

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.¹

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. 17. *Buckner v. Cronhardt*, 132 Md. 616.

Demurrer and answer may be in same paper. *Hendler Creamery Co. v. Lillich*, 152 Md. 192.

This section cited in construing Sec. 173. *Scarborough v. Scarborough*, 170 Md. 224; *Moodhe v. Schenker*, 176 Md. 265.

See notes to secs. 179 and 226.

An. Code, 1924, sec. 180. 1912, sec. 165. 1904, sec. 156. 1888, sec. 143. Rule 25.

186. 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.

An. Code, 1924, sec. 181. 1912, sec. 166. 1904, sec. 157. 1888, sec. 144. Rule 26.

187. Either plaintiff or defendant shall be at liberty to decline answering an interrogatory, or part of an interrogatory which he shall consider or be advised by counsel relates to matters which are not admissible or proper, or from disclosing which he is protected by law; and he shall be at liberty so to decline notwithstanding he shall answer other interrogatories; and upon such declination, the plaintiff or defendant may, on three days' notice set down the matter for hearing before the Court or Judge thereof. But when interrogatories, or any of them are not fully answered, the objection to the insufficiency of the answer may be set down for hearing before the Court or Judge upon motion to be filed in which the particular objections to the answer shall be pointed out, and the objections shall be heard by the Court at such time and upon such notice as the Court or Judge may deem reasonable. The plaintiff or defendant shall be at liberty, before answers to the interrogatories are filed, to proceed to take testimony, without waiver of his right to such answers, or of his motion respecting the same.²

¹ 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.

² Thus amended by equity rule 26, November 21, 1919, adopted by the court of appeals in accordance with sec. 18 of art. 4 of the Constitution.