

After which a proper and sufficient bond having been filed and approved, an injunction was granted as prayed, and issued accordingly.

The defendant *Gilbert* sent a paper purporting to be his answer by mail directed to the Chancellor ; which, although not sworn to, was filed, on the 28th of December 1824, as the defendant's answer. In the month of March 1825 the plaintiff *Billingslea* was taken with a severe illness, and his health continued from that time to be very bad, he being often confined to his bed, and his mind becoming very much impaired, until the following month of December, when he died. At the July term of the year 1825, the defendant entered upon the docket notice of a motion to dissolve the injunction at the next term, unless cause shewn ; and accordingly, after the fourth day of the then next succeeding term, no one appearing to shew cause, it was dissolved under the rule. After which, on the 10th of July 1827, it appears by an entry on the docket, that the suit was dismissed by order of the complainant's solicitor. On the 7th of April 1829 *Elizabeth Billingslea*, as administratrix of the late plaintiff, filed her petition, on oath, stating these circumstances, and averring, that the dissolution of the injunction had been obtained by fraudulent practices, and praying that it and the suit might be reinstated ; and for general relief.

7th April, 1829.—BLAND, *Chancellor*.—Ordered, that the matter of this petition stand for hearing on the 24th instant ; and that the parties be permitted to take testimony before any justice of the peace to be read at the hearing on giving two days' notice as usual ; and it is further ordered, that the injunction in the petition mentioned be and the same is hereby revived until the said hearing or further order. Provided, that a copy of this order, together with a copy of the petition be served on *Jarvis Gilbert* on or before the fourteenth instant.

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After which the case was again brought before the court.

27th April, 1829.—BLAND, *Chancellor*.—The matter of the petition of *Elizabeth Billingslea* standing ready for hearing, and the solicitors of the parties having been fully heard, the proceedings were read and considered.

There can be no doubt, that the answer of a defendant may be received by consent without oath. It is every day's practice to do so : but the consent of the plaintiff must be expressly given in