PATENT.—*Continued.*

4. A caveat in the land office is a warning to the Chancellor not to put the great seal to a patent for a certain tract of land as prayed by the holder of the certificate of survey. *Ib.*
5. The grounds upon which a caveat may be entered are various. In general they must be such as show that no grant ought to be issued, because to do so would be unjust to the public or to some individual, or because the applicant had in some way failed to comply with the conditions of plantation, or because the facts set forth in the proceedings are, in some material particular, irregular or untrue, or because the lands specified in the certificate are not vacant, but are, in whole or in part, included in an elder warrant, entry, survey, or patent. *Ib.*

PLEADING.

1. All objections to the testimony are open, and may be made at the final hearing. *Strike's Case*, 50.
2. The allegations in the body of an answer, or plea, should be positive, otherwise the issue would be joined on a mere statement of the belief of the parties, not upon their allegations of fact. *Coale* v. *Chase*, 126.
3. Yet to obtain a dissolution of an injunction, it is sufficient that an executor or administrator, in stating facts, which from the nature of the case, could only have been personally known to his testator, or intestate, should say, that they are "as he is informed and verily believes," so and so. *Ib.*
4. It is sufficient if the affidavit be so absolute and positive, when taken in connexion with the body of the answer, as to subject the party to a prosecution for perjury; if the matters stated should be false. *Ib.*
5. A complainant, on the filing of the answer, is entitled to have the cause set down for final hearing on bill and answer, and by so doing he admits the truth of everything contained in the answer. *Paul* v. *Nixon*, (*note*) 189.
6. Where a matter, which is properly the subject of a petition, is brought before the Court in that form, the new facts therein set forth, which are not denied by a written answer on oath, must be taken to be true. *Hannah K. Chase's Case*, 194.
7. If a defendant demurs and pleads to the same matter, his plea overrules his demurrer; and so if he pleads and answers to the same matter, his answer overrules his plea. *Ib.*
8. To make a decree a good bar in a subsequent suit, it must be shown, that the matter of the bill was *res judicata;* that there was an absolute determination by the Court that the party had no title. *Ib.*
9. The plaintiff by petition, stating on oath the circumstances, may, before the coming in of the answer, obtain a commission to take the testimony *de bene esse* of an aged and infirm witness. *Lingan* v. *Henderson*, 221.
10. An order for publication, warning an absent defendant to appear, as the substitute for a subpœna, is granted as of course; because a plaintiff so proceeds at his peril; and it must go against a wife as well as her husband, or she will not be bound. *Ib.*