

CHAPTER 3
STATUTE OF FRAUDS

§51. Writing required; consideration need not be expressed

No action shall be maintained in any of the following cases:

- 1. Executor or administrator.** To charge an executor or administrator upon any special promise to answer damages out of his own estate;
- 2. Debt of another.** To charge any person upon any special promise to answer for the debt, default or misdoings of another;
- 3. Agreement of marriage.** To charge any person upon an agreement made in consideration of marriage;
- 4. Contract for sale of land.** Upon any contract for the sale of lands, tenements or hereditaments, or of any interest in or concerning them;
- 5. Agreement not to be performed within one year.** Upon any agreement that is not to be performed within one year from the making thereof;
- 6. Contract to pay debt discharged in bankruptcy.** Upon any contract to pay a debt after a discharge therefrom under the bankrupt laws of the United States, or assignment or insolvent laws of this State;
- 7. Agreement to give property by will.** Upon any agreement to give, bequeath or devise by will to another, any property, real, personal or mixed;
- 8. Agreement to refrain from carrying on any business.** Upon any agreement to refrain from carrying on or engaging in any trade, business, occupation or profession for any term of years or within any defined territory or both; the provisions of this subsection shall not apply to any such agreement made prior to August 13, 1947;

unless the promise, contract or agreement on which such action is brought, or some memorandum or note thereof, is in writing and signed by the party to be charged therewith, or by some person thereunto lawfully authorized; but the consideration thereof need not be expressed therein, and may be proved otherwise.

§52. Written ratification of minor's contracts required; contracts to further higher education

No action shall be maintained on any contract made by a minor, unless he, or some person lawfully authorized, ratified it in writing after he arrived at the age of 18 years, except for necessities or real estate of which he has received the title and retains the benefit. [PL 1971, c. 598, §83 (AMD).]

Provided that any minor 16 years of age or over, who receives aid and assistance from the New England Higher Education Assistance Foundation for the purpose of furthering his higher education in professional, technical, scientific or literary fields in the form of a loan or loans made or guaranteed in full or in part by said foundation, shall have full legal capacity for such purpose to act in his own behalf in the matter of notes, contracts and other transactions, and with respect to such acts done by him, he shall have rights, powers and privileges and be subject to the obligations of persons of full age.

Provided that any minor 16 years of age or over, who for the purpose of furthering his higher education in the professional, educational, scientific or literary fields, shall have full legal capacity to act in his own behalf in the matter of making notes, contracts and other transactions, and with respect to such acts done, shall have rights, powers and privileges and be subject to the obligations of persons of full age.

SECTION HISTORY

PL 1969, c. 433, §93 (AMD). PL 1971, c. 598, §83 (AMD).

§53. Representation of another's credit

No action shall be maintained to charge any person by reason of any representation or assurance, concerning the character, conduct, credit, ability, trade or dealings of another, unless made in writing and signed by the party to be charged thereby or by some person by him legally authorized.

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