is responsive to the case stated by the bill on which the * injunction was granted, and no further. And the confidence it had reposed in the bill will not be shaken, unless **165** 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. *Jones* v. *Magill*, 1 *Bland*, 177.

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

October 1st, 1790, principal sum due	£277	10s.	7¾d.
May 1st, 1796. Date of judgment, interest thereon of 10 per cent	154	19s.	0¼d.
Total	£432	9s.	8 d.
October 1st, 1796, interest of six per cent.	10	16s.	3 d.
	£443	5s.	11 d.
By cash	112	10s.	0 d.
	£330	15s.	11 d.

N. B.—This case was submitted for final decision on the bill, answer and exhibits. So that, in fact, no defence against Williams' claim has been made. And the answer, according to the established principles of this Court, is to be taken for truth; and the allegations of the bill on oath, although sufficient for obtaining the injunction, in the first instance, avail nothing on final hearing. The Chancellor makes this remark for the satisfaction of the complainant, who thought proper to send him a private letter relative to the suit; and which letter could not, with propriety, have any influence on the mind of the Chancellor; who, in all cases, is to decide from the bill, answer, and proofs; and not from the bare allegations of the parties. There is one remark which might have been properly made in the decree. The answer states a debt due to Williams, on his private account, as well as the debt due to the trustees; and it does not appear, that Mrs. Howard directed the application of her payment to be made to the latter debt. It does not then appear, that Williams did otherwise than right in making the application to his own claim, as any other man might honestly have done in his case.—MS.