

Case No. 652.

AULD v. HOYL.

[1 Cranch, C. C. 544.]¹

Circuit Court, District of Columbia.

June Term, 1809.

LIMITATION OF ACTIONS—WHEN APPLICABLE—TREATY OF 1794.

A British subject who, before the treaty of 1794. [8 Stat. 116,] took a bond in the name of a citizen of the United States, cannot avoid the statute of limitations, by claiming the benefit of the clause of the treaty which removed all legal impediments in the recovery of British debts.

At law. Debt on bond [by Auld, as assignee of W. Wilson, against Hoyl, as administrator of Deakins,]—plea that the bond was of twelve years standing, and barred by the statute of limitations. Replication that the bond was taken for a debt due to Dunlop & Co., British creditors, before the war, and that the British treaty removed that lawful impediment.

THE COURT (DUCKETT, Circuit Judge, absent) adjudged the replication to be bad;

observing that if a British creditor covers his debt under the name of a citizen he must take citizen's law.

¹ [Reported by Hon. William Cranch, Chief Judge.]