

three distinct periods. The first is that belonging to the bill filed on the 6th of August, 1822; the second is that of the bill of the 4th of January, 1823; and the last is that which has been accumulated under the bill introduced to the court on the 10th of June, 1824. On each an injunction has been awarded; and all have been combined, or in a manner consolidated by each of the latter bills, invoking the prior bills and proceedings into itself. The object of them all is to establish and protect the interest, which *Ridout* and *Jubere* claim, as trustees, for the use of *John Gibson's* children, in the stock of *The Cape Sable Company*. The present motion is to obtain a dissolution of the injunction which has been granted on the last of these bills.

Upon a careful consideration of all the facts and circumstances which gave rise to the equity upon which this injunction was granted, it appears, that the answers of the defendants, who make the motion, have not so denied them as to displace any material part of that foundation of fact upon which this injunction rests. (*h*) But it is a general rule, that where there are two or more defendants, a motion to dissolve cannot be heard until the answers of all of them come in. (*i*) The *Barbers*, *Slye*, and *Love*, have neither of them yet answered; and it is highly probable, that they may disclose facts of the greatest importance upon a motion of this kind.

It is therefore *Ordered*, that the injunction heretofore issued in this case, be continued until the final hearing or further order.

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After which the defendants *Thomas Barber*, *George Slye*, *Samuel C. Love*, and *Luke Barber*, put in their answers, in which they state, that their several judgments had been assigned, for a valuable consideration, before they were satisfied, to the defendant *Carroll*; and they denied all fraud, &c. It was agreed, that the answer filed by *Richard Caton* on the 23d of June, 1824, to the bill filed on the 10th of June, 1824, should be received as his answer to the bill filed on the 4th of January, 1823. And also, that the answer of *The Cape Sable Company*, filed on the 24th of June, 1824, to the bill filed on the 10th of June, 1824, should be received as their answer to the bill filed on the 4th of January, 1823. To all these answers the plaintiffs put in a general replication, and commissions were issued and testimony taken. The Chancellor,

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(*h*) *Salmon v. Clagett*, ante 162.—(*i*) *Eden. Inj.* 66; *Jones v. Magill*, 1 *Bland*, 177.