

MAINE STATE LEGISLATURE

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CHAPTER 7
DEFENSES GENERALLY

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§ 151. Partial failure of consideration of note

In any civil action in which the amount due on a promissory note given for the price of land conveyed is in question and a total failure of consideration would be a defense, partial failure of consideration may be shown in reduction of damages.

R.S.1954, c. 113, § 45; 1961, c. 317, § 363.

§ 152. Truth justifies libel unless malice

In an action for writing and publishing a libel, evidence shall be received to establish the truth of the matter charged as libelous. If its truth is established, it is a justification unless the publication is found to have originated in corrupt or malicious motives.

R.S.1954, c. 113, § 47.

§ 153. Mitigation of damages in action for libel

The defendant in an action for libel may prove in mitigation of damages that the charge was made by mistake or through error or by inadvertence and that he has in writing, within a reasonable time after the publication of the charge, retracted the charge and denied its truth as publicly and as fully as he made the charge. He may prove in mitigation of damages that the plaintiff has already recovered or has brought action for damages for, or has received or has agreed to receive compensation for, substantially the same libel as that for which said action was brought.

R.S.1954, c. 113, § 48; 1959, c. 317, § 175.

§ 154. Unproved allegations

In actions for libel or slander, an unproved allegation in the pleadings that the matter charged is true shall not be deemed proof of malice unless the jury on the whole case find that such allegation or the defense thereunder is made with malicious intent.

R.S.1954, c. 113, § 49.

§ 155. No action on demands discharged by partial payment

No action shall be maintained on a demand settled by a creditor or his attorney entrusted to collect it, in full discharge thereof, by the receipt of money or other valuable consideration, however small.

R.S.1954, c. 113, § 64.