

That the plaintiff is an alien enemy must be pleaded by *exception péremptoire temporaire*. Bellinghurst vs. Lee, 1813, no. 73.

When an action is commenced by a part, instead of the whole firm ; the defendant by *exception péremptoire temporaire* may plead it, or avail himself of the objection at the trial. Chinic et al., vs. Gervais, 1820, no. 560.

The english statute of limitation is a good *exception péremptoire perpétuelle* in an action for the recovery of a debt contracted in London. Hogan vs. Wilson, 1820, no. 316.

To support a plea of *litis pendency*, the 1st and the 2d action must be between the same parties and the cause of action must be the same, not only as to the thing demanded but as to the grounds on which it is asked ; it cannot otherwise be maintained. Voyer vs. Jugon, 1817, no. 599.

The plea of *litis pendency* is the proper plea where another cause, on the same ground and between the same parties, is depending in another jurisdiction, and, it is founded on the fact, that another jurisdiction is already seized of the cause. When both causes are depending in the same court, the exception, if there be any necessity for an exception, should not be peremptory but dilatory : but a motion to stay proceedings is the better course. Racey vs. Oliva, 1821, no. 74.

A plea of tender (*offres réelles*) must offer what it admits to be due in principal and interest with one shilling for costs “*sauf à parfaire*.” Baucher vs. Asselin, 1813, no. 283.

Damages cannot be pleaded by way of compensation, but where compensation can be urged it should be pleaded by *exception péremptoire*. Brunet vs. Lee, 1812, no. 352.