

Case No. 7,171.

JAFFRAY v. DENNIS.

{2 Wash. C. C. 253.}¹

Circuit Court, D. Pennsylvania.

Oct. Term, 1808.

INTEREST—RATE—PROOF.

1. To prove the rate of interest allowed in any one of the states of the United States, the law of the state must be produced.
2. The rate of interest fixed by the law of Georgia, the contract having been made there, will be allowed in the courts of the United States, although it may exceed the rate authorized by the law of the state, in which the circuit court holds its sessions.

{Cited in brief in Kavanaugh v. Day, 10 R. I. 399.}

This was an action on an account, contracted and settled in Savannah. The plaintiffs counsel claimed eight per centum as the legal interest of Georgia; which rate of interest he proved by a witness.

THE COURT informed the counsel, that he must produce the law of Georgia, if he claimed higher interest than is allowed here. In the several states of the Union, the rate of interest is regulated by law; and therefore, any other species of evidence than the law itself, is inadmissible. It is otherwise as to foreign countries, where the rate of interest is regulated by custom. The jury, however, may find six per centum; and upon examining the law, if it can be procured, we can make an addition, if the Georgia interest be higher, provided both parties agree.

This was agreed to. Verdict at the rate of six per centum.

The law of Georgia was afterwards produced; and the court increased the judgment by the addition of the two per cent.

¹ {Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.}