

the suit, was allowed to move for a dissolution of the injunction; *Nugent v. Symth, Mosely*, 354; and the injunction may be dissolved as against some of the defendants only; or it may be dissolved on the answer of an insolvent, who has no interest in the matter, upon his speaking to facts peculiarly within his own knowledge before his insolvency; *Joseph v. Doubleday*, 1 *Ves. & Bea.* 497; and so where it appears from the nature of the case, that the responding defendant is the only one who can speak, from his own knowledge, in relation to the facts on which the injunction rests; *Boheme v. Porter, Barn. Chan. Rep.* 352; *Rowcroft v. Donaldson*, 1 *Fow. Ex. Pra.* 286; as were the defendants who have not answered are infants, and so too where it appears, that the answer of a non-resident defendant cannot be material as to the facts on which the injunction is founded. *Sholbred v. Macmaster*, 2 *Anstr.* 366. (i)

(i) *WILLIAMS v. HALL*.—It appears, that a bill had been filed previous to the institution of this suit, by James Williams and Solomon Hillen, against Edward, Hall, David Stewart, and David C. Stewart, to obtain an injunction, which having been filed and submitted to the Chancellor, he granted the injunction, but suggested, that the bill seemed to be too indistinct and merely argumentative in regard to the plaintiffs not being interested as partners with the Stewarts. In consequence of which the plaintiffs afterwards, by their petition, stating, that no process had been issued, or served, prayed leave to withdraw their bill and exhibits from the files of the Court. Upon which, on the 6th of July, 1809, the leave was granted as prayed.

This bill was filed on the 15th of July, 1809, by the same plaintiffs, against the same defendants. From which it appears, that the plaintiffs were partners in trade, which they conducted by Williams then residing in the West Indies, and Hillen in Baltimore; that Hall also then resided in the West Indies, carrying on trade there as a merchant; and that the Stewarts were residents of Baltimore, and partners in trade under the firm of David Stewart & Son; that this firm of David Stewart & Son had sent the schooner *Holstein* with a cargo on a voyage to the West Indies, consigned to Hall, who had sold that outward cargo; and, by various dealings in relation to that vessel, had made sundry advances, by which those who owned her, and were jointly concerned in her, had become indebted to him in a very considerable sum; that the defendant Hall had instituted a suit against these plaintiffs, with David Stewart & Son, as the joint owners of that vessel, and recovered judgment against them for the sum of \$13,448.53 and costs; which judgment had been affirmed by the Court of Appeals; and on execution being issued thereon the plaintiffs had superseded the judgment, and given bond with surety according to law; that the defendants David Stewart & Son had become bankrupts, in consequence of which the whole liability and weight of the judgment had fallen upon these plaintiffs; that the plaintiffs were in truth not partners of David Stewart & Son, or in any way interested with them in the schooner *Holstein*; which fact, although well known to these defendants, these plaintiffs had been unable to shew and establish on the trial at law. And for the purpose of more perfectly illustrating and explaining the whole transaction, they prayed that the defendants might be ordered to produce their books of accounts, &c. Wherefore they prayed for an injunction to stay the proceedings at law, for general relief, &c. The