

in the administration of justice which could only be lamented if the counsel for the defendant in this case is right, but which would be remediless.

The argument is, that this court cannot review the decrees of of the Court of Appeals. It can only execute them when directed to do so. But suppose, after the decree of the Court of Appeals in this case was passed, the mortgagor had paid the balance of the debt in money, and notwithstanding such payment, the mortgagee insisted upon the execution of the decree, will it be said that under such circumstances this court could not interfere by injunction to prevent the wrong? But can it make any difference either in the power of this court, or in the equity of the case, whether the debt is extinguished by a payment in money, or in that which is equivalent to money, as settled by the Superior Court itself? In neither case does this court assume to review the decree of the Court of Appeals, but upon a new state of facts it prevents it from being used as an instrument of injustice. To review would, of course, involve the power to reverse either upon the record as it stood in the Superior Court, or upon facts arising subsequently. This the court unequivocally disclaims, but it is thought that when it is made to appear satisfactorily that the decree of the Court of Appeals has been *satisfied*, either by a payment in money, or money's equivalent, and when, notwithstanding such satisfaction, the party who obtained the decree is proceeding to enforce it by execution, this court may, and it is its duty, to prevent so manifest a wrong.

The cases cited by defendant's counsel of *West vs. Skip*, 1 *Ves. Sen.*, 245, and *Johnson vs. Northeby*, 2 *Vernon*, 407, lay down the rule applicable to bills brought to carry former decrees into execution, and they show that as a general rule upon such bills, the court can only do that, and not vary, though sometimes this has been done to attain the justice of the case, though, as stated in *Vernon*, this must be done upon the proofs in the former cause, and not upon any new proofs.

But the present is not a bill to carry a former decree into effect, but a bill to arrest the execution of a former decree, not