

8th August, 1829.—BLAND, *Chancellor*.—It appears, and is now admitted, that the body politic, called '*The Chesapeake and Ohio Canal Company*,' has not been made a party to this suit; and therefore, it will be proper, at once, to declare, that on that ground alone, this injunction must be dissolved, and the attachment quashed. But as the solicitors of the parties have come prepared to discuss this motion upon its merits, it may be better for all concerned, that the argument should proceed as if there were no errors in the pleadings; or as if the facts, now disclosed, were presented in such a form as the parties were willing to abide by; only so far noticing the present defects in the pleadings as to enable the court to say to what extent they require amendment. Because if the plaintiff stops here with a mere order that the injunction be dissolved; and immediately asks for an amendment of his bill, the Chancellor will expect a full and frank disclosure of all the facts of the case, as now developed by these erroneous proceedings, and will use his discretion in granting or withholding a new injunction accordingly.

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The solicitors of the parties entirely approved of these suggestions, and the argument of the case proceeded accordingly.

22d September, 1829.—BLAND, *Chancellor*.—The motion for the dissolution of the injunction heretofore granted, standing ready for hearing, and the solicitors of the parties having been fully heard, the proceedings were read and considered.

A writ of injunction is one of the strong arms of the Court of Chancery, which is seldom put forth, in any case of magnitude, without being most sensibly felt. This great conservative power, in some form or other, seems to be an essential part of our code. If there were no means of instantly arresting any one, who should be seen moving with a most wicked speed to the perpetration of an irreparable depredation upon the property of another, our laws would be materially defective. And yet, on the other hand, if, upon any light pretext, the movements of a citizen might be suddenly checked, or any large and costly concern might be at once brought to a stand, and its operations restrained, for any length of time, positive ruin might be produced by the very means intended for preservation and protection. Therefore, on a bill for an injunction, or a *ne exeat*, though the court will act with a promptness almost amounting to surprise, care must be taken, that the application be made as promptly as possible. If the object