injunction was granted, and no further. And the confidence it had reposed in the bill will not be shaken, unless it is fully answered, and its truth, is, in point of fact, materially denied.

An answer should always be sworn to by the respondent; for it is only the answer of him who swears to it, although it may purport to be the answer of others. The statement or denial of facts within the defendant's own knowledge should be made distinctly and positively; or, at least, as much so as his recollection will admit. But if the defendant be charged in a representative character, such as that of an executor, he may answer on his belief, and shew such pregnant circumstances as the foundation of that belief as to induce the court to adopt and act upon it. (*e*)

It is no objection to the validity and efficacy of an answer, in this respect, that the defendant is infamous, or a negro; and, as such, an incompetent witness in ordinary cases; his answer must, notwithstanding, have full credit allowed to it; since the plaintiff, by calling him into court, has given him a competency to this extent for the purpose of defending himself and protecting his property; (*f*) if it were otherwise, in all cases, where a bill or answer is required, by the rules of the court, to be verified by an affidavit of the party himself, as he would be incapable of complying with the rule, he would be denied the benefit of justice, and, in effect, placed in a condition little better than an outlaw. (*g*) Upon similar principles, I have held, that where a corporation aggregate alone was the defendant, its answer, under seal, was admitted and credited as if made on oath; because it could not answer in any other way; and the plaintiff by so calling for its answer, had tacitly admitted its sufficiency; and because without its being allowed all the effect of an answer on oath the corporation could not protect its property. (*h*) The facts stated in the bill, and those responsive thereto, as set forth in the answer, are poised against each other; and so far as they are contradictory, those of the answer, being always allowed to preponderate, the injunction is dissolved or continued accordingly. (*i*)

Carrying with us these principles and rules to the consideration of the answers of these defendants, and it will be seen, that they

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(*e*) Jones *v.* Magill, 1 Bland, 177.—(*f*) Davis & Carter's case, 2 Salk. 461; S. C. 5 Mod. 74; Omychund *v.* Barker, 1 Atk. 50; Wilson *v.* Polk, *a free negro*, 6 November, 1826, M. S.; 1717, ch. 13, s. 2.—(*g*) Bowyer *v.* McEvoy, 1 Ball & Bea. 562.—(*h*) Bayard *v.* The Chesapeake & Delaware Company, 18 October, 1828, M. S.—(*i*) Gibson *v.* Tilton, 1 Bland, 355.