

be to stop the erection, or further operation of a large and costly work, it should appear, that the application has been made as soon as the party became apprised of his rights, and the extent of the injury with which they were threatened; or, at least, it must not appear, from the bill itself, that there had been any express or tacit admission or acquiescence not properly accounted for. (*d*) A court of equity frequently refuses an injunction where it acknowledges a right, when the conduct of the party complaining has led to the state of things, that occasions the application; (*e*) or, in other words, it grants or refuses an injunction, in many cases, not upon the ground of the right possessed by the parties; but upon the ground of their conduct, and dealing before they applied to the court for an injunction to preserve and protect that right. (*f*)

If the equity of the bill be of a very dubious character; or if it appears, from the magnitude, nature, and exigency of the case, that the defendant should have an early opportunity of relieving himself from the restriction, he is always, as in this instance, apprised of it, by an order, sent with the writ, allowing a motion to dissolve to be heard with or without answer; or on some short notice after filing the answer. (*g*) The only mode, now in use, of obtaining an injunction is by a bill; which should state a case of a plain right, which is in probable danger of being irreparably injured, or altogether defeated unless the injunction be granted as prayed; or in some other more suitable form. The truth of the facts set forth in the bill should be verified by the affidavit of the plaintiff; or, as in this instance, by his agent, if he be not a resident of the state; or the Chancellor must, in some other manner, be induced to trust the bill for the truth of its statements; (*h*) or an injunction may be granted, on the equity admitted by the answer after it comes in, although the bill has not been sworn to. (*i*)

An injunction bill, and indeed every other bill, whatever may be its nature, or object, assumes two propositions; first, that the subject of it is of an equitable character, such as falls within the

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(*d*) *Jackson v. Petrie*, 10 Ves. 165; *Birmingham Canal Comp. v. Lloyd*, 18 Ves. 515; *Crowder v. Tinkler*, 19 Ves. 622; *The Mayor of Colchester v. Lowten*, 1 Ves. & B. 246; *Agar v. The Regents Canal Comp. Coop.* 78; *Mayor of King's Lynn v. Pemberton*, 1 Swan. 250.—(*e*) *Rundell v. Murray*, 4 Cond. Chan. Rep. 148.—(*f*) *Wright v. Nutt*, 1 H. Blac. 154; *Blakemore v. The Glamorganshire Canal Navigation*, 6 Cond. Chan. Rep. 551.—(*g*) *Jones v. Magill*, 1 Bland, 182.—(*h*) *Anonymous*, 1 Vern. 120; *Schermehorn v. L'Espenasse*, 2 Dall. 364; *The State of Georgia v. Brailsford*, 2 Dall. 405.—(*i*) *Wilson v. Wilson*, 1 Desau. 224.