

Case No. 8,376.

LINTHECUM v. JONES.

[4 Cranch, C. C. 572.]¹

Circuit Court, District of Columbia.

March Term, 1835.

EXECUTION—WHEN MAY BE QUASHED.

An execution cannot now be quashed at this term, which is not returnable until the next term.

This was a rule to show cause why a fieri facias, returnable at the next term, should not be quashed, because the judgment was of more than twelve years' standing.

THE COURT did not decide the principal question intended to be raised, being of opinion that the execution should not now be quashed.

Before CRANCH, Chief Judge, and MORSELL and THRUSTON, Circuit Judges. MORSELL, Circuit Judge, was of the opinion that execution should be quashed.

THRUSTON, Circuit Judge, thought that the court had jurisdiction now to quash the execution, although not returnable until the next term, but that the defendant ought to have an opportunity to plead the statute of limitations.

CRANCH, Chief Judge, was of the opinion that the court now, at this term, has no jurisdiction to quash the execution, which is not returnable until the next term. Motion to quash, overruled.

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