

legitimate office of the process, or as possessing the character of a judicial writ.

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.

All averments of the bill, not denied by the answer, must, upon all questions relating to the injunction, be regarded as true.

After the injunction was dissolved, the defendant filed a *petition*, stating that the complainants, in pursuance of the injunction, had taken possession of the property, to which the defendant yielded, and prays that an order may be passed, restoring the possession to the defendant. **HELD—**

That if the defendant has surrendered a possession previously held by him, he he has done that which the court, by its injunction, did not command him to do, and for which he has no right to ask for redress at its hands, and that the petition should be dismissed.

[The bill in this case was filed by the Washington University of Baltimore, and the surviving trustees under a deed of trust from said university, stating that said trustees and certain *cestui que trusts* under said deed, filed a bill in this court against the university and Edward Green, claiming a sale of the property conveyed by the deed, according to its provisions; and stating that Green claimed the same as purchaser under an execution against the university, recovered long after the deed of trust was executed. That subsequent to the filing of said bill, Green instituted an ejection suit in Baltimore County Court for the recovery of said property, making Holden B. Hill, steward of the buildings of the university, defendant. That as Hill was only the nominal defendant, the trustees, as they had a right to do, interposed to defend the suit, and employed a counsel for that purpose, who was the only one engaged for the defence. That at January term, 1847, of said court, judgment by confession was entered for the plaintiff, Green, with an agreement for a stay of execution till the determination of the suit in chancery. That the property consisted of large grounds and extensive buildings, in Baltimore, used for medical instruction, and as an infirmary, and was so used when said judgment was rendered, and long before, under the direction of the faculty of said institution. That the suit in chancery had not been terminated, although complainants had tried to bring it to a close, when suddenly, on the 2d of August, 1847, Green in defiance