by taking the answer as it stands, and proceeding directly to collect his proofs than by stopping to take exceptions. This is the case where the answer is an evasive or imperfect response; and yet goes to the whole, and puts in issue all the allegations of the bill. But to what end, or for what purpose, where no explanation or discovery is sought for by an allegation, should the plaintiff, by exceptions, call for an answer to it, when it is impliedly and tacitly admitted by not being answered? In such case, both parties would be delayed and troubled, and the defendant put to much expense without any object whatever.

The general replication puts in issue only the denial or avoidance of the answer; and neither party is allowed, nor can be called on to adduce proof respecting any matter not put in issue. The unanswered part of the bill, therefore, must be admitted, since it cannot be, according to the correct and orderly course of proceeding, proved at the hearing. But, if the unanswered allegations of a bill were required to be proved, or to be rejected altogether at the hearing, then the defendant would be allowed to take advantage of his own laches; and a want of frankness would be tolerated and encouraged in a manner altogether unbecoming a Court of equity. The plaintiff would be driven to except, in all such cases, merely to extract from the defendant either a general, or an express, instead of a tacit disclaimer or confession; when, in truth, it might have been the intention of the defendant, as it is fair to infer it was, to concede the unanswered allegation for the express purpose of avoiding the costs of an answer, of exceptions and of proofs, by letting a decree by default go for so much as he had left unanswered.

Formerly when the defendant used only to set forth his own case in the answer, without answering every clause of the bill, it was the practice for him to add, at the end of the answer, a general traverse, without that, that the matters set forth in the bill are true, &c. But where the whole bill, and every clause in it, has been fully answered, the adding of a general traverse is rather impertinent than otherwise; and if issue is taken upon this general traverse, it is a denial only of every thing not answered before by the answer. *Anonymous*, 2 *P. Will.* 87. But, there is no case
578 in which this general traverse * has ever been relied upon as an answer. If it ever had been so considered, it must have occurred in some of the numerous cases of exceptions to answers, to have insisted on it as such, yet nothing of the kind appears. The whole range of adjudged cases shew, that the extent and compass as well as the sufficiency of the answer, as whether it is as frank as it ought to be, or whether it covers the whole or only a part of the bill; are to be ascertained from the body of the answer itself; and, not from the formal introduction, or the formal general traverse, or conclusion of it. But in this