

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1860. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1860.

23 Victoria – Chapter 31

**An Act to amend the Law relating to Guarantees, Bills of Exchange, and Promissory Notes.
Passed 9th April 1860.**

Section.

1. Bail may render principal to County Gaol any time before return of process.
2. Sheriff may take new bail.

Section.

3. Sheriff of Saint John may reside within three miles of the Court House.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing and signed by the party to be charged therewith, or some person by him thereunto lawfully authorized, shall be deemed invalid to support an action, suit, or other proceeding, to charge the person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

2. No promise to answer for the debt, default, or miscarriage of another, made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default, or miscarriage of a Firm consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise, in respect of any thing done or omitted to be done after a change shall have taken place in the constitution of the Firm, by the increase or diminution of the members thereof, unless the intention of the parties that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation, or by necessary implication from the nature of the Firm or otherwise.

3. In case of any action founded upon a Bill of Exchange or other negotiable instrument. it shall be lawful for the Court or a Judge to order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Judge, or the Clerk of the Pleas, against the claims of any other person upon such negotiable instrument.