declares, that he is entirely ignorant of the matters contained in the bill, and leaves the plaintiff to make out the best case he can, or any language to that effect; and the plaintiff files a general replication, all the allegations of the bill are thus denied and put in issue; and, consequently, all of them must be proved at the hearing against a defendant who has thus answered. *Potter* v. *Potter*, 1 *Ves.* 274; *Amhurst* v. *King*, 1 *Cond. Chan. Rep.* 407.

This, in England, is said to be the usual form of the answer of the Attorney-General; and no exception can be taken to such answer, nor, indeed, to any answer of the Attorney-General. 2 *Mad. Chan. Pra.* 335. The same form and rule prevails here where the Attorney-General appears for the State. This also is, commonly, the form of the answer of an infant, or person *non compos mentis*, who answers by his guardian or committee. And, by a long established practice, * individuals, who are, in truth, **580** ignorant of the whole matter as to which the bill requires any disclosure; but who are made defendants as having an interest in the matter in controversy, have been permitted, by this general mode of answering, to deny the whole bill, and to put the plaintiff to prove all its allegations at the hearing. *Drury* v. *Connor*, 6 *H. & J.* 291. If, however, it appears from the bill, that the defendant has any knowledge of any matter in it, he may be required to answer more fully and particularly to the extent of his knowledge or belief.

Divesting this case then, of all extraneous matter; of all that relates to the two first administrators of the late Anthony Hook; because this plaintiff is incompetent, in the representative character in which he sues, to recover any thing, but so much of the personal estate of his intestate as remains in specie; or has remained, and is now in the hands of any one who can be regarded as a trustee for the use of the late Anthony Hook and his representatives. Of all that which relates to the next of kin of the

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not, he cannot rely on the silence of the respondent in relation to any material allegation, but must prove it."

Whence it would seem that a new rule has been thus laid down, differing, in some respects, from any spoken of in the text.

On what authority this cited *dictum* of Chief Justice Marshall was founded does not distinctly appear from the case as reported in 6 Cranch, 51. It certainly does not entirely accord with any of the above mentioned English or Virginia adjudications, and still less with the controverted decision of Chancellor HANSON, as reported in 2 H. & J. 301. But as an appeal lies in Virginia from an interlocutory order dissolving an injunction, 5 Rand. 332, it is clear, that the judgment of the Court on the principal matter in the case of *Young* v. *Grundy*, declaring, that no such appeal would lie in that case, although it came, most probably, from the Virginia section of the District of Columbia, must have been founded on the Act of Congress, 24 September, 1789, ch. 20, s. 22, which declares, that appeals shall be allowed only from final decrees and judgments.