

INJUNCTION.—*Continued.*

- at law, or if the acts done or threatened to the property be ruinous, or irreparable, or impair its just enjoyment in future, the Courts of Equity will, without hesitation, interfere by injunction. *Ib.*
5. Taking possession of a portion of a city lot, and digging upon it a foundation, and erecting a building upon such foundation, thereby reducing the front of the lot so as to prevent the plaintiff's building upon it himself in the most advantageous mode, goes to the destruction, *pro tanto*, of the estate, and impairs the just enjoyment of the property in future, and will be restrained by injunction. *Ib.*
 6. But the erection of a fence of wood upon a part of such lot, and the admission of such a trespass, does not, *per se*, furnish a sufficient claim to the aid of a Court of Equity, by injunction. *Ib.*
 7. 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. *Carlisle vs. Stevenson*, 499.
 8. 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. *Ib.*
 9. The mere allegation that irremediable 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. *Ib.*
 10. The fact that the injury complained of is one that may be continued, does not prove that it is not susceptible of adequate compensation in damage, by an action at law. *Ib.*
 11. The permitting a race or ditch for conducting water to remain out of repairs so that the water filtrates through the bank, thereby flooding and injuring the meadow of the complainant, is not such an injury as will authorize the interference of equity by way of injunction. *Ib.*
 12. If actions had been brought at law and damages recovered, and defendant still persisted in permitting the ditch to remain in a defective condition, equity would then interfere by injunction, because it would be shown that the Courts of Law were inadequate to afford relief. *Ib.*
 13. If the race was in as good condition as it was during the life of the person under whom both parties claim, or if the injury complained of was caused by the act of complainant himself, he could not have redress in any Court upon any principle. *Ib.*

See ATTORNEY, &c., 4.

PRACTICE IN CHANCERY, 50.

INSOLVENT DEBTOR.

1. To avoid a deed under the Insolvent Acts of 1812, ch. 77, and 1816, ch. 221, it is not enough that the grantee was insolvent at the date of its execution and that the grantee knew of such insolvency; but it is indispensable that the undue preference should be given "with a view, or under an expectation at the time, of taking the benefit of the insolvent laws." *Falconer vs. Griffith*, 151.
2. Where a bill attacks a conveyance as fraudulent under these acts, it should