ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. CXXXIII.

An Act for better enabling the Commiſſioners of Stamps to make Allowances for ſpoiled Stamps on Policies of Inſurance in *Great Britain*, and for preventing Frauds relating thereto.

[25th *July* 1814.]

WHEREAS it is expedient to repeal the exiſting Proviſions and make others for the Allowance of ſpoiled Stamps on Policies of Inſurance in *Great Britain*, and for preventing Frauds relating thereto: May it therefore pleaſe Your Majeſty that it may be enacted; and be it 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 all the Proviſions contained in an Act of the Thirty-fifth Year of His Majeſty's Reign, intituled *An Act for granting to His Majeſty certain Stamp Duties on Sea Inſurances*, and in any ſubſequent Act or Acts for the Allowance and Exchange of Stamps on Policies of Inſurance in *Great Britain*, as being ſpoiled or miſuſed, ſhall be and the ſame are hereby repealed; and that it ſhall be lawful for the Commiſſioners of Stamps to allow as ſpoiled or miſuſed and to cancel Stamps on Policies of Inſurance in *Great Britain* in the following Caſes, and upon the following Terms and Conditions only; that is to ſay:

Allowance to be made in the following Caſes:

Firſt, Where a Policy ſhall be inadvertently filled up in an incorrect or improper Manner, or be obliterated or otherwiſe ſpoiled and rendered unfit for Uſe, or ſhall be filled up for ſome Inſurance which ſhall not be proceeded in, and the ſame ſhall not be ſigned by any Underwriter, provided Application ſhall be made for the Allowance within Six Calendar Months after the paſſing of this Act, or after ſuch Policy ſhall be ſpoiled or become uſeleſs:

1. Where a Policy is ſpoi'ed, without being underwritten.

Secondly, Where a Policy ſhall be underwritten, but not to the full Amount of the Sum which the Stamp Duty thereon will cover, and another

2. Where a Policy is underwritten, but

not to full extent of the Stamp Duty.

another Policy ſhall be produced underwritten in lieu thereof, by the ſame Perſons, to the ſame Amount, on the ſame Property or Intereſt, and for the ſame Riſk in all Reſpects, provided Application ſhall be made for the Allowance within Six Calendar Months after the paſſing of this Act, or Three Calendar Months after the Date of the laſt Subſcription on the Firſt Policy:

3. Where there is Error or Miſtake in the Policy.

Thirdly, Where a Policy ſhall be underwritten, and there ſhall afterwards be found any Error or Miſtake therein, ſo that the Inſurance intended ſhall not be thereby effected, and another Policy ſhall be produced underwritten in lieu thereof by the ſame Perſons, in which the Error or Miſtake ſhall be rectified, provided the Underwriters ſhall ſign a Declaration that the Inſurance made by the Firſt Policy is cancelled, and the Premium returned on that Ground only, and provided ſatisfactory Proof ſhall be given of the Error or Miſtake, and that the new Policy ſhall be underwritten before Notice of the Termination of the Riſk firſt inſured, and provided Application ſhall be made for the Allowance within Six Calendar Months after the paſſing of this Act, or Three Calendar Months after the Date of the laſt Subſcription on the Firſt Policy:

4. Where the Terms and Conditions of a Policy are agreed to be altered.

Fourthly, Where a Policy ſhall be underwritten, and the Terms and Conditions of the Inſurance ſhall afterwards be agreed to be altered and another Policy ſhall be produced underwritten in lieu thereof, by the ſame Perſons, to the ſame Amount, on the ſame Property or Intereſt, and with ſuch Alteration in the Terms and Conditions of the Inſurance as may have been agreed upon; provided the Underwriters ſhall ſign a Declaration that the Inſurance made by the Firſt Policy is cancelled, and the Premium returned on that Ground only, and provided the new Policy ſhall be underwritten before Notice of the Termination of the Riſk originally inſured, and the Thing inſured ſhall remain the Property of the ſame Perſon or Perſons, and provided Application ſhall be made for the Allowance within Six Calendar Months after the paſſing of this Act, or Three Calendar Months after the Date of the laſt Subſcription on the Firſt Policy:

5. Where a Policy is underwritten ſubject to Approbation and it is diſapproved.

Fifthly, Where a Policy ſhall be underwritten, and the Inſurance ſhall be made ſubject to the Approbation of the Inſured, and ſuch Condition ſhall be expreſſed in the Policy, and the Inſured ſhall ſignify his or their Diſapprobation thereof within the Time to be preſcribed for that Purpoſe in and by the Policy, provided all the Underwriters on ſuch Policy (except ſuch as may be deceaſed, or have become bankrupt or inſane, or have departed out of the Realm) ſhall ſign a Declaration that the Inſurance is cancelled and the Premium returned on that Ground only, and provided Application ſhall be made for the Allowance within Six Calendar Months after the paſſing of this Act, or Three Calendar Months after the Time ſo preſcribed for Diſapprobation:

6. Where after Inſurance made, there turns out to be No Riſk or No Intereſt.

Sixthly, Where Inſurance ſhall be made upon any Ship or Ships, or upon any Goods or other Property on board any Ship or Ships, or upon the Freight of any Ship or Ships, or upon any other Intereſt in or relating to any Ship or Ships, for a particular Voyage, and the Ship or Ships ſhall not proceed at all upon the Voyage ſpecified, or ſhall not proceed thereon at or within the Time ſpecified, if any, and alſo where Inſurance ſhall be made upon Goods or other Property on board any Ship or Ships, or upon any Intereſt in or relating to any Ship or Ships, for or upon a particular Voyage, and the Goods or Property intended to be inſured ſhall not be ſhipped at all, or not within the Time ſpecified, or not on board the Ship or Ships named or deſcribed, or it ſhall turn out that the Inſured had not the Intereſt intended to be inſured;

fured; provided in all theſe Caſes, that all the Underwriters (except ſuch as may be deceaſed, or have become bankrupt or inſane, or have departed out of the Realm) ſhall ſign a Declaration that the Inſurance is cancelled, and the Premium returned for ſome or one of the Reaſons here ſpecified, and provided Application ſhall be made for the Allowance within Six Calendar Months after the paſſing of this Act, or Three Calendar Months after the Inſured, if in *Great Britain*, or his or their Broker or Agent, if the Inſured be out of *Great Britain*, ſhall know the Facts, upon which the Allowance is hereby authoriſed to be made; but no Allowance of the Duty ſhall be made in any of theſe Caſes, if the Underwriters ſhall have run any Riſk whatever under the Policy brought for Allowance, unleſs another Policy ſhall be produced, whereby the ſame Property or Intereſt ſhall be inſured to the ſame Amount for or upon ſome other Voyage, or for or upon the ſame Voyage to be performed at ſome other Time:

In foregoing Caſes, other Stamps to be given in lieu of thoſe allowed.

And upon the Allowance of any Stamps or Policies of Inſurance as ſpoiled or miſuſed in the ſeveral Caſes aforeſaid, the Commiſſioners of Stamps ſhall give the Party delivering up ſuch Policies to be cancelled, other Policy Stamps of the ſame Amount or Value in lieu thereof.

Further Proviſion for the 2d, 3d, and 4th, Caſes.

II. Provided always, and be it further enacted, That if in the Second, Third, or Fourth Caſe, herein-before provided for, ſome only of the Underwriters on the Policy brought for Allowance, ſhall have underwritten another Policy in lieu thereof, it ſhall nevertheleſs be lawful for the ſaid Commiſſioners to make ſuch Allowance as aforeſaid, for the Amount of the Stamp Duty on the Firſt Policy, except ſo much thereof as ſhall be due for or in reſpect of the Sum or Sums not transferred to the Second Policy; and if it ſhall appear to the Satisfaction of the ſaid Commiſſioners, that any legal Proceedings are intended to be inſtituted by or on behalf of the Inſured, in reſpect of any Sum or Sums underwritten on the Firſt Policy, and not transferred to the Second, which may require the Production of the Firſt Policy, it ſhall be lawful for the ſaid Commiſſioners to cancel and expunge the Stamp thereon, and to ſubſtitute another Stamp for denoting only the Duty, payable in reſpect of the Sum or Sums not transferred as aforeſaid, and thereupon to re-deliver the ſame to the Inſured or his or their Broker or Agent.

Further Proviſion for the Caſe of a Policy underwritten, but not to full extent of Stamp Duty.

III. Provided alſo, and be it further enacted, That if in the Caſe of a Policy being underwritten, but not to the full Amount of the Sum, which the Stamp Duty thereon will cover, it ſhall be found inconvenient to get another Policy underwritten in lieu thereof, and the ſame ſhall be brought to the ſaid Commiſſioners within Six Calendar Months after the paſſing of this Act, or Three Calendar Months after the Date of the laſt Subſcription thereon, it ſhall be lawful for the ſaid Commiſſioners to cancel and expunge the Stamp on ſuch Policy, and to ſubſtitute another Stamp, for denoting only the Duty, payable in reſpect of the Sum or Sums underwritten thereon, and to give another Policy Stamp or Stamps of an Amount or Value equal to the Difference between the Stamp cancelled and the Stamp ſubſtituted for the ſame.

7. Allowance to be made of a Proportion of the Stamp Duty, in Caſes of Short Intereſt.

IV. And be it further enacted, That where Inſurance ſhall be made on any Ship or Ships, or on Goods or other Property on board any Ship or Ships, or on the Freight of or other Intereſt in or relating to any Ship or Ships, and the Sum inſured on the Account of any One Perſon, or on the joint

joint Account of Two or more Perſons, ſhall be found to exceed the Value of his, her, or their Property or Intereſt, by the Sum of One thouſand Pounds, where the Duty ſhall be at the Rate of One Shilling and Threepence *per Centum*, or by the Sum of Five hundred Pounds, where the Duty ſhall be at the Rate of Two Shillings and Sixpence *per Centum*, or above, it ſhall be lawful for the Commiſſioners of Stamps to make an Allowance for ſo much of the Stamp Duty on the Policy, whereby ſuch Inſurance ſhall be made, as ſhall exceed the Duty payable in reſpect of the Value of the Property or Intereſt, on which the Riſk ſhall have attached; on the Policy being delivered up to be cancelled, and Proof being made to the Satisfaction of the ſaid Commiſſioners, of the Value of ſuch Property or Intereſt, and provided all the Underwriters (except ſuch as may be deceaſed or have become bankrupt or inſane, or have departed out of the Realm) ſhall ſign a Declaration that the Premium is returned on account of ſhort Intereſt, in reſpect of their ſeveral Proportions of the Exceſs of the Sum inſured beyond the Value of ſuch Property or Intereſt, and provided Application ſhall be made for the Allowance, within Six Calendar Months after the paſſing of this Act, or Three Calendar Months after the Value of ſuch Intereſt or Property ſhall be known to the Inſured if in *Great Britain*, or to his or their Broker or Agent, if out of *Great Britain*; and the ſaid Commiſſioners ſhall deliver other Policy Stamps for the Amount of the Duty ſo to be allowed as laſt mentioned; but no ſuch Allowance ſhall be made on account of ſhort Intereſt in any Caſe where the Property or Intereſt inſured ſhall be expreſsly valued at the Sum inſured thereon, in and by the Policy whereby the Inſurance ſhall be made.

No Allowance in foregoing Caſes, if Policy be underwritten beyond the Duty.

V. Provided always, and be it further enacted, That no ſuch Allowance as aforeſaid ſhall be made in any of the Caſes herein-before mentioned, if the Policy brought for Allowance ſhall appear to be underwritten to a greater Amount than the Stamp Duty thereon will cover.

8. Allowance may be made for Stamps on Policies, underwritten beyond the Duty, in certain Caſes and on certain Conditions.

VI. Provided alſo, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to make ſuch Allowance as aforeſaid, where a Policy ſhall be underwritten to a greater Amount than the Stamp Duty thereon will cover, after the Expiration of Six Calendar Months from the paſſing of this Act, provided the ſame ſhall be proved to have been done inadvertently, and provided another Policy duly ſtamped ſhall be underwritten in lieu thereof, by the ſame Perſons, to the ſame Amount, on the ſame Property or Intereſt, and for the ſame Riſk in all Reſpects, within Three Days afterwards, and Application ſhall be made for the Allowance within Seven Office Days after the Date of the laſt Subſcription on the Policy on which too much ſhall have been underwritten; and in caſe only ſome of the Underwriters can be procured to underwrite another Policy in lieu thereof, within the Time hereby limited, it ſhall be lawful for the ſaid Commiſſioners to make ſuch Allowance as aforeſaid, for the Amount of the Stamp Duty on the Firſt Policy, except ſo much thereof as ſhall be due for or in reſpect of the Sum or Sums not transferred to the Policy underwritten in lieu thereof, (provided Application be made within the ſaid Seven Days), and to cancel and expunge the Stamp thereon, and to ſubſtitute another Stamp, for denoting only the Duty, payable in reſpect of the Sum or Sums not transferred as aforeſaid, and thereupon to re-deliver the ſame to the Inſured, or his or their Broker or

Agent: And if it ſhall be deemed inconvenient to get another Policy underwritten in lieu of any Policy, which ſhall be underwritten to a greater Amount than the Stamp Duty thereon will cover, and the ſame ſhall be brought to the ſaid Commiſſioners within Three Office Days after the Date of the laſt Subſcription thereon, and the proper Duty ſhall be then paid in reſpect of the Sum or Sums underwritten beyond what ſhall be covered by the Stamp Duty thereon, it ſhall be lawful for the ſaid Commiſſioners to put an additional Stamp on ſuch Policy, for denoting the Duty then to be paid, which additional Stamp ſhall render the ſame valid: And where any Policy ſhall have been underwritten to a greater Amount than the Stamp Duty thereon will cover, at any Time before the paſſing of this Act, or within Six Calendar Months afterwards, it ſhall be lawful for the ſaid Commiſſioners to make ſuch Allowance in reſpect thereof, as they are authorized to make in ſuch Caſes by any Act or Acts now in force.

Underwriters to ſign Returns of Premium, with Surnames at length.

VII. And be it further enacted, That no ſuch Allowance of Stamp Duty as aforeſaid ſhall be made, in any Caſe, where it is to depend on the Condition of the Underwriters ſigning a Declaration of the Return of Premium, unleſs the Underwriters ſhall ſign ſuch Declaration with their Surnames at length, and not with their Initials only as heretofore accuſtomed; and if any Underwriter ſhall agree to return the Premium on any Policy of Inſurance, and ſhall refuſe to ſign ſuch Declaration in the Manner hereby required, he ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds, to be paid to His Majeſty, His Heirs or Succeſſors, and to be recovered in the ſame Manner as other Penalties impoſed by any of the Laws now in force relating to Stamp Duties.

Allowances to be made, though Part of Premium retained for Brokerage or Trouble.

VIII. And be it further enacted, That where the Allowance of Stamp Duty, in any of the Caſes aforeſaid, ſhall depend on the Condition of the Underwriters ſigning a Declaration of the Return of Premium, it ſhall be ſufficient if the Declaration ſhall certify the Return of the ſame, with an Exception of One Shilling in the Pound or Guinea, for the Broker's Commiſſion, and of any further Sum not exceeding One Half *per Centum* on the Sum inſured, which may be agreed to be retained in Conſideration only of the Trouble given to the Underwriters, and not of any Riſk actually incurred by them.

Penalty on Underwriters ſigning falſe Declaration of Return of Premium.

IX. And be it further enacted, That if any Underwriter ſhall knowingly and wilfully ſign any falſe Declaration of the Grounds, on which the Premium on any Policy of Inſurance, or any Part thereof, ſhall be returned, or any falſe Declaration of the Quantity of Premium returned, in any of the Caſes herein-before mentioned; he ſhall for every ſuch Offence forfeit the Sum of One hundred Pounds, to be paid to His Majeſty, His Heirs or Succeſſors, and to be recovered in the ſame Manner as other Penalties impoſed by any of the Laws now in force relating to Stamp Duties.

Penalty for Forgery or Alteration of Declaration of Return of Premium.

X. And be it further enacted, That if any Perſon ſhall forge or counterfeit, or cauſe or procure to be forged or counterfeited, or willingly aid or aſſiſt in the forging or counterfeiting of the Name or Hand Writing of any Underwriter on any Policy of Inſurance, to any Declaration of any Return of the Premium on ſuch Policy or any Part thereof, or ſhall fraudulently alter, or cauſe or procure to be altered, or aid or aſſiſt in altering any

any such Declaration, after the same shall have been signed by any Underwriter, or shall utter or make use of any such Declaration, knowing the same to have been fraudulently altered, or the Name or Handwriting of any Underwriter to have been forged or counterfeited thereon, for the Purpose of obtaining any such Allowance as aforesaid, and with Intent to defraud His Majesty, His Heirs or Successors; every Person so offending shall, for the First Offence, forfeit the Sum of Five hundred Pounds, to be paid to His Majesty, His Heirs or Successors, and to be recovered in the same Manner as other Penalties imposed by any of the Laws now in force relating to Stamp Duties; and for the Second and every other Offence shall be adjudged guilty of Felony, and shall be transported for Seven Years to Parts beyond the Seas.

Commissioners of Stamps may make Regulations, and require Affidavits and written Documents in Support of Claims;

XI. And be it further enacted, That it shall be lawful for the Commissioners of Stamps, to make such Rules and Regulations, and to require Affidavits or solemn Affirmations in the Case of *Quakers*, of all such Facts and Circumstances, in regard to the Allowance of spoiled or misused Stamps, in the several Cases provided for by this Act, as they shall in their Discretion judge necessary or expedient, for the Purpose of preventing Frauds and Evasions; such Affidavits or Affirmations to be made before the said Commissioners, or any One or more of them, or before any Person authorized by them or the major Part of them in that Behalf, or before a Master in Chancery, Ordinary or Extraordinary, in *England*, or before any Person duly commissioned to take Affidavits by the Court of Session, or the Court of Exchequer in *Scotland*, who are hereby respectively authorized to take the same and administer the proper Oath or Affirmation for that Purpose; and it shall also be lawful for the said Commissioners of Stamps to call for such written Documents and other Evidence as shall appear to them to be necessary for substantiating the Claims which shall be made for any such Allowances as aforesaid.

and may authorize their Officers to receive and examine Claims, &c.

XII. And, for facilitating such Allowances, be it further enacted, That it shall be lawful for the Commissioners of Stamps, or the major Part of them, to authorize any of their Officers to receive and examine the Claims made for such Allowances, and to take Affidavits and Affirmations relating thereto, and to administer the proper Oaths or Affirmations for that Purpose, and to do all or any other Act or Acts respecting such Claims, which the said Commissioners themselves are hereby authorized to do.

Penalty for Perjury.

XIII. And be it further enacted, That if any Person making any such Affidavit or Affirmation as aforesaid, shall knowingly and wilfully make a false Oath or Affirmation, of or concerning any of the Matters to be therein specified or set forth, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to such Pains and Penalties as by any Law now in force Persons convicted of wilful and corrupt Perjury are subject and liable to.

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