



CHAPTER 22

An Act to amend the Quebec License Act with respect to pawnbrokers and second-hand dealers

[Assented to, the 19th of February, 1932]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 108 of the Quebec License Act (Revised R. S., c. 25, Statutes, 1925, chapter 25) is replaced by the following ^{s. 108, re-}placed.
sections:

"108. No person shall carry on the business of pawn-broker's ^{Pawn-}broking under a license, in more than one house, shop or ^{broker's} place of business. ^{license.}

"108a. Only one license is necessary when two or more ^{One license.} persons carry on the business of pawnbroking in partnership in the same house, shop or place of business.

"108b. Every person who carries on the business of ^{Indication} pawnbroking must indicate, on the outside of his place of ^{of nature of} business, the nature of the business therein carried on ^{business.} by him.

"108c. Every pawnbroker must procure and keep a ^{Keeping of} register in which he must write or cause to be written, ^{register.} le-
gally, in French or in English, immediately upon the receipt of the article pawned:

- a. The description of such article;
- b. The amount of the loan;
- c. The day of the month and the year of the loan;
- d. The name and a description of the pawner; and
- e. The name of the street and number of the house where the pawner resides.

Contents.

Entries to be numbered consecutively.

The entries in such register must be numbered consecutively in the order of the loans in the manner following, namely: the first loan made shall be indicated as No. 1; the second as No. 2, and so on until the end of the month, and in the same manner for the ensuing months. The pawnbroker must mention in the memorandum which he gives to the pawner the number corresponding to that of the entry made in the register regarding such loan.

Form of register.

The Lieutenant-Governor in Council may determine upon the form of the register provided for by this section, and in such case every pawnbroker shall procure and keep a register in the form thus determined upon.

Memorandum to pawner.

"108d. When he makes a loan, the pawnbroker must give a memorandum to the pawner, written or printed, containing:

Contents.

- a. The description of the article pawned;
- b. The amount of the loan;
- c. The day of the month and year of the loan; and
- d. The name of the pawner, the place where he resides, together with the name of the street and the number of the house, if any.

Address, etc., on back.

On the back of such memorandum the name of the pawnbroker and the address of his place of business must appear, in writing or printed.

Acceptance obligatory.

The pawner must accept such memorandum and, in default of his so doing, the pawnbroker is not permitted to make the loan.

Duplicate.

"108e. A duplicate of the memorandum must be attached to the article pawned, and, when such article is returned, the pawnbroker must mention on such duplicate the date on which such article was so returned and must keep the duplicate for at least one year after such return."

R. S., c. 25, s. 111, replaced.

2. The said act is amended by replacing section 111 thereof by the following:

Rights of owner of article pawned.

"111. The owner of an article pawned at a pawnbroker's, without the consent of such owner, retains all his rights of ownership of such article and may exercise them in accordance with the principles laid down in articles 1487 and 1489 of the Civil Code."

R. S., c. 25, ss. 113a-113c, added.

3. The said act is amended by inserting therein, after section 113 thereof, the following sections:

Register and articles

"113a. Whenever required so to do, every pawnbroker must show to any member of the Provincial police or of any

municipal police force, or to any peace officer, the register pawned to required by section 108c and the articles received in pawn be shown to by such pawnbroker. police.

Every pawnbroker must, in addition, forward, on Monday of each week, a list containing a description of the Forwarding of weekly articles received by him in pawn during the days preceding list. the day of sending the list;

a. To the chief of the Provincial police if general quarters of the Provincial police are established in the municipality in which such pawnbroker is carrying on business; and

b. To the chief of the municipal police if a police force is organized in the municipality in which such pawnbroker is carrying on business.

"113b. Every person who contravenes any provision of this Division commits an offence against this act and shall be liable, in addition to the costs, to a fine of not less than fifty dollars nor more than three hundred dollars, and, in default of payment of the fine and costs, to an imprisonment of not less than one month nor more than three months. Offences and penalties.

"113c. The provisions of any other general and of any special act and those of any by-law of any municipal corporation contrary to the provisions of this Division are repealed, without prejudice to any such provisions authorizing a municipality to impose duties or taxes upon pawnbrokers." Provisions repealed.

4. The said act is amended by inserting therein, after section 117 thereof, the following Division and sections: R. S., c. 25, Div. XIV, added.

"DIVISION XIV

"Second-hand dealers

"118. In this Division, the words "second-hand dealer" shall apply to every person who, habitually, deals in used articles of any nature whatsoever, and also to every person who, habitually, receives without buying them used articles and undertakes to sell them. "Second-hand dealer".

Such expression shall not, however, apply to any person who, in the usual course of his business, accepts, in full or partial payment of merchandise sold, one or more used articles. Restriction.

"119. No person shall carry on the business of second-hand dealer, unless a license has been issued to him to that effect, upon payment of the following duties: License to do business.

Duties.

1. In the city of Montreal, one hundred dollars;
2. In the city of Quebec, fifty dollars;
3. In any other municipality, ten dollars.

Second-hand dealer's license.

"120. No person shall carry on the business of second-hand dealer under a license, in more than one house, shop or place of business.

One license.

"121. Only one license is necessary when two or more persons carry on the business of second-hand dealers in partnership, in the same house, shop or place of business.

Indication of nature of business.

"122. Every person who carries on the business of second-hand dealer must indicate, on the outside of his place of business, the nature of the business therein carried on by him.

Keeping of register.

"122a. Every second-hand dealer must procure and keep a register in which he must write or cause to be written, legibly, in French or in English, immediately upon the receipt of the used article:

Contents.

- a. The description of such article;
- b. The day of the month and the year of the purchase or exchange;
- c. The name and a description of the person from whom the article was received; and
- d. The place of residence of the person from whom the article was received, together with the name of the street and the number of the house, if any.

Entries to be numbered consecutively.

The entries in such register must be numbered consecutively in the order of the purchase or exchange in the manner following, namely: the first purchase or exchange effected shall be indicated as No. 1; the second as No. 2, and so on until the end of the month, and in the same manner for the ensuing months.

Form of register.

The Lieutenant-Governor in Council may determine upon the form of the register provided for by this section and in such case every second-hand dealer shall procure and keep a register in the form thus determined upon.

Reception forbidden prior to establishing of identity.

"122b. It is forbidden for any second-hand dealer to receive a used article unless the identity of the person delivering it to him be established by another person known to him, whose name, description and address must be mentioned after the data required by paragraph *d* of section 122a.

When provisions not applicable.

The provisions of the foregoing paragraph shall not apply when the second-hand dealer personally knows the person who delivers the used article to him or when the

second-hand dealer takes possession of such article at the residence of the person who delivers it to him. In both such cases, however, the second-hand dealer must mention such facts in the above-mentioned register after the other data required by section 122a.

"122c. It is forbidden for any second-hand dealer to dispose, by sale or otherwise, of a used article during the fifteen days following the day of the receipt of such used article by the second-hand dealer. Delay for disposal of used article.

Every second-hand dealer shall, when he disposes of a used article, by sale or otherwise, mention in the register provided for by section 122a the name and the residence of the person in whose favour he has disposed of the used article opposite the date of the transaction. Particulars in register.

"122d. Whenever he is required so to do, every second-hand dealer must exhibit to any member of the Provincial police, or of a municipal police force, or to any peace officer, the register required by section 122a and the used articles received by him. Exhibition of register, etc.

Every second-hand dealer must, in addition, forward, on Monday of each week, a list containing a description of the used articles received by him during the days preceding the day of sending the list: Forwarding of weekly list.

a. To the chief of the Provincial police if general quarters of the Provincial police have been established in the municipality in which the second-hand dealer carries on business; and

b. To the chief of the municipal police if a municipal police force is organized in the municipality in which such second-hand dealer carries on business.

"122e. The owner of a used article bought or taken in exchange by a second-hand dealer, without the consent of such owner, retains all his rights of ownership of such article and may exercise them in accordance with the principles laid down in articles 1487 and 1489 of the Civil Code. Rights of owner of used article.

"122f. The provisions of any other general and of any special act and those of any by-law of a municipal corporation contrary to the provisions of this Division are repealed, without prejudice to any such provisions authorizing a municipality to impose duties or taxes upon second-hand dealers. Provisions repealed.

"122g. Every person who contravenes any provision of this Division commits an offence against this act, and is liable, in addition to the costs, to a fine of not less than fifty Offences and penalties.

dollars nor more than three hundred dollars, and, in default of payment of the fine and costs, to an imprisonment of not less than one month nor more than three months."

Coming into
force.

5. This act shall come into force on the day of its sanction.