

admission of the truth of which, or the proof of the truth of which is necessary to entitle him to relief. *Cooth v. Jackson*, 6 *Ves.* 37. And after having given, in all respects, such an answer as the bill requires, the defendant may, and indeed, always should go on, by way of further answer, to state all matters in bar, or by way of avoidance which he may make available as a defence against the plaintiff's claim; for it is a well established rule, that a party cannot be allowed to offer evidence to sustain any allegation which he has not made and relied upon in his bill or answer. *Waley v. Norton*, 1 *Vern.* 483; *Sidney v. Sidney*, 3 *P. Will.* 276; *Clarke v. Turton*, 11 *Ves.* 240; *Smith v. Clarke*, 12 *Ves.* 480. As where to a bill for a specific performance, although the defendant is bound to answer fully as to the agreement relied on by the plaintiff; yet he may, by way of avoidance, and as a defence against the claim presented by the bill, set forth the agreement which was really entered into between them; and the plaintiff may, if he admits the truth of the defendants' answer, amend his bill and take a decree accordingly upon the discovery and confession of the defendants. But having, by his amendment, virtually waived all claim founded on the contract as set out in his original bill, he cannot be allowed to offer proof to sustain such claim after the amendment has been made. *Lindsay v. Lynch*, 2 *Sch. & Lefr.* 9.

The object of a discovery from the defendants for the purpose of giving relief here, is to obtain evidence in relation to the subject **399** * in controversy, either because the plaintiff cannot otherwise prove the facts or in aid of proof. And hence the answer should, in all cases, not only disclose the truth, but the whole truth; it should not only speak the truth in relation to a particular circumstance, or part of the case; but the whole truth in regard to all the component parts of that case which is the subject of litigation between the parties. For, otherwise, if the plaintiff were allowed, by special interrogatories, to cull from the defendants' knowledge of the whole matter in dispute only such particular facts as suited his purpose; and the defendants were rigidly confined to the making of only such answers as such interrogatories would warrant, the truth of the case might be most grievously distorted and the whole course of justice perverted. This as to a bill for relief as well as discovery, is sufficiently evident.

The object of the discovery prayed by this bill is not, however, to enable this Court to give relief, but to aid a Court of common law in giving it. This plaintiff, it appears can only obtain relief from a Court of common law according to the facts which he may be able there to establish.

It is the duty of a Court of justice to act only according to the whole truth; it cannot allow any pertinent and legal testimony to be withheld or garbled; and it is of no kind of consequence whether the proofs are brought before it by means of its own pro-