

this injunction has gone. The bill alleges, that the buildings erected upon the grounds in question had been used for the purpose of giving medical instruction, and as an infirmary for the sick, and were so used through the professors composing the medical faculty of the corporation, who must necessarily have possession, and free and uninterrupted ingress and egress therefrom; and it prays that the defendant shall be restrained from so acting, as to interfere with their possession, and use for that purpose; and that he be commanded to forbear from the repetition of acts which impeded the enjoyment of these rights, and the discharge of these duties on the part of the professors. It seems to me that an injunction of this description cannot be regarded as going beyond the legitimate office of the process, or as possessing the character of a judicial writ, which can only issue after a decree; but that, in the language of Judge Story, it is "preventive and protective merely, and not restorative." But conceding that the injunction in this case does approach very nearly to commanding a thing to be undone, authorities are not wanting to justify it even if viewed in that aspect, as appears by the cases in which parties have been commanded by injunction not thereafter to continue to cause a stream to flow irregularly, by which the plaintiff's mill had been supplied, and the current of which had been impeded by breaches made or obstructions interposed by the defendant. In cases of this description, as it is obvious the injunction could only be obeyed by repairing the breaches, or removing the obstructions, the office of the writ would appear to have been carried further than could be sanctioned, viewing it merely as prohibitory and conservative. The cases in which the writ of injunction has been thus applied, are collected in *Murdock's case*, 2 *Bland*, 471; see also *Eden on Injunctions*, 331.

But the injunction in this case is not put upon this ground, as I concur in the principle, that the process, unless issued after the decree, when it becomes judicial, can only be used for the purpose of prevention, and protection, and not for the