reference to a presumption in favour of the validity of his title pending the suit, are said to be *waste;* but if he asks, in a court of chancery, to have the doing of such acts prevented by an injunction, they are denominated *trespasses.*(*i*) This difference in characterizing the same injurious acts, when proposed to be prohibited by an *estrepement*, as *waste;* and when proposed to be restrained by injunction as *trespass*, has been attended with some confusion. And therefore in relation to the peculiar species of injunctions, now under consideration, all such acts as would be deemed *waste*, when done by an admitted particular tenant, if done after the institution of any suit involving the title, or of a suit for partition, it may be well to denominate *eventual waste.*

The judicial records of the State, and the acts of Assembly regulating officers' fees shew, that the writ of *waste* as well as the writ of *estrepement* were at one time in common use in *Maryland.*(*j*) But here, as in *England*, these writs have fallen into disuse, and are now seldom, or never brought, having given way to the more easy and expeditious remedy by an action upon the case in nature of waste at common law; by which the plaintiff obtains satisfaction for the injury done to his inheritance by a recovery of damages alone;(*k*) and in *Maryland* to an injunction from chancery which performs the office of a writ of *estrepement.*

The whole subject of waste, in *Maryland*, seems to have passed, almost altogether, from the cognizance of the courts of common law to that of the court of chancery; and the shifting of this matter so entirely, from the one jurisdiction to the other, may be attributed to the nature of the injury requiring redress; to the different constitutions of the tribunals; and to their peculiar modes of proceeding. Waste is a wrong which cannot always be duly estimated and remunerated in damages; it is an injury which requires to be met, in its onset, or earliest approaches, by a strong and decisive preventive remedy, acting with a promptness almost amounting to surprise; and yet affording to the party restrained a speedy hearing. No adequate remedy of this kind, it is evident, can be obtained from a court of common law, open only at short intervals during the year; acting from term to term; and

(*i*) Eden. Inj. 136; Mitchell *v.* Dors, 6 Ves. 147; Crockford *v.* Alexander, 15 Ves. 138; Mogg *v.* Mogg, Dick. 670.—(*j*) 2 Harr. Ent. 149, 800; Adams *v.* Brereton, 3 H. & J. 124; 1763, ch. 18, s. 89 & 94; 1779, ch. 25, s. 2.—(*k*) 3 Blac. Com. 227; Greene *v.* Cole, 2 Saund. 252, note 7; White *v.* Wagner, 4 H. & J. 373; McLaughlin *v.* Long, 5 H. & J. 113.