

tended for his benefit; and to allow him time to deliberate, and to move in the most circumspect manner in the defence of his rights; and being for his advantage only, he may waive them all; and, as in this instance, come in and answer instantly. By doing so he accelerates the progress of the case which must be for the advantage of him who complains of a delay or denial of right. This plaintiff may now except to this answer, set the case down to be heard on bill and answer, or put in a general replication and proceed forthwith to take testimony. In short any defendant to a bill * of complaint in this Court may appear gratis and get rid of the suit as soon as he can. *Fell v. The Master of Christ's College*, 2 Bro. C. C. 278; *Hanwarst v. Welleter*, 5 Mad. 422; *Webster v. Threlfall*, 1 Cond. Chan. Rep. 67. 532

But it is said, that this is an injunction bill, and an injunction, if allowable at all, is always granted *ex parte* on a consideration of the bill alone. This practice has, however, arisen out of the circumstances of our country, and the peculiar urgency of such cases. The exigencies of the case, as set forth by the plaintiff, in his bill, may be, and most commonly are, such as to call for immediate interposition; and therefore, the Chancellor must act on the representation of one party only. But in all such cases the opposite party is allowed an early opportunity of being heard; and if the nature of the case require it, the manner and time of his being heard is unusually facilitated and shortened. But if a defendant should hear of such a bill being on its way to the Chancellor, it does not seem to me, that there can be any sound regulation which should hinder him from following the bill to the tribunal, and instantly presenting his answer so as to prevent the imposition of the threatened restriction. An injunction may be dissolved on the coming in of an answer which positively denies all the facts upon which the equity of the bill is founded; hence it would be strange indeed to refuse to look at such an answer presented together with the bill, and to grant an injunction which must soon, and inevitably be dissolved. I am therefore of opinion, that this answer must be now read and considered. Upon which it will be sufficient to remark, that on the bill alone I should have doubted the propriety of granting an injunction; but upon looking into the answer I can have no doubt.

Ordered, that no injunction be issued as prayed by this bill of complaint.

The plaintiff put in a general replication to the defendant's answer; and some time after brought the case before the Court by moving for a decree to account.

BLAND, C., 27th July, 1826.—Decreed, that the parties account with each other; and the case is hereby referred to the auditor,