

to reply to, and go to trial, on an insufficient answer, full of absurdities and inconsistencies, or which was in many particulars, palpably deficient. The taking of exceptions to an answer, is tantamount to a demurrer, upon an insufficient plea at law; and if such a demurrer is sustained, the plaintiff has judgment, because the plea is insufficient; and so in equity, on exceptions to the answer being sustained, the like consequences must follow. But for the adoption of this rule, there would seem to be no end to the delays which a defendant might produce by repeated sham answers. And indeed, even as the rule now stands, according to the English system, the expensive delays in Chancery proceedings, under the present mode of obtaining a full answer, after a previous one had been declared insufficient, have been considered as so serious a grievance, that there has been recently a great effort made to obtain from Parliament some reforms, similar to those which have been so long since engrafted into our system. *Anonymous*, 2 P. Will. 481; *Hackins v. Crook*, 2 P. Will. 566; *S. C. Mosely*, 294, 383; *Turner v. Turner*, 1 Dick. 316; *Bromfield v. Chichester*, 1 Dick. 379; *Child v. Brabson*, 2 Ves. 110; *Davis v. Davis*, 2 Atk. 24; *Darwent v. Walton*, 2 Atk. 510; *Wallon v. Brown*, 4 Bro. C. C. 212, 223; *Gordon v. Pitt*, 4 Bro. C. C. 406 and 544; *Attorney-General v. Young*, 3 Ves. 209; 1 *Hove. Supp.* 362; *Jopling v. Stuart*, 4 Ves. 619; *Gregor v. Arundel*, 8 Ves. 88; *Bailey v. Bailey*, 11 Ves. 151; 2 *Hove. Supp.* 251; *Anonymous*, 2 Ves. Jun. 270, and 1 *Hove. Supp.* 256; *Landoo v. Ready*, 1 Cond. Cha. Rep. 23; 2 *Eq. Ca. Abr.* 179; *Forum Rom.* 106.

If, then, we apply these reasonable and established principles, that, where a defendant has failed to put in a sufficient answer, as required, the plaintiff may renew his course of proceeding from the point at which he had left off when the insufficient answer was filed; and that an insufficient answer must be regarded as no answer, to the course of proceedings prescribed by the before-mentioned legislative enactments, it will be seen that it has been expressly declared, that on a defendant being returned attached for

160 * not answering, he may be committed, or the plaintiff may obtain an order to take the bill *pro confesso* at the next term, or that if a defendant shall have further time to answer, and shall not, before the expiration of the time, put in a good and sufficient answer, the bill may be taken *pro confesso*, without any further delay, and a decree passed thereon. From which, it follows, that after a defendant's answer has, upon exceptions, been declared to be insufficient, the plaintiff, because of his deeming the discovery he seeks necessary to his case, may, if he can, by the specified process, have the defendant arrested and committed to close custody until he does answer; or the order, determining the answer to be insufficient, and requiring a better answer by an appointed day, may be considered, as in truth it is, a grant of further time to answer,