instances. A defendant, to a bill of discovery, answered a portion of it, and as to all the other matters therein set forth, he answered and said, that he had no other knowledge of them than what he had obtained confidentially as counsel; and, therefore, declined answering further; this answer was deemed sufficient. And, again, a defendant answered as to part, and as to the residue relied upon the statute of limitations; this answer also was held to be sufficient. In such cases, a part of the answer performs the office of a plea; and the defendant thus makes defence to the whole case by a disclosure of all the facts so far as he is bound so to respond; and for the residue, by presenting such an equitable bar to the plaintiff's claim as is a sufficient excuse for not answering in the manner required by the bill. The exact compass of this modification of the rule, that if a defendant submits to answer at all, he must answer fully, remains yet to be adjusted. Much has been said upon the subject; but, as the cases in relation to this 'distracted point,' as it has been called, have no bearing upon the case now under consideration, they have been thus generally noticed merely to prevent misapprehension. (*w*)

A *fourth* general rule, is one which grows out of the third rule, that exacts a full answer; and requires to be attentively considered in this case; it is, that where the defendant fails to answer any part of the material allegations of the bill, such unanswered allegations shall, at the hearing, be taken to be true. Thus, where the bill demands the delivery of two pieces of property, and the answer makes defence as to one, but is totally silent as to the other. In such case, according to this rule, the bill may be taken *pro confesso* for that as to which the answer is silent; and the plaintiff may obtain a decree accordingly. (*x*)

The propriety of this rule has, however, been questioned; and, therefore, it stands in need of all the support it can derive from authority, reason and analogy.

If, upon exceptions, the answer is held to be insufficient, the defendant will be ordered to answer more fully; and if he fails to do so, in England, sequestration will go against his estate. The plaintiff need not, however, stop there, but may proceed to have his whole bill taken *pro confesso;* for the court is in the habit of

(*w*) 2 Mad. Chan. Pra. 339; Salmon *v.* Clagett, ante 142.—(*x*) Brown *v.* Pittman, Gilb. Eq. Rep. 75; Abergavenny *v.* Abergavenny, 2 Eq. Ca. Abr. 179.