out bringing itself injuriously in conflict with another tribunal, with whom it ought not on any account to interfere. *Diggs* v. *Wolcott*, 4 *Cran.* 179; *McKim* v. *Voorhies*, 7 *Cran.* 279.

The two great co-ordinate Courts of equity of England, are the High Court of Chancery, and the Court of Exchequer. The first is the prototype of this Court. The Exchequer, as the phrase is, has two sides; it is a Court of common law, as well as of equity. It is composed of a plurality of Judges; and is, in all respects, a term Court; being in these particulars, essentially different from the Court of Chancery; which is composed of only one Judge, and is most emphatically, always open. The Exchequer, like our Federal Circuit Courts, and our State County Courts, is so organized, that it can exercise scarcely any of its equity powers, except in term time; and owing to the delays and expense of proceeding with its equity business only from term to term, the continually open Chancery Court, has a most decided advantage over the Exchequer, which, on that account, is almost deserted as a Court of equity. *Crowley's Case*, 2 *Swan.* 11; 1 *London Jurist*, *Art.* 7.

In this, and other respects, the analogy between the High Court of Chancery, and the Court of Exchequer of England, as co-ordinate Courts of equity, and the High Court of Chancery, and the County Courts of equity of Maryland, as co-ordinate Courts of the same description, is so close and striking, that the cases in relation to the conflicts of jurisdiction, between those English Courts, may be applied as most instructive illustrations of the effects of any similar clashing between our own co-ordinate Courts of equity.

It is a rule between those English Courts, that where they have both an entirely concurrent jurisdiction of the same matter, that * Court is entitled to retain the suit which has been first commenced. There are some early instances of disputes **604** between those tribunals in which the one has issued its injunction against the officers of the other. But latterly, there is no instance of either having enjoined a party from proceeding in the other. That Court in which the suit has been last instituted, or in which the proceedings are least comprehensive and perfect, has, in general, given way to the other; or forced the parties to betake themtelves to that Court in which the first suit was instituted, or where the most perfect proceedings were then depending. But after a bill to redeem a mortgage has been filed in one Court, a bill to foreclose may be brought in the other; and a cross-bill may be filed in Chancery to an original bill in the Exchequer; and so too, either Court will retain its suit, when the bill in the other has been dismissed. *Vendall* v. *Harvey*, *Nelson*, 19; *Newbury* v. *Wren*, 1 *Vern.* 220; *Nicholas* v. *Nicholas*, *Prec. Cha.* 546; *Coysgarne* v. *Jones*, *Amb.* 613; *Bullock* v. *Bullock*, 3 *Swan.* 698; *Jackson* v. *Leaf*, 1 *Jac. & Wal.* 232; *Harrison* v. *Gurney*, 2 *Jac. & Wal.* 563; *Glegg* v. *Legh*, 4 *Mad.* 192: *Bushby* v. *Munday*, 5 *Mad.* 297; *Parker* v. *Leigh*,