all material allegations of the bill, as to which the answer is entirely silent, are, on the hearing, to be taken *pro confesso*. (*x*)

A *fifth* general rule is, that where an answer, in the body of it, purports to be an answer to the whole bill, but the respondent declares, that he is entirely ignorant of the matters contained in the bill, and leaves the plaintiff to make out the best case he can, or any language to that effect; and the plaintiff files a general replication, all the allegations of the bill are thus denied and put in issue; and, consequently, all of them must be proved at the hearing against a defendant who has thus answered. (*y*)

This, in England, is said to be the usual form of the answer of the Attorney-General; and no exception can be taken to such answer, nor, indeed, to any answer of the Attorney-General. (*z*) The same form and rule prevails here where the Attorney-General appears for the State. This also is, commonly, the form of the answer of an infant, or person *non compos mentis*, who answers by his guardian or committee. And, by a long established practice,

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(*x*) In the case of Warfield *v.* Gambrill, 1 G. & J. 510, it has been since laid down by the Court of Appeals, that 'supposing there is no denial of title in the answer, and that the material allegation in the bill, the seisin of the complainant is unanswered, this is clearly no admission of any unanswered *fact*.' Chancellor *Hanson*, 2 H. & J. 301, says, if any material matter charged in the complainant's bill, has been neither denied nor admitted by the answers, it stands on the hearing of the cause for nought; and in 6 *Cranch*, 51, *Young* v. *Grundy*, Ch. J. *Marshall*, in delivering the opinion of the court says, 'that if the answer neither admits nor denies the allegations of the bill, they must be proved upon the final hearing. Upon a question of dissolution of an injunction, they are to be taken as true.' 'A respondent submitting to answer must answer fully, but if the answer be defective, and insufficient to meet the allegations and interrogatories of the bill, the complainant, desiring a fuller response, must except to the answer. If he do not, he cannot rely on the silence of the respondent in relation to any material allegation, but must prove it.'

Whence it would seem that a new rule has been thus laid down, differing, in some respects, from any spoken of in the text.

On what authority this cited *dictum* of Chief Justice *Marshall* was founded does not distinctly appear from the case as reported in 6 *Cranch*, 51. It certainly does not entirely accord with any of the above mentioned English or Virginia adjudications, and still less with the cotroverted decision of Chancellor *Hanson*, as reported in 2 H. &. J. 301. But as an appeal lies in Virginia from an interlocutory order dissolving an injunction, 5 *Rand.* 332, it is clear, that the judgment of the court on the principal matter in the case of Young *v.* Grundy, declaring, that no such appeal would lie in that case, although it came, most probably, from the Virginia section of the District of Columbia, must have been founded on the act of Congress, 24 September, 1789, ch. 20, s. 22, which declares, that appeals shall be allowed only from *final* decrees and judgments.

(*y*) Potter *v.* Potter, 1 Ves. 274; Amhurst *v.* King, 1 Cond. Chan. Rep. 407.—(*z*) 2 Mad. Chan. Pra. 335.