



Mercantile Law Amendment Act 1856

1856 CHAPTER 97 19 and 20 Vict

An Act to amend the Laws of England and Ireland affecting Trade and Commerce. [29th July 1856]

Modifications etc. (not altering text)

- C1 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
- C2 This Act is not necessarily in the form in which it has effect in Northern Ireland

1,2^{F1}

Textual Amendments

- F1 [Ss. 1, 2](#) repealed by [Sale of Goods Act 1893 \(c. 71\)](#), [Sch.](#)

3 Consideration for guarantee need not appear in writing.

No special promise to be made by any person to answer for the debt, default, or miscarriage of another person, being in writing, and signed by the party to be charged therewith, or some other person by him thereunto lawfully authorised, shall be deemed invalid to support an action, suit, or other proceeding to charge the person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

4^{F2}

Textual Amendments

- F2 [S. 4](#) repealed by [Partnership Act 1890 \(c. 39\)](#), [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Mercantile Law Amendment Act 1856. (See end of Document for details)

5 A surety who discharges the liability to be entitled to assignment of all securities held by the creditor.

Every person who, being surety for the debt or duty of another, or being liable with another for any debt or duty, shall pay such debt or perform such duty, shall be entitled to have assigned to him, or to a trustee for him, every judgment, specialty, or other security which shall be held by the creditor in respect of such debt or duty, whether such judgment, specialty, or other security shall or shall not be deemed at law to have been satisfied by the payment of the debt or performance of the duty, and such person shall be entitled to stand in the place of the creditor, and to use all the remedies, and, if need be, and upon a proper indemnity, to use the name of the creditor, in any action or other proceeding, at law or in equity, in order to obtain from the principal debtor, or any co-surety, co-contractor, or co-debtor, as the case may be, indemnification for the advances made and loss sustained by the person who shall have so paid such debt or performed such duty, and such payment or performance so made by such surety shall not be pleadable in bar of any such action or other proceeding by him: Provided always, that no co-surety, co-contractor, or co-debtor shall be entitled to recover from any other co-surety, co-contractor, or co-debtor, by the means aforesaid, more than the just proportion to which, as between those parties themselves, such last-mentioned person shall be justly liable.

6, 7. F3

Textual Amendments
F3 Ss. 6, 7 repealed by Bills of Exchange Act 1882 (c. 61), Sch. 2

8 With reference to the repairs of ships, every port within the United Kingdom, &c. a home port.

In relation to the rights and remedies of persons having claims for repairs done to, or supplies furnished to or for, ships, every port within the United Kingdom of Great Britain and Ireland, the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and the islands adjacent to any of them, being part of the dominions of Her Majesty, shall be deemed a home port.

Modifications etc. (not altering text)
C3 “United Kingdom of Great Britain and Ireland” to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

9—14. F4

Textual Amendments
F4 Ss. 9–14 repealed by Limitation Act 1939 (c. 21), Sch.

Changes to legislation: There are currently no known outstanding effects for the Mercantile Law Amendment Act 1856. (See end of Document for details)

15 F5

Textual Amendments

F5 S. 15 repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

16 **Short title.**

In citing this Act, it shall be sufficient to use the expression “The Mercantile Law Amendment Act 1856.”

17 **Extent of Act.**

Nothing in this Act shall extend to Scotland.

Changes to legislation:

There are currently no known outstanding effects for the Mercantile Law Amendment Act 1856.