

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. (a) 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 because this court could have reached, in the most effectual manner, all the objects aimed at by those bills much more expeditiously, and at a far less expense. Of all this, had this case been brought to a final hearing before Harford County Court, I am satisfied, it might and would have been convinced, and upon that conviction would, without hesitation, have dismissed these bills.

Therefore, without revising or reversing any thing which has been heretofore done by that court, I am of opinion, that in consolidating and dismissing these bills, I do no more than would have been done by that tribunal, as well upon the merits, as upon the ground of the incompatibility of the proceeding with the suit now depending in this court.

Whereupon it is *Decreed*, that the several bills of complaint filed in Harford County Court by the late *Freeborn Brown* and *William Brown* be, and the same are hereby consolidated and treated as parts of the bill filed on the 5th of March, 1825, as if the same had been filed on the 8th of May, 1818. And it is further *De-*

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(a) *Jones v. Jones*, 1 Bland, 461; *Alston v. Clay*, 2 Hayw. 171.