

Case No. 4,750.

FERRIS ET AL. V. WILLIAMS.

{1 Cranch, C. C. 475.}<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1807.

LIMITATIONS—RESIDENCE “BEYOND THE SEAS.”

1. The plea of non assumpsit infra tres annos is not a good plea to a count upon a promissory note, payable thirty days after date.

{See *Bank of Columbia v. Ott*, Case No. 879.}

2. The state of Delaware is beyond seas, in regard to the District of Columbia, within the meaning of the statute of limitations.

The declaration was upon a promissory note, payable thirty days after the 14th of April, 1798, made at Wilmington in Delaware, viz.: at Washington county, District of Columbia. Plea: (1) Non assumpsit and issue. (2) Non assumpsit infra tres annos. (3) Actio non accrevit infra tres annos. General demurrer to the second plea. Replication to third plea, that the note was made and delivered, and the money due thereon, was a debt contracted by the said Thomas Williams with the plaintiffs, abroad in foreign parts beyond the seas, to wit, at Wilmington, in the state of Delaware, in the United States of America, and the plaintiffs continued and remained abroad in foreign parts, beyond the seas, as aforesaid, at the: place aforesaid, from the time aforesaid, and long before, and always since, and at this time; and this the plaintiffs are ready to verify. General demurrer to that replication and joinder.

{For a hearing on motion of plaintiffs to amend proceeding, see Case No. 4,749.}

Mr. Law, for defendant, cited the act of limitations of Maryland of 1715, c. 23; and *King v. Walker*, 1 W. Bl. 286; and *Ward v. Hallam*, 2 Dall. [2 U. S.] 217.

Mr. Morsell, for plaintiffs, mentioned the case of *Pancoast v. Addison* [1 Har. & J. 350], in which the general court of Maryland, after full argument and great deliberation, decided that another state of this Union is beyond seas within the meaning and reason of the statute.

Judgment for the plaintiffs upon the demurrers.

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