because said defendant has not brought into this court the books of account of said *James Clarke*, nor offered to do so; nor has he produced and brought into this court, nor offered to do so, the bond of said defendant to said *Clarke;* and has assigned no reason for his omission to do so. The plaintiffs then go on to state six other exceptions to the sufficiency of the answer; and then they say *tenth*, because the said answer is accompanied by, or incorporates a plea which covers the whole matter of said bill of complainant; and which, if good and sufficient, would render said answer incompatible, expensive, and unnecessary. And is otherwise, and in other respects evasive, and insufficient. Whereupon an order was passed appointing a day for hearing these exceptions. After which the matter was brought before the court.

14th January, 1830.—BLAND, *Chancellor.*—The exceptions to the answer of the defendant standing ready for hearing, and having been submitted without argument, the proceedings were read and considered.

In general, wherever a plaintiff has an interest in any books or papers, which a defendant, by his answer, admits to be in his possession, he may be ordered to produce them on petition of the plaintiff, specifying what books or papers are wanted. (*b*) But, in this instance, the plaintiffs, by their third exception, object to the sufficiency of the answer; because, the defendant has not brought into court the books of *James Clarke*, and the bond of the defendant. So far as the bill calls for any disclosures respecting those books, or that bond, which have not been answered, the answer may be deemed insufficient and exceptionable; but, although the production of those books and papers is a part of the discovery, which this defendant, on his submitting to answer is bound to make, yet the taking of exceptions to his answer, because of his not producing them, is not the mode in which a defendant may be compelled to produce books and papers for the benefit of the plaintiff in the progress of the case, or at the final hearing; the application to have any such documents, as a defendant admits to be in his possession or under his control, brought in, must be made by petition. (*c*) This third exception must therefore be overruled.

The defendant having submitted to answer, must, according to the established rule, answer fully as to every fact in any way mate-

(*b*) Ringgold *v.* Jones, 1 Bland, 90, note; 2 Mad. Pr. Chan. 390; 1 Newland, Chan. 199.—(*c*) 1 Harris. Pra. Chan. 322; Wagram Discovery, 14.