

STEVENS vs. MCGILL

LRSC 5; 1 LLR 73 (1874)

[January Term, A. D. 1874.]

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

This is a case sent up from the Court of Pleas and Quarter Sessions, Maryland County, on appeal. The court has attentively examined the records in said case and finds that it was originally an action of debt, entered according to law. But before any trial was had or judgment rendered, the hearing of said cause was removed by the prayer of defendant, to equity; and in said Court of Equity the action of debt was changed to an action for foreclosure of mortgage.

The court says that this practice of exercising both law and equity jurisdiction at one and the same time is bad, and tends to confusion. Again, the record shows such an admixture of law and fact that it cannot be ascertained for whom judgment ought to be given; and therefore the case is hereby remanded for trial, costs to follow.