

during the sittings(c) of a term, this notice can only be given by an entry of it upon the docket, of which the plaintiff is bound to take notice; or, if not then entered, it can only be put upon the docket at the next sittings; and so on, from term to term. But, if the answer be filed after the close of the sittings of a term, then the defendant must make such an entry upon the docket, and also obtain a special order, such as that which has been passed in this case; and must produce proof of its having been served as required, before his motion can be heard.

The defendant may, during the sittings of a term, at the same time he enters upon the docket a notice of a motion to dissolve the injunction, if the case be so situated, that it lays with the plaintiff next to proceed, also have entered a rule further proceedings, by the next term; so as to compel the plaintiff to proceed with his case, in addition to his shewing cause upon the motion to dissolve. And if the plaintiff *excepts* to the sufficiency of the answer, such exceptions may be taken up and decided at the same time, and together with the motion to dissolve.(d) After the notice of a motion to dissolve has been given, in either of those modes, and the rule further proceedings has been entered, the defendant may, at any time, after the specified period has elapsed, which is the first four days of the then next term, take advantage of both, at the same time, during the sittings of any term, so as to have the injunction dissolved, and the bill dismissed at once; without giving any fresh notice, or laying a new rule.(e)

The motion is to dissolve, *unless cause shewn by the plaintiff*; and therefore on the hearing of it, the matter is opened by him, then the defendant is heard, and the argument is closed on the part of the plaintiff. If the plaintiff fails to appear and shew cause, the injunction may be dissolved on such default, without any consideration by the court, of the bill and answer; which will become absolute at the close of the sittings of the term unless cause shewn. But, if the Chancellor is called on, during the sittings, as he may be, for his judgment upon the motion to dissolve, and he orders the injunction to be dissolved, then it will not, on any account, be reinstated merely on the same bill and answer.

(c) See ante, 126, note (c).

(d) *Alexander v. Alexander*, MS., 13th Dec. 1817; *Eden Inj.* 73.—(e) 2 Mad. Chan. 385; *Naylor v. Taylor*, 16 Ves. 127; *Bishton v. Birch*, 2 Ves. & Bea. 40; *James v. Biou*, 3 Swan. 244; *Farquharson v. Pitcher*, 3 Russell, 383.