

LEVI C. WILLIAMS, Appellant, v. ZAKI
ABRAHAM, Appellee.

MOTION TO VACATE PROCEEDINGS AFTER APPEAL FROM THE DEBT COURT,
MARYLAND COUNTY.

Argued November 11, 1970. Decided January 21, 1971.

1. The jurisdictional limits imposed by acts of the Legislature upon courts established by it, are mandatory and permit of no deviation for any cause.
2. The Debt Court is empowered to try cases in which the amount sought by way of judgment is at least \$2,000.00, and if the action is one in debt by way of attachment of real property. The Debt Court is nonetheless required to establish its jurisdiction by reason only of the amount sought to be recovered.

An action of debt by attachment of real property was instituted in the Debt Court. The defendant moved against the jurisdiction of the Debt Court in the action, maintaining that it was only empowered by statute to try cases in which the amount sought was at least \$2,000.00. The motion was denied and the merits of the case were then heard, resulting in a judgment for the plaintiff, from which the defendant appealed. Prior to argument of the appeal, a motion again attacking the jurisdiction asserted by the Debt Court was put before the Supreme Court. The motion was granted, the *judgment was reversed* and the entire *proceeding* below was *vacated*.

J. Dossen Richards for appellant. *Wellington K. Neuville* for appellee.

MR. JUSTICE MITCHELL delivered the opinion of the Court.

On December 8, 1969, Zaki Abraham, of Harper City, Maryland County, sued on an action of debt by attachment, against Levi C. Williams of Harper, before Hon. Edwin Gahie Hodge, Judge of the Debt Court, Maryland County. The defendant appeared and answered.

On December 19, 1969, the defendant filed a motion moving the lower court to dismiss the case because of the want of jurisdiction in the lower court, maintaining that the Debt Court can only entertain matters in which the sum sued for is \$2,000 or more, the amount sued for in this case being much less.

The plaintiff opposed the motion and the court thereafter handed down its decision denying the relief sought, contending that since real property was involved, the amount sought by way of attachment could not defeat the Debt Court's jurisdiction.

The judge thereupon tried the case and found for the plaintiff from which judgment the appeal has come.

A motion has now been brought before this Court challenging again the jurisdiction of the Debt Court, on the same ground.

The Act of the Legislature creating the Debt Court, passed and approved April 10, 1967, which confers jurisdiction upon the Debt Court in debt cases in excess of \$2,000 has not been repealed. There is nothing that this Court, or any other court for that matter, is competent to do in abrogation of the plain wording of that law.

A magistrate has the right to entertain debt matters up to the sum of \$2,000, but not above that amount. No Debt Court, whether on attachment or otherwise, has the right to hear and determine a debt matter below the sum of \$2,000 prescribed in the Act. Therefore, the Debt Court of Maryland County, from which this appeal comes, should have dismissed the action immediately after the jurisdictional question had been raised by the defendant.

The motion therefore is granted and the entire proceedings vacated for want of jurisdiction and the judgment reversed, with costs against the appellee, and the Clerk of this Court is hereby ordered to send a mandate to the court below informing it of this judgment.

Proceedings vacated, judgment reversed.