But in Amelung v. Seekamp, 9 G. & J. 468, this doctrine was overruled. The Court of Appeals observed that the cases relied on in Duvall v. Waters were cases *where *fraud* in regard to title is the ground of contro- **120** versy and the Court takes the whole controversy under its control, and prevents any litigation except that which itself directs, or they are cases in which the complainant's title was purely equitable, or they are cases in which it may be supposed, consistently with the facts stated, that the Chancellor regarded the mischief resulting from the trespass threatened as irremediable. And it is now settled, that where there is no privity of title or contract, that is, as between strangers or parties claiming adversely, there is no distinction between waste and trespass; and that in general an injunction to stay the one or the other or a repetition of trespasses will not be granted, even pending proceedings to try the right, unless in cases of irreparable mischief, or where full and adequate relief cannot be obtained at law, or where the trespass goes to the destruction of the property or thing as it has been held and enjoyed, or to prevent multiplicity of suits, as where the right is controverted by numerous persons, each standing on his own pretensions. It is also held, that the facts shewing such irreparable mischief must be set out in order to inform the conscience of the Court, and that an allegation of irreparable injury (though this averment is not necessary, if the Court can see that the damage will be irreparable, Davis v. Read, 14 Md. 152,) must shew in what it consists, as in cutting timber, that the trees have a peculiar value as fruit or ornamental trees, or that the enjoyment of the estate would be so affected by their destruction as to make the injury irreparable; see Lucas v. McBlair, 12 G. & J. 1; Hamilton v. Ely, 4 Gill, 34; White v. Flannigain, 1 Md. 539; C. & O. Canal Co. v. Young, 8 Md. 480; Green v. Keen, 4 Md. 98; Shipley v. Ritter, 7 Md. 408; Roman v. Strauss, 10 Md. 89; Pfeltz v. Pfeltz, 14 Md. 376; Reddall v. Bryan, 14 Md. 444; Dunn v. Brown, 23 Md. 11; Frederick v. Groshon, 30 Md. 436; Georges Creek C. & I. Co. v. Detmold *supra;* Herr v. Bierbower, 3 Md. Ch. Dec. 456; Carlisle v. Stevenson, 3 Md. Ch. Dec. 499; Cockey v. Carroll, 4 Md. Ch. Dec. 344.[3]

For the modern English doctrine on this subject see Lowndes v. Bettle, 33 L. J. Chan. 451, where the decisions are classified. It is there laid down, that the tendency of the authorities is to break down the old distinction that existed between waste and trespass. That where a defendant is in possession of an estate, and a plaintiff claiming possession of it seeks to restrain him from cutting down trees and digging sods, and other such like acts, the Court will not interfere, unless the acts complained of amount to such flagrant instances of spoilation as to justify the Court

[3] The general rule is that, although a court of equity will not restrain a trespasser by injunction merely because he is a trespasser, yet it will so interfere where the injury is irreparable, or where adequate and compensatory damages cannot be obtained in an action at law, or where the trespass goes to the destruction of the property in the character in which it has been held and enjoyed, or where necessary to prevent a multiplicity of suits. Gilbert v. Arnold, 30 Md. 29; Baltimore Belt R. R. Co. v. Lee, 75 Md. 604.