

limited to a given set of technical forms of proceeding. Hence it is, that the remedy has been so constantly, in modern times, sought in the court of chancery, which is always open, constantly accessible, and is capable of moving with an energy and despatch called for by the emergency, and suited to the peculiar nature of the case.

In general an injunction may be obtained, in this State as in *England*, to stay waste in all cases where an action of waste would lie at common law, whether there be any privity of title or not; *(l)* and in a variety of others in which no such action could be brought, even where there was a subsisting privity of title or contract between the parties. A mere threat to commit waste is a sufficient foundation for an injunction before any waste has been actually done. *(m)* And an injunction may be granted where no account of damages could be claimed; or where the waste done is so insignificant that there could be no recovery of damages at law. *(n)* It may be granted in favour of a child *en ventre sa mere*; *(o)* in favour of trustees to preserve a contingent remainder, before the contingent remainderman has come *in esse*; *(p)* in favour of any one entitled to a contingent or executory estate of inheritance; *(q)* and in favour of a remainderman or reversioner, where there is an intervening estate for life. *(r)* An injunction may be obtained, in respect of equitable waste, against a tenant in tail after possibility of issue extinct; *(s)* against a tenant for life without impeachment of waste; *(t)* and against a mortgagor or mortgagee in possession. *(u)* An injunction may be granted as between tenants in common, joint tenants, and coparceners, against malicious destruction, or when the tenant committing the waste is insolvent, or is occupying tenant to the plaintiff. *(v)* And so too, where some of the heirs had filed their bill in this court against the rest to obtain a partition according to the act to direct descents, and one of the heirs, who was in possession, was committing waste; upon a

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*(l)* The Mayor & Com. Norwich v. Johnson, 3 Mod. 90; S. C. 2 Show. 457. *(m)* Gibson v. Smith, 2 Atk. 183; Hannay v. McEntire, 11 Ves. 54; Coffin v. Coffin, Jacob. 70.—*(n)* The Universities of Ox. & Cam. v. Richardson, 6 Ves. 706; The Keepers, &c. of Harrow School v. Alderton, 2 Bos. & Pul. 86.—*(o)* Robinson v. Litton, 3 Atk. 211.—*(p)* Garth v. Cotton, 3 Atk. 754.—*(q)* Bewick v. Whitfield, 3 P. Will. 268, note; Hayward v. Stillingfleet, 1 Atk. 422.—*(r)* Bewick v. Whitfield, 3 P. Will. 268, note; Farrant v. Lovel, 3 Atk. 723.—*(s)* Abraham v. Bubb, 2 Freem. 53.—*(t)* Lord Bernard's Case, Prec. Chan. 454.—*(u)* Farrant v. Lovel, 3 Atk. 723; Humphreys v. Harrison, 1 Jac. & Walk. 561.—*(v)* Smallman v. Onions, 3 Bro. C. C. 621; Hole v. Thomas, 7 Ves. 589; Twort v. Twort, 16 Ves. 123.