

implication or operation of law ; nor does that statute affect trusts of mere personalty ; (g) such uses, therefore, might be established by parol proof, if they were not sufficiently manifest from the terms of the deed itself. (h) Let us now, then, turn to the answers and proofs.

*Hagthrop* and wife have answered jointly. She, before her marriage with *Hagthrop*, obtained letters of administration on the personal estate of her late husband *John Hook* ; and it is in that character only, that they are now brought here as defendants. They say, in relation to the enumerated creditors of the late *Anthony Hook*, 'that the said *John Hook* paid the said sums of money set out in the assignment, so far as the creditors applied for payment of the same ;' and again, 'that the said *John Hook* accordingly paid the debts particularly mentioned therein, (that is in the deed,) as these defendants believe and charge.'

The first of these sentences cannot be considered as a distinct answer to any extent ; either that the debts have or have not been paid. And the second of them amounts to no more than a declaration of a belief, that they have been paid. Where the nature of the transaction charged in the bill is such as must have been altogether within the knowledge of the intestate, the administrator may answer, as he is informed and verily believes ; but the answer of an administrator must always be taken as well with reference to the reasons given for his belief, as to the nature of the subject of which he speaks. This, however, is a broad assertion of a belief, without giving any reasons for it ; or its appearing or being alleged, that the matter was exclusively within the knowledge of their intestate. In these particulars this answer is not so responsive to the bill as to constitute an available defence.

But according to the bill and the deed, which is made a part of the bill, *John Hook* undertook to pay certain debts due from *Anthony Hook* ; the answer to this charge must then, from the nature of things, be such as would furnish evidence available to *Anthony Hook* or his representatives ; it is that the bill seeks ; for, by the deed, *Anthony Hook* was to be protected from the claims of his creditors therein named ; and upon *John's* affording that protection his title rested. In effect the bill asks, not only whether those debts have been paid or not, but more ; it requires the evi-

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(g) *Nab v. Nab*, 10 Mod. 404 ; *Fordyce v. Willis*, 3 Bro. C. C. 587.—(h) *Boyd v. McLean*, 1 John. C. C. 582.