

Case No. 2,226.

BUSHBY v. CAMAC.

[4 Wash. C. C. 296.]¹

Circuit Court, E. D. Pennsylvania.

Oct. Term, 1822.

DEBT PAYABLE IN FOREIGN MONEY—INTEREST—LAW OF PLACE.

The defendant being indebted to the plaintiff in a certain sum of British sterling, gave his bond for the amount in sterling generally, to be paid in Ireland, with a power of attorney to confess judgment in some court of Ireland. The debt is to be considered due in British sterling, but to carry Irish interest where it is payable.

At law. This was an action on the case brought to recover a balance due upon a judgment entered in the court of exchequer in Ireland, upon a bond and warrant of attorney to confess judgment, and also the amount of a note of hand for £300 sterling, which, by a settled account between the parties, it was agreed was to be paid out of the proceeds of a certain copper mine, in which these parties and others were concerned. It was admitted that the balance

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of the settled account (excluding the note of hand), for which the bond and warrant of attorney were given, was for British sterling; the bond was for that amount in sterling generally, not mentioning whether British or Irish sterling, to be paid in Ireland; and the power of attorney accompanying it was to confess judgment in some court in Ireland.

Mr. Condry, for plaintiff.

Edward Ingersoll, for defendant.

THE COURT decided that the plaintiff could not recover the amount of the note, without showing that there were proceeds of the copper mine sufficient to discharge it; and gave the plaintiff leave, on his motion, which was not opposed, to strike from the declaration the count upon the note. THE COURT instructed the jury, in relation to the judgment, that it was to be considered as a debt due in British sterling, and being made payable in Ireland, the plaintiff was entitled to six per cent on the debt, that being the interest of that country. See the case of *Robinson v. Bland*, 2 Burrows, 1077.

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.]

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