

and erecting a house is concerned (if the answer is to be credited), no encroachment upon the plaintiff's possession, and no injury which has not existed and been acquiesced in for a period which, under ordinary circumstances, would ripen into perfection a title originally defective.

The plaintiffs' counsel, it is true, makes an agreement to show that the deeds which the defendant relies upon do not clothe him with the title, but that is a question properly determinable by another tribunal. This Court cannot interpose its extraordinary power, unless it be to prevent an admitted or proved injury, which cannot be redressed in the ordinary course of law. If it be true that the defendant, and those under whom he claims, have held this piece of property for the period stated in the answer, and he is only about to pull down and re-erect, upon the old foundation, a house which has stood there so many years, surely a Court of Chancery should withhold its hand, and leave the parties to litigate the matter at law. The question in that event is a purely legal one, with which this Court has nothing to do.

Upon an examination of the proof, there would seem to be no doubt that the statement of the answer with regard to the possession, and with reference to the fact that the new walls are about to be erected upon the old foundation, are substantially if not literally true, and therefore the ground upon which the title of the plaintiffs to the interposition of the Court rested, is removed.

The fact that the trespass with regard to the fence is admitted certainly *per se*, furnishes no sufficient claim to the aid of a Court of Equity by injunction. This is unquestionably no destruction of the inheritance, or irreparable injury for which the Courts of law are incompetent to compensate in damages. On the contrary, it is a mere ordinary trespass, for which a jury is the peculiar and appropriate tribunal to give redress.

Several questions have been presented and ingeniously discussed by the counsel in their written arguments, into an examination of which I do not propose to enter, having, in what