

## OFFUT V. HALL.

{2 Cranch, C. C. 363.}<sup>1</sup>

Circuit Court, District of Columbia. Nov. Term, 1822.

PLEADING STATUTE OF LIMITATIONS AT TRIAL  
TERM—REPLICATION.

Where an administrator is defendant, the court, sitting in Alexandria, will permit him to plead the statute of limitations at the trial term; to which plea the plaintiff cannot make more than one replication.

{This was an action at law by Offut's executor against Hall's administrator.}

At May term, 1821, the jury in this cause not being able to agree, a juror was withdrawn; after which, upon the defendant's motion, the court permitted him to plead the statute of limitations.

Mr. Mason, for plaintiff.

Mr. Taylor, for defendant.

At the present term, Mr. Mason, for plaintiff, offered several replications to the plea of limitations, supposing he had a right so to do, under the equity of the statute of Virginia, of the 12th of December, 1792, § 40, 602 by which it is enacted that "the plaintiff in replevin, and the defendant in all other actions, may plead as many several matters, whether of law or fact, as he shall think necessary for his defence."

But THE COURT (THRUSTON, Circuit Judge, absent) said he must confine himself to one replication, which must not be double.

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

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