

says, that when interrogated by the complainant upon that subject, he said "he knew very little about them," and referring him to another party for information, said, "he" (the complainant) "must examine for himself."

The same statement is repeated in the answer, in which the defendant says, he expressly told the complainant "he knew very little of them, and that he had rarely seen them." The answer contains a positive denial that the defendant gave any assurances or made any statements touching the soundness or health of the negroes—and yet there is in it an unequivocal assertion, that "the negroes were sound and healthful at the time of the sale, and were worth the sum of thirteen hundred dollars."

It is not easy to reconcile this positive declaration of the health and value of the negroes, in the answer, with the statement that he knew very little of them and had rarely seen them; but it leads one strongly to believe that the defendant did incautiously venture to make statements at the time of the sale, respecting their soundness, without having the requisite information upon the subject; and when to this presumption, fairly, as I think, arising upon what he says in his answer, is added the proof offered upon this point by the complainant, it seems to me that no reasonable doubt can be entertained in regard to it.

Here, then, is a case in which the complainant has been induced to purchase a family of incurably diseased slaves, upon representations made to him by the vendor, that they were sound and healthy; and for a price fully equal to their value if the representation had been true. That he confided in, and was misled by these representations to a certain extent, I have no doubt; and whether they were made with knowledge of their untruth, and with intent to defraud, or whether the vendor, without proper consideration, ventured to make them, without knowing whether they were or were not true, is immaterial.

The title of the purchaser to relief in this court, upon either alternative, is equally perfect, as is abundantly established by the authorities which have been referred to, and by many others