

be special interrogatories appended to the bill to be answered by the defendants, or some of them, in which cases there shall be a prayer that the defendant or defendants be required to answer the bill, or the special interrogatories appended thereto under oath.

This section recognizes the principle that every bill in equity must contain a clear statement of the facts upon which the plaintiff relies for relief; requisites of bill for specific performance and for injunction. *McDowell v. Biddison*, 120 Md. 125; *Chesapeake Beach Co. v. Hall*, 121 Md. 654.

Where the paragraphs of a bill are misnumbered, and more than one subject matter injected into a single paragraph, such defects should be taken advantage of by motion in the nature of a *ne recipiatur*, and not by demurrer. This section will be construed so as to exact a reasonable compliance with its requirements. *Chew v. Glenn*, 82 Md. 374.

See notes to sec. 169.

An. Code, sec. 156. 1904, sec. 147. 1888, sec. 134. Rule 8.

171. The prayer for process, or for order of publication, shall contain the names of all the defendants named in the introductory part of the bill or petition, and the place of their residence, as far as known; and if any of said defendants are known to be infants under age, or under any other disability, such fact shall be stated, so that the court may take order thereon, as justice may require. And if an injunction, or other writ, or any special order be asked in the prayer for relief, that shall be sufficient, without repeating the same in the prayer for process.

The last sentence of this section does not prevent the court from referring to the special prayer for a preliminary injunction, in order to ascertain the extent of such injunction. *Consol. Gas Co. v. Baltimore County*, 98 Md. 694.

The prayer for process in an amended bill held to be in conformity with this section; the original bill contained the name and address of the then sole defendant and thus gave all the information that would have been given if such name and address had been repeated in the prayer for process. *Longley v. McGeoch*, 115 Md. 186.

See notes to sec. 37.

An. Code, sec. 157. 1904, sec. 148. 1888, sec. 135.

172. At any time before the bill is taken *pro confesso*, or afterwards (before final decree), by the special leave of the court or judge thereof, the defendant may answer, plead or demur to the bill; and he may plead or demur to the whole bill, or to part thereof, and he may demur to part, plead to part, and answer as to the residue; but in every case in which the bill specially charges fraud, usury or combination, a plea to such part must be accompanied with an answer supporting the plea, and explicitly denying the fraud, usury or combination, and the facts on which the charge is founded.

A defendant should assign some satisfactory reason for the delay, and the petition should be verified by oath, but the sufficiency of the reasons are not reviewable by the court of appeals, nor the terms upon which the defendant is allowed to answer, such matters being within the discretion of the lower court. Decree rescinded and replication filed after a bill has been dismissed for failure to file it. Petition by a party in default not sworn to and in the names of the solicitors instead of the plaintiffs, does not justify the court of appeals in reviewing action of lower court. *Norris v. Ahles*, 115 Md. 67.

A contention that the action of the lower court was irregular in directing that the denial of the fraud alleged in the bill, by which the defendants supported their plea as required by this section, should stand for an answer, held premature even if such question were not within the discretion of the trial court. *Wilmer v. Placide*, 128 Md. 172.