

said sum of lawful money being the value, and in satisfaction of the legacy given by the late *Thomas Hall* to the late *William W. Hall*, as in the proceedings mentioned. *Decreed*, that the defendant and complainants each pay their own costs. *Decreed*, that the bill of complaint be dismissed as to all the other defendants, with costs.

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From this decree the defendant appealed, and on the 22d July, 1829, it was affirmed by the Court of Appeals.

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### COALE v. CHASE.

The allegations in the body of an answer, or plea, should be positive, otherwise the issue would be joined on a mere statement of the *belief* of the parties, not upon their allegations of *fact*. Yet to obtain a dissolution of an injunction, it is sufficient that an executor or administrator, in stating facts, which from the nature of the case, could only have been personally known to his testator, or intestate, should say, that they are "as he is informed and verily believes," so and so. It is sufficient if the affidavit be so absolute and positive, when taken in connexion with the body of the answer, as to subject the party to a prosecution for perjury; if the matters stated should be false.

This bill was filed in Harford County Court on the 13th of October, 1826, by *Skipwith H. Coale* and *Eliza Matilda Coale*, against *Hannah Kitty Chase*, in which it is alleged, that the plaintiff, *Skipwith*, had given his bond to the defendant *Hannah* for the payment of the sum of five hundred dollars, upon certain trusts and conditions, in favour of her daughter the plaintiff, *Eliza*; but that the defendant *Hannah*, regardless of this their special agreement, had brought suit against the plaintiff, *Skipwith*, upon the bond, and obtained judgment. Whereupon the plaintiffs prayed an injunction to stay execution, and for relief according to the nature of their case. An injunction was granted as prayed. The defendant filed her answer, and obtained an order under the act of 1824, ch. 196, to remove the case to this court, and the proceedings were accordingly filed here on the 25th of November, 1826; after which the defendant gave notice of her motion to dissolve the injunction, and the case was brought before the court.

3d January, 1827.—BLAND, Chancellor.—This case standing ready for hearing on the motion to dissolve the injunction, the solicitors of the parties were heard, and the proceedings read and considered.