

**JOHN S. ANDERSON, Appellant, Vs. SUSAN BARRET, Appellee.**

**LRSC 1; 1 LLR 121 (1879)**

[January Term, A. D. 1879.]

*Appeal from the Court of Quarter Sessions and Common Pleas, Montserrado County.*

Injunction.

This case is an appeal from the Court of Quarter Sessions and Common Pleas, Montserrado County, because on motion of the defendant in said court the judge ruled that "the case having been brought in injunction for the recovery of real or immovable property, ejection would be the proper action," and therefore the case was dismissed and the injunction dissolved.

Upon a review of the record in this case this court fails to discover upon what the decree of the court below was founded; for this action was brought to restrain the selling of a house, and as it is an established principle of law that houses may acquire the character of personal property, this court, in the absence of all evidence, the necessary light, is rendered unable to decide for whom a decree ought to have been given, especially so when it is considered to what subjects an action of injunction may relate.

For these reasons it is our opinion that the judge of the lower court erred in dismissing the case, and it is therefore decreed that the case be remanded to the court below for a new trial, with costs to follow.