

**Case No. 1,008.** BARNARD v. TAYLOE.  
[5 Cranch, C. C. 403.]<sup>1</sup>

Circuit Court, District of Columbia.

March Term, 1838.

PLEADING—TROVER—LIMITATIONS.

Not guilty within three years, is a good plea in trover.

[At law. Action by Frederick Barnard against Benjamin O. Tayloe.] Trover; plea, not guilty within three years. General demurrer. [Overruled.]

Mr. Hoban, for the defendant, contended that the plea should have been *actio non accrevit*; and cited the case of *Union Bank v. Chason*, at November term, 1835, (unreported;) *Dyster v. Battye*, 3 Barn. & Aid. 448; and *Richman v. Richman*, 3 Hals. [8 N. J. Law,] 55.

Mr. Key, *contra*, cited the case of *Bank of Columbia v. Ott's Adm'r*, in this court, [Case No. 879;] Maryland Act of Limitations of 1715; and Evans' Harr. 48.

THE COURT (*nem. con.*) overruled the demurrer.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]