

INJUNCTION—*Continued.*

- beyond the legitimate office of the process, or as possessing the character of a judicial writ. *Ib.*
6. Where the material allegations of the bill are denied by the answer, the motion to dissolve must prevail, unless the bill can be supported by testimony taken under the act of 1835, ch. 380, sec. 8. *Ib.*
 7. All averments of the bill not denied by the answer, must, upon all questions relating to the injunction, be regarded as true. *Ib.*
 8. An injunction can only be dissolved by positive contradictory averments in the answer, and an answer founded on hearsay, is not sufficient to remove the complainant's equity, though resting upon information derived from others, it denies the facts out of which that equity arose. *Doub vs. Barnes, 127.*
 9. Upon motion to dissolve, credit can only be given to the answer, in so far as it speaks of responsive matters, within the personal knowledge of the defendant, and unless, so speaking, the equity of the bill is sworn away, the injunction cannot be dissolved. *Ib.*
 10. The object of an injunction to stay proceedings at law, either before or after judgment, is to prevent the party against whom it issues, from availing himself of an unfair advantage, resulting from accident, mistake, fraud or otherwise, and which would, therefore, be against conscience. *Little vs. Price, 182.*
 11. If such unfair advantage has been already obtained by proceeding to judgment, the court will in like manner control the judgment, and restore the party to his original rights. *Ib.*
 12. This can only be done by depriving his adversary of every advantage which the judgment thus improperly obtained gives him, and cannot be limited merely to restraining him from proceeding upon it at law. *Ib.*
 13. Hence an injunction commanding and enjoining the complainant to cease from all proceedings on his judgment recovered at law, was held to operate to restrain him from proceeding in equity. *Ib.*
 14. It is well settled by the Maryland decisions, that chancery will never interfere with judgments at law, where the party's own default or neglect has made an application to the latter tribunal necessary. *Ib.*
 15. When the company refuses or neglects to pay for the land condemned for their use, the owner has a right to call upon this court to protect by injunction his property from injury until the money is paid. *Harness vs. Chesapeake and Ohio Canal Company, 249.*
 16. The power of this court to grant injunctions to restrain creditors from proceeding at law, after a decree for an account, is not confined to cases in which the application is made by the executor or administrator, but extends to applications made by the heir, or by another creditor, or a common legatee, or perhaps by a residuary legatee. *Boyd & Hance vs. Harris, 466.*
 17. In order, however, to prevent abuse by conveyance between an executor or administrator, and a friendly creditor, the practice is to grant an injunction only when the answer or affidavit of the executor or ad-