

farther say, that the defendant did not promise or assume to pay the debt at any time within twelve years before the complainants filed their bill. Regarding these allegations as two distinct pleas, they are, as pleaded, each of them, informal and wholly insufficient. And, taking them as one plea, it is multifarious and double. Duplicity is a vice in pleading, and singleness is no less necessary in equity than at law. This plea must, therefore, be overruled.(e)

The object of this bill is to enforce an equitable lien by a vendor against a vendee, and to have the land sold, in virtue thereof, for the payment of the balance of the purchase money. Whether a plea, that the cause of action had been more than *twelve* years standing grounded on the act of assembly,(f) in any, the most correct form, would avail against a claim of this kind, does not appear to have been at all considered, or alluded to. I shall therefore express no opinion upon the subject.

Whereupon it is ordered, that the said pleas be and the same are hereby overruled: and the defendant is required to make a good and sufficient answer to the plaintiffs' bill of complaint on or before the fifteenth day of February next.

The defendant filed his answer within the time prescribed; in which he admitted the purchase and possession, but relied on the lapse of time, &c. The plaintiff put in a general replication; and commissions were issued and testimony taken and returned; after which, with the leave of the court, the plaintiffs so amended their bill as to make the heirs at law of the late *James Pattison*, who at the time of his death was seized of the whole legal title to the lands, parties plaintiffs in this suit.

appearing, this defendant doth demur in law thereunto; and humbly demands the judgment of this honourable court, whether he shall be compelled to put in any further or other answer to the said bill; and humbly prays to be hence dismissed with his reasonable costs in this behalf most wrongfully sustained.

THOMAS JENINGS, for Deft.

2d September, 1789.—ROGERS, Chancellor.—Decreed, that the bill aforesaid of the complainant be dismissed, and the same is hereby dismissed; and that the said complainant pay to the said defendant his costs in this behalf expended.—*Chancery Proceedings, Lib. S. H. H., letter B. 722.*

*N. B.* Recollecting, as has been before explained, (*H. K. Chase's Case, ante, 217.*) that a demurrer is overruled by a plea, it is obvious, that this decree must have been founded upon the propriety of thus pleading two pleas, and upon the validity of one or both of the pleas.

(e) *Whitbread v. Brockhurst*, 1 Bro. C. C. 417; S. C. 2 Ves. & Bea. 153, note.  
(f) 1715, ch. 23, s. 6.