

sold under an execution, founded on a judgment against the legal holder of the estate. In those cases, as insisted on by the de-

That upon the other judgment obtained in October, 1802, by the State for the use of the defendant Brogden, considerable payments had been made, which had not been credited. And that executions had been issued upon those judgments, and laid upon the lands so purchased by the plaintiff. Whereupon this bill prayed for an injunction to stay further proceedings on the said executions so far as related to the said lands, and for general relief, &c.

KILTY, C., 22d October, 1817.—The bill is not sworn to, and there is no bond. These defects might be supplied; but, on perusing the bill, I am not satisfied, that an injunction ought to be issued. It does not appear that the complainant has any interest in the lands against that of creditors; or that it is competent for him to enquire into the sum due. If, on the bill being sworn to and bond executed, the counsel should file any observations in writing they will be considered.

Immediately after which the bill was sworn to; and the plaintiff's solicitor, in his remarks filed as suggested, referred to and relied upon the case of *Hampsen v. Edelin*, 2 H. & J. 64, in which no bond was required; and he observed, that this was not an application by a defendant at law to stay proceedings on a judgment against him; but to prevent a sale of particular land, because it did not belong to the defendant at law. Upon which the bill was again submitted.

KILTY, C., 29th October, 1817.—Since the order of the 22d instant, remarks in writing have been made by the counsel for the complainant, and the case of *Hampsen v. Edelin* in this Court has been referred to. No bond appears to have been required in that case. Whereupon it is Ordered, that subpoena and injunction issue as prayed.

It is to be observed, however, that one of the judgments exhibited was obtained in 1802, before the last purchase of the land; but supposing the complainant to have an equitable interest therein, the other circumstances, stated in the bill, may be sufficient grounds for the injunction, which can be further considered at the hearing of a motion for dissolution.

CROSS v. MULLIKIN.—This bill was filed on the 2d of April, 1824, by Thomas Cross against Benjamin H. Mullikin, William Gwynn of John, William Wilkins, Joseph Wilkins, and George Howard. The bill, after setting forth the facts and circumstances as stated in the following opinion of the Chancellor, prayed for special and general relief; and for an injunction to stay all further proceedings on the said judgment and execution, and also commanding the said Mullikin and Gwynn not to receive the amount of the said judgment until the further order of the Court.

To this bill was subjoined an affidavit, made by the plaintiff before a Justice of the Peace, of the truth of the facts therein set forth in the usual form. Upon which the bill was submitted to the Chancellor.

JOHNSON, C., 2d April, 1824.—Benjamin H. Mullikin having endorsed the notes of George Howard, as well as notes of Howard and Beatty, his deceased partner, to a considerable amount, to indemnify him, on the 25th of September, 1817, Howard gave Mullikin a mortgage on a tract of land