

verse has ever been relied upon as an answer. If it ever had been so considered, it must have occurred in some of the numerous cases of exceptions to answers, to have insisted on it as such, yet nothing of the kind appears. The whole range of adjudged cases shew, that the extent and compass as well as the sufficiency of the answer, as whether it is as frank as it ought to be, or whether it covers the whole or only a part of the bill, are to be ascertained from the body of the answer itself; and, not from the formal introduction, or the formal general traverse, or conclusion of it. But in this case the usual general traverse, denying the truth of all the unanswered allegations of the bill, has not been added by way of conclusion to any of the answers.

The late *Chancellor HANSON* is, however, reported to have said, that 'no person acquainted with the laws, or rules, or practice of this court, would conceive it the meaning of the Chancellor, that whatever matter stated in a bill is not denied, must be considered as admitted. No! if interrogatories stated in a bill are not answered, the complainant has a right to except to the answer; and, if the interrogatories are proper, the defendant will be compelled to answer plainly, fully, and explicitly. If then any material matter, charged in the complainant's bill, has been neither denied nor admitted by the answer, it stands on the hearing of the cause for nought. This assuredly every lawyer will admit.' (w)

But to the latter part of what is here said I have found myself unable to assent; and, therefore, I deemed it a respect due to the memory of my predecessor to set down the authorities and reasons which have led me to a different conclusion. From all that has been said upon the subject, it appears to be agreed on all hands, that the plaintiff, being entitled to an answer to each material allegation of his bill, may except to an answer which omits to respond to any of them; that, in England and Virginia, the plaintiff, by a certain prescribed mode of proceeding, may have the unanswered allegations taken for true; but, if he omits to take that course, for that purpose, and goes to hearing, he must then prove the truth of the unanswered allegations, or they will be disregarded; that, according to *Chancellor HANSON*, the unanswered allegations stand on the hearing of the case for nought; and, that in my opinion

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(w) *Hopkins v. Stump*, 2 H. & J. 304.