

between the same parties, to be issued after such dismissal or termination of the appeal, as leaves the injunction dissolved according to the order appealed from. In this case, however, it appears to me to be fit and proper, in order to prevent a vexatious renewal or continuance of the injunction on a state of facts which has been already considered and adjudicated upon; that the bill this day filed, and now submitted, should be considered as an amendment to that filed on the 23d of June, 1827; and that it should be so taken and answered accordingly. But as it appears, that the new facts set forth in this bill are chiefly, or altogether within the knowledge of the defendants Law, Harrison, and Anderson, it is therefore reasonable, that the injunction, to be issued after the termination of the appeal, should be subject to a motion

414 * for a dissolution on the coming in of their answers thereto alone, in connexion with all the previous proceedings. *Jones v. Magill*, 1 *Bland*, 177.

Therefore it is ordered, that upon the fact of the dismissal of the said appeal, or other final termination thereof, whereby the said injunction may be dissolved, being certified to the register of this Court, an injunction be issued as prayed by the aforesaid bill of complaint. And that subpoenas now issue as in case of an amended bill. And it is further ordered, that at any time after the defendants Law, Harrison, and Anderson, shall have filed their answers to the said bill, the Court will hear a motion to dissolve the said injunction granted thereon; Provided, that ten days notice thereof be given to the said complainants. And it is further ordered, that a copy of this order be endorsed upon or served with the said writ of injunction hereby directed to be issued.

The appeal having been dismissed, an injunction was accordingly issued as authorized by this order. After which the defendants Law, Harrison, and Anderson, put in their answers separately to this amended bill, in which they fully explained all the circumstances of the case, and positively denied the fraudulent transactions as charged. The defendant Law denied that he was in a condition of insolvency; but the defendant Harrison admitted that he had obtained the benefit of the insolvent laws. Upon these answers these defendants moved, according to the terms of the order of the 20th of June, to dissolve the injunction.

BLAND, C., 4th September, 1828.—The motion for the dissolution of the injunction heretofore granted in this case, standing ready for hearing, the solicitors of the parties were fully heard, and the proceedings read and considered.

Upon the hearing of this motion, two affidavits were offered and heard with a reservation as to the propriety of their being thus