

term, provided a copy of this order be served on the complainant or her solicitor before the twentieth day of June next.

A copy of this order having been served as required, and no counsel appearing for the plaintiff, the motion to dissolve the injunction was submitted on the part of the defendants, Magill and Harding.

BLAND, C., 11th August, 1825.—An injunction, if prayed for by the bill, may be granted in any case on the bill alone, before a subpoena has been issued, or the party summoned; except to stay proceedings at law in an action of ejectment by a lessor, under the Act of 4 Geo. 2, c. 28, s. 3; or to recover mortgaged property under the Act of 7 Geo. 2, c. 20, in which cases no relief, or injunction can be granted before the defendant shall have been summoned and heard. *Todd v. Pratt*, 1 H. & J. 465; *Eden In.* 85. But in no case can an injunction be granted on the bill alone, unless it be verified by the affidavit of the plaintiff; or of one of the plaintiffs, where there are more than one; or, if the plaintiff be not a resident of the State, by the affidavit of some third person, who especially shews how he happens to have a knowledge of the facts set forth in the bill; or by some other testimony sufficient to induce the Chancellor to credit the bill for the truth of its statement. *Moore's Lessee v. Pearce*, 2 H. & McH. 239; *Schermehon v. L'Espinasse*, 2 Dall. 360; 2 Harr. Pra. Cha. 221; 1 Cain. Ca. Err. 1.

In ordinary cases the injunction is simply granted as prayed; and, in such cases, the defendant may, immediately upon filing his answer, give notice to the plaintiff of a motion to dissolve the injunction to be heard at the then next term. If the answer be filed *during the sittings, (See *ante*, 126, *note o*), of a term, **181** this notice can only be given by an entry of it upon the docket, of which the plaintiff is bound to take notice; or, if not then entered, it can only be put upon the docket at the next sittings; and so on, from term to term. But, if the answer be filed after the close of the sittings of a term, then the defendant must make such an entry upon the docket, and also obtain a special order, such as that which has been passed in this case; and must produce proof of its having been served as required, before his motion can be heard.

The defendant may, during the sittings of a term, at the same time he enters upon the docket a notice of a motion to dissolve the injunction, if the case be so situated, that it lays with the plaintiff next to proceed, also have entered a rule further proceedings, by the next term; so as to compel the plaintiff to proceed with his case, in addition to his shewing cause upon the motion to dissolve. And if the plaintiff excepts to the sufficiency of the answer, such exceptions may be taken up and decided at the