

*Mason*, and has appropriated the proceeds of sale to his own use; averring that he was well justified in doing so, &c.

These answers not having been filed during the sittings of a term, the Chancellor on application passed the following order as usual in such cases.

16th May, 1825.—BLAND, Chancellor.—In this case the defendants, *Thomas Magill*, and *Thomas N. Harding*, having filed their answers, and entered on the docket notice of a motion at the next term to dissolve the injunction issued in the said case, it is ordered, that the said motion stand for hearing at the next term, provided a copy of this order be served on the complainant or her solicitor before the twentieth day of June next.

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A copy of this order having been served as required, and no counsel appearing for the plaintiff, the motion to dissolve the injunction was submitted on the part of the defendants, *Magill* and *Harding*.

11th August, 1825.—BLAND, Chancellor.—An injunction, if prayed for by the bill, may be granted in any case on the bill alone, before a *subpœna* has been issued, or the party summoned; except to stay proceedings at law in an action of ejection by a lessor, under the act of 4 Geo. 2, c. 28, s. 3.; or to recover mortgaged property under the act of 7 Geo. 2, c. 20, in which cases no relief, or injunction can be granted before the defendant shall have been summoned and heard.(a) But in no case can an injunction be granted on the bill alone, unless it be verified by the affidavit of the plaintiff; or of one of the plaintiffs, where there are more than one; or, if the plaintiff be not a resident of the State, by the affidavit of some third person, who especially shews how he happens to have a knowledge of the facts set forth in the bill; or by some other testimony sufficient to induce the Chancellor to credit the bill for the truth of its statements.(b)

In ordinary cases the injunction is simply granted as prayed; and, in such cases, the defendant may, immediately upon filing his answer, give notice to the plaintiff of a motion to dissolve the injunction to be heard at the then next term. If the answer be filed

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(a) *Todd v. Pratt*, 1 H. & J. 465; *Eden. Inj.* 85.—(b) *Moore's Lessee v. Pearce*, 2 H. & McH. 239; *Schermehon v. L'Espenasse*, 2 Dall. 360; 2 *Harr. Pra. Cha.* 221; 1 *Cain. Ca. Err.* 1.