

Case No. 2,187.

BURR v. BURCH.

[5 Cranch, C. C. 506.]¹

Circuit Court, District of Columbia.

Nov. Term, 1838.

PAYMENT—RESERVATION OF INTEREST.

When the question of interest is expressly reserved at the time of the receipt of the principal, such receipt is no bar to the recovery of the interest.

At law. Assumpsit [by Eliza C. Burr against Burch, executor of Lippet] for a legacy. The plaintiff had given a receipt for the principal, reserving the question of interest to be afterwards settled.

R. S. Coxe, for defendant, contended that interest cannot be recovered after the principal has been paid. Dixon T. Parkes, 1 Esp. 110; Tillotson v. Preston, 3 Johns. 229.

Mr. Bradley, for plaintiff, admitted the rule, with the exception where the question of interest is expressly reserved.

THE COURT (nem. con.) was of opinion, that where the question of interest is expressly reserved for future litigation at the time of the receipt of the principal, that receipt is no bar to the recovery of the interest.

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