

## CHAPTER 14:15

### PAWNBROKERS ACT

*Acts 36/1889, 14/1962 (s. 2), 57/1972 (s. 16), 39/1973 (s. 19).*

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**AN ACT to regulate the business of pawnbrokers in Zimbabwe.**

[Date of commencement: 10th June, 1891.]

PART I  
PRELIMINARY

**1 Short title**

This Act may be cited as the Pawnbrokers Act [*Chapter 14:15*].

**2 Interpretation**

In this Act—

“pawnbroker” includes every person who carries on the trade or business of taking movable property in pawn or pledge;

“pawner” means a person delivering an article for pawn to a pawnbroker;

“pledge” means an article pawned with a pawnbroker;

“shop” includes dwelling-house and warehouse, or other place of business or place where business is transacted;

“unfinished goods or materials” includes any goods of any manufacture or of any part or branch of any manufacture either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after such goods or materials are put into a state or course of manufacture, or into a state for any process or operation to be performed thereupon or therewith and before the same are completed or finished for the purpose of wear, use or consumption.

**3 Extension of Act to keepers of certain shops**

In order to prevent evasion of this Act the following persons shall be deemed to be pawnbrokers, that is to say, every person who—

(a) keeps a shop for the purchase or sale of movable property, or for taking in movable property by way of security for money advanced thereon; and

(b) purchases or receives or takes in movable property, and pays or advances or lends thereon any sum of money not exceeding twenty dollars with or under an agreement or understanding expressed or implied, or to be from the nature and character of the dealing reasonably inferred, that such movable property may be afterwards redeemed or repurchased on any terms;

and every such transaction, article, payment, advance and loan shall be deemed a pawning, pledge and loan, respectively, within this Act.

**4 Executors of pawnbrokers**

This Act shall extend to and include the executors of deceased pawnbrokers, except that an executor shall not be answerable for any penalty personally or out of his own estate, unless the same is incurred by his own act or neglect.

**5 Agents, servants and apprentices of pawnbrokers**

(1) For the purposes of this Act, anything done or omitted by the employee, apprentice or agent of a pawnbroker in the course of or in relation to the business of the pawnbroker shall be deemed to be done or omitted, as the case may be, by the pawnbroker.

(2) Anything by this Act authorized to be done by a pawnbroker may be done by his employee, apprentice or agent.

## **6 Cessionaries, assigns or executors of pawners**

The rights, powers and benefits by this Act reserved to and conferred on pawners shall extend to, and be deemed to be reserved to, and conferred on, the cessionaries or assigns of pawners, and to and on the executors of deceased pawners; but any person representing himself to a pawnbroker to be the cessionary, assign or executor of a pawner shall, if required by the pawnbroker, produce to the pawnbroker the cession, assignment, letters of administration or other instrument under which he claims.

## **7 Application of Act in respect of loans**

(1) This Act shall apply to—

- (a) every loan by a pawnbroker of four dollars or under;
- (b) every loan by a pawnbroker of above four dollars and not above twenty dollars, except as in this Act otherwise provided in relation to cases where a special contract respecting the terms of the loan as authorized by this Act is made between the pawner and the pawnbroker at the time of the pawning.

(2) Nothing in this Act shall apply to a loan by a pawnbroker of above twenty dollars, or to the pledge on which the loan is made, or to the pawnbroker or pawner in relation to the loan or pledge; and, notwithstanding anything in this Act, a person shall not be deemed a pawnbroker by reason only of his paying, advancing or lending on any terms any sum or sums of above twenty dollars.

## **PART II**

### **GENERAL OBLIGATIONS OF PAWNBROKERS**

## **8 Pawnbrokers to keep books as in First Schedule**

(1) A pawnbroker shall keep and use in his business such books and documents as are described in the First Schedule, in the forms therein indicated or to the like effect, and shall as occasion requires enter therein in a fair and legible manner the particulars indicated in and in accordance with the directions of that Schedule, and shall make all inquiries necessary for that purpose.

(2) A pawnbroker who fails in any respect to comply with subsection (1) shall be guilty of an offence.

## **9 Pawnbrokers to keep names over doors and tables of rates exhibited in shops**

(1) A pawnbroker shall observe the following rules—

- (a) he shall always keep exhibited in large characters over the outer door of his shop his Christian name or names and surname, with the word pawnbroker;
- (b) he shall always keep placed in a conspicuous part of his shop, so as to be legible by every person pawning or redeeming pledges standing in any box or place provided in the shop for persons pawning or redeeming pledges, the same information as is by the rules of the First Schedule required to be printed on pawn-tickets.

(2) A pawnbroker who fails in any respect to comply with subsection (1) shall be guilty of an offence.

## **PART III**

### **PAWNING, REDEMPTION, AND SALE**

## **10 Pawn-tickets to be given for pledges**

A pawnbroker shall on taking a pledge in pawn give to the pawner a pawn-ticket, and shall not take a pledge in pawn unless the pawner takes the pawn-ticket.

## **11 Profit and charges allowed to pawnbrokers**

(1) A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in the Second Schedule.

(2) A pawnbroker may demand and take the charges specified in the Second Schedule in the cases and according to the rules therein stated and prescribed.

(3) A pawnbroker shall not, in respect of a loan on a pledge, take any profit, or demand or take any charge or sum whatever, other than those specified in the Second Schedule.

(4) A pawnbroker shall, if required at the time of redemption, give a receipt for the amount of loan and profit paid to him; and such a receipt shall not be liable to stamp duty unless the profit exceeds two dollars.

## **12 Pledges redeemable for one year**

Every pledge shall be redeemable within twelve months from the day of pawning, exclusive of that day, within which every pledge shall continue to be redeemable.

## **13 Pledges for one dollar or under not redeemed in time forfeited**

A pledge pawned for one dollar, or under, if not redeemed within the year of redemption, shall at the end of such year become and be the pawnbroker's absolute property.

#### **14 Pledges above one dollar redeemable until sale**

A pledge pawned for above one dollar shall further continue redeemable until it is disposed of, as in this Act provided, although the year of redemption has expired.

#### **15 Sale by auction of pledges above one dollar**

(1) A pledge pawned for above one dollar shall, when disposed of by the pawnbroker, be disposed of by sale by public auction, and not otherwise; and the regulations in the Third Schedule shall be observed with reference to the sale.

(2) A pawnbroker may bid for and purchase at a sale by auction, made or purporting to be made under this Act, a pledge pawned with him; and on such purchase he shall be deemed the absolute owner of the pledge purchased.

#### **16 Offences by auctioneers**

If an auctioneer does anything in contravention of this Act relating to auctioneers, or fails to do anything which he is required by this Act to do, he shall be guilty of an offence.

#### **17 Power to inspect sale book**

At any time within three years after the auction at which a pledge pawned for above one dollar is sold the holder of the pawn-ticket may inspect the entry of the sale in the pawnbroker's book, and in the filled-up catalogue of the auction, authenticated by the signature of the auctioneer, or in either of them.

#### **18 Pawnbroker to account for surplus within three years, subject to set-off**

(1) Where a pledge pawned for above one dollar is sold and appears from the pawnbroker's book to have been sold for more than the amount of the loan and profit due at the time of sale, the pawnbroker shall, on demand, pay the surplus to the holder of the pawn-ticket if the demand is made within three years after the sale, the necessary costs and charges of the sale being first deducted.

(2) If on any such demand it appears from the pawnbroker's book that the sale of a pledge has resulted in a surplus and that within twelve months before or after that sale the sale of another pledge or other pledges of the same person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus, and shall be liable to pay the balance only after such set-off.

#### **19 Offences as to pledges for above one dollar**

Any pawnbroker who with respect to pledges for loans of above one dollar—

- (a) does not *bona fide* according to the directions of this Act sell a pledge pawned with him; or
- (b) enters in his book a pledge as sold for less than the sum for which it was sold, or fails duly to enter the same; or
- (c) refuses to permit any person entitled under this Act to inspection of an entry of sale in the pawnbroker's book, or of a filled-up catalogue of the auction, authenticated by the auctioneer's signature, to inspect the same; or
- (d) fails without lawful excuse, the proof whereof shall lie on him, to produce such a catalogue on lawful demand; or
- (e) refuses to pay on demand the surplus to the person entitled to receive the same;

shall be guilty of an offence and liable to a fine not exceeding twenty dollars.

#### **20 Power to make special contracts, subject to restrictions**

(1) Notwithstanding anything in this Act contained, a pawnbroker may make a special contract with a pawner in respect of a pledge on which the pawnbroker makes a loan of above four dollars:

Provided that—

- (i) the pawnbroker at the time of the pawning delivers to the pawner a special contract pawn-ticket, signed by the pawnbroker;
- (ii) a duplicate of the special contract pawn-ticket is signed by the pawner.

(2) This Act, save as far as the application thereof is excluded by the terms of the special contract, shall apply thereto.

(3) A special contract pawn-ticket, or the duplicate thereof, shall not be subject to stamp duty.

### **PART IV**

#### **DELIVERY UP OF PLEDGE**

#### **21 Holder of pawn-tickets entitled to redeem**

The holder for the time being of a pawn-ticket shall be presumed to be the person entitled to redeem the pledge, and, subject to this Act, the pawnbroker shall accordingly, on payment of the loan and profit, deliver the pledge to the person producing the pawn-ticket, and he is hereby indemnified for so doing.

## **22 Production of pawn-ticket on redemption**

A pawnbroker shall not, except as in this Act provided, be bound to deliver back a pledge unless the pawn-ticket for it is delivered to him.

## **23 Liability of pawnbroker in case of fire**

(1) When a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable, on application within the period during which the pledge would have been redeemable, to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit, and twenty-five *per centum* on the amount of the loan.

(2) A pawnbroker shall be entitled to insure to the extent of the value so estimated.

## **24 Compensation for depreciation of pledge**

If a person entitled and offering to redeem a pledge shows to the satisfaction of a magistrates court that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect or wilful misbehaviour of the pawnbroker, the court may, if it thinks fit, award a reasonable compensation to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker, as the case requires, in such manner as the court directs.

## **25 Protection of owners and of pawners not having pawn-tickets**

(1) Any person claiming to be the owner of a pledge but not holding the pawn-ticket, or any person claiming to be entitled to hold a pawn-ticket, but alleging that the same has been lost, mislaid, destroyed or stolen, or fraudently obtained from him, may apply to the pawnbroker for a printed form of declaration, which the pawnbroker shall deliver to him.

(2) If the applicant delivers back to the pawnbroker the declaration duly made before a justice of the peace or a commissioner of oaths by the applicant, and by a person identifying him, the applicant shall thereupon have, as between him and the pawnbroker, all the same rights and remedies as if he produced the pawn-ticket:

Provided that such a declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than on the third day after the day on which the form is delivered to the applicant by the pawnbroker, exclusive of a day or days on which the pawnbroker is prohibited from carrying on business.

(3) The pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid.

(4) The pawnbroker is further hereby indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or false in any material particular.

(5) If any person makes a declaration under this Act, either as an applicant or as identifying an applicant, knowing the same to be false in any material particular, he shall be guilty of an offence and liable to the punishment attaching by law to perjury.

## **26 Delivery to owner of property unlawfully pawned**

In each of the following cases—

- (a) if any person is convicted under this Act of knowingly and designedly pawning with a pawnbroker anything being the property of another person, the pawner not being employed or authorized by the owner thereof to pawn the same;
- (b) if any person is convicted of stealing or fraudulently obtaining any goods and it appears to the court before which he is tried that the same have been pawned with a pawnbroker;
- (c) if in any legal proceedings it appears to any court that any goods brought before it have been unlawfully pawned with a pawnbroker;

the court, on proof of the ownership of the goods, may, if it thinks fit, order the delivery thereof to the owner, either on payment to the pawnbroker of the amount of the loan or of any part thereof, or without payment thereof or of any part thereof, as to the court, according to the conduct of the owner and the other circumstances of the case, seems just and fitting.

## **27 Summary order for delivery of pledge to person entitled**

If a pawnbroker, without reasonable excuse, proof whereof shall lie on him, neglects or refuses to deliver a pledge to the person entitled to have delivery thereof under this Act, he shall be guilty of an offence, and the court may, with or without imposing a fine, order the delivery of the pledge on payment of the amount of the loan and profit.

## **PART V**

### **OFFENCES**

## **28 Offences by pawnbroker**

Any pawnbroker who—

- (a) takes an article in pawn from any person appearing to be under the age of twelve years or to be intoxicated; or
- (b) purchases or takes in pawn or exchange a pawn-ticket issued by another pawnbroker; or
- (c) employs any servant or apprentice or other person under the age of sixteen years to take pledges in pawn; or
- (d) carries on the business of a pawnbroker on a Sunday or a public holiday; or
- (e) under any pretence purchases, except at public auction, any pledge while in pawn with him; or
- (f) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it; or
- (g) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof within the time of redemption; or
- (h) sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as authorized by this Act;

shall be guilty of an offence.

### **29 Unlawful pawning of goods not property of pawner**

Any person who knowingly and designedly pawns with a pawnbroker anything being the property of another person, the pawner not being employed or authorized by the owner thereof to pawn the same, shall be guilty of an offence, and in addition to any punishment to which he may be sentenced by a court for such offence, he shall be liable to pay to the owner of such property a sum not exceeding the full value of the pledge, upon application by such owner to the court before which such trial takes place.

### **30 Proceedings where persons offering articles in pawn do not give a good account of themselves**

(1) Any person who—

- (a) offers to a pawnbroker an article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article; or
- (b) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article; or
- (c) not being entitled to redeem, and not having any colour of title by law to redeem, a pledge, attempts or endeavours to redeem the same;

shall be guilty of an offence.

(2) In every such case, and also in any case where, on an article being offered in pawn to a pawnbroker, he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person and the article or either of them, and shall deliver the person and the article or either of them, as the case may be, as soon as may be into the custody of a police officer to be dealt with according to law.

### **31 Prohibition of taking in pawn linen, clothing, unfinished goods in certain cases**

A pawnbroker who knowingly takes in pawn any linen or apparel or unfinished goods or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up shall be guilty of an offence and liable, on conviction in a magistrates court, to a fine not exceeding double the amount of the loan, and the pawnbroker shall likewise restore the pledge to the owner thereof, in the presence of the court, or as the court directs.

### **32 Search warrant for linen unlawfully pawned**

(1) If —

- (a) the owner of any linen or apparel or unfinished goods or materials entrusted to any person as in section *thirty-one* mentioned and unlawfully pawned with a pawnbroker; or
- (b) the owner of any other article unlawfully pawned with a pawnbroker, such owner satisfying the magistrate on oath that his goods have been unlawfully obtained or taken from him;

makes out on oath before such magistrate that there is good cause to suspect that a pawnbroker has taken in pawn the linen, apparel, goods, materials or articles aforesaid, without the privity or authority of the owner, and makes appear to the satisfaction of the magistrate probable grounds for such suspicion, the magistrate may issue his warrant for searching, within the hours of business, the shop of the pawnbroker.

(2) If the pawnbroker, on request by a police officer authorized by the warrant, refuses to open the shop and permit it to be searched, a police officer may break it open within the hours of business, and search as he thinks fit therein for the linen, apparel, goods, materials or articles aforesaid, doing no wilful damage; and if any pawnbroker or other person opposes or hinders the search, he shall be guilty of an offence.

(3) If on the search any linen, apparel, goods, materials or articles aforesaid is or are found, and the property of the owner thereof is made out to the satisfaction of a magistrates court, the court shall cause the same to be forthwith restored to the owner thereof.

PART VI

PENALTIES AND LEGAL PROCEEDINGS

33 General penalty for offences

If a pawnbroker or other person is guilty of an offence against this Act, in respect whereof a specific penalty is not prescribed by this Act, he shall be liable to a penalty not exceeding twenty dollars or in default of payment to imprisonment for a period not exceeding one month.

34 Application of penalties

Penalties recovered under this Act, not directed to be otherwise applied, may be applied under direction of the court in which they are recovered, as follows—

- (a) where the complainant is the party aggrieved, one half of the penalty may be paid to him or such other proportion thereof as the court may deem sufficient to compensate such party;
(b) where the complainant is not the party aggrieved, there shall be paid to him no part or such part only of the penalty as the court thinks fit.

35 Amends for frivolous informations

Where an information or complaint of any offence against this Act is laid or made before a magistrates court and is not further prosecuted, or if any such information or complaint is further prosecuted, but it appears to the court by which the case is heard that there was no sufficient ground for the making of the charge, the court shall have power to award such amends, not exceeding the sum of ten dollars, to be paid by the informer or complainant to the party informed or complained against for his loss of time and expenses in the matter, as to the court seems meet; and every sum so awarded shall be recoverable as penalties under this Act are recoverable.

36 Penalty on common informers compounding informations

If any person lodges an information for an offence alleged to have been committed against this Act by which he was not personally aggrieved and afterwards directly or indirectly receives, without the permission of the magistrate having jurisdiction, any sum of money or other reward for compounding, delaying or withdrawing the information, he shall be guilty of an offence.

37 Detention of persons offering forged pawn-tickets

If any person utters, produces, shows or offers to a pawnbroker a pawn-ticket which the pawnbroker reasonably suspects to have been counterfeited, forged or altered, the pawnbroker may seize and detain the person and the ticket, or either of them, and shall deliver the person and the ticket, or either of them, as the case may be, as soon as may be into the custody of a police officer, to be dealt with according to law.

38 Production of books before court

- (1) A pawnbroker shall at any time, when ordered or summoned by a court of competent jurisdiction, attend before the court and produce all books and papers relating to his business which he is required by the court to produce.
(2) Any pawnbroker who fails to comply with subsection (1) shall be guilty of an offence.

39 Contracts not void on account of offences

Where a pawnbroker is guilty of an offence against this Act, any contract of pawn or other contract made by him, in relation to his business of pawnbroker, shall not be void by reason only of that offence, nor shall he by reason only of that offence lose his lien on or right to the pledge or to the loan and profit, but nothing in this section shall restrict the operation of any provision of this Act providing for the delivery of any movable property, or the restoration of any linen, apparel, goods, materials or articles to the owner, under the order of any court.

40 Protection of persons executing Act

If any person is sued or prosecuted for anything done by him in pursuance or execution or intended execution of this Act, he may plead generally that the same was done in pursuance or execution or intended execution of this Act, and give the special matter in evidence.

FIRST SCHEDULE (Section 8)

FORMS OF BOOKS AND DOCUMENTS

I. PLEDGE BOOK

of Pawnbroker

of , 19 .

Table with 8 columns: For Amount, For Name of Owner, if, For Address of, For List of Articles Pawned as

For date of Redemption.	For Profit charged	of Loan	For No. of Pledge in the Month.	For name of Pawner.	For Address of Pawner.	other than Pawner.	Owner, if other than Pawner.	described on Pawn-Ticket.
		\$ c						

*Rule*

All entries in the last five columns respecting each pledge shall be made on the day of the pawning thereof or within four hours after the end of that day.

II. PAWN-TICKET

*A. For loan of one dollar or under*

Pawned with [John Smith], pawnbroker,  
 [20 High Street, Harare],  
 this [17th] day of [March, 19 ],  
 by [Henry Williams] of [12 St. John's Street, Harare],  
 for the sum of [one dollar],  
 [One Black Frock Coat].

\*The pawnbroker is entitled to charge—

*\*The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back.*

For this ticket ..... One cent

For profit on each twenty-five cents or part of twenty-five cents lent on this pledge for not more than one calendar month ..... One cent

And so on at the same rate per calendar month.

After the first calendar month any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.

This pledge must be redeemed within twelve calendar months and seven days from the date of pledging. At the end of that time it becomes the property of the pawnbroker.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty-five per centum on the amount of the loan.

If this ticket is lost, mislaid or stolen, the pawner should at once apply to the pawnbroker for a form of declaration to be made before a justice of the peace or a commissioner of oaths, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

*B. For loan of above one dollar and not above four dollars.*

Pawned with [John Smith], pawnbroker,  
 [20 High Street, Harare],  
 this [18th] day of [March, 19 ],  
 by [Henry Williams], of [20 St. John's Street, Harare],  
 for the sum of [two dollars],  
 [One Grey Tweed Coat].

\*The pawnbroker is entitled to charge—

*\*The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back.*

For this ticket ..... One cent

For profit on each twenty-five cents or part of twenty-five cents lent on this pledge for not more than one calendar month ..... One cent

And so on at the same rate per calendar month.

After the first calendar month any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.

If this pledge is not redeemed within twelve calendar months and seven days from the day of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after the sale the pawner may inspect the account of the sale in the pawnbrokers' books on payment of one cent, and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty-five *per centum* on the amount of the loan.

If this ticket is lost or mislaid, the pawner should at once apply to the pawnbroker for a form of declaration to be made before a justice of the peace or a commissioner of oaths or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

C. *For loan of above four dollars.*  
 Pawned with [John Smith], pawnbroker,  
 [20 High Street, Harare],  
 this [19th] day of [March, 19 ],  
 by [Henry Williams], of [12 St. John's Street, Harare],  
 for the sum of [five dollars],  
 [One Shooting Coat].

\*The pawnbroker is entitled to charge—

\*The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back.

For this ticket..... One cent  
 For profit on each thirty cents or part of thirty cents lent on this pledge for every calendar month or part of a calendar month..... One cent

If this pledge is not redeemed within twelve calendar months and seven days from the day of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after sale the pawner may inspect the account of the sale in the pawnbroker's books on payment of one cent, and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty-five *per centum* on the amount of the loan.

If this ticket is lost or mislaid, the pawner should at once apply to the pawnbroker for a form of declaration to be made before a justice of the peace or a commissioner of oaths, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

III. SALE BOOK OF PLEDGES FOR LOANS OF ABOVE ONE DOLLAR

[Date and place of sale.]

[Name and place of business of Auctioneer.]

For No. of Pledge as in Pledge Book.	For Date of Pawning.	For Name of Pawner.	For Amount of Loan.	For Amount for which Pledge sold as stated by Auctioneer.
			\$ c	

IV. DECLARATION WHERE PLEDGE CLAIMED BY OWNER

TAKE NOTICE *if this declaration is false the person making it is punishable as for perjury.*

Unless this printed form is taken before a justice of the peace or a commissioner of oaths and declared to and signed and delivered back to the pawnbroker not later than the \_\_\_\_\_ day of \_\_\_\_\_ the articles mentioned in it will be delivered to any person producing the pawn-ticket.

I, A.B., \_\_\_\_\_ of \_\_\_\_\_, in pursuance of the Pawnbrokers Act [Chapter 14:15], do solemnly and sincerely declare that the article [or articles] described below is [or are] my property, and that I believe it [or they] is [or are] pledged at the shop of \_\_\_\_\_.

The article [or articles] above referred to is [or are] the following—

And I, C.D., \_\_\_\_\_ of \_\_\_\_\_, in pursuance of the same Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A.B. \_\_\_\_\_ of \_\_\_\_\_.

Declared before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

E.F., Justice of the Peace or Commissioner of Oaths.

V. DECLARATION WHERE PAWN-TICKET LOST, ETC.

TAKE NOTICE *if this declaration is false the person making it is punishable as for perjury.*

Unless this printed form is taken before a justice of the peace or a commissioner of oaths and declared to and signed and delivered back to the pawnbroker not later than \_\_\_\_\_ day of \_\_\_\_\_, the articles mentioned in it will be delivered to any person producing the pawn-ticket.

I, A.B., of \_\_\_\_\_, in pursuance of the Pawnbrokers Act [Chapter 14:15], do solemnly and sincerely declare that \_\_\_\_\_ pledged at the shop of \_\_\_\_\_ pawnbroker, the article [or articles] described below being \_\_\_\_\_ property, and received a pawn-ticket for the same, which has since been \_\_\_\_\_ by \_\_\_\_\_, and that the pawn-ticket has not been sold or transferred to any person by \_\_\_\_\_ or to \_\_\_\_\_ knowledge or belief.  
 The article [or articles] above referred to is [or are] the following—

And I, C.D., of \_\_\_\_\_, in pursuance of the same Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A.B. of \_\_\_\_\_.  
 Declared before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

E.F., Justice of the Peace or Commissioner of Oaths.

VI. RECEIPT

[Date.]

Received on redemption of pledge No. ....  
 Amount of loan .....  
 Profit.....  
 Total.....

\_\_\_\_\_  
 [A.B.]  
 Pawnbroker.

VII. SPECIAL CONTRACT

*Special Contract under Act of Parliament*  
 Pawned with [John Smith], pawnbroker  
 [20 High Street, Harare],  
 this [17th] day of [April, 19 \_\_\_\_\_],  
 by [Henry Williams], of [12 St. John's Street, Harare],  
 for the sum of [four dollars eighty] cents,  
 [One Marble Clock].

TERMS OF SPECIAL CONTRACT

\*The pawnbroker charges—

*\*The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back.*

For this ticket  
 Profit at the rate per calendar month of .....  
 After the first calendar month any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.....

The charge for storage of this pledge will be \_\_\_\_\_ per calendar month, or any part of a month, in addition to the charges above mentioned.

This pledge is pawned for the period of \_\_\_\_\_ †months.

After the expiration of that time the pledge may be sold by auction by the pawnbroker. But it may be redeemed by the pawner at any time before the day of sale.

Within three years after sale the pawner may inspect the amount of the sale in the pawnbroker's books on payment of \_\_\_\_\_, and receive any surplus produced by the sale. But a deficit on the sale of one pledge may be set off by the pawnbroker against a surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker will be bound to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty-five *per centum* on the amount of the loan, unless otherwise agreed upon by the pawner and pawnbroker.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a justice of the peace or a commissioner of oaths, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

(Signed) [John Smith], pawnbroker.  
 (Signed) [Henry Williams], pawner.

†Not less than three months.

**SECOND SCHEDULE (Section 11)**

PROFIT AND CHARGES ALLOWED TO PAWNBROKERS

PART I

PROFIT ON LOAN

- A. On a loan of four dollars or under—  
 For any time during which the pledge remains in pawn not exceeding one month, for every twenty-five cents or fraction of twenty-five cents lent ..... One cent  
 For every month after the first, including the current month in which the pledge is redeemed, although that month is not expired, for every twenty-five cents or fraction of twenty-five cents lent .... One cent

Provided that if the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall, in respect of those fourteen days, be entitled to take half of the amount which he would be entitled to take for the whole month.

- B. On a loan of above four dollars

For every month or part of a month for every sum of thirty cents or fraction of a sum of thirty cents ..... One cent

PART II

CHARGE ON PAWN-TICKET

Where the loan is one dollar or under ..... One cent  
Where the loan is above one dollar ..... Two cents

PART III

CHARGE ON INSPECTION OF SALE BOOK

For the inspection of the entry of a sale ..... One cent

PART IV

CHARGE ON FORM OF DECLARATION

Where the loan is fifty cents or under ..... One cent  
Where the loan is above fifty cents ..... One cent

*Rule*

This sum is to be paid by the applicant at the time of application.

**THIRD SCHEDULE (Section 15)**

REGULATIONS AS TO AUCTIONS OF PLEDGES ABOVE ONE DOLLAR

1. The auctioneer shall cause all pledges to be exposed to public view.
2. He shall publish catalogues of the pledges, stating—
  - (a) the pawnbroker's name and place of business;
  - (b) the month in which each pledge was pawned;
  - (c) the number of each pledge as entered at the time of pawning in the pledge book.
3. The pledges of each pawnbroker in the catalogue shall be separate from any pledges of any other pawnbroker.
4. The auctioneer shall insert in some public newspaper circulating at the place where the pawnbroker carries on business an advertisement giving notice of the sale, and stating—
  - (a) the pawnbroker's name and place of business;
  - (b) the months in which the pledges were pawned.
5. The advertisement shall be inserted on two separate days in the same newspaper, and the second advertisement shall be inserted at least three clear days before the first day of sale.
6. Pictures, prints, books, bronzes, statues, busts, carvings in ivory and marble, cameos, intaglios, musical, mathematical and philosophical instruments and china, sold by auction, shall be sold by themselves, and without any other goods being sold at the same sale, four times only in every year, that is to say, on the first Monday in the months of January, April, July and October, and on the following day and days, if the sale exceeds one day, and at no other time.
7. Where a pawnbroker bids at a sale the auctioneer shall not take the bidding in any other form than that in which he takes the biddings of other persons at the same sale; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.
8. The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amounts for which the several pledges of that pawnbroker were sold, and authenticated by the signature of the auctioneer.
9. The pawnbroker shall preserve every such catalogue for three years at least after the auction.