

INADEQUACY OF PRICE—*Continued.*

- erty had been enhanced, could have but little weight in determining whether the property previously sold at a price so much below its value as to indicate a want of reasonable judgment in the trustee. *Gibbs vs. Cunningham*, 44.
4. But where any other just cause appears to doubt the propriety of the sale, it is a consideration very proper to be viewed, in connection with it, that the sale was made at a reduced price. *Hintze vs. Stingel*, 283.
  5. It appearing that the defendant, who was a German, and imperfectly acquainted with our language, called upon the trustee a few days before the sale, for information as to the day of sale, and that either the trustee incautiously misinformed him on the subject, or that he misunderstood the trustee, owing to his imperfect knowledge of the English language, and that a bidder, who would give nearly twice the amount for which the property was struck off, was kept from attending the sale, by the information which he received from the defendant, upon these circumstances and the concurrence of the complainant in the application, the sale was set aside. *Ib.*
  6. Inadequacy of price may be so gross as to induce the court to set aside a conveyance actually made. *Hollis vs. Hollis*, 479.

See SALES BY TRUSTEES, 3 to 5.

## INJUNCTION.

1. If a mortgagor in possession, is committing waste, equity will restrain him by injunction. *Brown vs. Stewart*, 87.
2. Where a mortgagee files a bill for the sale of the mortgaged property for the satisfaction of his debt then due, and alleges, that, it being in possession of the mortgagor, has been, or is about to be wasted; or where it consists of personalty, is about to be removed beyond the reach of the creditor, a court of equity has, and will, exercise the power of preventing the threatened mischief by injunction. *Ib.*
3. When a motion to dissolve an injunction is heard on bill and answer, so much of the bill as is not denied by the answer, is taken for true, and if one of its material allegations remain unanswered, the injunction will be continued till the final hearing. *Ib.*
4. An injunction, unless issued after the decree, when it becomes a judicial process, can only be used for the purpose of prevention and protection, and not for the purpose of commanding the defendant to undo any thing he had previously done. *Washington University of Baltimore vs. Green*, 97.
5. The bill alleges that the buildings on the grounds in question, were used for the purpose of giving medical instruction, and as an infirmary for the sick, by the professors composing the medical faculty of the corporation, and prays that the defendant may 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 the acts which impeded the enjoyment of the rights and the discharge of the duties on the part of the professors. HELD—

That an injunction of this description cannot be regarded as going