those facts stated in the bill, producing that equity on which the injunction was awarded. In one case, reported among the English adjudications, it is laid down as a general rule, that where a plain equity set forth by the bill is admitted by the answer; but endeavored to be avoided by another fact, the injunction shall always be continued to the hearing. *Allen* v. *Crabcroft, Barnardiston Ch. Rep.* 373.

This, unquestionably, is the rule by which this Court is governed on a motion to dissolve, made on the coming in of the answer. It appears to me to be according to the reason of the thing; *Minturn* v. *Seymour*, 4 *John. C. C.* 499; and I am much inclined to believe, that this very case has been mainly instrumental in establishing that rule in this Court. But it is not mentioned in any English abridgment, digest, compilation, or book, other than that book wherein it is reported; which Lord Mansfield absolutely forbid from being cited; declaring, that there was not one case in it which was right throughout. *Zouch* v. *Woolston*, 2 *Burr*, 1142, *n; Boardman* v. *Jackson*, 2 *Ball & Bea.* 386. Hence there is reason to believe, that although this case must be admitted as right throughout here, it may not be deemed so in England. *Williams* v. *Hall*, 1 *Bland*, 195, *n.*

In this Court, the question presented, on a motion to dissolve, on the coming in of the answer, is not one which always or necessarily * involves the merits of the whole case, as set forth in the bill; it may be, and not unfrequently is, much narrower; **163** because this Court recognizes the distinctions between the case on which the injunction rests; the material head of equity which entitles the plaintiff to an injunction; 1 *Fowl. Exch. Pra.* 226; and that which forms the whole foundation of his prayer for relief; which, although often, are not necessarily one and the same case; and therefore, this question, on a motion to dissolve, properly extends only to the equitable grounds of the injunction and no further. *Doe* v. *Roe*, 1 *Hopk. Rep.* 276.

If the answer expressly denies all the facts stated in the bill, or such a material part of them as leaves not enough to furnish an equitable foundation for the injunction; it must be dissolved. If, no the other hand, the defendant does not deny, or omits to respond to those facts which constitute the case on which the injunction rests; it must be continued. Hence, no matter, advanced by way of avoidance in the answer, is to have any weight on a motion to dissolve, any more than if it had been adduced in the form of a plea. Such matter in either shape, if sustained by proof, or admitted by setting the case down for final decision on bill and answer, may be a sufficient defence at the hearing, but it cannot, in either of those modes, be shewn as cause for dissolving the injunction on an interlocutory motion made for that purpose. *Simson*