sumed that the law here on the subject is in general the same as in England.[15] Thus, no doubt, cutting timber or ornamental trees or turning tim-

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[15] Where meadow land was leased for the purpose of constructing a reservoir and the lessee used it as a dumping ground for rubbish, it was held, applying the test laid down in Lord Darcy v. Askquith, Hob. 234, that there had been such an alteration in the thing demised—irrespective of whether the added material was offensive or inoffensive—as to constitute waste. West Charity Bd. v. Waterworks Co., (1900) 1 Ch. 624. Cf. Susquehanna Co. v. St. Clair, 113 Md. 667.

But the lessee of land who erects a building thereon does not commit waste unless the building is an injury to the inheritance. Jones v. Chappell, L. R. 20 Eq. 539. Cf. Doherty v. Allman, L. R. 3 App. Cas. 709.

Nor does the conversion of arable or pasture land into a market garden constitute waste, as this is not prejudicial to the inheritance, but rather improves the value of the land. Meux v. Cobley, (1892) 2 Ch. 253. So an injury to, or the destruction of the leased premises, resulting from the use of them by the tenant in a reasonable and proper manner, having regard to the class to which they belong, is not waste. Saner v. Bilton, 7 Ch. D. 815; Manchester Warehouse Co. v. Carr, 5 C. P. D. 507. Cf. Machen v. Hooper, 73 Md. 342.

With regard to waste by cutting timber, the case of Honywood v. Honywood, L. R. 18 Eq. 306, contains a full and clear discussion by Jessel, M. R., of what is and what is not timber in England, what a life tenant may and may not cut, and the respective rights of life tenant and remainderman in what is cut. See also Lowndes v. Norton, 6 Ch. D. 139; Dashwood v. Magniac, (1891) 3 Ch. 306. See also Zimmerman v. Shreeve and Stonebraker v. Zollickoffer, *infra*.

Waste in Maryland.—The common law tests of waste are applied with less strictness in Maryland and probably in this country generally. In Crowe v. Wilson, 65 Md. 479, the court observes that the doctrines of the common law require considerable modification when they are applied to social, domestic and political conditions different from those which prevail in the country of their origin. "The law of waste, as understood in England, would have made it impossible for tenants to cultivate the wild lands of this country. It is also inapplicable to the renewal of leases in the City of Baltimore." The case decides that a court of equity will restrain a tenant under a lease for perpetual renewal from tearing down and removing a dwelling house on the demised premises but only if such removal would greatly impair and endanger the security for the reserved rent.

So a mortgagee, though not entitled to possession, may have an action on the case against the mortgagor, or other person, for waste, destruction, or improper appropriation of the mortgaged property, but he must show that the mortgage security has in fact been impaired and is, in consequence of the injury, insufficient to secure the mortgagee against loss. Chelton v. Green, 65 Md. 272. Cf. Dudley v. Hurst, 67 Md. 44.

Opening mines, however, is a species of waste which tends to the permanent loss of the person entitled to the inheritance, and a tenant for life cannot open a new mine. Barton Coal Co. v. Cox, 39 Md. 1. Cf. Scully