

RICHARD WOOTTEN AND
THOMAS WOOTTEN
vs.
WILLIAM N. BURCH, ADM'R,
C. T. A. OF WILLIAM G. JACKSON,
DECEASED ET AL.

MARCH TERM, 1851.

[INSUFFICIENT ANSWER—CHANCERY PRACTICE—LEGACY OVER OF MONEY AND
OTHER PERSONAL PROPERTY, AFTER A LIFE ESTATE—DUTY AND
LIABILITY OF EXECUTORS—INCREASE OF NEGRO SLAVES.]

It is not sufficient, that an answer contains a general denial of the matters charged in the bill, but there must be an answer to the sifting inquiries upon the general subject : and, wherever there are particular and precise charges, they must be answered particularly and precisely, though the general answer may amount to a full denial of the charges.

The answer should, in general, be full to all the interrogatories founded on the matters charged in the bill, unless they are clearly immaterial : and some writers say, that the general rule requires the defendant to answer every question, without reference to whether it is or is not material ; and that the court will take care that it shall not be applied in such a way as to be oppressive to the parties.

This rule must, of course, be subject to the qualification, that the matters inquired about, are not purely scandalous, or which would subject the defendant to a penalty, forfeiture or punishment ; for all such matters, he is not required to answer.

Where the complainants, by their bill, asserted their title under the will of a testator, and claimed relief accordingly ; and, likewise, stated every fact necessary to enable them to recover as his personal representatives. It was
HELD—

That, under the prayer for general relief, they were entitled to recover, as the personal representatives of the testator, though they might not be so entitled, according to the specific prayer, or the precise character in which they present their claims.

Their title, as personal representatives, is a conclusion of law, founded upon the statements of the bill ; and it is well settled, that where facts are stated, upon which legal conclusions arise, these legal conclusions need not themselves be stated.

Where money, or personal property, whose use is its conversion into money, is either specifically given to one for life by a will, or is included in the bequest of a general residue, an investment thereof must be made by the executor, in some safe and productive fund, so as to secure the dividends to the legatee for life, and the principal after his death to the legatee, in remainder. If the executor neglects to make such investment, and permits the legatee, for life, to consume the property, or does so himself, he will be liable therefor to the legatees in remainder.