

application of the writ of injunction to stay waste, appears to have been made by the Courts of Chancery of Virginia and South Carolina. *Harris v. Thomas*, 1 *Hen. & Mun.* 18; *Shubrick v. Guerard*, 2 *Desau.* 616. As I have before observed, there is sufficient evidence of the writ of *estrepement* having been at one time often resorted to in this State; although it has now fallen into total disuse. But even that writ must have been a very tardy and inadequate remedy compared with an injunction; which is the only judicial proceeding, that seems to be, in all respects, capable, by its promptness and vigor, of preventing irreparable mischief from being done to real estate pending the litigation, by a provoked and desperate defendant.

When this mode of interposing by injunction to stay waste, pending an action at law or a bill in Chancery, was first allowed by this Court, I have not been able distinctly to ascertain; but it is evident, that it had been considered as a settled course of proceeding under the Provincial Government; for upon an information in Chancery, filed on the 13th of April, 1775, by the Attorney-General, at the relation of Josias Bowen, against Nicholas Norwood, to vacate a patent grant for a tract of land, it was alleged, that the defendant in possession was committing great waste; to stay which an injunction was asked and immediately granted until the final hearing. (g) I have seen a case of this kind, in which, in

---

(g) THE ATTORNEY-GENERAL v. NORWOOD.—This was an information filed in the High Court of Chancery, on the 13th of April, 1775, at the relation of Josias Bowen to vacate a patent which had been obtained by the father of the defendants, for a tract of land, which the relator had previously caused to be surveyed; but was prevented from obtaining a patent for it, by the father of the defendants having fraudulently contrived previously to get a patent for the same land.

The information states, that in confidence of his being clearly entitled to a patent, the relator had brought his action of ejectment against the father of the defendants; pending which action his certificate was caveated, and the caveat ruled good, by reason of Norwood's producing an elder patent; which patent it is averred he had fraudulently obtained; that afterwards the relator's action of ejectment was *non pross'd* with costs; which judgment he superseded; that Norwood, after that, conveyed the land to his son, this defendant Nicholas Norwood; and, by his will, appointed his other son, the defendant Edward Norwood, his executor, and died; that Nicholas Norwood had taken possession of the land, and was committing great waste; and that Edward Norwood had, by *scire facias*, revived the judgment for costs in the action of ejectment, and threatened to sue out execution against the relator.

Upon which the information prayed, that the patent obtained by Norwood might be vacated, and possession of the land delivered; that Nicholas Norwood might, by an injunction, be restrained from committing waste, &c.; and that Edward Norwood might be prohibited from proceeding at law.

The relator made affidavit to the truth of the facts set forth in the information; and also gave bond to prosecute as in common cases to stay proceed-