But, apart from those several grounds of defence, which a defendant may set forth, and rely upon in the shape of a demurrer, a plea, an answer responsive to the bill, or an answer in negation or avoidance of it; there may be found at the hearing a substantial defence arising out of the whole case which has not, in any manner, been specially advanced and relied upon by the defendant in his pleadings. A defendant may, in his answer, rely upon lapse of time as a defence against a stale claim. But even if he does so, it will not avail him if the delay is accounted for; because, in such case, although it may be a very old, it cannot be considered as a stale claim. (*x*) If, however, the claim should, in truth, be a stale one, and the defendant should have been entirely silent, in his pleadings, as to lapse of time; yet he may have the benefit of the presumption of satisfaction arising from the lapse of time at the hearing. (*y*) Consequently, this reliance upon an unopposed presumption is a mode of defence, which shews itself at the hearing, upon a consideration of the whole case, and not from anything directly alleged by the defendant.

There are then, five modes of defence of which a defendant may avail himself, according to the nature and exigences of his case; 1, a demurrer; 2, a plea; 3, an answer, properly so called; 4, a negation or matter in avoidance, embodied in the shape of an answer; and 5, a defence found at the hearing as the production of the whole case as then presented for adjudication. Each of these modes of defence is strikingly distinguishable from the rest; and it is of importance, that they should, in no manner, nor in any stage of the proceedings be confounded with each other.

It is a general rule, that a defendant who submits to answer must answer as fully as the bill requires. If the defendant after appearance fails to make any answer whatever, then process may be issued against him for the contempt, or the bill may be taken *pro confesso*. If he answers; but does so imperfectly or evasively, then, upon exceptions taken by the plaintiff, he may be made to answer fully. The plaintiff's remedy for an insufficient answer, if he wishes all the material matters of his bill fully answered, is by taking exception, which brings the question before the court; whether the de-

---

(*x*) Clifton *v.* Haig, 4 Desau. 341.—(*y*) Prince *v.* Heylin, 1 Atk. 494; Sturt *v.* Mellish, 2 Atk. 610; Hoare *v.* Peck, 9 Cond. Cha. Rep. 165; Coleman *v.* Lyne, 4 Rand. 454; Prevost *v.* Gratz, 6 Wheat. 498; 1 Mad. Chan. Pra. 99; The Attorney-General *v.* The Mayor of Exeter, 4 Cond. Chan. Rep. 208.