

of, and about facts; thus, if the bill states facts which amount to constructive notice, it is not enough for the defendant to deny notice, he must answer to the facts which constitute the notice. (n)

A defendant who comes into court; and, in any manner, meets and opposes, or admits the complaint made against him, may be said to answer it. If he demurs to the bill, he admits the facts; but avers, that none of those principles, for which the plaintiff contends, do so arise from them as to entitle him to relief; and thus the complaint is answered. If the defendant by way of plea, says he has paid the debt claimed by the plaintiff; and asserts that fact as his defence; he gives a legal answer to the complaint. But the bill itself calls upon the defendant to speak to facts, and a mere denial of facts is proper for such an answer, but not for a plea. (o)

It is therefore perfectly evident, that neither a demurrer, nor a plea is that sort of answer which the bill requires; because, they neither of them say one word about the matter of fact stated in the bill, or speak of them in the manner they are there treated. The demurrer takes them for true, and answers, by averring, that they constitute no ground for relief. A plea in equity, like a special plea at law, most usually admits, or rather supposes, all that is set forth in the bill to be true; (p) but states other facts which produce an equity, which displaces that arising from the facts stated by the bill; or, the plea, an incongruous kind of one, affirms the validity of that, as a release or the like, the dissolution of which is sought, denying the circumstances upon which its legality is impeached by the bill. (q) A plea demands the judgment of

(n) *Jerrard v. Saunders*, 2 Ves., jun., 187.—(o) *Milligan v. Milledge*, 3 Cran. 220. As to this matter, see *Wagram on Discovery*, 8, &c.—(p) *Plunket v. Penson*, 2 Atk. 51; *Roche v. Morgell*, 2 Scho. & Lefr. 727; *Tompkins v. Ashby*, 22 Com. Law Rep. 239.—(q) *Bayley v. Adams*, 6 Ves. 594.

*BISSETT v. BISSETT*.—This bill, filed on the 3d of January, 1761, sets forth, that the plaintiff Ann Bissett, as devisee of her first husband, was seised in fee of a certain tract of land in Baltimore county; that she married David Bissett, her second husband, who by repeated beatings, threats, and much ill usage, induced her to convey her lands to a certain John Matthews, and afterwards, for greater security, to a certain Robert Stokes, for the purpose of being conveyed to and vested in her said husband David Bissett, which they did accordingly; that David Bissett is dead; and that her acknowledgments of the said deeds upon what purports to be her private examination, was fraudulently obtained by force, &c. Upon which she prayed, that the deeds might be set aside; and that the land might be re-conveyed to her, &c.

The defendant, who, it appears, was an attorney at law, and the brother and heir at law of David Bissett, deceased, appeared in proper person at September term, 1761, and filed the following plea and answer.