

mentioned in the clauses. The clauses really have no meaning except as a direction, under the decisions of the courts, and have no practical value. Hon. gentlemen will be aware that the class of persons who resort to the pawnbroker to obtain temporary loans are the very humblest persons in the community, who often strip the clothes from their bodies in order to obtain the means of getting a meal, and a class of persons that require, more than any others, the protection of the law to prevent imposition upon them. They may be told, if they come in with a small article of three or four or five dollars in value, that they will be charged so much per month. They may be unable to compute how much that will be; they may be, and commonly are, ignorant of figures, and looking at the small sum that is named by the month, they may imagine that they are paying only a reasonable interest for the money borrowed. That class of persons require special protection, which the law at present does not give them. It has been said, and I think said correctly enough, that if you want to know a thing, speak to the man whose business it is; if you want to know the man speak to him of something else. Now, those who are engaged in the actual administration of justice frequently discover defects in the law which would not occur to those not so engaged. Judges not unfrequently, indeed, call attention to these defects in the judgments they are obliged reluctantly to give in administering the law. That has occurred in Ontario, in a case which came before the Hon. Chief Justice Cameron, upon this law. A pawnbroker in the city of Toronto had taken a much larger sum than he was entitled to receive, and he was bound over to appear. The proceedings were moved to a higher court, and in contending that he was not liable, Mr. Rose—I believe the present Mr. Justice Rose—urged that there was no offence triable by indictment or triable by a magistrate, as no penalty was fixed in the Pawnbrokers' Act. On the other hand, the Crown Attorney, while admitting that it was a very doubtful question whether an offence against the statute existed, admitted also that the question of criminality was very far from being free from doubt, but contended that it should not be summarily disposed of by the

court. It was argued on both sides with great ability, and Chief Justice Cameron gave a most elaborate decision, the effect of which was to hold there was no limit, as between the borrower and the lender, as to any rate that might be agreed on between them; that whatever was agreed upon, if it could not be enforced, it was at least not a criminal offence, and he added these words, which I think are sufficient in themselves to commend the measure, which I have had the honor to introduce, to the favorable consideration of the House. He says:—

“ Though it is not the province of a Judge to suggest what laws should be enacted or abrogated, it may not be out of place, as the Usury Laws were modified in favor of the poorer or needier classes, in the enactment of the law relating to pawnbrokers, to call attention to the fact, that those classes would seem to require some protection from the exorbitant demands of those who carry on that trade or business by the imposing of restrictions upon pawnbrokers, so as to confine their exactions upon necessity within something like reasonable bounds.”

Now, that is what the Bill has proposed to accomplish, to confine the exactions upon necessity within reasonable bounds. I propose to do that by a short clause, only a few words, but still I think it will cover the grounds and will remedy the defect that now confessedly exists in the law. It has been discovered by judges, and anyone who takes the trouble to reflect a few moments on the subject may see it is really a radical defect in the statute. The law enacts that the pawnbroker is not to take more than a certain sum, but there is no sanction to that, and while the poor unfortunate man who has to borrow is liable to very severe penalties if he tampers with the ticket he receives, or interferences with the rights of the pawnbroker, on the other hand the pawnbroker can make any bargain he pleases and is not liable to punishment under the law. The penalty I propose in this Bill is as follows:—

1. Every pawnbroker who charges, in respect to any goods pawned, any higher rate than is authorized by law, shall, on summary conviction, be liable to a penalty not exceeding fifty dollars.

I insert \$50 because that appears to be the usual larger limit in cases of summary proceedings, and is very nearly the same