tion or matter in avoidance, embodied in the shape of an answer; and 5, a defence found at the hearing as the production of the whole case as then presented for adjudication. Each of these modes of defence is strikingly distinguishable from the rest, and it is of importance, that they should, in no manner, nor in any stage of the proceedings be confounded with each other.

It is a general rule, that a defendant who submits to answer must answer as fully as the bill requires. If the defendant after appearance fails to make any answer whatever, then process may be issued against him for the contempt, or the bill may be taken *pro confesso*. If he answer; but does so imperfectly or evasively, then, upon exceptions taken by the plaintiff, he may be made to answer fully. The plaintiff's remedy for an insufficient answer, if he wishes all the material matters of his bill fully answered, is by taking exception, which brings the question before the Court;
143 whether the * defendant has answered as fully as he was required to do by the bill. The determination of that question always involves the preliminary inquiries; whether the plaintiff making the demand has the capacity to make it; and also, whether his case is such a one as gives him any claim to an answer. All the deviations from this rule, that a defendant who submits to answer must answer fully, have sprung from the consideration of this preliminary investigation.

The plaintiff, we have seen, must, by his bill, present such a case as falls properly within the jurisdiction of the Court; and, it must also appear, that he has a legal capacity to sue; for his title to sue is a part of his case which he must make out at the hearing. *Newman* v. *Willis*, 2 *Bro. C. C.* 147. Every bill, therefore, assumes those two propositions. But, if that should not be the case, or either of them should be untrue, it is not indispensably necessary, that the defendant should make the objection by demurrer, by plea, or by relying upon it in his answer. For, although he cannot, after he has answered, have the bill revised and divested of its impertinence; *Abergavenny* v. *Abergavenny*, 2 *P. Will.* 312; *Annonymous*, 2 *Ves.* 631; yet an objection to the jurisdiction of the Court, or to the capacity of the plaintiff may be presented in any form, or at any time; it may be made by demurrer, plea, or answer, or it may be taken advantage of at the hearing. *Brown* v. *Bradshaw*, *Prec. Chan.* 153; *Jennet* v. *Bishop*, 1 *Vern.* 184; *Penn* v. *Baltimore*, 1 *Ves.* 446; *Roberdeau* v. *Rous*, 1 *Atk.* 544. And so too, at law, a defendant may, on the same grounds, demur, plead, or move in arrest of judgment. 1 *Chit. Plea.* 7 *and* 427. It is not said, in any of the English authorities, that a denial of jurisdiction forbids all inquiry into the nature of the case, on the contrary, a clear understanding of it is indispensably necessary, in order to determine, whether it be, in truth, one of which the Court has no jurisdiction. And if the fact does not satisfactorily appear from