

same time, and together with the motion to dissolve. *Alexander v. Alexander*, MS. 13th Dec. 1847; *Eden Inj.* 73. After the notice of a motion to dissolve has been given, in either of those modes, and the rule further proceedings has been entered, the defendant may, at any time, after the specified period has elapsed, which is the first four days of the then next term, take advantage of both, at the same time, during the sittings of any term, so as to have the injunction dissolved, and the bill dismissed at once; without giving any fresh notice, or laying a new rule. 2 *Mad. Chan.* 385; *Naylor v. Taylor*, 16 *Ves.* 127; *Bishton v. Birch*, 2 *Ves. & Bea.* 40; *James v. Biou*, 3 *Scan.* 244; *Farquharson v. Pitcher*, 3 *Russell*, 383.

The motion is to dissolve, unless cause shewn by the plaintiff; and therefore on the hearing of it, the matter is opened by him, then the defendant is heard, and the argument is closed on the part of the plaintiff. If the plaintiff fails to appear and shew cause, the injunction may be dissolved on such default, without any consideration by the Court, of the bill and answer; which will become absolute at the close of the sittings of the term unless cause shewn. But, if the Chancellor is called on, during the sittings, as he may be, for his judgment upon the motion to dissolve, and he orders the injunction to be dissolved, then it will not, on any account, be reinstated merely on the same bill and answer.

In extraordinary cases, however, the course of the Court has always been varied to suit the emergency, or the peculiar circumstances. *Eden Inj.* 235. (d)

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(d) *BRYSON v. PETTY*.—The bill, filed on the 13th of May, 1786, by Andrew Bryson against John Petty and Thomas Rutland, states, that the plaintiff was the master and commander of the ship *Kitty*, then lying in the harbor of Annapolis, of which the defendants were the owners; that the plaintiff had made several voyages in the ship, as master; and been under the necessity of making sundry disbursements, and incurring considerable expenses on account of repairs, &c. for the ship; that the defendants had refused to account with, or reimburse him the amount thereof; and had, by a writ of replevin, taken the ship, with her cargo of salt, from his possession; were about to send her out of the country, and to go themselves beyond the jurisdiction of this Court. Prayer for general relief; for an injunction to prevent the removal of the ship and cargo; and for a *ne exeat* to prohibit the defendants from leaving the State. This bill was sworn to in the usual general manner. And there does not appear to be any other specification of the claim or amount due than by a general reference to the exhibits.

*ROGERS, C.*, 13th May, 1786.—Issue subpoena, *ne exeat*, and injunction as prayed, with liberty, nevertheless, for the said John Petty to proceed to the trial of his replevin at law, but to stay execution on any judgment he may obtain therein, until further order.

The defendant, Petty, by his petition, stated, that he had filed his answer, that the ship *Kitty* belonged to him and his partner in England, Joseph