

Case No. 3,578.

DARNALL v. TALBOT.

[2 Cranch, C. C. 249.]<sup>1</sup>

Circuit Court, District of Columbia.

Oct. Term, 1821.

PRACTICE—PLEADING.

The court, at the imparlance term, will permit the defendant to plead any issuable plea to the merits, although the rule to plead shall have expired.

On the first day of the term the rule to plead expired. Mr. Key and Mr. Dunlop, afterwards entered their appearance for the defendant, on the imparlance docket, and offered to plead.

Mr. Ashton, for plaintiff, moved for judgment by default on the rule to plead; and objected to the defendant's pleading now, unless upon condition of going to trial at this term.

But THE COURT (nem. con.) permitted the defendant's attorneys to plead any issuable plea to the merits, and refused to order the cause for trial at this term.

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