

It is an ancient and well settled general rule, that where there are several defendants to the bill, no motion to dissolve the injunction can be heard until all of them have answered. *Pra. Reg.* 200; 2 *Harr. Pra. Chan.* 263; 3 *Bac. Abr.* 658; *Eden Inj.* 66; *Wright Nutt*, 2 *Dick.* 691. (*h*) But to this, as to all other general rules, there

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the public in general. Upon which this defendant moved to have a day appointed to hear a motion to dissolve.

KILTY, C., 12th December, 1808.—Ordered, that a motion for dissolving the injunction be heard on the 20th instant; provided a copy of this order be served on either of the complainants, or their solicitor, on or before the 18th instant.

The plaintiffs' solicitor admitted the service of a copy of this order, and the motion came on to be heard.

KILTY, C., 20th December, 1808.—The motion for the dissolution of the injunction issued on the 10th instant was, according to appointment, argued on this day.

Although the presumption is, and ought to be, that persons acting under the charter and ordinances of a corporation, will conform to the limitations therein contained; yet when a case is stated, on oath, which apparently shews a contrary proceeding, it becomes the duty of this Court to interfere. The answer of the defendant, denying the grounds of the application, is, however, entitled to equal attention. The Chancellor was under the impression, from the bill, that some of the parties held property immediately, or very nearly fronting on the part of the street in which the work was to be done. And he was not, nor is he now satisfied, that the consent of every person, holding property fronting on Baltimore street and York street, was necessary to be obtained. And, from the exhibits filed with the answer, there is reason at least to doubt whether the commissioners have acted wrong; if not to believe, that they have acted right.

It is thereupon adjudged and ordered, that the injunction heretofore issued in this case be and the same is hereby dissolved: leaving the parties to proceed in equity or at law as they may think proper,

After which, on the 7th of July, 1809, this suit was dismissed, with costs, by the complainants' solicitor. Whereupon the defendants obtained a bill of their costs from the register, and moved, that the plaintiffs might be ordered to pay the amount.

KILTY, C., 11th March, 1811.—On motion, on behalf of the defendants, it is ordered, that the complainants, John Diffenderffer, Charles Tinges, and George Smith, pay to the defendants, or either of them, or to their solicitor, or their or his order, the sum of twenty dollars fifty-seven and one-half cents; being the amount of the costs taxed by the register on the dismissal of the bill of the said complainants; or that they shew cause to the contrary on or before the 10th day of April next. Provided a copy of this order be served on the said complainants, or either of them, or left at the place of abode of any one of them, before the first day of April next.

(*h*) STEWART v. BARRY.—This bill was filed on the 31st of August, 1809, by James Stewart, William Lorman, and William Gwynn, as executors of the late William Evans, against Robert Barry, John Stewart, David McMechen,