

## THOMPSON v. AFFLICK.

{2 Cranch. C. C. 46.}<sup>1</sup>

Circuit Court, District of Columbia. June Term, 1812.

## LIMITATION OF ACTIONS—PLEA—WHEN TO BE FILED.

The court will not permit the plea of the statute of limitations to be filed after the rule-day, unless it be shown by affidavit to be necessary for the justice of the case.

{This was an action by Thompson's administrator against Afflick's administrator.}

Mr. Jones, for defendant, before the plea day, indorsed on the declaration, these words, "Non assumpsit; Stat. Lim.: set-off; account in bar," as his pleas.

Upon the calling of the imparlance docket, Mr. Key objected to the plea of the statute of limitations because it was not written out at full length and filed at or before the rule-day.

Mr. Jones offered to file it nunc pro tunc.

But THE COURT (THRUSTON, Circuit Judge, absent) refused to receive it, unless it should be shown by affidavit to be necessary for the justice of the case.

{See Case No. 13,940.}

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