

If part of a cargo be delivered and accepted, an action for freight *pro tanto* will lie. But damages for non performance of the residue of the contract can only be demanded, on the part of the freighter, by an incidental cross demand, or a distinct action. *Oldfield vs. Hutton*, 1812, no. 5.

If the rule to plead upon the demand in chief be a six-day rule; the rule to plead upon an incidental cross demand in the same suit will also be a six-day rule. *Plamondon vs. Shephard*, 1813, no. 174.

A third person cannot intervene in an action of *complainte* on the ground that he is proprietor of the soil to which the action refers. *Puize vs. Miville*, 1813, no. 423.

Repleader.

Where the issue is immaterial or informal, the court will order a repleader. *Forbes vs. Atkinson*, 1810, no. 31.

A repleader may be awarded at the trial, if the issue taken is there found to be immaterial. *Vocelle vs. Faucher*, 1818, no. 155.

