

JURISDICTION—*Continued.*

That in cases where the want of jurisdiction is apparent, the delay and the circumstances under which the objection is made, cannot be regarded, but if there be any doubt on the subject of jurisdiction, the court may take these circumstances into consideration, and be induced by them to give less heed to the objection than if it had been made at an earlier stage of the cause. *Ib.*

12. It was further HELD—That in this case, the plaintiffs had not that plain, adequate, and complete remedy at law which would deny him the aid of a court of equity. *Ib.*
13. The question of jurisdiction depends, exclusively upon the case made by the bill, and in determining the question whether this court can, or cannot, grant relief, recourse cannot be had to the statements of the answer, or to any other part of the proceedings. *Ridgeway vs. Toram*, 303.
14. The bill in this case was dismissed upon the ground that it did not make a case giving the court jurisdiction, because there were no allegations showing either that the complainants had no remedy at law, or having such remedy, had exhausted it. *Ib.*
15. Jurisdiction in cases of application for divorces was conferred upon the equity tribunals of this state by the act of 1841, ch. 262, to which two supplements have been passed, one in 1843, ch. 287, and the other in 1844, ch. 306. *Brown vs. Brown*, 316.
16. A mortgage was executed in accordance with the provisions of the act of 1833, ch. 181, and upon the petitions of the mortgage in conformity with said act, a decree was passed by Baltimore County Court, as a Court of Equity, providing for a sale of the mortgaged property, for the payment of the mortgaged debt, upon a bill filed to set aside this mortgage as fraudulent as against creditors, but not seeking to interfere with the decree, it was HELD—
That this Court has not the power to vacate this decree of Baltimore County Court, that court, by the terms of the act of 1833, ch. 181, having concurrent jurisdiction with this court to pass such decrees, and, therefore, the mortgage, the foundation of that decree, cannot be impeached here. *McDowell vs. Smith*, 370.
17. It is now settled, that if the purposes of a trust cannot be accomplished without the most serious delays and inconveniences, the court will direct a sale or mortgage of the estate, though a power is only given to raise money for these purposes in a different way. *Conkling vs. Washington University*, 498.
18. A power or direction in a will to raise money out of the rents and profits of an estate to pay debts or portions has been held to include in it a power to sell and mortgage, when it is necessary to raise money for the purpose of the trust, upon the ground, that otherwise it might be impracticable to raise the money. *Ib.*
19. Even in cases where the party is not wholly without remedy, but the interposition of the court is called for, simply to accelerate the payment of the debt, the authorities show, that the courts will grant re-