

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 1770, in the Tenth Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and there continued by several Prorogations until the Fifth Day of June, 1771, in the Eleventh Year of his said Majesty's Reign, being the Second Session of the Fifth General Assembly convened in the said Province.

11 George III – Chapter 10

An A[ct] to avoid the double Payment of Debts.

Whereas divers men of trade and handicraftsmen keeping shop books, do demand debts of their customers upon their shop books long time after the same hath been due, and when as they have supposed the particulars and certainty of the wares delivered to be forgotten, then either they themselves or their servants have inserted into their said shop books orders other wares supposed to be delivered to the same parties or to their wife which in truth were never delivered, and this of purpose to increase by such undue means the said debt. And whereas divers of said tradesmen and handicraftsmen having received all the just debt due upon their said shop books, do oftentimes leave the same books uncrossed, or any way discharged, so as the debtors, their executors or administrators are often by suit of law enforced to pay the same debts again, to the party, that trusted the said wares, or to his executors or administrators, unless be or they can produce sufficient proof by writing or witnesses, of the said payment, that may countervail the credit of the said shop books, which few or none can do in any long time after the said payment.

Be it therefore enacted by the Governor, Council and Assembly, that no tradesman or handicraftsmen keeping a shop book as is aforesaid his or their executors or administrators shall from the first day of January 1772, be allowed, admitted or received to give his shop book in evidence in any action for any money due for wares hereafter to be delivered, or for work hereafter to be done, above two years before the same action brought, except he or they, their executors or administrators, shall have obtained or gotten a bill of debt or obligation of the debtor for the said debt, or shall have brought or pursued against the said debtor, his executors or administrators some action for the said debt, wares or work done, two years next after the same wares delivered, money due for wares delivered or work done.

II. Provided always, that this Act or any thing therein contained, shall not extend to any intercourse of traffic, merchandizing, buying, selling, or other trading, or dealing for wares delivered, or to be delivered, money due or work done, or to be done, between merchant and merchant, merchant and tradesman, or between tradesman and tradesman, for any thing directly falling within the circuit or compass of their mutual trades and merchandize, but that for such things only, they and every of them shall be in case, as if this Act had never been made, any thing herein contained to the contrary thereof notwithstanding.

III. This Act to continue five years, from and after the first day of January one thousand seven hundred and seventy two, and until the end of the session of the General Assembly next following.