

not authorize the defendant to erect a saw mill, in the particular location selected for it, nor to make a rail or tram road, and to cut wood and timber for the purpose upon the lands of the plaintiff, to connect with the road of the Maryland Mining Company. These grounds were, the danger to which the furnace and its dependant improvements would be exposed from fire, by the erection and working of the saw mill in their immediate vicinity ; and the destruction of wood and timber to such an extent, as to leave the lands without an adequate supply for its purposes, as an appendage to the furnace.

It seemed to me very clear, that in whatever light the defendant might be viewed, whether as a mere stranger and trespasser, or whether there was privity of title between him and the complainant, the acts complained of were of that irreparably ruinous and destructive character, as to call for the preventive interposition of this court. There was a period, to be sure, when the courts were extremely reluctant, if not absolutely unwilling to interfere at all, as against a mere trespasser, however grievous the injury might be, upon the ground, as observed by Lord Thurlow, that the defendant being a mere stranger, might be turned out of the possession immediately.

But, there seems now to be no hesitation, whatever, to interfere, by injunction, even as against trespassers, if the acts done or threatened to the property would be ruinous and irremediable. 2 *Story's Equity*, secs. 928, 929 ; *Eden on Injunctions*, 193.

Chancellor Kent says, in *Jerome vs. Ross*, 7 *Johns. Ch. Rep.*, 333, that the common law remedy by action and the assessment of damages by a jury, is, in ordinary cases of trespass, found to be amply sufficient for the protection of property ; and, that it was not advisable to introduce the chancery remedy, by injunction, and to call forth the power of the court, by attachment, fine and imprisonment, except in strong and aggravated instance of trespass, which go to the destruction of the inheritance, or where the mischief is remediless. He further observed, in the same case, that it is not sufficient, that the act be simply *per se* a trespass ; but, it must be a case of mischief, and of ir-