

But considering this attachment as being, in reality, nothing more than an auxiliary to the injunction, the judgment upon it may be much better adapted to its chief purpose after, than before the Court has determined, whether the injunction shall be continued or not; since it is obvious that if the injunction should be dissolved, nothing will be left, under the attachment, but the bare contempt; whereas, if the injunction should be continued the Court may order the party to remove any injurious work he may have erected, after the service of the injunction, as a part of the punishment, under the attachment.

Upon which the solicitors of the plaintiff, at once, waived all claim to have the attachment enforced, in any other respect, than as an aid of the injunction; and consented, that the two subjects should be considered together; and that the attachment should abide the fate of the injunction. With this understanding the case proceeded upon the motion to dissolve the injunction; and the bill and answers were read and explained.

* BLAND, C., 8th August, 1829.—It appears, and is now admitted, that the body politic, called “The Chesapeake and Ohio Canal Company,” has not been made a party to this suit; and therefore, it will be proper, at once, to declare, that on that ground alone, this injunction must be dissolved, and the attachment quashed. But as the solicitors of the parties have come prepared to discuss this motion upon its merits, it may be better for all concerned, that the argument should proceed as if there were no errors in the pleadings; or as if the facts, now disclosed, were presented in such a form as the parties were willing to abide by; only so far noticing the present defects in the pleadings as to enable the Court to say to what extent they require amendment. Because if the plaintiff stops here with a mere order that the injunction be dissolved; and immediately asks for an amendment of his bill, the Chancellor will expect a full and frank disclosure of all the facts of the case, as now developed by these erroneous proceedings, and will use his discretion in granting or withholding a new injunction accordingly.

The solicitors of the parties entirely approved of these suggestions, and the argument of the case proceeded accordingly.

BLAND, C., 22d September, 1829.—The motion for the dissolution of the injunction heretofore granted, standing ready for hearing, and the solicitors of the parties having been fully heard, the proceedings were read and considered.

A writ of injunction is one of the strong arms of the Court of Chancery, which is seldom put forth, in any case of magnitude,