

Constitution and Laws of the State, and, therefore, void. 1 1795.
Bac. Ab. 328. *Const. of Penn.*

The proceedings were supported by *Wilcocks* (the Recorder) and *Thomas*, who contended, that the judgment was not in nature of a conviction, but founded on an action of debt; and that, therefore, it was unnecessary to state that defendant was proved to be a Huckster. With respect to the power of the Corporation to enact the Ordinance, they urged, that it arose from the necessity of the case, since experience had evinced, that nothing less than the absolute prohibition contained in the Ordinance, could defeat the stratagems of the Hucksters, and prevent the extortion which they introduced.

Cur. Adv. Vult.

MILLER *versus* LEONARD, *et al.*

THIS was an action of debt on a bond for £250, dated the 7th of *May* 1776. On the 16th of *September* 1778, a payment had been made of £150, in Continental money; and the question now brought before the Court was, whether this payment should be reduced and liquidated, according to the specie value of Continental money, at the time of paying it?

For the plaintiff, it was contended, that the act of Assembly (1 *Vol. Dall. Edit. p.* 880.) does not extend to any contracts, but such as were made between the 1st of *January* 1777, and the 1st of *March* 1781; and that, consequently, the payment in the present instance was not affected by the provision in the 4th *sect.*, that “the Auditors shall not have power or authority, in cases where partial payments have been made in money then current, to reduce such payment.”

But THE COURT thought it unnecessary to hear the defendant’s counsel, conceiving it to be clear and settled, that the payment in the present case, ought not to be reduced by the scale of depreciation.

Read and *Biddle* for the plaintiff, *Clymer* and *Thomas* for the defendant.*

KACHLIN *et al. versus* MULHALLON, *et al.*†

DEBT on a bond. Plea, *payment*, with leave &c. and issue. The counsel for the defendants had given notice, agreeably

* Decided at *Easton Nisi Prius*, on the 1st of *October* 1795, before YEATES and SMITH, *Justices*.

† Decided at *Easton, Nisi Prius*, on the 2d, of *October* 1795, before YEATES and SMITH, *Justices*.