

Case No. 6,353. HENDERSON v. HENDERSON.
[5 Cranch, C. C. 469.]¹

Circuit Court, District of Columbia.

May Term, 1838.

ATTACHMENT—DECEDENT'S ESTATE.

A chancery attachment will not lie against the effects of a deceased person.

Chancery attachment of slaves, the property of the deceased John Henderson, for a debt due by him, in his lifetime, to the plaintiff [Terlton T. Henderson].

Mr. Semmes, for defendant [John Henderson's administrator], moved the court to quash the attachment. The effects of a deceased person are not liable to be attached for debts due by him in his lifetime. They can only be administered by the executor or administrator according to law. The Virginian administrator has a right to sue in this court, and recover the property. He is not bound to give security upon dissolving the attachment *Wilson v. Wilson*, 1 Hen. & M. 15; *Wilson v. Klutz*, 7 Cranch [11 U. S.] 202; 1 Story, Eq. Our. 549.

Mr. Taylor, contra. The sureties of the Virginian administrator are not liable for assets in the District of Columbia. Story, Conn. Laws, §§ 462, 524.

THE COURT (THURSTON, Circuit Judge, absent) ordered the attached effects to be discharged.

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