

of Chancery will put the plaintiff to his election, and compel him to abandon the one suit or the other. (*g*)

These rules can only apply where the parties and the subject are the same in both suits; but if there be any essential differences between the two, either as to parties, or subject of controversy, as in the cases under consideration, other reasons and principles apply.

It has been said, that where an injunction had been refused by the Chancellor, it could not be granted by a county court upon the same case; or the reverse. This opinion seems to be sufficiently well founded, if referred to a case in which the first bill is actually depending at the time when the second application is made to the co-ordinate court; or where, on hearing of the parties, or by default, the one court has refused or dissolved the injunction upon the same case, in which an injunction is asked for in the other court. Because, if all that had been done in the one court, was to go for nothing in the other, a party might in every instance, as a matter of course, avail himself of all the delay to be had in the one court, and then take advantage of the identical same means of procrastination in the other court, after a solemn judgment had been pronounced there upon his case, without resorting to the regular course of setting that judgment right. (*r*)

But an injunction is, in its effects and consequences, in many respects, analogous to a *prohibition*. The object of an injunction is to protect the citizen from harm, by acting upon the person complained of. The same object is, in many instances, intended to be accomplished by a *prohibition*, which acts immediately upon the inferior tribunal; (*s*) a party may apply to each one of the superior courts, in succession for a prohibition; and his *ex parte* application having been refused by one, is of itself, no ground for its being rejected by any other of them. (*t*) I therefore do not see why, upon the same principles, a citizen might not be allowed to take his chance, by a first *ex parte* application of obtaining an *injunction* from each one of the courts having jurisdiction of his case, in like manner as he is allowed to apply to each one for a *prohibition*, without prejudice from having been refused by another of them; particularly as the statute (*u*) does not require an injunction

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(*g*) 1 Newl. Pra. Cha. 246.—(*r*) Reynolds v. Pitt, 19 Ves. 138.—(*s*) Eden Inj. 3.—(*t*) Smart v. Wolf, 3 T. R. 340; Forum Rom. 55.—(*u*) 4 Ann. C. 16, s. 22; Kilty Rep. 247.