

In this case the bill itself states, that the plaintiffs are non-residents, and, consequently, the answers and subsequent proceedings of the defendants have amounted to a waiver of the right on their part to lay the plaintiffs under a rule to give security for costs.

Whereupon it is ordered, that the petition of the defendants be and the same is hereby dismissed with costs.

This case was afterwards entered agreed.

* BILLINGSLEA v. GILBERT.

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INJUNCTION BONDS.—CHANCERY PRACTICE.

The penalty of an injunction bond to stay proceedings at law should be at least double the amount of the debt and interest then due. (a)

An answer to a bill in Chancery may, by consent, be received without oath. On its being shewn, that the dissolution of an injunction has been irregularly and improperly obtained it may be revived.

It appears that the late William Billingslea, on the 9th March, 1821, filed his bill here praying for an injunction to stay proceedings at law instituted against him by Jarvis Gilbert; and in the same month Billingslea filed a supplemental bill against Gilbert, in like manner praying for an injunction.

KILTY, C., 19th March, 1821.—The penalty of the injunction bond, 2,000 dollars, is not sufficient. It should be double the amount of the debt which is £600 and the interest thereon, excepting what has been paid.

After which another bond was filed and submitted.

KILTY, C., 4th April, 1821.—The penalty of the injunction bond now filed is still insufficient. The interest after deducting the payments made is nearly 1,516 dollars. The penalty should be double the aggregate of principal and interest, and the safest way is to make it somewhat more. When the injunction issues it will only be to stay the execution, and not to prevent the having a trial or obtaining a judgment. (b)

(a) See *Salmon v. Clagett*; 3 Bland, 125.

(b) *YANCE v. SHORT*.—1788.—Answer filed; rule on the plaintiff to shew cause on the first day of July next why he should not give better security to prosecute his injunction with effect. Also notice of motion to dissolve the injunction next Court.—*Chan. Proc. lib. S. H. H. let. B, fol. 354.*

SWEENEY v. RODGERS.—1790.—Rule on the complainant to file a new bond with sufficient surety by the 18th of October next, or the injunction be dissolved.—*Chan. Proc. lib. S. H. H. let. C, fol. 400.*

ONION v. MCCOMAS.—KILTY, C., MS. 1812.—Where the surety of an injunction bond is, or has become insufficient, as being an infant or having become