

CAP. XLIX.

An Act for rendering a writing necessary to the validity of certain promises and engagements.

Passed 16th March 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith: Provided always, that nothing herein contained shall apply to any such promise or ratification made before the time appointed for this Act to take effect.

No action to be maintained upon promises not in writing, to pay debts &c. contracted during infancy;

II. And be it further enacted, That no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain money or goods upon credit, unless such representation or assurance be made in writing signed by the party to be charged therewith: Provided also, that nothing herein contained shall apply to any such representation or assurance made before the time appointed for this Act to take effect.

nor upon assurances as to character, credit, &c.

III. And whereas by an Act of Assembly passed in the twenty sixth year of the reign of King George the Third, intituled *An Act for prevention of frauds and perjuries*, it is among other things enacted, that no contract for the sale of any goods, wares and merchandizes for the price of ten pounds sterling or upwards, shall be allowed to be good except the buyer shall accept part of the goods so sold and actually receive the same, or give something in earnest to bind the bargain or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract or their agents thereunto lawfully authorised: And whereas it has been held that the said recited enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied, and it is expedient to extend the said enactments to such executory contracts; Be it enacted, That the said enactments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards made after the time appointed for this Act to take effect, notwithstanding the goods may be intended to be delivered at some future time or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

26 G. 3, c. 14.

Enactments of 26 G. 3. c. 14. extended to contracts for sale of goods deliverable at a future time &c.

IV. And be it further enacted, That no acceptance of any inland bill of exchange shall be sufficient to charge any person unless such acceptance (if made after the time appointed for this Act to take effect) be in writing on such bill, or if there be more than one part of such bill, on one of the said parts.

Acceptance of inland Bills of Exchange to be in writing.

V. And be it further enacted, That this Act shall commence and take effect on the first day of January one thousand eight hundred and thirty seven.

Commencement of Act.