

It is said, moreover, that the fate of this injunction depends exclusively upon the bill and answer, and that the answer raises no objection to the jurisdiction of the Court to decree maintenance, and authorities are cited to show that in ordinary cases the defendant is confined to defences set up in his answer. But one of the cases referred to by the complainant's solicitor proves, that though the defendant answer the bill, and issue be joined thereon, he may at the hearing object that the case made by the bill does not entitle the party to equitable relief. *Chambers vs. Chalmers, et al.*, 4 G. & J., 438. And there would seem to be no doubt that, according to the practice in this state, an objection for want of jurisdiction may be taken at the hearing, though no such objection is presented either by plea, answer, or demurrer. The Act of 1841, ch. 163, provides that upon an appeal to the Court of Appeals, the party who was defendant in the Court below shall not, in the Appellate Court, be permitted to urge an objection to the jurisdiction, unless it shall appear by the record that such an objection was made in the Court below. But this act is restricted in its operation to the Court of Appeals, and I am quite satisfied that this Court may, *sua sponte*, refuse to grant relief if it be apparent from the proceedings that it has no jurisdiction, though the defendant does not think proper or may omit to make the objection by the pleadings.

There is, moreover, another objection to the relief prayed by this bill, and to the interposition of this Court in behalf of the complainant, for the purpose for which she has invoked its aid, and which is presented by the answer, and which appears to be insuperable. The answer alleges, that prior to the filing of the bill in this Court, the complainant filed her bill on the equity side of Dorchester County Court, praying to be divorced from her husband, and for alimony, which bill is still depending in that Court, and that, consequently, this Court has no jurisdiction in the premises, and a copy of the bill so filed in Dorchester County Court, duly authenticated, is filed as an exhibit with the answer. It thus appears that before the present bill