without prejudice to the case as regards all others. But it happens, unfortunately, in this case, that if the bill were to be dismissed as against these defendants, who have no interest in the case, there would be no defendant in court, and the whole suit would be totally broken up.

Where there are a plurality of defendants, they may join in making answer to the bill, or they may answer separately, or they may make a joint and several answer as best suits their convenience or pleasure. But, in whatever form the response may be couched, it is essential, if not waived by the plaintiff, that each defendant should swear to his answer; and therefore, when an answer purports to be the answer of two or more, and is not sworn to by all, it may be taken off the file, or can only be received as the answer of him who has sworn to it. (*s*)

In this instance, it appears, that on the 21st of July last, an answer was filed, which purports, and is set forth in the beginning to be 'The separate answer of the *President and Directors of the Chesapeake and Ohio Canal Company*,' who, by this description, on reference to the bill, are determined to be '*Charles F. Mercer*, the president of the said company, and *Joseph Kent*, *Andrew Stewart*, *Peter Lenox*, *Frederick May*, *Walter Smith*, and *Phineas Janney*, the directors of the said company.' But, of all those seven persons whose answer it purports to be, it has been sworn to by *Charles F. Mercer* only. It can, therefore, be received, at most, as being no more than his answer alone; and so taken, it appears, that the other six persons have not, as yet, answered at all. Hence, according to the general rule, this motion for a dissolution could not be sustained upon the answers of only two of these defendants; unless it should appear, that the defendants who had not answered, had neither any interest in, or material knowledge of the matter; or that their answers might be dispensed with for some special reason. (*t*) But, in this instance the interest, and the knowledge of those directors, it is evident, must be, to the full, as extensive as those of *Mercer* and *McCord;* and, consequently, there is no reason why this plaintiff should not have the benefit of all their answers, before he is called upon to shew cause why he

(*s*) Harris *v.* James, 3 Bro. C. C. 399; Done *v.* Read, 2 Ves. & B. 310; Cooke *v.* Westall, 1 Mad. Rep. 265; Cope *v.* Parry, 1 Mad. Rep. 83; Griffiths *v.* Wood, 11 Ves. 62; Pieters *v.* Thompson, Coop. Rep. 249.—(*t*) Jones *v.* Magill, 1 Bland, 177; Onion *v.* McComas, ante 83, note.