court is entitled to retain the suit which has been first commenced. There are some early instances of disputes 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 themselves 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. (z)

But there is no instance to be met with in which either one of the English courts has ever attempted to hinder or stay any part of the proceedings in a suit which had been rightfully instituted, and was then progressing in the other; as by enjoining a trustee proceeding in the direct execution of a decree; or staying a proceeding by execution to enforce the payment of money decreed to be paid; nor has it been ever intimated, that either of those courts would 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; or to have the money or property with which the other was dealing, or which was in the hands of its officers or agents, brought in to be there disposed of by itself. Yet all this should have been considered and adjudged as settled and correct, as between those English courts in order to sanction, by mere analogous authority, what appears, by these proceedings, to have been done by the Harford County Court.

From these proceedings it appears, that there never has been before that court any defendant who had in reality any thing more than a bare *pro forma* interest in the matter in controversy; for I put out of the question *Kent Mitchell* of whom the plaintiffs made no complaint, and did not charge as a party. *James Wallace*,

(z) Vendall v. Harvey, Nelson, 19; Newburg 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, 6 Mad. 115; Pitcher v. Rigby, 4 Exch. Rep. 30; Myddleton v. Rushout, 1 Eccles. Rep. 81; Kibblewhite v. Rowland, 3 Eccles. Rep. 412, note, s. 543; 1 Fowl. Exch. Pra. 270; 1 Mad. Cha. 128.