made against him as surviving partner; that, since the death of the plaintiff's intestate, this defendant had disposed of a part of the joint effects in the best possible manner, and applied the proceeds in satisfaction of the claims against them. That he had in all things done his best to preserve the interests of the two partnerships; and the plaintiff's allegations, that he had put those interests at hazard, and had no other property, were false. That this defendant was never requested by the plaintiff to furnish him with a statement of the transactions of the firms; on the contrary, the plaintiff had always had free access to the books of the concerns, and the defendant had always been ready and willing to give any information on the subject within his power; that an inventory of the goods on hand had been taken a short time before the death of the plaintiff's intestate, and the amount

531 * particularly ascertained; that the estate of the plaintiff's intestate would be inadequate to pay his debts, and this defendant would be seriously injured in consequence thereof; and that this defendant has not been able to ascertain the aggregate of the debts against the two firms, &c.

BLAND, C., 26th April, 1826.—The defendant's solicitor called upon the Chancellor at his office, and asked leave to lodge with him an answer to a bill which, he said, would soon be laid before him. In a few hours after the bill was accordingly presented. The Chancellor apprised the plaintiff's solicitor of these circumstances; and, after hearing his remarks, has read and considered the bill and answer.

It often occurs, in cases where the suit has been amicably instituted, that the bill and answer are filed together, and that some order is passed thereon at once. But this is not said to be, nor does it, in any respect, wear the aspect of an amicable call for the aid, or sanction of the Court, to have that done on a statement of facts about which the parties are agreed, or which they are willing should be done. The parties here are substantially opposed as to every object of this suit; and they apprised the Chancellor, that they were so before he read either the bill or answer.

The prompt manner in which the defendant has chosen to come in and answer is unusual; perhaps, indeed, such an instance never happened before. But I am not aware of any practice of this Court, or, of any principle, governing the administration of justice, which prohibits a defendant from answering instantly to any complaint that may be made against him. On the contrary, Courts of justice, whether of common law or of equity, not only allow a party to come in and immediately defend himself; but consider a promptness in doing so as highly commendable. The various formalities, intervals, and pauses of the process, warning, summoning, or coercing a defendant to appear and answer, are in-