

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 28th 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 2 (Session 1)

An Act for giving like Remedy upon Promissory Notes, as is now used upon Bills of Exchange.

Whereas it has been held that notes in writing, signed by the party who makes the same, whereby such party promises to pay unto any other person, or his order, any sum of money therein mentioned, are not assignable or indorsible over, within the custom of merchants, to any other person; and that such person to whom the sum of money mentioned in such note is payable, cannot maintain an action, by the custom of merchants, against the person who first made and signed the same, and that any person to whom such note should be assigned, indorsed, or made payable, could not, within the said custom of merchants, maintain any action upon such note against the person who first drew and signed the same. Therefore to the intent to encourage the trade and commerce of this Province, which will be much advanced, if such notes shall have the same effect as inland bills of exchange, and shall be negotiated in like manner: Be it enacted by the Lieutenant Governor, Council, and Assembly, that all notes in writing, made and signed by any person or persons, or by the servant or agent of any merchant, trader, or other person or persons, who is usually intrusted by him, her, or them, to sign such promissory notes for him, her, or them, whereby such person or persons, his, her, or their servant or agent, as aforesaid, doth or shall promise to pay to any other person or persons, his, her, or their order, or unto bearer, any sum of money mentioned in such note, shall be taken and confirmed to be, by virtue thereof, due and payable to any such person or persons, to whom the same is made payable; and also every such note payable to any person or persons, his, her, or their order, shall be assignable or indorsible over, in the same manner as inland bills of exchange are or may be, according to the custom of merchants; and that the person or persons, to whom such sum of money is or shall be by such note made payable, shall and may maintain an action for the same, in such manner as he, she, or they might do, upon any inland bill of exchange, made or drawn according to the custom of merchants, against the person or persons, who, or whose servant or agent, as aforesaid, signed the same; and that any person or persons, to whom such note that is payable to any person or persons, his, her, or their order, is indorsed or assigned, or the money therein mentioned ordered to be paid by indorsement thereon, shall and may maintain his, her, or their action for such sum of money, either against the person or persons, who, or whose servant or agent, as aforesaid, signed such note, or against any of the persons that indorsed the same, in like manner as in cases of inland bills of exchange: And in every such action the plaintiff or plaintiffs shall recover his, her, or their damages and costs of suit; and if such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover, his, her, or their costs against

the plaintiff or plaintiffs; and every such plaintiff or plaintiffs, defendant or defendants, respectively recovering, may sue out execution for such damages and costs.

II. And be it further enacted, that all and every such actions shall be commenced, sued and brought, within such time as is appointed for commencing or suing actions upon the case, by the Act of this Province, made in the thirty second year of his late Majesty's reign, intituled An Act for Limitation of Actions, and for avoiding Suits of Law.