

## JUDGMENT IN REM.

See MECHANICS' LIEN, 6 to 8.

## JURISDICTION.

1. The fact that an objection to the jurisdiction of the Court is not made until the hearing of the cause, and after the argument was commenced, though not of itself a sufficient reason for refusing to listen to it, yet in a case where there is doubt upon the question of jurisdiction, is a reason why the Court should lean against the objection. *Gough vs. Crane*, 119.
2. In this case the Chancellor decreed the delivery up of the *choses in action* of the wife, and not reduced into possession by the husband in his lifetime, to the representative of the wife, he being of opinion that it was not clear that there was plain, adequate, and complete remedy at law, and the objection to the jurisdiction not having been made until the hearing. *Ib.*
3. An action of trover would have given the plaintiff damages only from the demand and refusal, and this would be but a personal demand against the defendants, the executors of the husband, a security which may be much inferior to a decree directing the specific delivery of the bonds. *Ib.*
4. An action of replevin would require the representative of the wife to give bond with surety for a large sum, and the defendants, by a *retorno habendo* bond, would be able to regain the possession, and the plaintiff's claim to the specific thing thus converted to a personal demand on such bond. *Ib.*
5. Though the Act of 1841, ch. 163, does not apply to the Court of Chancery, or require objections to the jurisdiction to be made at any particular stage of the case, yet its policy and the manifest justice of the provision, may have influence when a question not free from difficulty is presented. *Ib.*
6. According to the practice in this State, an objection for the want of jurisdiction may be taken at the hearing, though not presented either by plea, answer, or demurrer. *Dunnock vs. Dunnock*, 140.
7. The Act of 1841, ch. 163, is confined in its operation to the Appellate Court, and the Court of Chancery may, *sua sponte*, refuse relief if it appear from the proceedings that it has no jurisdiction, though the defendant does not make the objection by the pleadings. *Ib.*
8. The amount of such credits claimed being less than five pounds, it is not sufficiently large to sustain the jurisdiction of this Court. *Reynolds vs. Haward*, 331.
9. By the Act of 1715, ch. 41, this Court cannot hear, determine, or give relief in any cause, matter, or thing, wherein the original debt or damages does not amount to 1201 pounds of tobacco, or five pounds and one penny in money. *Ib.*

See PRACTICE IN CHANCERY, 32. LUNATIC, LUNACY, 1, 12. INJUNCTION, 7. LACHES AND LAPSE OF TIME.

See TRUSTS, 4. PRACTICE IN CHANCERY, 5. PARTITION, 2.] LEGACY, LEGATEE.

1. Where no time is fixed by the will for the payment of a legacy, it will bear interest from the expiration of one year after the death of the testator. *Hitch vs. Davis*, 266.
2. Where no time of payment is fixed by the will and no interest provided