

rections as to renewal of existing leases until it should be sold. That the mill, mill-house, and appurtenances were then under lease at *six hundred dollars per annum*, subject to the cost of necessary repairs, to expire on the first day of August then next, and which the then tenant was desirous to continue for another year. That the ferry and ferryman's house, and blacksmith's shop were under lease to the then tenant for one year from the fourth of May then last, at *one hundred and-thirty dollars*; that the farm, being the residue and bulk of the estate, and embracing all the arable land, was under lease to *Daniel Hughes*, for one year, from the first of April then last, at a rent of *eight hundred dollars*, subject to necessary repairs. In addition, the trustee suggested the necessity of some authority to make such repairs of enclosures as had been injured or swept away by inundations of the Monocacy river; and the necessity of renewing the lease of the farm some months before the termination of the lease; and for further directions and orders in the premises.

29th July, 1828.—BLAND, *Chancellor*.—There seems to be no doubt, where the property in litigation, or its profits are in danger of being materially injured or lost, that this court has the power to interpose for the purpose of preventing its waste or destruction. It is upon this ground, that it grants an injunction to stay waste pending the prosecution of an action of ejectment, or any other suit to try the right. (*d*) And in other cases grants an injunction or appoints a receiver to save the property in controversy from injury or loss. (*e*) Upon the same principles, where a real estate had been decreed to be sold, and the trustee appointed to make the sale, reported on oath, before he had made sale of it, that the occupying tenant, or others, were committing, or were about to commit waste, an injunction was granted to prevent it; (*f*) because a decree for a sale to effect a partition or to pay debts virtually takes possession of the estate and vests it in the court for the purpose of distribution. (*g*) And so where the property taken under a sequestration was of a perishable nature, and was then likely soon to go to decay, it was ordered to be sold, for the benefit of all concerned, to prevent a total loss. (*h*)

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(*d*) *Duvall v. Waters*, 1 Bland, 569.—(*e*) *King v. King*, 6 Ves. 172; *Atkinson v. Henshaw*, 2 Ves. & Bea. 85; *Ball v. Oliver*, 2 Ves. & Bea. 96; *Beam's Pl. Eq.* 71.—(*f*) *Clark v. Clark*, 24 January, 1822, *per Johnson, Chancellor*.—(*g*) *Shewen v. Vanderhorst*, 4 Cond. Cha. Rep. 461.—(*h*) *Wilcocks v. Wilcocks*, Amb. 421; *Mitchell v. Draper*, 9 Ves. 208.