The bill as to him was rightly dismissed, and in this respect the decree of the Circuit Court is

AFFIRMED.

NOTE.

AT the same time with the preceding case was argued, and just after its adjudication was adjudged, another which here follows, an offshoot from the first case, issuing from it as a branch from a main stock. It is requisite, of course, that before reading the smaller case now given, the reader should be possessed of the larger one already reported.

FRENCH, TRUSTEE, *v.* HAY.

When, in a case which is properly removed from a State court, under one of the acts of Congress relating to removals, into the Circuit Court of the United States, a complainant getting a decree in the State court and sending a transcript of it into another State, sues the defendant on it there, the Circuit Court into which the case is removed may enjoin the complainant from proceedings in any such or other distant court until *it* hears the case; and if, after hearing, it annuls the decree in the State court, and dismisses, as wanting equity, the bill on which the decree was made, may make the injunction perpetual.

THE present case was thus:

On the 3d of February, 1870, that is to say, six weeks after the decree for $2389 (leaving the matter of furniture open), for rents mentioned in the former case* as having been given, 23d of December, 1869, in the County Court of Alexandria, in favor of James French, the trustee, against Alexander Hay, the said French sent a transcript of the decree to Philadelphia, the place of Hay's residence, and sued Hay on it, in one of the local courts there. Hay had, two days before the transcript was sued on, that is to say on the 1st of February, 1870, made the affidavits requisite to remove the case into the Circuit Court of the United States under the act of Congress; though the case was not yet actually removed, nor indeed removed until the 12th following.

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* *Supra*, p. 243, towards the bottom of the page.

Argument for the appellant.

On the transcript just mentioned, from the State court, French got a judgment against Hay, in the local court at Philadelphia, March 21st, 1871; and Hay at once* took the case on error to the Supreme Court of Pennsylvania, where he had it now pending.

Before the other side could get that court to proceed in the case, Hay† filed a bill—the present bill—in the court below—the Circuit Court for the Eastern District of Virginia—into which he had, *before* this time and with a view of vacating all that had been done there, removed the case from the County Court of Alexandria, in which French as trustee had got the decree against him for rents, and was about proceeding for the furniture. And in his said now bill prayed for and at once obtained, a preliminary injunction to restrain French from proceeding further in Pennsylvania or elsewhere to collect his decree in the County Court of Alexandria on the transcript. And the said Circuit Court having at a later date‡ annulled that decree and dismissed the bill on which it was founded (a course of action which this court in the last preceding case approved and affirmed) proceeded now,§ after answer put in and testimony taken, to make *perpetual* the preliminary injunction which it had previously granted restraining French from suing in Pennsylvania or elsewhere on the transcript of the decree so ultimately, with the affirmance of this court, annulled as aforesaid.

From this its action French took this appeal.

Mr. W. W. Willoughby, for the appellant:

1. When the case of *French, Trustee,* v. *Hay et al.* was removed from the Alexandria County Court into the Circuit Court of the United States, Hay, if he meant to restrain the use of the transcript, could have filed a cross-bill; and that would have been the proper way. What we now have is an original bill, asking the Circuit Court of the United States for Virginia to take jurisdiction of things in the State of Pennsylvania. This sort of bill was unallowable.

2. But there was a graver objection to the decree from which we appeal. *Its effect is to restrain the proceedings of a State court.*

* April 5th, 1871.
† June 1st, 1871.
‡ October 22d, 1872.
§ January 11th, 1873.

The Circuit Court of the United States for Virginia is asked to and does restrain the party from prosecuting a suit or enforcing a judgment which he has in the court of the State of Pennsylvania. Now, the Judiciary Act enacts:*

"Nor shall a writ of injunction be granted to stay proceedings in any court of a State."

It is of no pertinence to argue that though the court itself could not be enjoined, yet that a party suing in it may be. This would do indirectly what the statute says shall not be done at all. In *Peck* v. *Jenness*† the court say:

"The fact that injunction issues only to the parties before the court, and not to the court, is no evasion of the difficulties that are a necessary result of an attempt to exercise that power over a party who is a litigant in another independent forum."

Even though a State court might enjoin a party from using or enforcing a judgment in another State, the Federal court cannot enjoin proceedings in any State court. The act of Congress has no effect upon the State court, but it has upon a Federal court, and says such court shall not enjoin proceedings in a State court.

Messrs. H. H. Wells and G. W. Paschall, contra.

Mr. Justice SWAYNE delivered the opinion of the court.

A stronger equity can hardly exist than that which is developed in favor of the appellee in the case before us.

The order of the court below, annulling the decree upon which the suit at law in Pennsylvania was founded, was fatal to that action, and entitled Hay to a perpetual injunction, without reference to the final result of the prior case.

This bill is not an original one. It is auxiliary and dependent in its character, as much so as if it were a bill of review.‡ The court having jurisdiction *in personam* had power to require the defendant to do or to refrain from doing anything beyond the limits of its territorial jurisdiction which it might have required

* 1 Stat. at Large, 334.

† 7 Howard, 625.

‡ Logan *v.* Patrick, 5 Cranch, 288; Dunn *v.* Clark, 8 Peters, 1; Dunlap *v.* Stetson, 4 Mason, 349, 360; Clark *v.* Mathewson, 12 Peters, 164.

to be done or omitted within the limits of such territory.* Having the possession and jurisdiction of the case, that jurisdiction embraced everything in the case, and every question arising which could be determined in it until it reached its termination and the jurisdiction was exhausted. While the jurisdiction lasted it was exclusive, and could not be trenched upon by any other tribunal.† The court below might, upon a cross-bill, and, perhaps, upon motion, have given the relief which was given by the interlocutory and the final decree in the case before us.

If it could not be given in this case the result would have shown the existence of a great defect in our Federal jurisprudence, and have been a reproach upon the administration of justice. In that event the payment of the annulled decree may be enforced in Pennsylvania, and Hay, notwithstanding the final decree in that case, and in this case, would find himself in exactly the same situation he would have been if those decrees had been against him instead of being in his favor. They would be nullities as regards any protection they could have given him. Instead of terminating the strife between him and his adversary, they would leave him under the necessity of engaging in a new conflict elsewhere. This would be contrary to the plainest principles of reason and justice.

The prohibition in the Judiciary Act against the granting of injunctions by the courts of the United States touching proceedings in State courts has no application here. The prior jurisdiction of the court below took the case out of the operation of that provision.

If the State courts should persist in proceeding—a thing not to be expected—the wrong will be on the part of those tribunals and not of the court below.

DECREE AFFIRMED.

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* Watts *v.* Waddle, 6 Peters, 391; Lewis *v.* Darling, 1 Howard, 1.

† Hagan *v.* Lucas, 10 Peters, 400; Taylor *v.* Carryl, 20 Howard, 484; Freeman *v.* How, 24 Id. 450; Taylor *v.* Tainter, 16 Wallace, 370.