

ANNO QUINTO

GEORGII IV. REGIS.

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CAP. LXXIII.

An Act to relieve Bankers in *Ireland* from divers Restraints imposed by the Provisions of the Twenty-ninth of *George* the Second, and to render all and each of the Members of certain Copartnerships of Bankers which may be established liable to the Engagements of such Copartnerships, and to enable such Copartnerships to sue and be sued in the Name of their Public Officer. [17th *June* 1824.]

WHEREAS by an Act made in the Parliament of *Ireland*, in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act for promoting Public Credit*, it was among other things enacted, that the Name of every Person and Persons who singly or jointly with any others carry on the Trade or Business of a Banker or Bankers, shall be mentioned in or subscribed to all Notes and Receipts to be issued by such Banker or Bankers, and that every Banker offending contrary thereto should for every such Offence forfeit the Sum of One hundred Pounds; and it was also by the said recited Act enacted, that no Person or Persons who should 29 G. 2. (I).

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carry on the Business of a Banker or Bankers should, either singly or in Partnership with any other, so long as he or they should continue to be a Banker or Bankers, trade or traffic as Merchants in Goods or Merchandize imported or exported, and that every Banker offending contrary thereto should forfeit the Sum of One thousand Pounds: And whereas it is expedient that Part of the said Act should be repealed, be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this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 from and after the passing of this Act, the said herein-before recited Clauses of the said recited Act shall be and the same are hereby repealed.

The Clauses requiring Names of all Partners to be subscribed to Notes, and prohibiting Bankers from being Traders, repealed.

II. And be it further enacted, That before any Promissory Note or Bill for Money, payable to Bearer on Demand, shall, at any Time between the Twenty-fifth Day of *March* in any Year and the Twenty-fifth Day of *March* following, be issued by any Society or Copartnership consisting of more than Six in Number, and who shall have their Establishments or Houses of Business at any Place not less than Fifty Miles distant from *Dublin*, and who shall carry on the Trade and Business of Bankers, and shall issue Notes payable on Demand, an Entry and Register of the Firm or Name of such Society or Copartnership, and of the Bank or Banks established by such Society or Copartnership, and of the proper Names and Places of Abode of all the Persons concerned or engaged in such Society or Copartnership, shall be made and entered by or on Behalf of such Society or Copartnership, in a Book or Books to be kept for that Purpose at the Stamp Office in *Dublin*, by some Person appointed for that Purpose by the Commissioners of Stamps; and every such Entry or Register shall specify the Name of some Individual of such Society or Copartnership, who shall be considered as the Public Officer of such Society or Copartnership, and the Title or Description of such Public Officer, in whose Name such Society or Copartnership shall sue and be sued; and also the Name of every Town and Place where any such Promissory Notes shall be issued or made payable by any such Society or Copartnership, or by any Agent or Agents of such Society or Copartnership; and the Name and Title and Description of every such Public Officer shall be mentioned in or subscribed to all Notes and Receipts to be issued by or on Behalf of such Society or Copartnership; and if any Person or Persons shall issue or cause to be issued any Note or Receipt, in the Name or on Behalf of any such Society or Copartnership, in or to which the true Name of such Public Officer shall not be mentioned or subscribed, every such Person shall forfeit the Sum of One hundred Pounds.

Banking Partnerships exceeding Six, and carrying on Business at any Place 50 Miles from Dublin, shall be entered at the Stamp Office, Dublin;

and also the Name of the Public Officer of such Firm, who may sue and be sued;

and which shall be subscribed to the Notes.

Penalty, 100*l*.

III. And be it further enacted, That whenever any Entry or Register of the Firm or Name of any such Society or Copartnership shall be made at the Stamp Office in manner aforesaid, at any Time between the Twenty-fifth Day of *March* in any Year and the Twenty-fifth Day of *March* following, a Certificate of such Entry and Registry shall be granted by the said Commissioners of Stamps, or by some Person

Stamp Office to give a Certificate of such Entry;

deputed and authorized by the said Commissioners for that Purpose, to the Society or Copartnership by whom or on whose Behalf such Entry and Registry shall be made, and such Certificate shall be written on Vellum, Parchment, or Paper, duly stamped with the Stamp required by Law for Certificates to be taken out yearly by any Banker or Bankers in *Ireland*; and a separate and distinct Certificate, on a separate Piece of Vellum, Parchment, or Paper, with a separate and distinct Stamp, shall be granted for and in respect of every Town and Place where any such Promissory Note shall be issued or made payable by any such Society or Copartnership, or by any Agent or Agents, for or on account of such Society or Copartnership; and every such Certificate shall specify the proper Firm, Stile, Title, or Name of such Society or Copartnership under which such Notes are to be issued, and also the Name of the Town or Place, Towns or Places, where such Notes are to be issued, and shall also specify and set forth the Names and Places of Abode of all the Persons concerned in such Society or Copartnership, and the Christian and Surname, and Place of Abode, and Title or Description of the Public Officer of such Society or Copartnership, in whose Name such Society or Copartnership shall sue and be sued; and in default of making such Entry as is hereby required, or any Part thereof, such Certificate shall be absolutely void; and every such Certificate shall be dated on the Day on which the same shall be granted, and shall have effect and continue in force from the Day of the Date thereof until the Twenty-fifth Day of *March* following, both inclusive, and no longer.

Which Certificates shall be for one Year only.

IV. And be it further enacted, That if after the Expiration of One Calendar Month next after the passing of this Act, any Society or Copartnership of Persons exceeding Six in Number (except the Governor and Company of the Bank of *Ireland*), shall at any Time between the Twenty-fifth Day of *March* in any Year and the Twenty-fifth Day of *March* following issue any such Promissory Notes payable on Demand, without having made or caused to be made such Entry and Registry as is by this Act required for such Year, and obtained a Certificate or Certificates thereof for such Year, in manner required by this Act, every such Society or Copartnership shall for every such Neglect or Offence forfeit the Sum of Five hundred Pounds *British* Currency.

Penalty on making and issuing Notes without having made Entry and taken out Certificate, £500, and which may be sued;

V. And be it further enacted, That all Actions and Suits to be commenced or instituted by or on Behalf of any such Society or Copartnership, against any Person or Persons, Bodies Politic or Corporate, or others, for recovering any Debts or enforcing any Claims or Demands due to such Society or Copartnership, and all Proceedings in Law or Equity relating to the same, or other the Concerns of any such Society or Copartnership, shall and lawfully may, from and after the passing of this Act, be commenced or instituted and prosecuted in the Name of such Public Officer for the Time being of such Society or Copartnership, as the nominal Plaintiff for and on Behalf of such Society or Copartnership; and that all Actions or Suits and Proceedings,

Actions and Suits to be commenced in the Name of the Public Officer of such Partnership;

ings in Law or in Equity, to be commenced or instituted against such Society or Copartnership, shall and lawfully may be commenced, instituted, and prosecuted against such Public Officer for the Time being of such Society or Copartnership, as the nominal Defendant for and on the Behalf of such Society or Copartnership; and that all Indictments, Informations, and Prosecutions by or on Behalf of such Society or Copartnership, for any Stealing or Embezzlement of any Money, Goods, Effects, or Property of or belonging to such Society or Copartnership, or for any Fraud, Crime, or other Offence committed against or with Intent to injure or defraud such Society or Copartnership, shall and lawfully may be had or preferred and carried on in the Name of such Public Officer for the Time being of such Society or Copartnership; and that in all Indictments and Informations to be had or preferred by or on the Part or Behalf of such Society or Copartnership, it shall be lawful and sufficient to state the Money, Goods, and Effects or Property of such Society or Copartnership, to be the Money, Goods, Effects, or Property of the Public Officer for the Time being of the said Society or Copartnership; and that any Crime or other Offence committed against or with Intent to injure or defraud such Society or Copartnership, shall and lawfully may in such Indictment or Indictments be laid or stated to have been committed against or with Intent to injure or defraud such Public Officer for the Time being of the said Society or Copartnership; and any Offender or Offenders may thereupon be lawfully convicted for any such Crime or Offence; and that the Death, Resignation, or Removal, or other Act of such Public Officer for the Time being of any such Society or Copartnership, shall not abate or prejudice any such Action, Suit, Indictment, Information, Prosecution, or other Proceeding then depending against or by or on Behalf of such Society or Copartnership.

Judgment against such Public Officer in such Actions, to operate against the Partnership.

VI. And be it further enacted, That all and every Judgment and Judgments which shall at any Time after the passing of this Act be had or recovered in any Action, Suit, or Proceedings in Law or Equity, against any such Public Officer of any such Society or Copartnership, shall have the like Effect and Operation upon and against the Property of such Society or Copartnership, and upon and against the Property of every Member thereof, as if such Judgment or Judgments had been recovered or obtained against such Society or Copartnership themselves; and further, that the Bankruptcy, Insolvency, or stopping Payment of such Public Officer for the Time being of such Society or Copartnership, in his individual Character or Capacity, shall not be or be construed to be the Bankruptcy, Insolvency, or stopping Payment of such Society or Copartnership; and also that such Society or Copartnership and every Member thereof, and the Capital Stock and Effects of such Society or Copartnership, and the Effects of every Member of the said Copartnership, shall in all Cases, notwithstanding the Bankruptcy, Insolvency, or stopping Payment of such Public Officer, be attached and attachable, and shall be in all respects liable to the lawful Claims and Demands of the Creditor and Creditors of such Society or Copartnership, in like Manner

Manner as if no such Bankruptcy, Insolvency, or stopping Payment of such Public Officer of such Society or Copartnership had happened or taken place.

Execution upon Judgment in any such Action may be issued against any Member of the Society, and the Public Officer to be saved harmless.

VII. Provided always, and be it enacted, That Execution upon any Judgment in any such Action, obtained against such Public Officer for the Time being of any such Society or Copartnership, whether as Plaintiff or Defendant, may be issued against any Member or Members for the Time being of such Society or Copartnership: Provided always, that every such Public Officer in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, and every such Member or Members against whom Execution upon any Judgment obtained in any such Action shall be issued as aforesaid, shall always be reimbursed and paid out of the Funds of such Society or Copartnership all such Costs and Charges as by the Event of any such Proceeding he or they shall be put to and become chargeable with.

Act extended to existing Partners.

VIII. And be it further enacted, That this Act and the Powers and Provisions herein contained shall extend and be at all Times construed to extend to any such Society or Copartnership, and the Members thereof for the Time being, during the Continuance of such Society or Copartnership, whether the same do or shall consist or be composed of all or some only of the Persons who originally were, or at the Time of this Act may be Members of any such Society or Copartnership, or of all or some only of those Persons, together with some other Persons, or entirely of some other Persons, all of whom became or may become Members of such Society or Copartnership at any Time after the original Institution thereof, or subsequent to the passing of this Act.

Recovery of Penalties and Forfeitures.

IX. And be it further enacted, That all Penalties, Forfeitures and Sums of Money to be forfeited under this Act may be sued for and recovered in any of His Majesty's Courts of Record at *Dublin*, by any Person, in his or her own Name, by Action of Debt, Bill, Plaint or Information founded on this Act, provided such Action be commenced within Twelve Calendar Months next after such Offence committed, in which Action there shall not be any Essoign or Wager of Law, nor more than One Imparlance allowed; and all Sums so to be recovered shall be applied, one Moiety thereof to the Use of the Person who shall sue for the same, and the other Moiety to His Majesty, His Heirs and Successors.

19 & 20 G. 3. (I.) not to extend to Bankers.

X. And be it declared and enacted, That so much of an Act made in the Parliament of *Ireland*, in the Nineteenth and Twentieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain an Act, intituled 'An Act to prevent Frauds committed by Bankrupts,'* whereby it is enacted, that all mercantile Companies or Partnerships shall set forth in their several Invoices, Bills of Parcels, Promissory Notes, and Custom House Entries, the Names

Names of the several Individuals of which such Partnership or Company doth consist, doth not and shall not extend, and shall not be construed to extend to any Society or Copartnership of Bankers in *Ireland*; any Custom or Usage to the contrary in anywise notwithstanding.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1824.