

1783, this form of a writ of injunction to stay waste pending an action of ejectment, appears to have been treated as then well established; (m) and I have met with another instance in which an

*Coale's Discovery.* But that the defendant had, by the fraudulent means therein stated, caused a certificate of survey of the same land to be made on the 17th of June, 1772; upon which he had obtained a patent; that afterwards this defendant brought an action of ejectment and obtained a judgment. The bill alleged, that this defendant had been put into possession by the sheriff under a writ of possession; and that he had issued a *ca. sa.* for costs, which this plaintiff had superseded; but it is not averred, or even intimated in the bill, that this defendant had committed, or ever threatened to commit waste. Yet the bill prayed for an injunction to prevent the said Job Garretson from committing any waste on the said tract of land called *Coale's Discovery*; also to prevent the said Garretson from serving the said execution, or from proceeding any further on the said judgment; and for general relief, &c. There was an affidavit, in the usual form, of the truth of the matters set forth; and an injunction bond.

15th February, 1791.—HANSON, Chancellor.—Issue *subpœna* and injunction to stay execution for costs; but not waste.

The defendant on the 14th of December, 1793, put in his answer, by which he denied all fraud, and also positively denied the legality and validity of the plaintiff's title, &c.

Some time after which the plaintiff, by his petition on oath, set forth and averred, that the defendant had cut down and carried away wood and timber growing on the land in controversy; and still continued to commit waste and destruction upon the land, &c. Whereupon he prayed for an injunction to stay waste and destruction upon the said tract of land called *Coale's Discovery*, &c.

28th October, 1795.—HANSON, Chancellor.—Issue injunction to prohibit waste, &c. in *Coale's Discovery*, in Baltimore county, surveyed for Richard Coale agreeably to the prayer of this petition.

After which the case coming on for final hearing on bill, answer and proofs, it was on the 25th of May, 1797, decreed, that the injunction be made perpetual, and that the defendant convey the land to the plaintiff. *MS.*—In other respects this case seems to be sufficiently reported in 1 H. & J. 370, 378.

(m) Maryland, to wit:—The State of Maryland to Michael Krips, his agents, hirelings and servants, Greeting: Whereas Edward Flannagan of Baltimore county, and Elizabeth his wife have exhibited unto us in our High Court of Chancery their bill of complaint for relief in equity, and to stay the commission of waste in and upon part of a tract of land called *Mountenay's Neck* lying and being in Baltimore county, pending a certain action of ejectment brought by them the said Edward Flannagan and Elizabeth his wife, against you the said Michael Krips, as tenant in possession of said land, or some part thereof, in the General Court of the Western Shore: We therefore command, and strictly injoin you the said Michael Krips, your agents, hirelings and servants, and every of them to stay, surcease and forbear digging, carrying away and removing the dirt, earth and soil of the said land and premises; or doing or committing any manner of waste, spoil, and destruction thereon, pending the said suit, or until the further order of the High Court of Chancery. Hereof fail not, as you will answer the contrary at your peril.

Witness the Honourable John Rogers, Esquire, Chancellor, this 28th day of April, Anno Domini, 1783.

WM. HYDE, Reg. Cur. Cam.

See *Old Book of Forms*, page 13.