

Although the answer is not evidence under this section, still it may be looked to for the purpose of ascertaining what is in issue between the parties. In such case, the bill and answer are only to be regarded as pleadings. *Taggart v. Boldin*, 10 Md. 114; *Dorn v. Bayer*, 16 Md. 152.

This section has no application where the case is set for hearing upon bill, answer and exhibits alone. *Warren v. Twilley*, 10 Md. 46; *Taggart v. Boldin*, 10 Md. 114; *Mickle v. Cross*, 10 Md. 360; *Hall v. Clagett*, 48 Md. 236.

This section has no application to plenary proceedings in the orphans' court. *Watson v. Watson*, 58 Md. 448.

This section applied. *Hall v. Clagett*, 48 Md. 236; *Polk v. Rose*, 25 Md. 160; *Taggart v. Boldin*, 10 Md. 113; *Farrell v. Bean*, 10 Md. 222; *Winchester v. Baltimore, etc., R. R. Co.*, 4 Md. 238.

Under the last clause of this section, to sustain a motion to dissolve an injunction, the answer must be sworn to, whether required to be under oath or not. *Mahaney v. Lazier*, 16 Md. 73.

The last clause of this section applied. *Voshell v. Hynson*, 26 Md. 94; *Dorsey v. Hagerstown Bank*, 17 Md. 412; *Colvin v. Warford*, 17 Md. 435; *Bouldin v. Baltimore*, 15 Md. 22; *Gelston v. Rullman*, 15 Md. 267.

An. Code, sec. 169. 1904, sec. 160. 1888, sec. 147.

**184.** If the plaintiff in his bill shall not require an answer under oath, or shall only require an answer under oath with regard to certain specified interrogatories, the answer of the defendant, though under oath, except such part thereof as shall be directly responsive to such interrogatories, shall not be evidence in his favor, unless the cause be set down for hearing on bill and answer only; but an answer under oath may, nevertheless, be used as an affidavit, with the same effect as heretofore, on a motion to grant or dissolve an injunction, to appoint or discharge a receiver, or on any other incidental motion in the cause.

If specified interrogatories are required to be answered under oath, the answers, if responsive, are evidence for the defendant. *Davis v. Crockett*, 88 Md. 256.

If the answers to the interrogatories are not responsive they are entitled to no consideration, unless sustained by proof at the final hearing. *Horner v. Bell*, 102 Md. 445.

Under this section, an answer, although under oath, held not to be evidence for the defendant. *Smith v. Pattison*, 84 Md. 343.

See notes to sec. 183.

An. Code, sec. 170. 1904, sec. 161. 1888, sec. 148.

**185.** Whenever the answer of the defendant shall not be excepted to, or shall be adjudged or deemed sufficient, the plaintiff shall file the general replication thereto within fifteen days thereafter, unless he shall set the cause down for hearing on bill and answer as to said defendant or defendants answering; and in all cases where the general replication is filed, the cause shall be deemed to all intents and purposes at issue, without any rejoinder or other pleading on either side. If the plaintiff shall omit or refuse to file such replication within fifteen days after answer filed, the defendant shall be entitled to a rule further proceedings within ten days after notice of such rule; and upon failure to comply with such rule, the defendant shall be entitled to have the bill dismissed. The form of the general replication shall be as follows: "The plaintiff joins issue on the matters alleged in the answer of C D, so far as the same may be taken to deny or avoid the allegations of the bill."

A rule further proceedings held to have been prematurely entered. Although a defendant may be entitled to have the bill dismissed under this section, the court is not deprived of its power to reinstate it for satisfactory reason. Where an an-