Salmon may execute before the said first said day of October, in the year eighteen hundred and thirty, and shall also indemnify the

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from interfering with such possession and use, and that he be commanded to forbear the repetition of acts which impeded the faculty in the enjoyment of their rights. *Held*, that such an injunction did not go beyond the legitimate office of the process nor have the character of a judicial writ. *Ibid.* After dissolution of the injunction, defendant filed a petition stating that complainants in pursuance of the injunction had taken possession of the property to which defendant yielded, and prayed for an order restoring possession to him. *Held*, that if defendant surrendered a possession previously held by him, he did that which the Court, by its injunction, had not commanded, and for which he had no right to ask redress. *Ibid.* In the case of private nuisances, the Court would, after hearing the parties, be authorized not only to interpose preventively, but may order them to be abated. *Lamborn* v. *Covington Co.* 2 Md. Ch. 409.

Equity has jurisdiction to compel a defendant, by means of an injunction specially worded, to do a substantive act, whether such injunction be merely ancillary to the relief prayed or the ultimate object of the suit. *Carlisle* v. *Stevenson*, 3 Md. Ch. 499. Pragmatic trespassers, pending an injunction bill, may be made to remove erections made by them on the property in controversy. *Murdock's Case*, 2 Bland, 461, 470, 488.

Interference with water rights and nuisances furnish the most frequent occasions for the granting of mandatory injunctions. *Cole Silver Co.* v. *Virginia Water Co.* 1 Sawyer, 685; *Corning* v. *Troy Factory*, 40 N. Y. 191. In *Audenreid* v. *R. R. Co.* 68 Pa. St. 370, *Murdock's Case*, 2 Bland, 461, and *Wash. Univ.* v. *Green*, 1 Md. Ch. 97, are examined.

XIX. PRACTICE. 1. *Bill, Exhibits, Hearing, &c.* Although a bill may pray for relief by way of injunction, yet if it does not pray for the process of injunction, the process will not be granted. But such prayer need not be included in the prayer for process of subpœna, if it is sufficiently set forth elsewhere in the bill. *Webb* v. *Ridgely*, 38 Md. 34; *Union Bank* v. *Kerr*, 2 Md. Ch. 460.

The documents, &c. pertaining to the application, or copies of them, should be filed with the bill. *Union Bank* v. *Poultney*, 8 G. & J. 324; *Nusbaum* v. *Stein*, 12 Md. 315; *Mahaney* v. *Lazier*, 16 Md. 69; *Haight* v. *Burr*, 19 Md. 130; *Conolly* v. *Riley*, 25 Md. 402; *Hankey* v. *Abrahams*, 28 Md. 588; *Shoemaker* v. *Bank*, 31 Md. 396; *Balto.* v. *Weatherby*, 52 M 450.

The mere oath of a party as to the existence of a debt of which he holds the written evidence and which he does not file as an exhibit, or satisfactorily account for its non-production, will not be regarded as proof of the debt, and a bill for an injunction failing to make such exhibit is fatally defective. *Union Bank* v. *Poultney*, 8 G. & J. 324; *Laupenheimer* v. *Rosenbaum*, 25 Md. 220; *Miller* v. *Marble Co.* 52 Md. 645. Nor is this defect waived by demurrer. *Ibid.*

The allegations of the bill need not be sustained by affidavits *aliunde* that of the complainant. *Myers* v. *Amey*, 21 Md. 306. But the bill may be sustained by some other testimony sufficient to induce the Chancellor to credit the truth of its statements. *Jones* v. *Magill* 1 Bland, 177. An affidavit that the facts stated in the bill are true to the best of complainant's knowledge and belief is sufficient. *Triebert* v. *Burgess*, 11 Md. 459; *Coale* v. *Chase*, 1 Bland, 136.

The Judge to whom the application is made may take time for consideration, and give notice to the parties to be affected or their counsel, and afford