

3. The interest on loans made to farmers shall not exceed 12 per cent. per annum. Maximum rate of interest.

4. No interest shall become payable on interest due on any loan to a farmer until one year after such interest has become due. Compound interest.

5. Where proceedings are taken in any Court by a lender for the recovery of any money lent or advanced to a farmer, or for the enforcement of any agreement or security in respect of money lent or advanced, and there is evidence which satisfies the Court that the interest charged in respect of the sum actually lent or advanced is excessive, or that the amounts charged for expenses, enquiries, fines, bonus, premium, renewals or any other charges, are excessive or that the transaction is in any respect harsh and unconscionable, the Court may re-open the transaction and take an account between the lender and the farmer and may, notwithstanding any account stated, or bond, mortgage, or any agreement purporting to create an obligation, relieve the farmer of payment of any sum in excess of the sum adjudged by the Court to be fairly due, and if any excess over such sum has been paid or allowed on account by the farmer, may order the lender to repay it, and may set aside, or revise, or alter, any security given or agreement made in respect of money lent or advanced by the lender, and if the lender has parted with the security may order him to indemnify the farmer in respect thereof. Any Court in which proceedings might be taken for the recovery of money lent or advanced by a lender to a farmer shall have, and may at the instance of the farmer exercise, like powers as may be exercised under this section where proceedings are taken by the lender for the recovery of the money lent or advanced, and the Court shall have power, notwithstanding any agreement to the contrary, to entertain an application by the farmer notwithstanding that the time for repayment of the money lent or advanced may not have arrived. Remedy for excessive interest.

18 OF 1919.

TO AMEND THE LAW AS TO DEALINGS BETWEEN TRADERS AND FARMERS.

MALCOLM STEVENSON.]

[April 29, 1919.]

1. This Law may be cited as the Dealings between Merchants and Farmers Law, 1919. Short title.

2. In this Law:—

“ Farmer ” includes fruit grower and grazier.

Day-book.

3. Every merchant having dealings with a farmer shall keep a day-book as provided by Article 3 of the Commercial Law, which he shall produce before the Court when required to do so, and in addition to his debts and credits shall enter in such book full details of all bonds in customary form.

When evidence for merchant.

4. The day-book shall not be admitted as evidence in favour of the merchant unless the provisions of Article 5 of the Commercial Code have been complied with.

For the purpose of that Article the Village Judge or Registrar of the District Court shall act as the officer appointed by the Commercial Court.

Quarterly accounts.

5. In the first fortnight after the completion of each quarter the merchant shall furnish the farmer with a written copy of the account against him as standing in his books.

Powers of Court.

6. Where proceedings are taken in any Court by a merchant for the recovery of any money lent or advanced to a farmer, or for the enforcement of any agreement or security in respect of money lent or advanced, and there is evidence which satisfies the Court that the interest charged in respect of the sum actually lent or advanced is excessive, or that the amounts charged for expenses, enquiries, fines, bonus, premium, renewals or any other charges, are excessive, or that the transaction is in any respect harsh and unconscionable, the Court may re-open the transaction and take an account between the merchant and the farmer, and may, notwithstanding any account stated, or bond, or mortgage, or any agreement purporting to create an obligation, relieve the farmer of payment of any sum in excess of the sum adjudged by the Court to be fairly due, and if any excess over such sum has been paid or allowed on account by the farmer, may order the merchant to repay it, and may set aside, or revise, or alter, any security given or agreement made in respect of money lent or advanced by the merchant, and if the merchant has parted with the security may order him to indemnify the farmer in respect thereof. Any Court in which proceedings might be taken for the recovery of money lent or advanced by a merchant to a farmer shall have, and may at the instance of the farmer exercise like powers as may be

exercised under this section where proceedings are taken by the merchant for the recovery of the money lent or advanced, and the Court shall have power, notwithstanding any agreement to the contrary, to entertain an application by the farmer notwithstanding that the time for repayment of the money lent or advanced may not have arrived.

7. No account stated between a merchant and farmer shall be admissible in evidence unless it shall be in writing and shall set out the date on which it is stated. Account stated.

8. No bond given by a farmer to a merchant shall be admissible in evidence unless it shall state the consideration for which it is given in the form set out in the Schedule hereto or in like form suitable to the transaction for which it is given. Bond.

9. No mortgage given by a farmer to a merchant shall be admissible in evidence unless it discloses the source of the mortgage debt in such manner that the amount due from the mortgagor to the mortgagee may be ascertained from the books of the trader. Mortgage.

10. Nothing in this Law shall prevent the merchant from recovering the amount proved to be due by the evidence other than the account stated on the bond or mortgage or shall apply to debts incurred before this Law came into force.⁽¹⁾ Claim on original consideration.

11. The High Commissioner may, with the advice and assistance of the Chief Justice, make rules for the carrying out of this Law. Rules.

SCHEDULE.

FORMS FOR STATEMENT OF CONSIDERATION IN A BOND.

1. For £ _____ received.
2. For the amount of an account stated on the _____ day of _____ 19 _____.
3. For the price of _____ kilés of wheat delivered on the _____ day of _____ 19 _____.
4. For the price of an ox sold on the _____ day of _____ 19 _____.

⁽¹⁾ 2nd May, 1919.