

CHAP. 352.

CHAPTER 352.

Passed Mar. 10, 1846. *A supplement to an act entitled, an act against Excessive Usury.*

Person to set out the sum fully with interest.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That in any suit or action hereafter to be brought in any court of law or equity in this State, upon any bond, mortgage, bill obligatory, bill of exchange, promissory note, or other evidence of debt, or upon any contract, agreement or assurance, whether the same relate to the loan of any monies or tobacco, wares, merchandise, or other commodities, in which any person or persons shall seek to avail him, her or themselves, of the provisions of the act of Assembly, passed at September session, seventeen hundred and four, entitled, an act against excessive usury, it shall be incumbent on such person or persons specially to plead the same, and in such plea to state and set out the sums, both principal and interest, actually and fairly due upon such bond, mortgage, bill obligatory, bill of exchange, promissory note, or other evidence of debt, contract, or agreement or assurance, estimating the principal debt actually loaned or contracted for, with interest thereupon, at the rate of six per cent. per annum.

Jury to ascertain, &c.

SEC. 2. *And be it enacted,* That upon the trial of any issue or issues upon such plea in any court of law in this State, it shall be the duty of the jury to ascertain the amount of such principal and interest due upon said bond, mortgage, bill obligatory, bill of exchange, promissory note, or other evidence of debt, contract, agreement or assurance, as aforesaid, and to render their verdict for the same, upon which said verdict it shall be the duty of the said court to render judgment in favor of the plaintiff or plaintiffs in said action.

Chancellor to ascertain.

SEC. 3. *And be it enacted,* That upon the trial of any such issue in the court of chancery, or in the county courts, sitting as courts of equity, in this State, it shall be the duty of the Chancellor, and of the judge or judges of said courts respectively, to ascertain the amount of principal and interest due as aforesaid, and to decree accordingly.

Plaintiffs adjudged to pay costs.

SEC. 4. *And be it enacted,* That if at the time of pleading as aforesaid, or upon the trial of the issue thereupon, the defendant or defendants shall tender to the plaintiff or plaintiffs in said suit or action, the sum alledged to be due as aforesaid, and the costs which may have accrued