

6 *Mad.* 115; *Pitcher v. Rigby*, 4 *Exch. Rep.* 30; *Myddleton v. Rushout*, 1 *Eccles. Rep.* 81; *Kibblewhite v. Rowland*, 3 *Eccles. Rep.* 412, *note*, s. 543; 1 *Fowl. Exch. Pra.* 270; 1 *Mad. Cha.* 128.

But there is no instance to be met with in which either one of the English Courts has ever attempted to hinder or stay any part of the proceedings in a suit which had been rightfully instituted, and was then progressing in the other; as by enjoining a trustee proceeding in the direct execution of a decree; or staying a proceeding by execution to enforce the payment of money decreed to be paid; nor has it been ever intimated, that either of those Courts would call before it the parties to a suit depending in the other to give an account of acts done under the authority of the other; or to have the money or property with which the other was dealing, or which was in the hands of its officers or agents, brought in to be there disposed of by itself. Yet all this should have been considered and adjudged as settled and correct, as between those English Courts in order to sanction, by mere analogous authority, what appears, by these proceedings, to have been done by the Harford County Court.

From these proceedings it appears, that there never has been before that Court any defendant who had in reality any thing more than a bare *pro forma* interest in the matter in controversy; for I put out of the question Kent Mitchell of whom the plaintiffs made no complaint, and did not charge as a party. James Wallace, **605** * the defendant to these bills, was no more than an agent of this Court, who might have been removed at its pleasure. He had no interest of his own in the matter. Had he been removed there would then have been no one against whom that Court could have proceeded with effect; or had he been permitted to remain, no decree against him alone could have bound the rights of the real parties to the original controversy who were no parties to the bills in Harford County Court. Had James Wallace, as a trustee, collected any money as the proceeds of the sale he made under the decree of this Court, that Court could no more have ordered it to have been brought in and paid over, than it could have taken money levied and held officially by a sheriff of an adjacent county under an execution from his own County Court; or money held officially by the messenger or register of this Court. *Jones v. Jones*, 1 *Bland*, 461; *Alston v. Clay*, 2 *Hayw.* 171. If Harford County Court could not have exercised powers to the whole of this extent, it is evident, that the bills which that Court allowed to be filed, and required to be answered by James Wallace, the trustee of this Court, should have been dismissed at once.

These proceedings are not only incompatible with, and calculated to cross and thwart the proceedings of this Court, but they were absolutely useless, and needlessly troublesome; because it is manifest, that they could have resulted in no effectual relief; and be-