

was filed, a Court of competent jurisdiction had possession of this subject of alimony. It is true Samuel Dunnock, the grantee in the bill of sale, was not a party to the bill filed in Dorchester County Court, but he might by an amended or supplemental bill have been made a party, and the question now raised between him and the complainant have been litigated in that Court. The question of the right of the complainant to alimony was distinctly presented by her bill in the County Court, and constitutes a part of the relief specifically prayed for, and it is undoubtedly competent to that Court to say whether she is entitled to that relief or not.

Suppose this Court, upon the bill which she has exhibited here, was to decree her alimony, or an allowance out of these negroes, or the fruits of their labor, and the County Court should, upon the bill depending there, decide that she has no such claim, there would be a clear conflict between the two Courts. To avoid this danger the rule is well established, 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, and the other co-ordinate Court has no authority to interfere, and will, as soon as judicially informed of the pendency of the prior suit, dismiss the subsequent proceedings.

The bill in the case of *Brooks vs. Delaplane*, 1 *Maryland Chancery Decisions*, 351, was dismissed in accordance with this principle, which in another case, subsequently decided, received the full sanction of the Court of Appeals. See case of *Albert and Wife vs. Winn & Ross et al.*, 7 *Gill*, 446.

Being of opinion, for these reasons, that the complainant cannot have relief here, I must dissolve the injunction, the case not having matured or been submitted for final decree.

JAMES A. STEWART, and E. GRISWOLD, for Complainant.
E. R. HOOPER, and J. A. SPENCE, for Defendants.

[An appeal was taken from the order dissolving the injunction, passed in conformity to the above opinion, which is still pending.]