further continued by regular continuances under Curia Advisari vult until the second Monday in November then next,

At which said second Monday of November to wit in the year aforesaid came again into Court here the said parties by their said Solicitors, and thereupon afterwards to wit on the 15 day of November in the year aforesaid the Court passed and filed in said cause the following opinion in writing to wit.

Isaac N Wilson and others vs Catharine Ann Wilson and Alexander Wilson

In the Circuit Court for Baltimore County.

I have carefully examined the questions of pleading in Equity presented by the demurrer filed in this case, and can find no rule clearly and distinctly laid in the Books of practice or in the decisions upon this subject that require me to sustain it.

The ground relied upon to sustain this Demurrer is that the Bill is Multifarious in that, it unites two entirely separate and distinct matters having no proper and necessary connexion, and of these matters being a call upon him, with the defendant Catharine, to account as administrators of the said Wm N Wilson appointed by the Orphans Court of Balto County and the other being an application to this Court to set aside a deed of the Real Estate of the said deceased, the title to which the said Alexander is alleged to have acquired by deceit and fraud. A review of the decisions upon the subject of Multifariousness in Bills in Equity will leave the mind in great doubt whether any clear and definite rule has been adopted to be used as a test by which it may be determined, in any particular case to which it may be applied, whether the Bill is multifarious or not. Story in his Eq Pld Sec 530, 539 says the Conclusion to which a cursory survey of all the authorities will conduct us, seems to be that there is, not any positive inflexible rule as to what in the sense of a Court of Equity constitutes Multifariousness which is fatal to the suit on demurrer, all that can be stated in each particular case as it arises is to consider whether it comes nearer to the class of cases, where the objection has been held to be fatal or to the other ones where it has been held not to be fatal" And the Chancellor in Dunn vs Cooper 5 Mcl & Gor Ch Dec 48 says "the Court in deciding cases of this description are governed very much if not exclusively by considerations of convenience in particular circumstances avoiding the attempt of prescribing an inflexible rule. The Court to be sure in deciding upon new cases as they present themselves are not to disregard previous adjudications they should be consulted and followed so far as may be safe, having due regard to considerations of general convenience and the important objects of advancing the administration of Justice by avoiding on the one hand the multiplying unnecessary litigation, and on the other the inducing of suitors in needless and oppressive expense. In reference to these cases the Court have considered what was convenient in particular circumstances, rather than in conformity with any absolute rule. 51 Are the principles on which the foregoing reasoning is related by the Complainants in this Bill. The ground of their Complaint is that Alexander Wilson has acquired title to the Lands descended from

their father, by fraud, to which he has advanced by several steps, he first administered his personal Estate, and with the defendant Catharine settled accounts in the Orphans Court fraudulently and in such a manner as to make it appear that it was insufficient for the payment of the debts of the intestate. He then procured proceedings to be instituted for the purpose of obtaining a decree to sell his Real Estate upon the ground that the personal Estate was insufficient for that purpose which resulted in a Decree for the sale, the land was offered for sale, under the decree of the proper Court, at the sale by false statements and fraudulent means and became the purchaser himself for a consideration grossly inadequate. Now it is to be observed that the allegations in the Bill as regards the failure of the administrators to account fairly fully and honestly for the personal Estate of the intestate do not state a part of the plan of fraud set out in the Bill, they are Unnecessary to furnish a connected narrative of the whole transaction such being the case the objection of Multifariousness does not apply. If the ground be not entirely distinct and uncontracted, of any over out of and and the same transaction, or series of transactions forming one course of dealing, all leading to one end, of one connected story can be told of the whole, the objection does not apply. Marys Eq pl 271 & Pleadings as Illustrated 5 Paige Ch R 373 The demurrer admits that the several transactions stated in the Bill in which the defendant Alexander performed the part that is charged against him took place as set forth in the Bill that is it admits the series of fraudulent acts which are composed of the separate matters united together by the Complainant, and which he alleges were arranged by the said defendant to enable him to accomplish his main purpose of fraudulently acquiring the title to this Real Estate But whether these admissions are by the pleadings the defendants insist by the demurrer that he cannot be called upon to answer in regard to them in the same Bill because they are separate and distinct matters nor there cannot be a doubt that of a party thinks proper to combine together separate and distinct transactions and matters, all designed to carry out a scheme of fraud, that he can be called upon to answer in regard to them all, in one Bill, however complicated they may be. But the Complainants not only call upon these defendants to answer in regard to the alleged fraudulent administration of this personal Estate and settlement of accounts in the Orphans Court with a view to establish the fact as alleged in the form of circumstances constituting the fraud charged in the Bill but they so call upon them with a view to relief by way of a Decree against them for an account. I can see no reason why they should not have this relief in this case if they are entitled to it. If these defendants are compelled to answer in this case in regard to this personal Estate as they have assumed they are, and to show that they have not administered it fraudulently, but have faithfully applied it and fairly accounted for it, in case they should fail to do so it should appear to the Court in the course of the proceeding that they still hold to account for it as for some part of it they should not decree accordingly" It may be true that a complainant with a view to relief only, cannot bring a defendant into Court to answer