

DECISIONS OF CASES

IN

VIRGINIA,

BY THE

HIGH COURT OF CHANCERY,

WITH REMARKS UPON DECREES,

BY THE

COURT OF APPEALS,

REVERSING SOME OF THOSE DECISIONS.

BY GEORGE WYTHER,

CHANCELLOR OF SAID COURT.

SECOND AND ONLY COMPLETE EDITION, WITH A MEMOIR OF THE AUTHOR, ANALYSIS
OF THE CASES, AND AN INDEX,

By B. B. MINOR, L. B., OF THE RICHMOND BAR.

AND WITH AN APPENDIX, CONTAINING

REFERENCES TO CASES IN PARI MATERIA, AND AN ESSAY ON LAPSE;
JOINT TENANTS AND TENANTS IN COMMON, &C.,

By WILLIAM GREEN, Esq.

RICHMOND:

J. W. RANDOLPH, 121 MAIN STREET.

1852.

BETWEEN
ARCHIBALD HAMILTON and company, *plaintiffs*,
AND
WILLIAM URQUHART, executor of Nathaniel Flemyng,
defendent.

The statutory scale of depreciation not applied to a bond in 1777, under the exception allowed by the stat. of 1781;—and the value of paper money during the dealings between the parties before the depreciation began, not being shown to have been less than of money current at this time.

IN this cause, heard the day of september, 1794, the court decreed so much of a debt, secured by bond in 1777, as appeared to have become due for dealings in preceding years, to be paid, without being reduced according to the scale of depreciation, established by the act of general assembly, passed in the november session of 1781, or according to any other scale; that statute, in the last section thereof, being understood to have authorized an examination into the origin of the demand, and a rejection of the scale, and the substitution of some other mode of adjustment more equitable, where that shall be discovered to have graduated the decrement in value of paper money in particular cases inadequately;* and the value of paper money, during the period of dealings between the plaintiffs and the testator of the defendent before the statutory period of depreciation began. not being shewn to have been less than the value of money current at this time.

[* By the statute, in case of tender and refusal, or of non-payment caused by the creditor, or where "other circumstances" would in the opinion of the Court make the statutory table unjust, the Court may award such judgment as may seem just and equitable. . 10 Hen. Stat. 473.—*Ed.*]