

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

CHAPTER 69.

CHAP. 69.

OF USURY.

SECT. 1. Legal interest, six per cent. per annum.

2. Excess, not recoverable.
3. Defence may be made by the party's oath.
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5. Excess paid, above six per cent., may be recovered back.

SECT. 6. An innocent indorsee, not to be affected.

7. Of costs, in suits on usurious contracts.
8. Action to recover excess, limited to one year.

SECTION 1. The legal rate of interest, upon the loan, or forbearance, of any money, goods or merchandise, or things in action, shall continue to be six dollars upon one hundred dollars, for one year; and at that rate, for a greater or less sum, and for a longer or shorter term.

Legal interest, six per cent. per annum. 1834, 122, § 1.

SECT. 2. If any person, upon any contract, mortgage or assurance, hereafter made, shall take, directly or indirectly, for loan of any moneys, wares, merchandise, or any other commodity, above the rate of interest, mentioned in the preceding section, and if, upon any such contract, bond, mortgage or assurance, whereupon, or whereby, there shall be reserved or taken above the rate of interest aforesaid, an action shall be commenced against the debtor, he may, on the general issue, avail himself of this act, and thereby avoid the excess, over and above said legal rate of interest.

Excess, not recoverable. 1834, 122, § 2. 13 Mass. 515. 14 Maine, 240.

SECT. 3. In any such action, sued on any such bond, contract, mortgage or assurance, wherein or whereby, a sum is secured or given, for forbearance or giving day of payment, for any particular time, then, if the creditor be alive, and the debtor, or any one of them, when there are two or more, shall come into court, where the cause is pending, and shall actually swear, that there is reserved, or secured, on such bond, mortgage or contract or assurance, above the legal rate of interest, above mentioned, or that the creditor has received more than the legal rate of interest, above stated, for the forbearance of the money, or other things, lent or sold, all such excess, above legal interest, shall be void: and the debtor shall be discharged from the payment of it, unless the creditor, or one of them, if there be more than one, will swear, that he has not, directly or indirectly, wittingly taken or received more than the legal rate of interest; and that by such bond, mortgage, contract or assurance, there is not reserved more, than such legal rate of interest.

Defence may be made by the party's oath. 1834, 122, § 3. 4 Mass. 516. 9 Mass. 326. 10 Mass. 502. 16 Mass. 238. 1 Metc. 108.

SECT. 4. Nothing in this chapter shall extend to letting cattle, or other usages of the like nature, in practice among farmers, or maritime contracts among merchants, as bottomry, insurance, or course of exchange, as has been heretofore practised.

Certain contracts excepted. 1834, 122, § 3. 12 Mass. 365.

SECT. 5. Whoever, on any such loan, shall in any manner pay a greater sum or value, than is by law allowed to the creditor, may, or his personal representatives may, recover of the creditor, or his representatives, by action at law, the excess, so received by such creditor, whether in money or other property.

Excess paid, above six per cent., may be recovered back. 1834, 122, § 4.

SECT. 6. The preceding section shall not extend to bills of exchange, or promissory notes, payable to order or bearer, in the

An innocent indorsee, not to be affected. 1834, 122, § 4.

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hands of an indorsee or holder, who shall have received the same, in good faith, and for a valuable consideration, and who had not, at the time of discounting such bill or note, or paying such consideration, actual notice, that the same had been given for an usurious consideration, or upon an usurious contract.

Of costs, in suits on usurious contracts. 1834, 122, § 5.

SECT. 7. In a suit brought, where more than legal interest shall be reserved or taken, the party, so reserving and taking, shall recover no costs, but shall pay costs to the defendant; provided the damages shall be reduced by the oath of any one of the defendants, where there are more than one, by reason of such usurious interest.

Action to recover excess, limited to one year. 1834, 122, § 4.

SECT. 8. The action, mentioned in the fifth section of this chapter, must be commenced within one year, next after the payment of the money or property therein mentioned, or the same will be barred.

CHAPTER 70.

OF THE STANDARD WEIGHT OF POTATOES.

SECT. 1. Standard weight of a bushel. 2. When sold, to be weighed, on request.

SECT. 3. Forfeiture, by the party refusing.

Standard weight of a bushel. 1835, 181, § 1. When sold, to be weighed, on request. 1835, 181, § 2. Forfeiture by the party refusing. 1835, 181, § 2.

SECTION 1. The standard weight of a bushel of potatoes, in good order and fit for shipping, shall be sixty four pounds.

SECT. 2. Whenever potatoes are sold, the measure shall be ascertained by weight, as aforesaid, when the vender or vendee shall so request.

SECT. 3. Any vender or vendee of potatoes, when requested, who shall refuse to conform to the foregoing provisions, shall forfeit, for each offence, five dollars for every hundred bushels, and, in the same proportion, for any greater or less quantity, to the person who shall prosecute for the same, within thirty days after the offence was committed.

CHAPTER 71.

OF MEASURERS OF SALT, CORN AND GRAIN.

SECT. 1. Appointment of measurers. Oath. Fees. Hogshead of salt to consist of eight bushels.

2. Party may require salt, &c. to be measured.

Appointment of measurers. Oath. Fees. Hogshead of salt to consist of eight bushels. 1829, 419. 1836, 208, § 1.

SECTION 1. Aldermen of cities, and selectmen of towns, are authorized to appoint measurers of salt, corn and grain, in their respective cities or towns, to hold their office for one year; who shall be under oath, and receive such fees of the purchaser, as the aldermen or selectmen, shall, from time to time, establish; and in