without being most sensibly felt. This great conservative power, in some form or other, seems to be an essential part of our Code. If there were no means of instantly arresting any one, who should be seen moving with a most wicked speed to the perpetration of an irreparable depredation upon the property of another, our laws would be materially defective. And yet, on the other hand, if, upon any light pretext, the movements of a citizen might be suddenly checked, or any large and costly concern might be at once brought to a stand, and its operations restrained, for any length of time, positive ruin might be produced by the very means intended for preservation and protection. Therefore, on a bill for an injunction or a *ne exeat*, though the Court will act with a promptness almost amounting to surprise, care must be taken that the application be made as promptly as possible. If the object * be
104 to stop the erection, or further operation of a large and costly work, it should appear, that the application has been made as soon as the party became apprised of his rights, and the extent of the injury with which they were threatened; or, at least, it must not appear, from the bill itself, that there had been any express or tacit admission or acquiescence not properly accounted for. *Jackson* v. *Petrie*, 10 *Ves.* 165; *Birmingham Canal Comp.* v. *Lloyd*, 18 *Ves.* 515; *Crowder* v. *Tinkler*, 19 *Ves.* 622; *The Mayor of Colchester* v. *Lowten*, 1 *Ves. & B.* 246; *Agar* v. *The Regents Canal Comp. Coop.* 78; *Mayor of King's Lynn* v. *Pemberton*, 1 *Swan.* 250. A Court of equity frequently refuses an injunction where it acknowledges a right, when the conduct of the party complaining has led to the state of things, that occasions the application; *Rundell* v. *Murray*, 4 *Cond. Chan. Rep.* 148; or, in other words, it grants or refuses an injunction, in many cases, not upon the ground of the right possessed by the parties; but upon the ground of their conduct, and dealing before they applied to the Court for an injunction to preserve and protect that right. *Wright* v. *Nutt*, 1 *H. Blac.* 154; *Blakemore* v. *The Galmorganshire Canal Navigation*, 6 *Cond. Chan. Rep.* 551.

If the equity of the bill be of a very dubious character; or if it appears, from the magnitude, nature, and exigency of the case, that the defendant should have an early opportunity of relieving himlsef from the restriction, he is always, as in this instance, apprised of it, by an order, sent with the writ, allowing a motion to dissolve to be heard with or without answer; or on some short notice after filing the answer. *Jones* v. *Magill*, 1 *Bland*, 182. The only mode, now in use, of obtaining an injunction is by a bill which should state a case of a plain right, which is in probable danger of being irreparably injured, or altogether defeated unless the injunction be granted as prayed; or in some other more suitable form. The truth of the facts set forth in the bill should be verified by the affidavit of the plaintiff; or, as in this instance, by