

Case No. 15,969.

UNITED STATES v. ORMSBY.

[3 Wash. C. C. 195.]¹

Circuit Court, D. Pennsylvania.

April Term, 1813.

ARMY CONTRACTOR'S ACCOUNTS—SETTLEMENT—INTEREST.

The defendant settled his account at the treasury department, in 1808, on which a balance was stated against him. In 1812, he claimed further credits, which were allowed to him, and which reduced the balance claimed from him in 1808. The court instructed the jury to

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allow interest on the actual balance, from 1808.

Action on the ease, for the balance of an account, settled at the treasury department. The defendant, under a special contract with the government, to furnish certain supplies to the army, received advances of money; and upon a settlement of his account at the treasury, in May, 1808, a balance of about 2200 dollars was found to be due from him. He afterwards, viz. in March, 1812, claimed other credits, which had not been allowed in May, 1808, but to which the treasury department, in March, 1812, was satisfied he was entitled; and being then admitted, reduced the balance to 1616 dollars. The only question was, whether the United States were entitled to interest on the 1616 dollars, from May, 1808, or from March, 1812.

WASHINGTON, Circuit Justice, delivered the opinion of the court. Interest ought to be given from the first named period; and cannot be affected by the subsequent allowance of a credit not known, nor perhaps proved, when the first settlement was made.

¹ [Originally published from the MS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]