

Case No. 3,806.

DENNY v. HENDERSON.

[2 Cranch, C. C. 121.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1816.

LIMITATIONS—DISCHARGED INSOLVENT.

The act of limitations runs in favor of an insolvent debtor, notwithstanding his discharge under the insolvent act.

This was a chancery attachment against the effects of Henderson, in the hands of Mills and others. Henderson appeared and pleaded the statute of limitations. This suit was brought in 1812. The plaintiff replied, that Henderson, in 1806, took the benefit of the insolvent act, and returned this as a debt; and that in 1812 he acquired property enough to satisfy this debt. To this replication there was a general demurrer and rejoinder.

Mr. Swann, for plaintiff, contended that the insolvent act gives a new right of action upon the defendant's acquiring property, notwithstanding the act of limitations; that is, that after the discharge under the insolvent act, the statute of limitations does not run.

Mr. Taylor, for defendant.

THE COURT sustained the demurrer to the replication, and rendered judgment for the defendant on the plea of limitations.

At April term, 1819, two other cases were decided in the same way, viz.: *Beverly v. Henderson* [Case No. 1,378], and *Bowie v. Henderson* [Id. 1,730].

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