REPORTS
OF
CASES
ARGUED AND DETERMINED
IN THE
COURT OF APPEALS
OF
VIRGINIA.

BY
BUSHROD WASHINGTON.

VOL. I.

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M,DCC,XCVIII.

lers only, without noticing Marmaduke Beckwith, another of the plaintiffs. This we ſuppoſe to have been a miſtake of the clerk.

The decree therefore muſt be affirmed ſo far as it goes, and the cauſe remitted to the High Court of Chancery, for a hearing as to Marmaduke Beckwith.

WARDEN and WASHINGTON for the appellant.

CAMPBELL for the appellees.

SALLEE, *againſt* YATES & Wife.

THIS was an appeal from a decree of the High Court of Chancery—The bill was brought by the appellees to recover a legacy of £300, deviſed to the female plaintiff, by the will of Benjamin Harris her father, made in the year 1776, of which, £100 was to be paid in a year after the legatee ſhould attain the age of 18 years, and the reſidue, ſo ſoon as the executors could raiſe it. The firſt payment was made to Sallee, the guardian of the legatee, on the 12th of September 1778, ſome time after ſhe arrived to the above age, as was alſo the reſidue, on the 31ſt July 1779.

The guardian lent out the £200 on the day he received it, which was repaid to him in the year 1780—the £100 remained in his hands, not lent out, nor uſed, until the paper money was called in, when he funded the whole ſum of £300 together with his own money, at the rate of one, for a thouſand. The legatee refuſed, (before the money was funded) to receive it from the guardian, and inſtituted this ſuit, againſt him, as alſo againſt the executors and reſiduary legatees of the teſtator, praying that the £300 may be reduced according to the ſcale when it was paid, and that the balance may be made good out of the reſiduary eſtate. The Court, decreed the executors to pay the £300 to the plaintiffs, after deducting therefrom, the payments, made according to the true value at the time of ſuch payments with intereſt from the time the plaintiff was entitled to recover her legacy. From this decree, the defendants appealed.

The PRESIDENT delivered the opinion of the court.

This is certainly a very hard caſe, but we think there is no ground for relief. The legiſlature in the year 1781, contemplating, no doubt, all thoſe caſes of hardſhip, and at the ſame time, the infinite miſchief and confuſion which would be introduced,

troduced, by a re-ſettlement of paper money claims, paſſed a law, declaring "that all actual payments made by any perſon "or perſons, of any ſum, or ſums of the paper currency, there "mentioned, at any time, or times, either to the full amount, "or in part payment of any debt, contract, or obligation, "whatſoever, the party paying the ſame, ſhall have full credit, "for the nominal amount of ſuch payments, which are not to "be reduced." It is remarkable, that to the words *debts and contracts*, are added, *or obligations whatſoever*, which comprehend legacies. Courts of Equity, are as much bound by this legiſlative declaration, as courts of law. The executor therefore, by the payments made to the guardian, was by this law totally diſcharged, and ſince the guardian was guilty of no fault, either in receiving, or in the application of the money, he ought not to be ſubject to the loſs, by further depreciation, ſubſequent to the payment by the executors. The bill muſt be diſmiſſed as to the executors and reſiduary legatees, and the cauſe remanded to the High Court of Chancery, as to the guardian, for an account to be taken of the money received by him, according to the principles of this decree.

JACOB WESTFALL,
againſt
JOHN SINGLETON.

THIS was an appeal from a decree of the High Court of Chancery. Sometime in the year 1749, Lord Fairfax, by a public advertiſement, invited ſettlers, to that part of the Northern Neck where the land in queſtion lies, promiſing to make rights to ſuch, as would ſettle there. A man of the name of Vanderpool, having previouſly made a ſettlement upon the tract in diſpute, he, about this time, ſold the ſame to Abel Weſtfall, who took poſſeſſion, and continued to hold it, until the year 1755, when he died, inteſtate, leaving two ſons, Cornelius his eldeſt, and John. Lord Fairfax, having granted a very large tract of country, (including within it, the land in queſtion,) to Bryant Martin, received a reconveyance of it, and laid off the whole into a manor.

In the year 1770, upon the application of the ſettlers, he, by a writing under his hand, agreed to convey to them their reſpec-

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