

another part by placing upon it a fence of wood, &c., "and that the value and use of their lot, as a building lot, was permanently injured by the deprivation of three front feet as aforesaid, there no longer being space there to erect two dwellings of twelve and a half feet front, such as are erected and rent readily in that neighborhood."

Now, it appears to me very clear, that upon this statement of facts the plaintiffs were entitled to the interference of this Court by injunction, to prevent the threatened mischief. The acts complained of went to the destruction of the plaintiffs' estate. Taking possession of a portion of their lot, and digging upon it a foundation for a building, and erecting a building upon that foundation, thereby reducing the front of their lot so as to prevent their building upon it themselves, in the mode which would be most advantageous, surely goes to the destruction, *pro tanto*, of the estate, and "injures the just enjoyment of the property in future." It is not a mere trespass for which pecuniary compensation may be obtained in the ordinary course of law; but the plaintiffs' estate would be destroyed to a certain extent, by rendering it unfit for the erection of two houses, in which way, they swear, it would be the most profitable to improve it. And it is no answer to say, that if the plaintiffs recover the land in dispute in an action of ejectment they would get the wall which the defendant put upon it, because that wall, if suffered to remain, would still prevent their erecting two houses upon their lot. The wall would have to be removed, and the foundation filled up, before they could have the just use and enjoyment of their property.

But though the bill, in my opinion, does state facts which entitle the complainants to the aid of this Court by injunction, the case wears a very different aspect when considered in connection with the answer. The answer first denies the disseizin as charged, and it likewise expressly denies "that the defendant has commenced digging a foundation, or building a dwelling or other house on any part of any lot belonging to the complainants or either of them," &c. And then, after stating that the defendant, and those under whom he claims, have been