

Case No. 17,844.

WILSON v. TURBERVILLE.

[2 Cranch, C. C. 27.]¹

Circuit Court, District of Columbia.

July Term, 1811.

PLEA OF LIMITATIONS—WHEN FILED.

After interlocutory decree, and an issue ordered, the court will not permit the defendant to plead the statute of limitations, and to file an answer.

An issue from chancery being called up for trial, in this cause, Mr. Swann, for plaintiff, moved for leave to plead the statute of limitations, and to file an answer.

E. J. Lee, for plaintiff, objected that it was now too late, after interlocutory decree; that the answer offered was not a full and fair answer; and that by his will the testator had ordered all his just debts to be paid; which took the case out of the statute.

THE COURT (THRUSTON, Circuit Judge, absent), after consideration, overruled the motion.

[See Cases Nos. 17,842 and 17,843.]

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