ADDISON v. DUCKETT.

Case No. 77.

{1 Cranch, C. C. 349.}[1]

Circuit Court, District of Columbia. Oct., 1806.

EQUITY—PLEADING—ANSWER—VERIFICATION.

An answer in chancery is not sufficiently authenticated unless the authority of the justice of the peace, before whom it was sworn, be sufficiently shown.

{In equity.} Injunction. Motion to dissolve. It was objected that the answer does not appear to be sworn, &c., there being no certificate but that of the justice himself, that he was a justice of the peace for Prince George's county, in Maryland, at the time he administered the oath. This court has never gone so far as to admit an answer sworn and certified in this manner. In England, the answer is taken by commission.

THE COURT refused to consider the answer as sufficiently certified, and refused to dissolve the injunction. The court cited the cases of Wright v. West, {Case No. 18,102,} and Lloyd v. Lund, {Id. 8,433,} at Alexandria, March, 1806; Watson v. Tapscot, {Id. 17,290,} Alexandria, March, 1805; Potts v. Ghequere, {Id. 11,346,} Alexandria, March, 1805; Wilson v. Stewart, {Id. 17,837,} Alexandria, June, 1803; Mandeville v. Ringgold, {Id. 9,015,} Alexandria; and Tibbs v. Parrott, {Cases 14,022, 14,023,} Washington, June, 1806.

(DUCKETT, J., absent.)

[1] {Reported by Hon. William Cranch, Chief Judge.}