

## NEIL v. ABBOTT.

{2 Cranch, C. C. 193.}<sup>1</sup>

District Court, District of Columbia. Jan. 20, 1820.

LIMITATIONS OF ACTIONS—OFFER OF  
COMPROMISE—EFFECT.

The offer of terms of compromise is not sufficient to take the case out of the statute of limitations.

{See *Ash v. Hayman*, Case No. 572; *Bank of Columbia v. Sweeny*, Id. 882.}

To take the case out of the statute of limitations, the plaintiff offered evidence of the acknowledgments of the defendant's intestate, Campbell, when offering a compromise, viz. that Campbell acknowledged the debt to be due by Campbell and Matlock, and offered to pay one-half, although he said he was discharged by the insolvent law of Missouri, if the plaintiff would give him time.

Mr. Key, for defendant, objected to this evidence, and cited *Baird v. Rice*, 1 Call, 26.

Mr. Marbury, contra, cited 3 Esp. 113.

THE COURT (THRUSTON, Circuit Judge, contra) decided that the acknowledgment, under those circumstances, could not be given in evidence. Verdict for the defendant.

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