

English courts has attempted to hinder or stay any part of the proceedings in a suit which had been rightly instituted, and was then progressing in another ; nor has it ever been intimated that either of these courts could 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.

The rule established by that case, both by the reasoning and judgment of the Chancellor, and by the Court of Appeals, is this : that when two courts have concurrent jurisdiction over the same subject matter, the court in which the suit is first commenced, is entitled to retain it.

This rule would seem to be vital to the harmonious movement of courts whose powers may be exerted within the same spheres, and over the same subjects and persons.

This court has no more power to stay the proceedings of the county courts as courts of equity, than have the latter courts to prohibit proceedings in this ; and if this court should now entertain jurisdiction of the subject matter of the present controversy, and proceed to decree the relief sought by the bill, there may, and will probably, be two decrees inconsistent with each other, each affecting the same persons.

The only course of safety, therefore, is, when one court having jurisdiction over the subject, has possession of the case, for all others, with merely co-ordinate powers, to abstain from any interference.

Any other rule will unavoidably lead to perpetual collision, and be productive of the most calamitous results.

It is said that the creditors who file this bill were not parties to the decree in the Frederick court. But the bill filed in that court was a creditor's bill, and the decree was for the benefit of all the creditors, and in the nature of a judgment for all ; and all the creditors are entitled, and have been notified to come in and prove their debts, according to the course of proceedings usual in such cases. And as decided by Chancellor Kent in *Thompson vs. Brown*, 1 *Johns. Ch. Rep.*, 619, from the date of such decree against an executor or administrator, and on a disclosure of assets, an injunction would be granted on motion