of Adminiſtration or Aſſignment; or in caſe the Goods or Chattels were ſold for more than the Sum entered in any ſuch Book or Books, or if any ſuch Perſon or Perſons ſhall not make ſuch Entry as aforeſaid, or ſhall not have *bona fide*, according to the Directions of this Act, ſold the ſame, or ſhall refuſe to pay ſuch Overplus upon Demand to the Pawner or Pawners, Owner or Owners, his, her, or their Executors, Adminiſtrators, or Aſſigns, he, ſhe, or they producing ſuch their Letters Teſtamentary, Letters of Adminiſtration or Aſſignment, every ſuch Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Ten Pounds, and Treble the Sum ſuch Goods and Chattels ſhall originally have been pawned for, to the Perſon or Perſons by whom or on whoſe Account ſuch Goods or Chattels were pawned, his, her, or their Executors, Adminiſtrators, or Aſſigns, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two Juſtices of the Peace for the County, Riding, Diviſion, City, Town, Liberty, or Place, where the Offence ſhall be committed.

Pawnbroker not to purchaſe Goods whilſt they are in his Cuſtody.

XVII. And be it further enacted by the Authority aforeſaid, That, from and after the Commencement of this Act, no Perſon or Perſons having any Goods or Chattels in Pledge ſhall, under any Pretence whatſoever, either by himſelf or herſelf, or by any other Perſon for him or her, purchaſe any ſuch Goods or Chattels ſo being in Pledge with him or her, during the Time the ſame ſhall remain in his or her Cuſtody as ſuch Pledge, ſave and except at ſuch publick Auction as aforeſaid, nor ſhall ſuffer the ſame to be redeemed with a View or Intention to purchaſe the ſame; nor ſhall any ſuch Perſon, taking or having any Goods or Chattels in Pledge, make or cauſe to be made any Contract or Agreement with any Perſon or Perſons offering to pledge, or pledging the ſame, or with the Owner or Owners of the Pledge, for the Purchaſe, Sale, or Diſpoſition of the ſaid Goods and Chattels before the Expiration of One whole Year from the Time of pawning or pledging the ſame; nor ſhall any Pawnbroker purchaſe, or receive, or take, any Goods or Chattels in Pledge, of or from any Perſon or Perſons who ſhall appear to be under the Age of Twelve Years, or to be intoxicated with Liquor; or purchaſe, or take in Pawn, Pledge, or Exchange, the Note or Memorandum aforeſaid of any other Pawnbroker; nor buy any Goods or Chattels in the Courſe of his, her, or their Trade or Buſineſs, before the Hour of Eight of the Clock in the Forenoon, or after the Hour of Seven of the Clock in the Evening, throughout the Year; nor receive or take in 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, between *Michaelmas Day* and *Lady Day* following, or before Seven of the Clock in the Forenoon, or after Ten of the Clock in the Evening, during the Remainder of the Year, excepting only on the Evenings of *Saturday* throughout the whole Year, and excepting on the Evenings preceding *Good Friday* and *Chriſtmas Day*; nor ſhall any Perſon or Perſons exerciſe or carry on the Trade or Buſineſs of a Pawnbroker on any *Sunday*, *Good Friday*, or *Chriſtmas Day*.

Time for taking in Pawns limited.

XVIII. And be it further enacted by the Authority aforeſaid, That upon and from and after the Commencement of this Act, all and every Perſon and Perſons, who ſhall follow and carry on the Trade and Buſineſs of a Pawnbroker, ſhall cauſe to be painted or printed, in large legible Characters, the Rate of Profit allowed by this Act to be taken by him, her, or them, and alſo the various Prices of the Notes or Memorandums to be given by him, her, or them, according to the Rates aforeſaid, and an Account of what Notes or Memorandums are to be delivered *gratis*, and of the Expence of obtaining a Second Note or Memorandum, where the former One has been loſt, miſlaid, deſtroyed, or fraudulently obtained, and place the ſame in a conſpicuous Part or Parts of the Shop or other Place wherein he, ſhe, or they ſhall carry on ſuch Trade or Buſineſs, ſo as to be viſible to, and legible by, the Perſons pledging Goods and Chattels ſtanding in the ſeveral Boxes or Places provided for ſuch Perſons coming to pawn or redeem Goods and Chattels at ſuch Shop.

Pawnbrokers to place in View the Table of Profits, &c.

XIX. And, for the better manifeſting by whom the Trade and Buſineſs of a Pawnbroker ſhall hereafter be carried on, be it further enacted by the Authority aforeſaid, That, from and after the Commencement of this Act, all and every Perſon or Perſons who ſhall follow or carry on the Trade and Buſineſs of a Pawnbroker, ſhall cauſe to be painted or written, in large legible Characters, over the Door of each Shop or other Place by him, her, or them reſpectively made uſe of for carrying on that Trade and Buſineſs, the Chriſtian and Surname or Names of the Perſon or Perſons ſo carrying on the ſaid Trade or Buſineſs, and the Word "Pawnbroker," or "Pawnbrokers," as the Caſe may be, following the ſame, upon Pain of forfeiting the Sum of Ten Pounds for every Shop or Place which ſhall be ſo made uſe of for the Space of One Week without having ſuch Name or Names, and the ſaid Word, ſo painted or written as aforeſaid, to be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two Juſtices of the Peace acting within the reſpective County, Riding, Diviſion, City, Town, Liberty, or Place, (which Warrant ſuch Juſtices are hereby authorized and required to grant), upon the Confeſſion of the Party or Parties, or upon the Information of any credible Witneſs or Witneſſes upon Oath or Affirmation, as the Caſe may be; and the ſaid Penalty, when the Charges of recovering the ſame ſhall be deducted, ſhall be paid, One Half to the Informer, and the other Half to the Uſe of the Poor of the Pariſh or Place in which the Offence ſhall be committed; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalty ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtices, and they are hereby required, by Warrant under their Hands and Seals, to cauſe the Offender or Offenders to be committed to the County Gaol, or Houſe of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs the ſaid Penalty, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Pawnbrokers Names and Buſineſs to be placed over the Door.

XX. And be it further enacted by the Authority aforeſaid, That if, in the Courſe of any Proceedings before any Juſtice or Juſtices of the Peace, in purſuance of or under this Act, it ſhall appear, or be proved to the Satisfaction of the Juſtice or Juſtices, upon Oath or ſolemn Affirmation,

Penalty on Pawnbrokers ſelling Goods before limited Time, or injuring them.

firmation, that any of the Goods or Chattels pawned as aforesaid have been sold before the Time allowed by this Act, or otherwise than according to the Directions of this Act, or have been embezzled or lost, or are become, or have been rendered of less Value than the same were at the Time of pawning or pledging thereof, by or through the Default, Neglect, or wilful Misbehaviour of the Person or Persons to whom the same were so pledged or pawned, his, her, or their Executors, Administrators, or Assigns, Agents or Servants, then and in any such Case it shall be lawful for every such Justice and Justices, and he and they is and are hereby required to allow and award a reasonable Satisfaction to the Owner or Owners of such Goods or Chattels in respect thereof, or of such Damage; and the Sum or Sums of Money so allowed or awarded, in case the same shall not amount to the Principal and Profit aforesaid, which shall appear to be due to any Person or Persons to whom the same were so pledged or pawned, his, her, or their Executors, Administrators, or Assigns, shall be deducted out of the said Principal and Profit; and in all Cases where the Goods and Chattels pawned as aforesaid shall have been damaged as aforesaid, it shall be sufficient for the Pawner or Pawners, his, her, or their Executors, Administrators, or Assigns, to pay or tender the Money due upon the Balance, after deducting out of the Principal and Profit as aforesaid for the Goods or Chattels pawned, such reasonable Satisfaction, in respect to such Damage, as any such Justice or Justices shall order or award, and upon so doing the Justice or Justices shall proceed as if the Pawner or Pawners, his, her, or their Executors, Administrators, or Assigns, had paid or tendered the whole Money due for the Principal and Profit aforesaid; and if the Satisfaction to be allowed and awarded to the Owner or Owners of such Goods or Chattels shall be equal to, or exceed the Principal and Profit aforesaid, then and in such Case the Person or Persons to whom the same were so pledged or pawned, his, her, or their Executors, Administrators, or Assigns, shall deliver the Goods or Chattels so pledged to the Owner or Owners thereof, without being paid any Thing for Principal or Profit in respect thereof, and shall also pay such Excess, if any, to the Person or Persons entitled thereto, under the Penalty of Ten Pounds, to be recovered and applied in Manner herein-after mentioned.

Pawnbrokers to produce their Books when necessary.

XXI. And be it further enacted by the Authority aforesaid, That it shall be lawful for any Justice of the Peace, upon Complaint made to him on the Oath or Affirmation of One or more credible Witness or Witnesses, where any Information shall be laid against any Pawnbroker for having offended against this Act, or respecting any Dispute between any Pawnbroker and Person having pawned Goods, or the Owner or Owners of Goods pawned, or respecting any Felony or other Matter, or on any other Occasion whatsoever, which, in the Judgement of any Justice or Justices, shall make the Production of any Book, Note, Voucher, Memorandum, Duplicate, or other Paper, necessary, which shall or ought to be in the Hands, Custody, or Power of any Pawnbroker, to summon such Pawnbroker before him, to attend, with all and every or any Book, Note, Voucher, Memorandum, Duplicate, or Paper, which he or she may or ought to have in his or her Custody or Power relating to the same, which he or she is hereby required to produce before such Justice or Justices in the State the same was or were made at the Time the Pawn or Pledge was received, without any

Alteration, Eraſement, or Obliteration whatſoever; and in caſe ſuch Pawnbroker ſhall neglect or refuſe to attend, or to produce the ſame in its true and perfect State, ſuch Pawnbroker ſhall, in caſe he or ſhe doth not ſhew good Cauſe for ſuch Neglect or Refuſal, to the Satisfaction of ſuch Juſtice or Juſtices, forfeit the Sum of Ten Pounds, for the Uſe, and to be levied in the Manner herein-after mentioned.

Penalty on Pawnbrokers offending againſt this Act.

XXII. And be it further enacted by the Authority aforeſaid, That in caſe any Pawnbroker ſhall, from and after the Commencement of this Act, in anywiſe offend againſt this Act, every ſuch Pawnbroker ſhall, for every ſuch Offence in neglecting to make or cauſe to be made in a fair and regular Manner in ſuch Book or Books as aforeſaid, any ſuch Entry as is required to be made by him, her, or them, by this Act, forfeit the Sum of Ten Pounds; and for every other Offence againſt this Act, where no Forfeiture or Penalty is provided or impoſed on any particular or ſpecific Offence againſt any Part of this Act, the Sum of Five Pounds; and that all Forfeitures incurred by any Offence committed againſt this Act ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, City, Liberty, Town, or Place where the Offence ſhall be committed, and it ſhall be lawful for the Juſtice or Juſtices to award to the Party complaining, out of the ſaid Penalty, the Sum of Two Pounds and Ten Shillings, and the Remainder of the aforeſaid Penalty or Penalties, not otherwiſe diſpoſed of and applied by this Act, to be paid and applied to and for the Uſe of the Poor of the Pariſh or Place where the Offence ſhall have been committed, and ſhall be paid to the Overſeers of the Poor of ſuch Pariſh or Place for that Purpoſe.

Limiting the Time of Proſecution or Information.

XXIII. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be ſubject or liable to any Proſecution or Information before any Juſtice or Juſtices of the Peace, by virtue of this Act, for any Offence or Offences againſt this Act, unleſs Information ſhall be given of ſuch Offence or Offences within Twelve Calendar Months next after the Offence committed.

Churchwardens, &c. to proſecute, &c.

XXIV. And be it further enacted by the Authority aforeſaid, That the Churchwardens and Overſeers of the Poor of any Pariſh or Place where any Offence ſhall be ſuppoſed to have been committed by any Pawnbroker againſt this Act, or ſome or One of ſuch Officers, at the Diſcretion or Direction of any Juſtice of the Peace, on having Notice from ſuch Juſtice of the Peace of ſuch Offence being ſuppoſed to have been committed, ſhall, and they, or ſome or One of them, to be nominated by ſuch Juſtice as aforeſaid, are and is hereby required to proſecute every Offender for every Offence ſo to be ſuggeſted by ſuch Juſtice to have been committed againſt this Act, at the Expence of the reſpective Pariſh whereof they or he are, is, or ſhall be, for the Time being, ſuch Officers or Officer.

Act not to extend to Perſons lending Money at 5*l. per Cent.* without further Profit.

XXV. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to any Perſon or Perſons whomſoever, who ſhall lend Money to any Perſon or Perſons whomſoever upon Pawn or Pledge at the Rate of Five Pounds *per Centum per Annum* Intereſt, without

without taking any further or greater Profit for the Loan or Forbearance of such Money lent, on any Pretence whatsoever.

The Act to extend to Executors, &c. of Pawnbrokers.

XXVI. And be it further enacted by the Authority aforesaid, That all and every the Provisoes, Regulations, and Clauses contained in this present Act shall, from and after the End of this present Session of Parliament, extend to and include the Executors, Administrators, and Assigns, of all and every deceased 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 of any such deceased Pawnbroker shall be answerable for any Penalty or Forfeiture personally, or to be paid out of his, her, or their own Monies or Estate, unless the same shall be incurred and forfeited by his, her, or their own Act or Neglect.

General Issue.

XXVII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times, be sued, molested, or prosecuted for any Thing by him, her, or them, done or executed in pursuance of this Act, or of any Clause, Matter, or Thing herein contained, such Person or Persons may plead the General Issue, and give the Special Matter in Evidence for his, her, or their Defence; and if upon the Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, then such Defendant or Defendants shall have Double Costs awarded to him, her, or them, against such Plaintiff or Plaintiffs.

Inhabitants of any Place where Offences committed deemed competent Witnesses.

XXVIII. Provided always, and be it enacted by the Authority aforesaid, That in all Actions, Suits, Informations, Trials, and other Proceedings, in pursuance of this Act, or in Relation to any Matter or Thing herein contained, any Inhabitant of the Parish, Town, or Place, in which any Offence or Offences shall be committed, contrary to the true Intent and Meaning of this Act, shall be admitted to give Evidence, and shall be deemed competent Witnesses, notwithstanding his, her, or their being an Inhabitant or Inhabitants of the Parish, Town, or Place, wherein any such Offence or Offences shall be supposed to have been committed.

XXIX. And be it further enacted by the Authority aforesaid, That the Justice or Justices before whom any Person shall be convicted, in Manner prescribed by this Act, shall cause such respective Conviction to be drawn up in the Form or to the Effect following; (that is to say),

Form of Conviction.

' } 'BE it remembered, That on this Day of
' to wit. } ' in the Year of His
' Majesty's Reign, *A. B.* is convicted before
' of His Majesty's Justices of the Peace for the said County of
' [*or*, for the Riding or Division of
' the said County of *or*, for the City, Liberty,
' or Town of *as the Case shall happen to be*] for
' and the said do adjudge him
' [*or*, her] to pay and forfeit for the same, the Sum of
' Given under the
' Day and Year aforesaid.'

And

And the ſaid Juſtice or Juſtices, before whom ſuch Conviction ſhall be had, ſhall cauſe the ſame, ſo drawn up in the Form or to the Effect aforeſaid, to be fairly written upon Parchment, and tranſmitted to the next General or Quarter Seſſion of the Peace to be held for the County, Riding, Diviſion, City, Town, Liberty, or Place, wherein ſuch Conviction was had, to be filed and kept amongſt the Records of the ſaid General or Quarter Seſſion; and in caſe any Perſon or Perſons ſo convicted ſhall appeal from the Judgement of the ſaid Juſtice or Juſtices to the ſaid General or Quarter Seſſion, the Juſtices in ſuch General or Quarter Seſſion are hereby required, upon receiving the ſaid Conviction, drawn up in the Form or to the Effect aforeſaid, to proceed to the Hearing and Determination of the Matter of the ſaid Appeal at ſuch next Seſſions, and not afterwards, according to the Directions of this Act, any Law, Cuſtom, or Uſage, to the contrary notwithſtanding; and no *Certiorari* ſhall be granted to remove any Conviction or other Proceedings had thereon, in purſuance of this Act.

Appeal.

XXX. Provided always, and it is hereby further enacted by the Authority aforeſaid, That if any Perſon convicted of any Offence or Offences puniſhable by this Act, ſhall think him or herſelf aggrieved by the Judgement of the Juſtice or Juſtices before whom he or ſhe ſhall have been convicted, ſuch Perſon ſhall have Liberty to appeal to the Juſtices at the General or Quarter Seſſion of the Peace which ſhall be held for the County, Riding, Diviſion, City, Liberty, Town, or Place, where ſuch Judgement ſhall have been given, and that the Execution of the ſaid Judgement ſhall in ſuch Caſe be ſuſpended, the Perſon ſo convicted entering into a Recognizance, at the Time of ſuch Conviction, with Two ſufficient Sureties, in double the Sum which ſuch Perſon ſhall have been adjudged to pay or forfeit, upon Condition to proſecute ſuch Appeal with Effect, and to be forthcoming to abide the Judgement and Determination of the Juſtices in their ſaid next General or Quarter Seſſion, and to pay ſuch Coſts as the ſaid Juſtices in ſuch Seſſion ſhall award on ſuch Occaſion, which Recognizance the ſaid Juſtice or Juſtices before whom ſuch Conviction ſhall be had is and are hereby empowered and required to take; and the Juſtices in the ſaid General or Quarter Seſſion are hereby authorized and required to hear and finally determine the Matter of the ſaid Appeal, and to award ſuch Coſts as to them ſhall appear juſt and reaſonable to be paid by either Party; and if, upon the Hearing of the ſaid Appeal, the Judgement of the Juſtice or Juſtices before whom the Appellant ſhall have been convicted ſhall be affirmed, ſuch Appellant ſhall immediately pay the Sum which he or ſhe ſhall have been adjudged to forfeit, together with ſuch Coſts as the Juſtices in the ſaid General or Quarter Seſſion ſhall award to be paid for defraying the Expences ſuſtained by the Defendant or Defendants in ſuch Appeal, or in Default of making ſuch Payment ſhall ſuffer the reſpective Pains and Penalties by this Act inflicted upon Perſons reſpectively who ſhall neglect to pay, or ſhall not pay the reſpective Sums or Forfeitures by this Act to be paid by or impoſed upon Perſons reſpectively who ſhall be convicted by virtue of this Act.

Continuance of this Act.

XXXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be in Force for Three whole Years, and from thence to the End of the then next Seſſion of Parliament, and no longer.

Publick Act. XXXII. And be it further enacted, That this Act ſhall be deemed a Publick Act; and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without the ſame being ſpecially pleaded.

FINIS.