

tion can be had in any Court, or upon any principle; for it cannot be asserted that the complainant is entitled to be in a better condition than him under whom he claims, or that he has a right to ask redress for a self-inflicted injury.

I do not deem it necessary to refer in detail to the evidence upon which my impressions upon these questions is founded, and will merely say that the conclusion to which I am strongly inclined to come, cannot well be avoided upon an examination of the testimony of William L. Owings, who, from his relation to the parties and peculiar opportunities of observation, is particularly qualified to speak upon the subject. At all events, it appears to me, looking to the whole of the evidence, that it would be a stretch of authority in this Court to undertake to decide these questions of fact, eminently proper to be passed upon by a jury. It surely would be better, before this Court exerts its power in this form, holding out what has been termed the menacing process of an injunction, to have these controverted questions settled at law, for unless this is done, the parties cannot have the benefit of that more satisfactory examination of facts which the intervention of the jury in such cases seldom fails to afford.

I am, therefore, of opinion, that the plaintiff has not shown himself entitled to the relief he seeks, and his bill must consequently be dismissed.

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J. J. SPEED and JOHN NELSON, for Complainant.

J. M. CAMPBELL, for Defendant.