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EDITORIAL NOTES

WHEN AN ANSWER MUST BE FILED AFTER A DEMURRER TO A BILL IN EQUITY IS OVERRULED

Under the statute¹ prior to the revised code, when a demurrer to a bill in equity was overruled, it was provided that there should be a rule upon the defendant to answer the bill. If the defendant failed to answer within the specified time, the plaintiff was entitled to a decree against him for the relief prayed for in the bill. In other words, the bill was taken for confessed. This requirement that the defendant should be given a rule to answer fixing a definite time within which the answer must be filed was mandatory and operated as a condition precedent to the entry of any decree granting the plaintiff relief.

“It is established in this state that when the court overrules a demurrer to a bill, if the defendant does not answer or waive

¹ CODE 1923, c. 125, § 30.