

or dissolve an injunction, to appoint or discharge a receiver, or on any other incidental motion in the cause.

If specified interrogatories are required to be answered under oath, the answers if responsive, are evidence for the defendant. *Davis v. Crockett*, 88 Md. 256.

If the answers to the interrogatories are not responsive they are entitled to no consideration, unless sustained by proof at the final hearing. *Horner v. Bell*, 102 Md. 445.

Under this section, an answer, although under oath, held not to be evidence for the defendant. *Smith v. Pattison*, 84 Md. 343.

Cited in *McKenrick v. Savings Bank*, 174 Md. 129.

See notes to sec. 189.

An. Code, 1924, sec. 185. 1912, sec. 170. 1904, sec. 161. 1888, sec. 148.

**191.** Whenever the answer of the defendant shall not be excepted to, or shall be adjudged or deemed sufficient, the plaintiff shall file the general replication thereto within fifteen days thereafter, unless he shall set the cause down for hearing on bill and answer as to said defendant or defendants answering; and in all cases where the general replication is filed, the cause shall be deemed to all intents and purposes at issue, without any rejoinder or other pleading on either side. If the plaintiff shall omit or refuse to file such replication within fifteen days after answer filed, the defendant shall be entitled to a rule further proceedings within ten days after notice of such rule; and upon failure to comply with such rule, the defendant shall be entitled to have the bill dismissed. The form of the general replication shall be as follows: "The plaintiff joins issue on the matters alleged in the answer of C D, so far as the same may be taken to deny or avoid the allegations of the bill."

A rule further proceedings held to have been prematurely entered. Although a defendant may be entitled to have the bill dismissed under this section, the court is not deprived of its power to reinstate it for satisfactory reason. Where an answer is filed on February 1st, the plaintiffs have the whole of February 16th on which to file a replication; hence a rule further proceedings may not be entered on the 16th. *Norris v. Ahles*, 115 Md. 64.

This section referred to in discussing the dismissal of a petition in the orphans' court for failure to file replication. *Long v. Long*, 115 Md. 135.

An. Code, 1924, sec. 186. 1912, sec. 171. 1904, sec. 162. 1888, sec. 149.

**192.** No special replication to any answer shall be filed. But, if any matter alleged in the answer shall make it necessary for the plaintiff to amend his bill, he may obtain leave to amend the same, upon application to the court or judge thereof, within such time and upon such terms as may be prescribed by order.

An. Code, 1924, sec. 187. 1912, sec. 172. 1904, sec. 163. 1888, sec. 150. 1933, ch. 549.

**193.** If the plaintiff, so obtaining any order to amend his bill after answer or demurrer thereto, shall not make the amendment within the time allowed, he shall be considered to have abandoned the leave to amend, and the cause shall proceed as if no application for such leave had been made. But where such amendment is made, and new facts are introduced, and the case is thus varied in any material respect, the defendant shall be at liberty to answer anew or demur to the bill as amended, within such time as the court or judge thereof may prescribe, after notice of the amendment made; and notice may, in all cases, be given by service of a copy of the bill as amended, upon the defendant, or upon his solicitor, if there be one; or it may be by subpoena; or if any of the parties defendant is an infant or non-sane defendant for whom a legal guardian or committee may have been required by the Court to appear, answer, and defend, or for whom a guardian *ad litem* may have been legally ap-