bill should set forth a case of plain right, and a probable danger that the right would be defeated without the interposition of this court; (*s*) or it should appear, that the question was important and doubtful; (*t*) and the truth of the facts should be verified by an affidavit which is usually made by the plaintiff himself, or by one of the plaintiffs if there be more than one. That, however, is not essential; for, I have granted an injunction when the bill was sworn to by an agent of the plaintiff who was privy to the transaction, the plaintiff being a foreigner and resident abroad. (*u*) Indeed, an affidavit of any one does not appear to be indispensably necessary; if documentary, or any other kind of evidence be produced, sufficient to cause belief, and to induce the court to trust the bill for the truth of its statements. (*w*)

Having thus far placed confidence in the bill, that confidence will not be withdrawn until the coming in of the answer, in which the defendant is expected to respond clearly and distinctly to all those facts stated in the bill, producing that equity on which the injunction was awarded. In one case, reported among the English adjudications, it is laid down as a general rule, that where a plain equity set forth by the bill is admitted by the answer; but endeavoured to be avoided by another fact, the injunction shall always be continued to the hearing. (*x*)

This, unquestionably, is the rule by which this court is governed on a motion to dissolve, made on the coming in of the answer. It appears to me to be according to the reason of the thing; (*y*) and I am much inclined to believe, that this very case has been mainly instrumental in establishing that rule in this court. But it is not mentioned in any English abridgment, digest, compilation, or book, other than that book wherein it is reported; which Lord Mansfield absolutely forbid from being cited; declaring, that there was not one case in it which was right throughout. (*z*) Hence there is reason to believe, that although this case must be admitted as right throughout here, it may not be deemed so in England. (*a*)

In this court, the question presented, on a motion to dissolve, on the coming in of the answer, is not one which always or neces-

---

(*s*) Anonymous, 1 Vern. 120; The State of Georgia *v.* Brailsford, 2 Dall. 405.—(*t*) Mestaer *v.* Gillespie, 11 Ves. 636.—(*u*) Dunlop *v.* Harrison, 28 September, 1826.—(*w*) Schermehorn *v.* L'Espenasse, 2 Dall. 364.—(*x*) Allen *v.* Crabcroft, Barnardiston Ch. Rep. 373.—(*y*) Minturn *v.* Seymour, 4 John. C. C. 499.—(*z*) Zouch *v.* Woolston, 2 Burr, 1142, n.; Boardman *v.* Jackson, 2 Ball & Bea. 386.—(*a*) Williams *v.* Hall, 1 Bland, 195, n.