

HENSON *v.* DODGE.

Opinion delivered April 1, 1929.

PROHIBITION—WRIT DENIED WHEN.—Where an automobile was delivered to the defendant in a replevin suit upon his giving bond, the order of the chancellor transferring its custody to a third person upon the application of defendant's surety, though it might be an erroneous exercise of jurisdiction, was not in excess of the court's jurisdiction, and therefore prohibition did not lie.

Prohibition to Pulaski Chancery Court; *Frank H. Dodge*, Chancellor; writ denied.

PER CURIAM: The automobile was delivered to the defendant upon his giving the bond required by statute while the replevin suit for it was pending in the circuit court. The case was transferred, without objection, to the chancery court. The chancellor, upon application of the surety on the delivery bond of the defendant, transferred the custody of the property from the defendant to a third person. The chancery court did not exceed its jurisdiction, although it might be an erroneous exercise of jurisdiction. Therefore the petition for a writ of prohibition will be denied.

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