



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. LXXV.

An Act to remove Doubts touching the Law relating to Charitable Pawn or Deposit Offices in *Ireland*. [30th *July* 1842.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to establish the Business of a Pawnbroker, and to authorize such Persons as shall be duly qualified to carry on the same to lend Money on Pawns or Pledges, and to receive Interest at a higher Rate than heretofore was recoverable by Law*, and accordingly by virtue of such Act the Trade or Business of a Pawnbroker was established in *Ireland*; and it is provided and enacted, that after the First Day of *May* One thousand seven hundred and eighty-six every Person purposing to become a Pawnbroker shall enter into and execute a Bond, as therein mentioned, in the penal Sum of Three hundred Pounds Sterling, conditioned for the due and faithful Discharge of all Trusts, Matters, and Things committed to his or her Care or to him or her relating in consequence of becoming or being a Pawnbroker, and of the said Duties thereby required of such Pawnbroker, and is also required to procure Three or more proper and sufficient Persons also to enter into and execute a separate and distinct Bond, as therein mentioned, in the penal Sum of One hundred Pounds Sterling, for the Security

26 G. 3. (1.)

23 G. 3. (1.)

Security of all Persons who should have any Dealing with such Person following the Business of a Pawnbroker pursuant to that Act, that such Pawnbroker shall duly and faithfully discharge the several Duties thereby required of him or her; and by the said Act certain Penalties and Forfeitures are imposed upon all Persons whomsoever who shall after the First Day of *May* One thousand seven hundred and eighty-six commence or follow the said Business of a Pawnbroker, who shall not have entered into and given such Securities as therein-before and also as herein-before mentioned; and the said Act contains divers Provisions touching the Mode in which the Trade or Business of a Pawnbroker is to be carried on, and imposes divers Penalties and Forfeitures upon Persons guilty of any Malpractices in the said Trade: And whereas an Act was passed in the Parliament of *Ireland* in the Twenty-eighth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to explain, amend, and render more effectual an Act passed in the Twenty-sixth Year of the Reign of His present Majesty King George the Third, intituled 'An Act to establish the Business of a Pawnbroker, and to authorize such Persons as shall be duly qualified to carry on the same to lend Money on Pawns or Pledges, and to receive Interest at a higher Rate than heretofore was recoverable by Law,'* and thereby it is enacted, that if any Person or Persons, not being duly qualified and licensed, shall in any Manner presume to use, exercise, or carry on the said Trade or Business of a Pawnbroker, every such Person so offending shall forfeit and pay, for each and every such Offence, the further Penalty therein mentioned, recoverable as therein mentioned; and the same Act contains certain Provisions requiring certain Certificates to be obtained and additional Security to be given by all Pawnbrokers residing within the District of the Metropolis of the City of *Dublin*, or within Three Miles thereof, and requires a certain Oath to be taken by every Pawnbroker so residing as last mentioned; and the said Act contains divers other Enactments inflicting Pains and Penalties upon Persons guilty of Malpractices in the said Trade or Business of a Pawnbroker: And whereas certain charitable Institutions or Societies have been formed in *Ireland*, commonly called Charitable Pawn Offices, or *Monts de Piété*, the Object of which Institutions or Societies is to lend Money to poor Persons on the Pledge or Deposit of Goods; and the Profits arising from such Institutions or Societies, after the Payment of necessary Expences, are devoted to charitable Purposes: And whereas it is expedient that such Institutions or Societies should be encouraged and aided by legislative Enactments, provided that due and proper Precautions be taken to secure such Profits as aforesaid for charitable Purposes, and prevent their being applied by the Projectors for their own Benefit; and such proper Precautions may be insured by a Compliance, by or on behalf of such Institutions or Societies, with the Provisions in that Behalf contained in the Act of Parliament next herein-after recited or referred to: And whereas an Act was made and passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth,

Fourth, intituled *An Act to amend the Laws relating to Loan Societies in Ireland*, and by that Act divers Provisions are made for the Establishment and Management of certain Institutions called Loan Societies or Loan Funds, which Institutions were formed for the Purpose of raising from Time to Time, by Loans from the Members of such Societies or from other Persons, at a Rate of Interest not exceeding Six *per Centum per Annum*, or by Donations, a Stock or Fund for the Purpose of granting Loans to the industrious Classes, in Sums not exceeding Ten Pounds to any One Individual at any One Time, but at a Rate of Interest higher than is allowed by Law to be taken on ordinary Loans; and by the said Act proper Provisions are made for the Enrolment of such Societies, and full and proper Provision is made for securing for charitable Purposes the net Profits of every Society established under the Provisions of that Act, or which may become entitled to the Benefit thereof; and it is by the said Act enacted, that if any Society or Societies, then or thereafter to be formed, for the Purpose of establishing Charitable Pawn or Deposit Offices at which Money may be lent to the industrious Poor upon Pledge, shall be desirous of having the Benefit of that Act, such Society or Societies shall in like Manner cause the Rules framed or to be framed for their Management respectively to be certified, deposited, and enrolled in manner therein-before directed with reference to Loan Fund Societies desiring the Benefit of that Act, and thereupon such Societies respectively shall be deemed and entitled to and shall have the Benefit of the Provisions contained in that Act, so far as the same are applicable to the Objects of such Charitable Pawn or Deposit Offices: And whereas, in consequence of the Provisions touching the Qualifications and Licence required for Pawnbrokers respectively contained in the said Two several Acts of Parliament first herein-before recited or referred to, Doubts have arisen whether the Directors, Trustees, and Managers of, and other Persons conducting or assisting in the Conduct of, the said Institutions or Societies called Charitable Pawn or Deposit Offices, do not incur Penalties for and as acting as Pawnbrokers without a proper Qualification or Licence, notwithstanding they may be enrolled under and entitled to the Benefit of the last herein-before recited Act, and notwithstanding such Persons may have caused their Manager, Clerk, Agent, or Servant to be licensed as required by said Two first-recited Acts for carrying on their said Business, it being held and considered that a Compliance with the Forms required by the said Two first-mentioned Statutes, in the Name of a Manager, Clerk, Agent, or Servant not beneficially and substantially personally interested in the said Business, is not sufficient to exempt the said Directors, Trustees, Managers, Conductors, and other Persons from the Penalties imposed by the said Two first-mentioned Acts upon unqualified Persons acting as Pawnbrokers: And whereas, for the Encouragement of the said charitable Institutions or Societies, it is expedient that such Doubts should be removed; and it is expedient also to provide for the Inconvenience that

6 & 7 W. 4.
c. 55.

Managers, &c. of Charitable Pawn Societies exempted from Penalties for acting as unqualified Persons, provided the Societies are entitled to the Benefit of 6 & 7 W. 4. c. 55., and a Licence be taken in the Name of a Manager or Clerk.

that may from Time to Time arise from the Death of the Person who may be licensed or authorized to act as a Pawnbroker, or from his ceasing to act on behalf of the Society on whose Behalf he may have been originally licensed, in the Interval before a Successor can be licensed and authorized to act, and it is expedient also to make such other Provisions as herein-after contained touching the Person to be so licensed or authorized to act: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That none of the Clauses or Provisions touching or requiring any Securities, Licence, or Qualification to be given, taken, or acquired, or other Forms to be complied with on the Part of any Person or Persons commencing or carrying on the Business of Pawnbrokers, respectively contained in the said Two several Acts first herein-before mentioned or referred to, or either of them, shall be held or construed to subject or render liable any Director, Trustee, Manager, or Subscriber of, or any Manager, Clerk, Agent, Servant, or other Person in any way connected with, or conducting or assisting in the Conduct of any Institution or Society now or hereafter to be formed in *Ireland* for the Purpose of establishing in *Ireland* a Charitable Pawn or Deposit Office, to any Penalty, Forfeiture, or Punishment whatever in respect of any Act, Deed, or Thing at any Time heretofore or to be at any Time hereafter done or omitted to be done by any Director, Trustee, Manager, or Subscriber of, or any Agent, Servant, or other Person connected with or conducting or assisting in the Conduct of any such Institution or Society, at the usual Place or Places of conducting the Business of the said Institution or Society; provided that such Institution or Society shall, by having complied with the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, have become and for the Time being continue entitled to the Benefit of the Provisions of that Act; and provided that some Manager, Clerk, Servant, or Agent of the said Institution or Society shall, on behalf of the said Institution or Society, have complied with the Forms and Requisites of the said Two first-recited Acts, or such of them as may be applicable to the Place or Places respectively where the Business of the said Institution or Society may be conducted, in such and the same Manner as would enable such Manager, Clerk, Servant, or Agent to act as a Pawnbroker on his own Behalf.

Licence to enure for Six Months after the Death of the Clerk, or his ceasing to be employed, but his Sureties to remain liable.

II. And be it enacted, That whenever it shall happen that a Licence or Authority shall have been once obtained by or on behalf of any Manager, Clerk, Servant, or Agent of any such Institution or Society as aforesaid, the whole Business may be conducted in his Name in all respects as if he were beneficially interested; and such Licence or Authority shall be and enure for the Benefit of the said Institution or Society, and the Directors, Members, Managers, and Subscribers thereof, and all Persons conducting and assisting in the Conduct

Conduct thereof, so as to save them from all Penalties for acting as Pawnbrokers without proper Qualification or Licence at their usual Places of Business respectively, not only during such Time as such Manager, Clerk, Servant, or Agent shall be actually employed for or on behalf of the said Institution or Society in the Management or Conduct of their Business or in assisting therein, but for the Space of Six Calendar Months from and after the Death of such Manager, Servant, or Agent, or from and after the Time when such Manager, Servant, or Agent shall cease to act or be employed for or by the said Institution or Society, whichever shall first happen, but not for a longer Period than Six Calendar Months from such Time as aforesaid.

III. Provided always, and be it enacted, That all Bonds and Securities given or procured to be given by, for, or on behalf of such Manager, Servant, or Agent, pursuant to the said Two several first herein-before recited Acts, or either of them, shall extend to and be deemed to be in force for securing, during the said Period of Six Months the Observance and Performance, by and on behalf of all Persons acting for and on behalf of the said Institution or Society on whose Behalf the said Person shall have acted, of every Act, Matter, and Thing which the said Person so licensed would or ought to do or perform, or omit to do or perform, if living, and acting on his own Behalf in the Conduct of the Business of the said Institution or Society, in like Manner to all Intents and Purposes as if such Person were living and actually personally carrying on the Business of a Pawnbroker, at the usual Place of conducting Business by the said Society, for and during such Period of Six Months from such Death or ceasing to act as aforesaid.

Bonds, &c. of Managers, Servants, and Agents shall remain in force for Six Months after their Deaths or ceasing to act.

IV. Provided always, and be it enacted, That nothing herein contained shall extend to exempt the Managers of any such Institution or Society as aforesaid, or any other Persons whatever, from any Penalties or Forfeitures by reason of any Malpractices in the Trade or Business of a Pawnbroker, it being the true Intent and Meaning of this Act to confine the Exemption of the Parties hereby exempted solely to the Want of Licence or Qualification, or Non-compliance with the Forms required by the said Two first-recited Acts.

Nothing herein to exempt the Managers of Pawn Societies or other Persons from any Penalty for Malpractices.

V. And be it enacted, That not only shall the Person so licensed as aforesaid, or in whose Name the Business of a Pawnbroker shall be conducted on behalf of any such Institution or Society as aforesaid, be liable to every Penalty and Forfeiture for Malpractices contained in or imposed by the said Two first-mentioned Acts, in like Manner in all respects as if he were conducting the Business of a Pawnbroker on his own Account, and his Sureties be liable as herein-before provided, but the Goods, Property, and Effects of the said Institution or Society on whose Behalf he shall be so licensed

Not only the Party licensed but the Property of the Institutions to be liable for Penalties for Malpractices.

Act not to be construed to vest any Property in the Person licensed, except to render it liable to Forfeiture for any Penalty incurred in the Trade.

or act shall be liable to Seizure and Distress for all Forfeitures and Penalties which may be incurred by him, or by any other Person assisting in the Management of the said Business, at the Place where the Business of the said Institution or Society shall be carried on, in like Manner as if such Funds and Property were the Funds and Property of the Person so licensed or authorized as aforesaid: Provided always, that nothing herein contained shall in any way be deemed to vest in the said Person, or give him, or his Executors, Administrators, or Assignees, any Estate, Right, or Interest in the Goods, Property, or Effects of the said Company, or render such Goods, Property, or Effects of the said Company in any way subject to Claims by the Creditors of such Person, or any other Persons claiming through him, save only in respect of Forfeitures or Penalties incurred in the Trade of a Pawnbroker at the usual Place of conducting the Business of the Institution or Society for or on whose Benefit he shall be licensed to act.

Public Act.

VI. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons, without the same being specially shown or pleaded.

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