

## THELASSON v. CRAMMOND.

[1 Wash. C. C. 319.]<sup>3</sup>

Circuit Court, D. Pennsylvania. (Adjourned)

Oct. Term, 1806.

AWARD—REPORT OF  
REFEREES—EXCEPTIONS—ADDITIONAL FACTS.

When facts to sustain an additional exception to the report of referees, have been discovered, since the period for filing exceptions has passed; the court will allow the additional exception to be filed: although, if no exceptions had been filed in time, the discovery of such circumstances would not induce the court to allow them to be filed.

[Cited in *Messenger v. Broom*, 1 Pin. 640.]

Upon an affidavit that the defendant had not, until last night, discovered ground for an additional exception to the award; THE COURT permitted him to file it, saying; though the same reason might not have been a sufficient one to sanction the filing of exceptions originally, after the four days, because then the cause might be out of the reach of THE COURT; yet, as the cause is depending, an amendment may be made, where the proper foundation is laid for asking the indulgence.

[See Case No. 13,878.]

<sup>3</sup> [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]

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