SCHEDULE.

Section 2.

TABLE OF ENACTMENTS EXTENDED.

Statute and Chapter of Act.	Title of Act.	How much of the Act is extended.
19 & 20 Vict. c. 64.	An Act to repeal certain Statutes which are not in use.	The whole of the Act.
19 & 20 Vict. c. 94.	An Act for the uniform Administration of Intestates' Estates.	The whole of the Act, except in so far as it may be deemed to affect the customs or usages of Chinese people, touching the distribution of the personal estate of Chinese persons dying intestate.
19 & 20 Vict. c. 120.	An Act to facilitate Leases and Sales of Settled Estates.	The whole of the Act, except so much thereof as relates to copyhold and customaryhold estates, and also except sections 30, 31, and 42 to 46, both inclusive.

ORDINANCE No. 1 OF 1860.

AN ORDINANCE to consolidate and amend the Laws relating to Pawnbrokers.

A.D. 1860.

Ordinance No. 3 of 1860, with Ordinances No. 4 of 1892 s. 1 and No. 20 of 1896 incorporated. See also Ordinance No. 4 of 1875.

[16th April, 1860.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:

Short title.

1. This Ordinance may be cited as the Pawnbrokers Ordinance, 1860.

Definition of pawnbroker.

2. Every person who purchases, receives, or takes in any goods, and pays money for or advances money upon the same, to an amount not exceeding five hundred dollars, with or under any undertaking, agreement, or condition, express, implied, or reasonably inferrible from the nature or character of the dealing or the usage in respect thereof, that the said goods in whole or in part may be afterwards redeemed or repurchased upon any terms soever, shall be deemed to be a pawnbroker within the meaning of this Ordinance.

Requirement as to pawnbroker's licence.

3. No person shall use or exercise the trade or business of a pawnbroker unless he is the holder of a pawnbroker's licence.

Grant and duration of licence.

4. (1.) Every such licence shall be granted by and at the discretion of the Governor, on such conditions touching fees or otherwise as may be deemed meet.

(2.) A licence shall endure for one year only, but may be renewed at the like discretion from year to year.

Restriction of trade of pawnbroker to pawnbroking.

5. A pawnbroker shall not, during the continuance of his said licence, carry on any other trade or occupation in his place of business as such pawnbroker, except that of pawnbroking and the sale of pledges forfeited under the provisions of this Ordinance.

Notification at place of business of name and business of pawnbroker.

6. A pawnbroker shall cause to be painted and kept painted in large and legible English letters and Chinese characters, over the door of his said place of business, his name at length, and after his name the word "Pawnbroker."

Police inspection of goods, books, etc., of pawnbroker.

7. A pawnbroker shall, whenever thereunto required by the Superintendent of Police or any Inspector of Police, or by any other member of the Police Force bearing a written order in that behalf under the hand of the said Superintendent, produce for the inspection of the person so requiring him all or any goods pledged or deposited with him, and all books and papers relating to the same.

Interest on loan upon goods pledged.

8. Over and above the principal moneys lent upon any goods pawned or pledged with the lender, he may demand, receive, and take from the person applying to redeem the said goods, before re-delivering the same, interest for the month, and every fractional part of a month, after such rate as may have been agreed upon at the time of the making of the said loan; which said principal moneys and interest shall be taken in full satisfaction of all charges for or incident to the loan to which the same relate: Provided, nevertheless, that the first month's interest shall be deemed to be due on the first day of the first month, and may be deducted from the amount of loan agreed upon.

Book to be kept by pawnbroker. Schedule: Form No. 1.

9. Before any moneys are advanced on any such loan as aforesaid, the lender thereof shall enter or cause to be entered in a book to be by him kept for that purpose, and to be called "The General Book," a fair and legible statement according to the Form No. 1 in the Schedule to this Ordinance.

Ticket to be given by pawnbroker to borrower. Schedule: Form No. 2.

10. The lender shall, at the time of making any such loan as aforesaid, deliver to the borrower a ticket containing a true and legible statement according to the Form No. 2 in the Schedule to this Ordinance.

Return of

11. In order to entitle any person to redeem from the lender or his re-

presentatives the goods pledged, the ticket must be returned to the lender or his representatives by the person applying to redeem the goods, except as provided for in section 14.

ticket on re-delivery of goods.

12. On the tender of any such ticket as aforesaid, together with the full amount then due for principal and interest, ~~if made within three months from the day of the making~~ of the loan, or within the further term allowed by section 16, it shall be the duty of the lender or his representatives to deliver up to the person tendering the ticket the goods described therein.

Delivery up of goods to person producing ticket for them and repaying loan.

13. The last preceding section shall not extend to cases where, at or previously to such tender, the lender or his representatives has or have had from the borrower or the owner of the said goods notice not to deliver the same, or has or have had knowledge or notice that the same have been, or are suspected to have been, unlawfully obtained from or lost by the owner; or to tickets as to which the borrowers have taken such proceedings as are provided by the next succeeding section; in all which cases it shall be the duty of the lenders or their representatives to withhold the goods.

Cases excepted from operation of s. 12.

14.—(1.) On the application of any person representing himself to be the borrower or the owner of the said goods or ticket, as the case may be, and to have lost or been unlawfully deprived of the same, it shall be the duty of the lender or his representatives, if the goods are still unredeemed or unsold, forthwith to deliver to such applicant a copy of the entry in the General Book, and the said applicant shall immediately thereupon proceed to a Magistrate and obtain an appointment for the purpose of verifying by lawful evidence the truth of such representation.

Provision for cases of lost goods and lost ticket.

(2.) If the said applicant verifies the same to the satisfaction of the Magistrate within seven days then next following, and obtains a certificate to that effect, indorsed upon the said copy, it shall be the duty of the lender or his representatives, on the copy so indorsed being delivered by the said applicant, to deliver to him, according to the circumstances of the case and as the Magistrate may order, another ticket or the goods, either with or without payment of the principal moneys or interest, or both principal moneys and interest, as the Magistrate may direct.

15. It shall be the duty of a Magistrate, upon lawful evidence being given to his satisfaction that there are probable grounds for believing that any goods have been pawned without the privity of their owner, to issue his warrant for searching any place where the goods may appear to him to be; and if any of the goods are discovered upon such search, it shall be the duty of the person executing the warrant to take them or cause them to be taken into safe keeping to abide the order of the Magis-

Issue of search warrant for goods pawned without privity of owner.

trate. Repealed & re-enacted (S. 38 of 1858 of 911)

Conditions under which unredeemed goods become property of pawnbroker.

16. Subject to the provisions hereinbefore contained, goods pawned as aforesaid shall, from and after the expiration of three months, if the same are then still unredeemed, become and be the property of the lender or his representatives absolutely: Provided, nevertheless, that if, at the expiration of three months, the borrower is desirous of continuing the loan for a further period not exceeding three months, he shall be entitled to do so on paying the interest then due; and an entry to this effect shall be made in the General Book and indorsed on the ticket.

Information to be given by applicant for loan and by applicant for redemption of goods.

17.—(1.) Every person applying to borrow shall, at the time of his application in that behalf, give to the pawnbroker to whom such application is made true information to enable him to comply with the requirements of sections 9 and 10.

(2.) Every person applying to redeem goods or for a copy of an entry shall, at the time of his application, give to the person to whom such application is made a full and true account of himself, his name, his place of abode, the name and place of abode of the owner, and the circumstances under which his application is made.

(3.) No person shall pawn, or attempt to pawn, the goods of any other person without being duly authorized or employed in that behalf.

Duty of pawnbroker to seize and deliver into custody applicant for loan, etc., who is suspected of unlawful practice.

18. Any pawnbroker to whom any application is made to borrow or redeem, or for a copy of an entry, who has reasonable cause to suspect any unlawful practice on the part of the applicant in any of the above cases, is hereby required to seize and detain such applicant, and empowered to call in the aid of any other person for that purpose; and every person so seized shall, with all reasonable speed, be delivered into the custody of a police constable who is hereby required to convey him before a Magistrate.

Liabilities of pawnbroker.

19.—(1.) A pawnbroker and his representatives shall be liable to make good all loss or damage accruing to a borrower in the cases following, that is to say,—

(*a.*) where the goods pawned have been stolen, embezzled, lost, or otherwise improperly disposed of, before the period for the redemption thereof has elapsed; and

(*b.*) where the goods, before the said period has elapsed, have, by the default, neglect, or misfeasance of the lender, his representatives or servants, been destroyed, damaged, or impaired in value.

(2.) In any of the said cases the Magistrate shall allow and award an amount in satisfaction of such loss or damage, from which shall be deducted the amount of principal and interest then due in respect of such goods.

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Prohibition of pawn by person under ten years of age.

20. No pawnbroker shall receive any goods in pawn from any person under the age of ten years.

Taking property of the Crown in pawn.

21. It shall not be lawful for any pawnbroker to receive in pawn any goods having upon them any mark or sign denoting them to be or to have been the property of the Crown or of any public department.

Hours of business of pawnbroker.

22. No goods shall be pawned or redeemed before six o'clock in the morning or after eight o'clock in the night.

Procedure under the Ordinance. *See Ordinance No. 3 of 1890.*

23. All adjudications and certificates under this Ordinance shall be summarily had and granted by a Magistrate and enforced according to the laws for the time being in force relating to the jurisdiction of Magistrates and the practice and procedure before them in relation to offences punishable on summary conviction.

Delivery to owner of property unlawfully pawned, with or without compensation to pawnbroker.

24. In each of the following cases, that is to say,—

(1.) if any person is convicted in any Court of feloniously taking or fraudulently obtaining any goods and chattels, and it appears to the Court that the same have been pawned with a pawnbroker; or

(2.) if, in any proceedings before a Magistrate, it appears to the Magistrate that any goods and chattels brought before the Magistrate have been unlawfully pawned with a pawnbroker,

the Court or Magistrate, on proof of the ownership of the goods and chattels, may, if it or he thinks fit, order the delivery thereof to the owner, either on payment to the pawnbroker of the amount of the loan advanced by him thereon, or of any part thereof, or without payment of such loan or any part thereof, as to the Court or Magistrate, according to the conduct of the owner and pawnbroker and the other circumstances of the case, may seem just and fitting.

Penalties for offences.

25. For offences against this Ordinance there shall be imposed the penalties following; that is to say,—

(1.) for every offence against sections 3, 5, 6, and 7 and sections 9 to 14, both inclusive, a penalty not exceeding two hundred dollars, together with the forfeiture of the offender's licence, if the Magistrate so directs;

(2.) for every offence against section 17, the penalty of imprisonment, with or without hard labour, for any term not exceeding two years;

(3.) for every offence against section 18 or section 20, a penalty not exceeding fifty dollars, together with the forfeiture of the offender's licence, if the Magistrate so directs;

(4.) for every offence against section 21, a penalty not exceeding five hundred dollars, together with the forfeiture of the offender's licence, if the Magistrate so directs; and

(5.) for every offence against section 22, a penalty not exceeding one hundred dollars.

Appropriation of penalties.

26. All penalties received or levied under this Ordinance shall be paid into the Colonial Treasury to the use of the Crown.

Saving as to right of appeal against adjudication, etc.

27. Nothing in this Ordinance shall affect the right of appeal against any adjudication, or the jurisdiction of the Supreme Court, or any of the laws relating to crimes or offences.

Exclusion of certain enactments. No. 1 of 1845.

28. Nothing in sections 27, 28, 39, and 40 of the Summary Offences Ordinance, 1845, shall affect pawnbrokers.

SCHEDULE.

FORMS.

Section 9.

FORM No. 1.

Entry in General Book.

The day of Month of Year of

No. of Loan.	Day of the Chinese Month.	Name of Borrower.	Place of Abode of Borrower.	Description of Article.	Amount of Loan.	Rate of Interest.

NOTE.—Numbers of loans to continue through one month, and to commence anew with each succeeding month.

Section 10.

FORM No. 2.

Pawn Ticket.

A.B., No. Street,

Pawnbroker.

[*or* A.B. & Co., No. Street],

Pawnbrokers.

The day of Month of Year of

No. of Loan.	Name and Abode of Borrower.	Description of Article.	Amount of Loan.	Rate of Interest.

ORDINANCE No. 2 OF 1860.

AN ORDINANCE for transferring to One of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.

A.D. 1860.

Ordinance No. 6 of 1860.

[30th April, 1860.]

WHEREAS Her Majesty the Queen has thought fit to revoke the Letters Patent of some of the Principal Officers of Her Majesty's Ordnance, and by other Letters Patent to transfer to one of Her Majesty's Principal Secretaries of State the administration of the department the duties of which were previously executed by the said Principal Officers of Her Majesty's Ordnance; and whereas it is expedient that the several powers and authorities at any time heretofore given to or vested in and exercisable by, and the lands, hereditaments, estates, and property at any time heretofore purchased, taken, used, occupied, and vested in the Principal Officers of Her Majesty's Ordnance, and all title, estate, and interest therein respectively, should be also transferred from the said Principal Officers and vested in one of Her Majesty's Principal Secretaries of State:

BE it therefore enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—