

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 28<sup>th</sup> day of May 1765, in the Fifth Year of His Majesty's Reign, and there continued by several Prorogations until the eighteenth day of June, 1768, in the Eighth Year of His said Majesty's Reign; being the Sixth Session of the Fourth General Assembly convened in the said Province.*

8 George III – Chapter 10 (Session 1)

**An Act for discharging the Penalties and Forfeitures in Bonds, Contracts, and Agreements, on Payment and Satisfaction of the principal Sum and Damages due upon the same.**

Be it enacted by the Lieutenant Governor, Council, and Assembly, that in every action upon any bond, contract, and agreement, with penalty for performance condition contained in such bond, contract, or agreement, it shall and may be lawful for the respective courts, where such action shall be brought, upon due proof of the just sum due upon the condition of such bonds, contracts, and agreements, together with all such damages and costs as have been incurred by non performance of the condition, to direct and receive a verdict for the sum and damages so proved at the trial; and to cause satisfaction to be entered up on the Judgment upon such bond, contract and agreement, upon payment of the debt and damages, so to be ascertained by verdict or otherwise.

II. And be it further enacted, that when any action of debt shall be brought on any single bill, or where debt or scire facias shall be brought on any judgment, if the defendant hath paid the money, such payment may be pleaded in bar; and where debt is brought on any bond which hath a condition or defeazance to make void the same upon payment of a lesser sum, if the obligor, his heirs, executors, or administrators, have, before the action brought, paid the principal and interest due, though such payment was not made strictly according to the condition of the defeazance, yet it may be pleaded in bar, and shall be as effectual as if the money had been paid at the day and place according to the condition, and had been so pleaded.

III. And be it further enacted, that if at any time pending an action upon such bond with a penalty, the defendant shall bring into court the principal and interest due, and all costs already expended in any suit in law or equity upon such bond, the money shall be taken in satisfaction of the bond, and the court shall give judgment to discharge such defendant.