

Case No. 13,110.

SMITH v. STOOPS.

{1 Cranch, C. C. 238.}¹

Circuit Court, District of Columbia. June Term, 1805.

PLEADING AT LAW—WHEN STATUTE OF
LIMITATIONS MAY BE PLEADED.

After office judgment the court will not receive a plea of the statute of limitations.

Mr. Edward J. Lee moved to set aside the office judgment by pleading the statute of limitations. Refused; the court saying that it had always been refused. See *Hooff v. Herbert* (November, 1803 [Case No. 6,670]).

In the case of *Came v. McLean* [Case No. 2,416], at this term, THE COURT ordered the plea of limitations to be struck out, it having been filed after office judgment.

FITZHUGH, Circuit Judge, contra.

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

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