upon a great variety of facts, which is an unnecessary vexatious burthen thrown upon him. (z)

If the late cases, it is said, as far as they are authorities, (a) intimating by that turn of expression a doubt, whether they ought to be really so considered, have established these exceptions to this rule; then it would seem to follow as a necessary consequence, that the negation, or new matter relied on in the answer, to protect the defendant from discovery, must, at least, be brought forward by the answer as distinctly as if it had been pleaded. (b) And also, that all the facts stated in the bill, not covered by this form of defence, should, as in the case of a plea, be admitted to enable the plaintiff, at the hearing, to obtain a final decree for so much as was admitted, and sustained in opposition to the defence set up; in case a further discovery might not be necessary. But, as to all these matters, the new mode of proceeding is enveloped in darkness and uncertainty. Apparently aware of the difficulties into which the plaintiff would be thrown, in case the defendant should fail to sustain his defence in this form; it is said in one of those cases, that if such matter should be found against the defendant, he may be examined upon interrogatories to discover his knowledge. (c) But what weight is to be given to the answers to those interrogatories; and to what points are they to be directed? A plea places the case, and its several parts, in a clear, definitive condition; but this new fashioned defence distinctly specifies nothing.

After passing over this review of the subject, and considering how the law is chained together, and how important it is to preserve its consistency and harmony as a whole, and in its several parts; and that the genius of all our institutions requires, that no excrescences should be allowed to fasten upon and mar their simplicity; or retard their operations, and impose any unnecessary burthen upon a citizen who desires to obtain the benefit of them, it does seem to me, that this new course of proceeding can have no claim to the favourable consideration of this court. Besides, the Court of Chancery of Maryland is a judicial structure as little complicated as an institution of the kind can well be made. It is lumbered up with no useless officers; and its forms of proceeding have been almost entirely divested of every thing which would in

(z) Shaw v. Ching, 11 Ves. 305; Somerville v. Mackay, 16 Ves. 387.—(a) Dolder v. Huntingfield, 11 Ves. 293.—(b) Faulder v. Stuart, 11 Ves. 302.—(c) Randal v. Head, Hard. 188.