

and get his money for him? Of course from *Boulton*. Why hesitate in prosecuting his right to redeem, and then selling the property to repay himself, if the property would produce more than the first charge upon it? Because, I suppose, we may fairly assume from the evidence that the property was not worth it. It is clear, I think, from the evidence, that the equity of redemption was not looked upon as anything, and the frame of the bill leaves but little doubt of this. The object of *C. P. Banks* then, and the assignment which reached the plaintiff in the manner he describes, was not to redeem *Boulton's* mortgage, but to compel *Boulton* to redeem him. It is clear, too, that the mortgagee and his assignee contemplated and intended litigation for this purpose. The plaintiff says that when proposed to him, in 1857, he declined to have anything to do with the matter, and that he refused several proposals made to him in England, in reference to it, and he was surprised when the assignment was sent over to him here. He had not asked for it, had not purchased it, and yet we found him adopting it, and carrying on this suit on the strength of it. The mortgagee, *Banks*, was apparently unwilling or unable, though one would not infer he was poor, to carry on the suit. The plaintiff would not have anything to do with the claim; refused every proposal; has no fixed interest in it; has bargained for none; but yet in the end acts in it, making himself liable for costs, paying costs on account, expecting a share of what is recovered, himself treating the whole proceeding as a means, not by which money is to be paid out to *Boulton*, but by which money is to be recovered from him. If this be not both champerty and maintenance, or the latter, it savors so strongly of it that I think the court should not retain the case. It is not the *bona fide* effort of a claimant of an equity of redemption. It is an attempt to maintain a lawsuit which a party has purchased, contrary to law, or to the policy of the law; or in which he has no interest, but which the party having the interest, if any exists, will not prosecute for