

SCOTT v. LEWIS.

{2 Cranch, C. C. 203.}¹

Circuit Court, District of Columbia. June Term, 1820.

PLEADING AT LAW—TIME TO PLEAD—LEAVE OF COURT.

If the statute of limitations be pleaded after the plea day, without leave of the court, the plea will, on motion, be ordered to be stricken out.

Assumpsit, upon a promissory note. The rule to plead expired on the second Monday of December, 1818. At the next term, the defendant pleaded the statute of limitations, which was entered (short) and issue joined by the clerk, under the agreement of the bar that the clerk should enter the pleas and make up the issues.

Mr. Caldwell, for plaintiff, moved the court to order the plea to be stricken out, under the general rule of the court that the plea of limitations should not be received unless filed before the expiration of the rule to plead.

Mr. Jones, for defendant.

THE COURT (THRUSTON, Circuit Judge, contra) ordered the plea to be stricken out.

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