and undecided, and upon which different opinions may be entertained, and in such cases he grants the appeal in order to bring the matter before the Court and enable it to decide for itself whether the case is or is not within their appellate jurisdiction as regulated by the Act of Congress. The allocatur of a single Judge certainly cannot enlarge the appellate powers of this Court beyond the limits prescribed by law, and that law does not authorize an appeal from an order directing execution to issue to enforce a judgment.

This appeal must therefore be dismissed.

WRIGHT ET ALS. *vs.* SILL.

A question repeatedly argued and decided must be considered as no longer open for discussion, whatever differences of opinion may once have existed on the subject in this Court.

Appeal from the Circuit Court of the United States for the Northern District of Ohio.

This case was submitted to the Court upon the record, without any argument, written or oral.

Mr. Justice SWAYNE. This is a suit in equity, brought here by appeal from the Circuit Court of the United States for the Northern District of Ohio.

The questions presented are, whether the 60th section of the Act of the Legislature of Ohio, entitled "An Act to incorporate the State Bank of Ohio and other Banking Companies," passed February 24th, 1845, constitutes a contract upon the subject of taxation, which is binding upon the State; and, if so, whether that contract is impaired by the subsequent Act of the Legislature, passed April 5th, 1859, entitled "An Act for the assessment and taxation of all the property in this State, and for levying taxes thereon according to its true value in money."

These questions came before this Court the first time in the *Piqua Branch of the State Bank of Ohio* vs. *Knoop*, (16 How.,

369), and were resolved in the affirmative. They have since been repeatedly before the Court, and have, uniformly, been decided in the same way. *Dodge* vs. *Woolsey*, (18 How., 331); *Mechanics' and Traders' Bank* vs. *Debolt*, (18 How., 380); *Jefferson Branch Bank* vs. *Skelley*, (1 Black, 436); *Franklin Branch Bank* vs. *The State of Ohio*, (1 Black, 474).

Whatever differences of opinion may have existed in this Court originally in regard to these questions, or might now exist if they were open for reconsideration, it is sufficient to say that they are concluedd by these adjudications. The argument upon both sides was exhausted in the earlier cases. It could subserve no useful purpose again to examine the subject.

The decree of the Court below is affirmed, with costs.

PARKER *vs.* WINNIPISEOGEE LAKE COTTON AND WOOLLEN COMPANY.

1. Where a party brings a bill in equity complaining of an injury for which he has a plain, complete and adequate remedy at law, the bill must be dismissed.
2. In the Courts of the United States, such an objection goes to the jurisdiction of the forum, and may, therefore, be enforced by the Judges *sua sponte*, though not raised by the pleadings or suggested by the counsel.
3. A decree affirmed dismissing a bill for a private nuisance in which the nature of the injury was not set out in such a manner as to show that the plaintiff was without a legal remedy.
4. Courts of Equity have concurrent jurisdiction with Courts of Law in cases of private nuisance, but to this jurisdiction of the former Courts there are some limitations; for many cases will sustain an action at law, which will not justify relief in equity.
5. In what cases a Court of Equity will enjoin a nuisance and in what cases not