cise of his right of property. But on the other hand, if it should be eventually shewn, that the plaintiff had the title, then, as the injunction turns no one out of possession, nor displaces any thing, it must necessarily leave to the defendant the advantage of fighting the plaintiff with his own property. Upon which, had not the injunction been granted, the most irretrievable destruction might have been perpetrated; acts of waste might have been committed which would deprive the plaintiff of the very substance of his inheritance; mischief might have been done which it would require years to repair; and things might have been torn away or destroyed which it would be difficult or impossible to restore in kind; such as the buildings, fixtures, trees, or other peculiarities about the estate, which a multitude of associated recollections had rendered precious to their owner; but, as a compensation for the loss of which a jury would not give one cent beyond their mere value. A man has a right to secure to himself a property even in his amusements; and, it is not fit in any such cases to cast it to the estimation of people, who may have not the least sympathy with the feelings of the owner, to set a value upon his privileges or his property.(*j*)

The High Court of Chancery of *Maryland* has from the beginning, or certainly for a great length of time past, in this respect, acted more in harmony with its general principles, than the Court of Chancery of *England*, by interposing to prevent waste and destruction in all cases, during the continuance of a suit in which the title to the property has been, or may be brought in question; as well where the subject of litigation was real estate, as where it was mere perishable personalty, or money, or choses in action in the hands of the defendant. A similar and equally extensive application of the writ of injunction to stay waste, appears to have been made by the courts of chancery of *Virginia* and *South Carolina*.(*k*) As I have before observed, there is sufficient evidence of the writ of *estrepement* having been at one time often resorted to in this State; although it has now fallen into total disuse. But even that writ must have been a very tardy and inadequate remedy

(*j*) Fells *v.* Read, 3 Ves. 70; Smith *v.* Collyer, 8 Ves. 89; Berkely *v.* Brymer, 9 Ves. 356; Lady Arundell *v.* Phipps, 10 Ves. 148; Courthope *v.* Mapplesden, 10 Ves. 291; Lowther *v.* Lord Lowther, 13 Ves. 95; Crockford *v.* Alexander, 15 Ves. 138; Earl Cowper *v.* Baker, 17 Ves. 128; Astley *v.* Welden, 2 Bos. & Pul. 351; Kimpton *v.* Eve, 2 Ves. & Bea. 349.—(*k*) Harris *v.* Thomas, 1 Hen. & Mun. 18; Shubrick *v.* Guerard, 2 Desau. 616.