have been sufficiently avoided. There is, in this case, no answer denying the subsequent admissions and promises charged to have been made; consequently, they must be taken for true, and are an ample avoidance of the pleas; which, therefore, can be of no avail whatever.

In the case of *Morgan* v. *Roberts* the defendant put in three pleas. No objection was made on the ground, that a defendant could not in equity, as well as at common law under the statute, be allowed to plead two or more pleas in his defence; and I sustained two of them, and overruled the third. Since then my attention has been particularly called to this point. This matter in England seems to be not yet finally settled. *Whitbread* v. *Brockhurst*, 1 *Bro. C. C.* 417; 2 *Ves. & Bea.* 153, *note; Gibson* v. *Whitehead*, 4 *Mad.* 241; *Van Hook* v. *Whitlock*, 3 *Paige*, 419; *Beam. Pl. Eq.* 14; *Mitf. Pl.* 296; *Wyat's Pra. Reg.* 280.

494 At common law, in almost all criminal cases, the accused is * allowed to plead, at the same time, two or more pleas in bar; 2 *Hawk. c.* 23, *s.* 128, 137; 2 *Hale Pl. Cro.* 239, 248; *The King* v. *Gibson*, 8 *East*, 107; *The Commonwealth* v. *Myers*, 1 *Virg. Ca.* 188; and, in all civil cases, the defendant is allowed, by the Statute of Ann, which has always been the received law here, to plead double. Equity follows the law; and the peculiarly liberal principles of our Code seem to require, that this Court should not be more technical, or less willing than a Court of common law, to receive the defendant's defence in any number, or variety of forms deemed necessary by him, to render it completely effectual; for the reason why duplicity should not be allowed in the same plea, does not apply as against several distinct pleas. 2 *Mont. Dig.* 89, 100. Although a plea is not the only mode of defence in Chancery; and there may not be as great a necessity to allow a defendant to plead double in equity as at law; yet it is sufficient, that justice may in most instances be promoted by it; and that no positive mischief is likely to arise from it in equity more than at law. Long experience has satisfied every one of its utility at law; and there is no apparent sound reason which forbids the adoption of a similar practice in Courts of equity.(c)

(c) RIDGELY v. WARFIELD.—1829, ch. 220.—This bill, filed 5th May, 1779, states, that the plaintiff and defendant deduce their title to certain land from a certain Richard Davis, but that the conveyance from one of the sons and devisees of Davis to the defendant, had in fact conveyed to him more than it was intended and meant to convey. Prayer, that the defendant might be confined to the true extent of the grant, &c.—To this bill the defendant presented the following defence.

The pleas and demurrer of Seth Warfield to the bill of complaint of Henry Ridgely.—The said defendant by protestation, not confessing or acknowledging all or any of the matters or things in and by the said bill of complaint set forth and alleged to be true, in such manner and form as the same are