

Where a plea is ruled sufficient, no costs are taxed against the complainant. *Carroll v. Waring*, 3 G. & J. 503.

This section referred to in deciding that a demurrer to the whole bill, is an answer within the meaning of art. 5, sec. 31. *Baltimore v. Weatherby*, 52 Md. 448.

Where a defendant overrules his plea by filing an answer, this section applies. *Bank of Maryland v. Dugan*, 2 Bl. 257.

Cited but not construed in *Wagner v. Shank*, 59 Md. 327; *Shipley v. Ritter*, 7 Md. 416. And see *Worthington v. Lee*, 2 Bl. 685.

An. Code, sec. 164. 1904, sec. 155. 1888, sec. 142. Rule 20.

**179.** The defendant in his answer shall in short and simple terms set out his defense to each claim asserted by the bill, omitting any mere statement of evidence, but specifically admitting or denying or explaining the facts upon which the plaintiff relies, unless the defendant is without knowledge, in which case he shall so state, and such statement shall operate as a denial. He shall make answer to all the material allegations. The answer shall be divided into paragraphs, numbered consecutively, each paragraph containing, as near as may be, a separate and distinct averment. The defendant shall be entitled in all cases by answer to insist upon all matters of defense in law or Equity, to the merits of the bill of which he may be entitled to avail himself by demurrer. Averments, other than the value or amount of damage, if not denied, shall be deemed to be confessed, except as against an infant, lunatic, or other person *non compos* and not under guardianship, but the answer may be amended by leave of the Court or the Judge thereof, upon reasonable notice so as to put any averment in issue, when justice requires it. The answer may state as many defenses, in the alternative, regardless of consistency, as the defendant deems essential to his defense.<sup>1</sup>

The portion of this section to the effect that the defendant may in an answer insist upon defenses to the merits which might be availed of by demurrer or plea in bar, referred to—see notes to art. 66, sec. 16. *Buckner v. Cronhardt*, 132 Md. 616.

An. Code, sec. 165. 1904, sec. 156. 1888, sec. 143. Rule 25.

**180.** Special interrogatories to the defendant shall not be incorporated in the bill or petition, but shall be appended thereto; and they shall be divided as conveniently as may be, and numbered consecutively. And if there be more than one defendant, and the interrogatories are not intended to be answered by all, it shall be designated which defendant is required to answer the several interrogatories. And in like manner and form, any defendant shall be entitled to file interrogatories to any of the plaintiffs, after he shall have put in his answer to the bill; and such interrogatories, either to plaintiff or defendant, and the answer thereto, shall be deemed part of the pleadings in the cause. Notice by service of copy, or otherwise, shall be given to the party required to answer, who shall answer within fifteen days from the time of service, unless the time, for cause shown, be extended by special order; and answers to such interrogatories may be compelled by attachment.

<sup>1</sup> Thus amended by equity rule 20, November 21, 1919, adopted by the court of appeals in accordance with sec. 18 of art. 4 of the Constitution.