

which the judgment was confessed. And upon the faith of these denials the injunction was dissolved.

It would appear to be obvious from the answer of Green, that he meant to be understood as saying that his possession of the property, however held, was not incompatible with such use and enjoyment thereof by the professors as was indispensable to the fulfilment of their duties; for he says, that during all the time he was in the possession, they continued in the discharge of their several duties. In this state of the case it is not very clearly perceived, what sort of possession it is to which the defendant asks to be restored. According to the theory of the answer, the possession of Green was perfectly consistent with the use of the buildings by the professors, and it was with that use alone that he was prohibited by the injunction from interfering. If he desires now a more exclusive possession, so as to interfere with, or prevent the professors from performing their duties, he asks for that, which if avowed in his answer to the bill, would have caused the injunction to be continued. It certainly cannot be tolerated, that the dissolution of an injunction shall be procured by stating that the party who procures such dissolution has done nothing and means to do nothing injurious to the rights of others, and then after succeeding, that he shall be allowed to do the very acts which he had disclaimed having done, or intending to do.

The bill in this case indulged in a strain of severe and highly colored animadversion upon the conduct of the defendant, but when this was denied by the answer, no attempt was made to prove it, though an order to take evidence passed at the instance of the complainant.

This was significant, and entitled as I thought to some consideration upon the motion to dissolve.

The answer stated—you have unjustly assailed me—I have been guilty of no violence, no misconduct of any sort; nor have I, nor do I mean to interrupt you in performing your duties. Upon this the injunction was dissolved; but after the dissolution, an application is made for the restoration of rights which the injunction was never intended to take away, and the asser-