

PLEADING.—*Continued.*

- defendants to pay the purchase money for certain land, it should be sold. *Lingan v. Henderson*, 221.
24. When a case is set down for final hearing on bill and answer, without replication, all the facts set forth in the answer are taken to be true. *Estep v. Watkins*, 459.
 25. The case, as set forth in the bill, must, at the final hearing, appear to be such an one as falls within the jurisdiction of a Court of Chancery. *Ib.*
 26. A defendant may, at the same time, plead several distinct pleas in bar, in equity as well as at law. *Moreton v. Harrison*, 463.
 27. If a defendant pleads the Statute of Limitations, and there be any allegations in the bill of partial payments, &c.; which, if true, would take the case out of the statute, the defendant must, by an answer in support of his plea, deny such allegations. *Ib.*
 28. A plea may, without replication, be set down to obtain the judgment of the Court as to its formality and sufficiency. *Ib.*
 29. An answer held, on exceptions, to be insufficient, is as no answer. *Mayer v. Tyson*, 524.
 30. If a defendant does not, after exceptions, put in a sufficient answer, as ordered, the bill may be taken *pro confesso* and a final decree passed; or the case may be prosecuted, as against the other defendants, to a final decree. *Ib.*

See CONTRACT, 7.

DEBTOR AND CREDITOR, 9.

NON COMPOS MENTIS, 1.

PRACTICE, 5.

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1. When a bill may be taken *pro confesso*. *Burch v. Scott*, 103.
2. To obtain an order upon a defendant to bring money into Court, before the final hearing, it must appear, that he who asks for such an order has an interest in the money proposed to be called in; and that he who has it in his hands has no equitable right to it; and the facts from which this appears must be found in the case as it then stands, either admitted or so established as to be open to no further controversy at any subsequent stage of the proceedings. *McKim v. Thompson*, 140.
3. A defendant cannot be allowed to put in a supplemental answer, except under very special circumstances. *Ib.*
4. The defendant must move to put in a supplemental answer, and accompany the motion with an affidavit, in which he must swear that when he put in the answer, he did not know the circumstances upon which he applies, or any other circumstances upon which he ought to have stated the fact otherwise, or that when he swore to his original answer, he meant to swear in the sense in which he now desires to be at liberty to swear. *Ib.*
5. A supplemental answer is only intended to correct the allegations of the original answer, or to remove from it dangerous admissions, so as to let in proof in the hearing of the real merits of the case. *Ib.*
6. Where testimony is proposed to be taken in support of a claim, notice of the taking of it must be so given as that it may be presumed to