

cannot be done by any action for damages, because, if the work is pirated, it is impossible to lay before a jury the whole evidence as to all the publications, which go out to the world, to the plaintiff's prejudice; and therefore, with a view to make the legal right effectual, the publication will be altogether prohibited. Where a fair doubt appears, as to the plaintiff's legal right, the court always directs it to be tried; making some provision in the interim, the best that can be, for the benefit of both parties.(e) And on a proper case being presented the court will grant an injunction, and appoint a receiver to preserve personal property while a suit is depending in the ecclesiastical court, although an administration *pendente lite* might be there obtained.(f) In general, where personal property, or the rents and profits of real estate in dispute, are in imminent danger of being wasted or lost, a receiver may be appointed to take care of it, for the benefit of all concerned, pending the controversy.(g) To accelerate the progress of the suit, as well as for the greater security of the fund, for the benefit of those who may ultimately appear to be entitled to it, money may be ordered to be brought into court where the defendant admits, that he has it in his hands, and that he has no title to it.(h) And there are many instances where the court interposes by injunction to secure the enjoyment of specific chattels; either because of their peculiar character; or because, from the nature of the property, it would be difficult or impossible for the plaintiff to have the full benefit of it, unless he could specifically enjoy it.(i)

Looking to the general reasoning and principles of those various cases in which the *English* Court of Chancery interposes for the preservation of property, the right to which is in litigation, it does indeed seem strange, that it has so pertinaciously refused an injunction to prevent irreparable mischief, and to put a stop to the further commission of waste upon real estate during the continuance of an action at law to try the right. It is admitted, that there is no good reason why the court should not interfere in such cases. Should it turn out, that the defendant had an unquestionable title, then the granting of such an injunction could only operate temporarily and partially to the prejudice of the free exer-

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(e) *Hogg v. Kirby*, 8 Ves. 215; *Wilkins v. Aikin*, 17 Ves. 422; *Rundell v. Murray*, Jac. Rep. 311; Act of Congress, 15th February 1819, ch. 19.—(f) *Atkinson v. Henshaw*, 2 Ves. & Bea. 85.—(g) *Powell Mort.* 294, note.—(h) *Gordon v. Rothley*, 3 Ves. 572; *Freeman v. Fairlie*, 3 Meriv. 29.—(i) *Fells v. Read*, 3 Ves. 71; *Lady Arundell v. Phipps*, 10 Ves. 148.