

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAP. 44.

Persons licensed not to carry property of those not five years residents of the state, &c. 1846, c. 200, § 3, 9.

Person licensed shall exhibit license on request, &c. 1846, c. 200, § 6, 7.

Penalties how recovered and appropriated, &c. 1846, c. 200, § 1, 2, 5.

Name, and words "Licensed by C. C." painted on carriage. R. S., c. 75, § 5. 1856, c. 223.

SEC. 3. No person, licensed as aforesaid, shall sell, carry, or offer for sale any property belonging to persons not five years residents of this state, or any jewelry, playing cards or other property prohibited by law, under the penalty provided in section one; but nothing in this chapter shall prevent any citizen of this state from selling any fish, fruit, provisions, farming utensils, or other articles lawfully raised or manufactured in this state.

SEC. 4. Every person shall exhibit his license at all times when required by any justice of the peace, or any constable or other peace officer, and a refusal to do so shall be deemed evidence of not having any; and if afterwards prosecuted, the production of his license at the trial shall not avail him in defence, but he shall be dealt with as unlicensed; and the carriages, goods, wares, and merchandise of any person thus refusing, may be seized by a warrant from any justice of the peace, and detained until the payment of any fine, to which said person is liable.

SEC. 5. All penalties and forfeitures herein provided, may be recovered by indictment or action of debt, one half to the use of the town where the offence is committed, and the other to the use of the person prosecuting therefor; and any justice of the peace, on complaint, may cause the arrest of the accused, and seizure of the property alleged to be forfeited, and detain the same until trial in the proper court; and in case of conviction the property shall be decreed forfeited to the uses aforesaid; to be sold in like manner as goods taken on execution.

SEC. 6. Every person licensed shall have painted, in some conspicuous place on every carriage employed by him, in letters at least one inch wide, his name and the words "Licensed by C. C."

CHAPTER 45.

USURY.

- SEC. 1. Legal rate of interest fixed at six per cent., but not to apply to letting cattle or maritime contracts.
2. Excessive interest not recoverable; oath of debtor and creditor admissible, and costs for defendant, if damages are reduced.
3. Excessive interest may be recovered back within one year, but not of innocent holder of negotiable paper.

Legal rate of interest fixed. R. S., c. 69, § 1, 4.

SEC. 1. Legal interest upon the loan or forbearance of any money, goods, merchandise, or things in action, is hereby established at the rate of six dollars on a hundred dollars for one year; but this rule shall not apply to letting cattle, or other similar contracts in practice among farmers, or to maritime contracts, as bottomry, insurance, and course of exchange, in practice among merchants.

Excessive interest not

SEC. 2. In any action brought on any contract whatever, on which there is directly or indirectly taken or reserved a rate of

interest exceeding that established in section one, the defendant may, under the general issue, prove such excessive interest, and it shall be deducted from the amount due on such contract; and in such trial, if the creditor is alive, and any one of the debtors comes into court and actually makes oath to such excessive interest, it shall be sufficient proof thereof, unless one of the creditors comes into court and makes oath that he has not directly or indirectly wittingly taken or received, and that there is not, by such contract, reserved more than the legal rate of interest; and in any such action, if the damages are reduced by proof of such excessive interest by the oath of the party or otherwise, the plaintiff shall recover no costs, but shall pay costs to the defendant.

SEC. 3. If any person pays any such excessive interest in money or other property, he or his personal representatives may recover the same of the creditor or his representatives so receiving it, in an action on the case, brought within a year after the payment; but this provision shall not extend to negotiable bills of exchange or promissory notes in the hands of an indorsee or holder, who received the same in good faith and for a valuable consideration without notice of any such excessive interest.

CHAP. 45.

recoverable,
&c.

14 Maine, 240.
22 Maine, 184.
24 Maine, 128.
20 Maine, 144.
29 Maine, 105,
459.
30 Maine, 118.
33 Maine, 176.
37 Maine, 16,
190.
R. S., c. 69,
§ 2, 3, 7.
1846, c. 192.

Excessive inter-
est may be
recovered
back, &c.

19 Maine, 406.
24 Maine, 128.
25 Maine, 33.
28 Maine, 215.
32 Maine, 17.
R. S., c. 69,
§ 5, 6, 8.