

or interest, as was possessed and might have been enforced by such Factor or Factors, Agent or Agents, at the time of such deposit or pledge, as aforesaid.

Rights of Owners of Goods

VI. *And be it further enacted*, That nothing herein contained shall be deemed to deprive or prevent the true Owner or Proprietor of such Goods, Wares or Merchandize, from demanding and recovering the same from his Factor or Agent, before the same shall have been so sold, deposited or pledged, or from the Assignee of such Factor or Agent, in the event of his insolvency, nor to prevent such Owner or Proprietor from demanding or recovering of and from any Person, Body, Politic or Corporate, the sum agreed to be paid for the purchase of such Goods, Wares or Merchandize, subject to any right of set off on the part of such persons, against such Factor or Agent, nor to prevent such Owner or Proprietor from demanding or recovering from such persons, such Goods so deposited or pledged, upon re-payment of the money or on restoration of the negotiable instrument so advanced, and upon payment of such further sum of money, or on restoration of such other negotiable instrument, (if any) as may have been advanced or given by such Factor or Agent to such Owner, or on payment of a sum of money equal to the amount, nor to prevent the said Owner or Proprietor from recovering from such Person or Persons, Body or Bodies, Politic or Corporate, any balance or sum of money remaining in his or their hands, as the produce of the sale of such Goods, after deducting thereout the amount of the money or negotiable instrument so advanced; *Provided*, that in case of the insolvency of any such Factor or Agent, the Owner or Proprietor of the Goods so pledged and redeemed shall be held to have discharged *pro tanto* the debt due by him, her or them, to the Estate of such Insolvent.

Proviso

Preamble

*And whereas*, it is expedient to prevent the improper deposit or pledge of Goods Wares or Merchandize, or the Documents relating to such Goods, Wares or Merchandize, entrusted or consigned as aforesaid, to Factors or Agents :

Goods lodged as security

VII. *Be it therefore enacted*, That if any such Factor or Agent, at any time, and after the passing of this Act, shall deposit or pledge any Goods, Wares or Merchandize, entrusted or consigned as aforesaid, to his or her care or management, or any of the said several Documents, so possessed or entrusted as aforesaid, with any Person or Persons, Body or Bodies, Politic or Corporate, as a Security for any money or negotiable instrument or instruments, borrowed or received by such Factor or Agent, and shall apply and dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the owner or owners of any such Goods, Wares or Merchandize, every person so offending, in any part of this Province, shall be deemed and taken to be guilty of a misdemeanor, and, being convicted thereof according to Law, shall receive such punishment as may by Law be inflicted on persons guilty of a misdemeanor, and as the Court, before whom such offender may be tried and convicted, shall adjudge.

Proviso

VIII. *Provided always, and be it further enacted*, That nothing herein contained, shall extend, or be construed to extend, to subject any person or persons to prosecution, for having deposited or pledged any Goods, Wares or Merchandize, so entrusted or consigned to him, her or them; *Provided* the same shall not be made a security for, or subject to, the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons, from his, her or their, principal or principals, together with the amount of any Bill or Bills of Exchange drawn by, or on account of, such principal, and accepted by such Factor or Agent.

Penalties

IX. *Provided also, and be it further enacted*, That the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend, or be construed to extend, to any partner or partners or other person or persons of, or belonging to, any partnership, society or firm, except only such partner or partners person or persons, as shall be accessory or privy to the commission of such offence, any thing herein contained to the contrary in any wise notwithstanding.

Actions

X. *Provided also, and be it further enacted*, That nothing in this Act contained, nor any proceeding, conviction or judgment, to be had or taken thereupon, shall hinder, prevent, lessen or impeach, any remedy at Law or in Equity, which any party or parties, aggrieved by any offence against this Act, might or would have had or have been entitled to,

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