

retained for a reasonable time, that the right be established at law.

In this case, the title of the plaintiffs to any portion of the land of which a partition is prayed, is most emphatically denied by the defendant, William Wells, of George, and there is certainly nothing in the record clearly establishing it, in opposition to the answer. The case, therefore, comes directly within the precedent already set, and must be disposed of accordingly. And there is this additional and strong reason for leaving the complainants here to make out their title at law, that the defendant, Wells, relies upon lapse of time, and limitations founded upon long possession. This consideration, as observed by Chancellor Kent, renders it still more proper that the complainants should be required to establish their title at law, before they come into Chancery for a partition.

[The Chancellor then passed an order similar to that in the previous case.]

DAVID CARLISLE
vs.
HENRY STEVENSON.

} DECEMBER TERM, 1850.

[INJUNCTION TO PREVENT TRESPASS OR NUISANCE—JURISDICTION.]

THIS Court has jurisdiction to compel a defendant, by means of an injunction specially worded, to do a substantive act, whether such injunction be merely ancillary to the relief prayed by the bill or the ultimate object of the suit.

Unless the trespass goes to the destruction of the inheritance, or the mischief is irreparable, or an injunction is necessary to suppress multiplicity of suits and oppressive litigation, equity has no authority to interfere by injunction.

The mere allegation that irremediable injury will result to the complainant, unless protection is extended to him, is not sufficient; the facts must be