

allowed to plead, at the same time, two or more pleas in bar; (b) 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. (c) 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. (d)

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(b) 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.—(c) 2 Mont. Dig. 99, 100.

(d) 1829, ch. 220.—RIDGLEY v. WARFIELD.—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 Ridgley.—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 therein set forth; as to so much and such part of the said bill, which seeks a discovery or relief from this defendant relating to any parol contract, or agreement made or supposed to be made between Thomas Davis and Stephen Steward, in the said bill mentioned, for the said tract of land called Davis's Purchase, or any part thereof different or variant from the deed said to have been executed in the said bill, on or about the twenty-ninth day of November seventeen hundred and fifty-six, by the said Thomas Davis to the said Stephen Steward; and as to so much of the said bill which seeks a discovery or relief from this defendant relating to any parol contract or agreement made or supposed to be made between the said Stephen Steward and this defendant for the said tract of land called Davis's Purchase, or any part thereof, different or variant from the deed or conveyance said to have been executed, (in the said bill,) on or about the fourteenth day of December seventeen hundred and sixty-two, by the said Stephen Steward and Joshua Davis to this defendant: He, this defendant, doth plead, that by an act of Parliament, made in the twenty-ninth year of the reign of his late Majesty King Charles the second, entitled an Act for prevention of Frauds and Perjuries, it is, amongst other things, enacted; that, from and after the twenty-fourth day of June sixteen hundred and seventy-seven, no action shall be brought, whereby to charge