

**HILTON, Trustee, JOHNSON, TURPIN and DUNBAR, Appellants, vs.
SHERMAN and JOHNSON Administrators and Administratrix of J. D.
Johnson's Estate, Appellees.**

LRSC 3; 1 LLR 43 (1867)

[January A. D. 1867.]

Appeal from the Court of Quarter Sessions and Common Pleas, Montserrado County.

The principle upon which cases are decided by the highest judicial tribunals of the world under the plea of Statute of Limitations is universally known and so well established in reason that it needs no comment of this court to give character to it.

Therefore, it seems only necessary for this court to give sanction by its decision to a principle so well calculated to distribute justice to all mankind. The Statute of Limitations is not intended to debar any persons of their rights, that is, those who are legally disabled, for the statute only commences to run against a party when he has failed to use his legal advantages to the security of his interest. Hence, as soon as he is able to pursue his right, if he fail to do so during the term of limitations he bars himself of his right, and therefore the court will not sacrifice the right of others to the security of a neglectful plaintiff's interest.

The court, therefore, adjudges that the plaintiff recover all costs incurred in this case since the appeal has been taken.