

oppressive litigation." And unless this appears, there is no authority in this Court to grant an injunction.

The mere allegation that irreparable injury will result to the complainant unless protection is extended to him, is not sufficient; the facts must be stated, that the Court may see that the apprehensions of irreparable mischief are well founded. It is true that the mischief complained of here is one that may be continued, but that was likewise the character of the act in *Amelung vs. Seekamp*, which was for obstructing the complainant in the enjoyment of a private right of way over the lands of the defendant to the public road, but that, say the Court of Appeals, by no means proves that the injury was not susceptible of adequate compensation in damages, by an action at law.

In the case of *Lucas vs. McBlair*, 12 G. & J., 1, relied upon by complainant's solicitor, it was manifest that infinite difficulty existed in obtaining adequate redress at law, and that without the interposition of Chancery an endless series of actions would have been necessary. The object of the bill in that case was to prevent the Commissioners of Lotteries from licensing, and the persons licensed by them, from selling lottery tickets, in opposition to what was adjudged to be an exclusive right in the complainants; and it was therefore clear, that unless the thing was forbidden, litigation interminable, oppressive, and unsatisfactory, would be the result. And the Court of Appeals expressly put their decision upon that ground.

But in this case, the act complained of is permitting a race, or ditch for conducting water, to remain out of repair, by which, it is charged, that the water filtrates through the bank, thereby flooding and injuring the meadow of the complainant. Now assuming that it is the duty of the defendant to keep the race in repair (and this is not controverted), why cannot adequate redress be had in an action at law? Because, it is said, every day the race continues out of repair a fresh injury is done, and a new right of action accrues. But was not this also the case in *Amelung vs. Seekamp*? Every day the ob-