

paid by the *Mollisons* themselves; in the next place, that it has been justly and absolutely barred and excluded by the special act of limitations; (*f*) and in the last place, that the great lapse of time since it became due, without the delay being in any manner reasonably accounted for, gives rise to a presumption, altogether irresistible, that it must have been in some way or other, fully and completely paid and satisfied.

Whereupon it is *Decreed*, that the claim of the said *John M. Hepburn*, as administrator *de bonis non*, of the late *John Hepburn*, against the *State of Maryland*, on account of the confiscated property of *William* and *Robert Mollison*, is utterly unfounded and unjust; and that the petition of the said *John M. Hepburn*, be, and the same is hereby dismissed. And it is further *Ordered*, that the register be, and he is hereby authorized and required to take charge of and safely file and keep among the records of this court all the papers, documents, and vouchers heretofore exhibited or filed in relation to the said claim, subject to the further order of the General Assembly; and to give copies of all or any of the same, and of this decree, on being paid the fees allowed by law in similar cases.

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SALMON v. CLAGETT.

A single interrogatory propounded by the defendant to the plaintiff answered by the monosyllable, 'yes.' A motion to dissolve the injunction and exceptions to the answer may be taken up together and determined at the same time. It is necessary in all doubtful cases to advert to the reason of the law. The modes of defence by demurrer, by plea, by answer as called for by the bill, by answer in avoidance, and by matter derived from the whole case as shewn at the hearing considered and explained. A defendant who has omitted, or failed by demurrer or plea to protect himself from making the discovery called for, must answer fully as the bill requires. The modern cases allowing an answer in avoidance to subserve the purposes of a plea overruled.

The difference between the combination of facts which gives rise to the equity upon which the injunction rests, and that which gives rise to the equity upon which the plaintiff asks relief. How an injunction may be obtained; and how it may be dissolved on bill and answer. The answer should, in general, be sworn to; but must be allowed to have full effect, as such, although made by one who is incompetent to give evidence in any case as a witness; or by a defendant who is incapable of making oath.