

took possession of his personal estate, returned an inventory thereof, and settled accounts with the Orphans' Court, shewing a

tage, and that on those grounds alone could a decree have been made. 2. That the lien acquired by the execution and levy gave to L. a right to proceed in equity for the single purpose of obtaining payment of his judgment after satisfying the prior mortgage claim. 3. That under the circumstances of the case L's assertion of a lien for the sole purpose of compelling a settlement between the judgment debtor and the mortgagees, was nothing more, on its face, than an intermeddling with the affairs of third parties. 4. That if the amount of the mortgage debt, or the value of the property, had been in doubt, then, upon sufficient allegations in the answer, a sale might have been decreed as the only practicable way of determining whether the property was or was not sufficient to satisfy any part of L's claim, after payment of the mortgage; but the contrary being the case, a sale should not have been decreed. *Bruce v. Levering*, 23 Md. 288.

The exaction of usurious interest does not invalidate the mortgage, or affect the power to sell therein given, and a party seeking to enjoin a sale under the power must pay, or bring into Court, the principal and legal interest, before he can claim the intervention of equity. *Powell v. Hopkins*, 38 Md. 2; *Walker v. Cockey*, *Ibid*, 75; *Hill v. Reifsnider*, 39 Md. 429; *Neurath v. Hecht*, 62 Md. 221.

Application by a married woman to restrain foreclosure of a mortgage on her property, on the ground that it had been procured by fraud and deceit, refused. *Comegys v. Clarke*, 44 Md. 108. Where a judgment creditor sued out an injunction and levied it upon the personal property of the defendant, who afterwards applied for relief under the insolvent laws and a trustee was appointed, upon a bill filed by the trustee and creditors of the insolvent claiming a lien on such property by way of mortgage and asking for an injunction to restrain the sale under the execution, it was held, that complainants were entitled to an injunction, but that a bond should have been filed before it issued. *Alexander v. Ghiselin*, 5 Gill, 140. See also *post*, *Injunctions in behalf of Creditors*.

V. INJUNCTIONS TO STAY PROCEEDINGS AT LAW. The great object of equity in assuming jurisdiction to restrain proceedings at law is to afford a more plain, adequate, and complete remedy than the party can have at law. *Glenn v. Fowler*, 8 G. & J. 340. The object of such an injunction, either before or after judgment, is to prevent the party against whom it issues from availing himself of an unfair advantage, resulting from accident, mistake, fraud, or otherwise, and which would therefore be against conscience. *Little v. Price*, 1 Md. Ch. 182. If such unfair advantage has been already obtained by proceeding to judgment, the Court will in like manner control the judgment. *Ibid*, note.

To entitle a party to an injunction to restrain proceedings at law, the substance of the ground of relief must not only be fully alleged, but the bill must show grounds upon which the action at law may be sustained; otherwise it is demurrable. In other words, the bill must show a real necessity for coming into equity for an injunction. *Worthington v. Lee*, 61 Md. 530.

Equity has power to restrain persons within its jurisdiction from prosecuting suits in the Courts of other States, as well as in the Courts of this State. *Keyser v. Rice*, 47 Md. 203; *White v. White*, 7 G. & J. 208. See *Buchanan v. Torrance*, 11 G. & J. 342. In *Keyser v. Rice*, a party was restrained from prosecuting an attachment suit in the Court of another State,