

PATRIOTIC BANK v. BANK OF
WASHINGTON.

[5 Cranch, C. C. 602.]¹

Circuit Court, District of Columbia. Nov. Term, 1839.

PLEADING IN EQUITY—EXCEPTIONS TO
ANSWER—FOR IMPERTINENCE—TIME FOR
PILING.

Exceptions to an answer for insufficiency may be filed after exceptions for impertinence.

Bill in equity.

Mr. Bradley, for plaintiff, excepted to a part of the defendant's answer, for impertinence.

THE COURT (THRUSTON, Circuit Judge, not sitting,) sustained the exception.

Mr. Bradley then filed exceptions to the answer for insufficiency; and moved the court for leave to amend his bill. Coop. Eq. Pl. 321.

Mr. Hellen, contra, objected that the exceptions should all be filed at once; and that after the court has decided upon exceptions, new exception cannot be permitted. 1 Har. Ch. Prac. 228, 235.

Mr. Bradley, in reply. By the English practice, exceptions for impertinence must be filed and decided before exceptions for insufficiency will be allowed. Harrison refers only to exceptions for insufficiency. Chit. Eq. Dig. 872; New. Ch. Prac. 184, 185, 190; Story, Eq. Pl. 665, p. 867.

THE COURT, having sustained the exception for impertinence, ordered the impertinent part to be cancelled, and permitted the plaintiff to file exceptions for insufficiency.

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

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