alone who ask or accept such assistance can have the authority to regulate its nature, form and extent. And they have accordingly laid it down as a general rule, that such acts, although varying in form in each case according to circumstances, must yet contain all the requisites essential to such acts when done here. *Tidd Pra.* 156. But the Court, in such cases, is not called on to give any faith, or credit, or to pass any opinion upon the effect of a judicial proceeding of another State. If it were, then that matter having been regulated by the Constitution and laws of the United States, it certainly would be bound to submit to those regulations so far as they applied. But the question, how far this Court will ask for, or accept of affidavits taken in another State, as the medium of that *evidence without which it will not act, is one of a totally different nature from that, which involves the verity **355** or effect of a judicial proceeding, which had been originated and completed entirely in another State; and with the formation of which it could have no concern. The Constitution, and Act of Congress of the United States, therefore, can have no bearing upon the subject now under consideration.

With regard to the affidavit to this answer, it is certainly not couched in phraseology as full and exact as it ought to have been. But it is conceived to be expressed in terms sufficiently clear and strong to sustain a prosecution for perjury, if it had been made in this State, and the answer had been found to be false in any material particular. And although, as it would seem, no such prosecution could be sustained here upon a false oath taken in another State however correct and positive the affidavit might have been; yet the parties may, should the answer turn out to be false or the affidavit be ascertained to be spurious, be punished for practising an imposition on the Court. *Omealy* v. *Newell*, 8 *East*, 372.

These preliminary objections being removed, it appears, on a careful consideration of the answer, that it is, in all respects, sufficient; and that it has completely sworn away all the equity of the complainant's bill.

I know of no such rule as that which was insisted on by the plaintiff's solicitor; that where the facts on which the complainant's equity rests are alike within the knowledge of both parties; and the allegation of them by each in an opposite bearing is equally positive, the injunction must be continued. The rule is, that on a motion to dissolve, the facts on which the plaintiff's equity rests must be admitted or not denied, or he cannot obtain a continuance of the injunction. But if they are positively denied by the answer the injunction must be dissolved. *Eden Inj.* 86. There may be exceptions to this rule, but this case is not one of them.