

of attachment from the County Court, upon petition and proof of claim, according to the course of the attachment law; and hence it clearly follows, that even in the County Court the creditor must fail of his object, if he attempts to recover his claim by any other remedy; and if this be so, it follows inevitably that this Court cannot be successfully resorted to.

It is not meant to be said (indeed, the contrary doctrine is believed to be maintainable), that in a proper case, this Court may not interpose to prevent the property charged to be liable to the claims of creditors, from waste or destruction, pending the litigation at law. And upon the allegation of the bill in the present case, showing the property to be in danger, the County Court, in my opinion, was fully justified in interfering for its preservation. But such interposition does not rest, upon any right in the Equity Court, to extend its aid primarily and in the exercise of an independent power, to adjudicate upon the rights of the parties. It is merely authorized when danger is shown, to put its hand upon the property to preserve it, until the tribunal authorized to adjudicate upon the rights of the parties shall have pronounced its judgment.

The attachment in this case was laid in the hands of Boulding and others, as garnishees, and if, upon the trial in the County Court, the plaintiff shall succeed in establishing his claim, and in showing that the property which was transferred to Boulding by the bills of sale, was liable to be proceeded against in this way, by a creditor of Mrs. Seymour, he must recover a judgment against Boulding, upon which he can make his money.

He will not, it is true, get a judgment of condemnation against the property, but as the case now presents itself, a judgment against the garnishee will be equally available to him, there being nothing in the record from which we have a right to suppose he is not fully responsible, the averment affecting his solvency being flatly contradicted by the answer, and the proof being entirely silent upon the subject.

These views dispose of the case so far as all the defendants are concerned, except McMullen, with regard to whom an