

there can now, since the cases of *Amelung vs. Seecamp*, 9 G. & J., 468, and *Hamilton vs. Ely*, 4 Gill, 84, were decided, be no controversy about the principle itself. It being now conclusively settled "that an injunction will not be granted to restrain a mere trespass, where the injury is not irreparable and destructive to the plaintiff's estate, but is susceptible of perfect pecuniary compensation in the ordinary course of law." "It must," say the Court, in the first of the above-named cases, adopting the language of Chancellor Kent in *Jerome et al. vs. Ross*, 7 Johns. Ch. Rep., 315, "be a strong case of trespass, going to the destruction of the inheritance, or the mischief is remediless, to entitle the party to interference by injunction." Or, as the principle is stated by Judge Story, "that Courts of Equity interfere in cases of trespass, that is to say, to prevent irreparable mischief, or to suppress multiplicity of suits, and oppressive litigation;" 2 Story's Eq., Sec. 928.

But if the trespass does go to the destruction of the inheritance, or the mischief be not susceptible of perfect pecuniary compensation, and for which the party cannot obtain adequate satisfaction in the ordinary course of law, or if, in the language of the section just quoted from the commentaries of Judge Story, "the acts done, or threatened to the property, would be ruinous, or irreparable, or impair the just enjoyment of the property in future," the Courts of Equity will, without hesitation, interfere, as otherwise there would be, as is said by the author, "a great failure of justice in the country."

The facts stated in the bill, in the case now before this Court, in my opinion, bring it within the principle thus settled. After setting forth their title, and describing specifically the location and dimensions of their lot, and the location and lines of the lot claimed by the defendant, the bill proceeds to say that the defendant, disregarding the courses and distances of the lines of these lots, had entered upon, and disseized the plaintiffs of three feet of the front of their lot, more or less, and had commenced digging a foundation, and building a dwelling or other house, on a part of the plaintiffs' lot, and had encroached on