

E. A. L. McAULEY, Appellant, vs. THE REPUBLIC OF LIBERIA, Appellee.

LRSC 2; 1 LLR 225

[January Term, A. D. 1889]

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

Forgery.

When this case was called for hearing, during the reading of the record sent up from the Court of Pleas and Quarter Sessions, Sinoe County, at its August term, A. D. 1888, Attorney General Davis, representing the Republic of Liberia, asked the court permission to speak, when he addressed the court as follows:-

"The Attorney General declines to defend this case because the indictment charges that the appellant committed forgery by altering the figures on a due bill for \$6.75, given him by one Gussefield, and which is set out in the indictment; but all the evidence goes to prove that the figures altered were no part of the original due bill, but were a part of the credit endorsed on the due bill, and such item of credit is not mentioned in the indictment, and therefore, I think the evidence does not sustain the allegations in the indictment sufficiently for me to make a defence in the case."

The foregoing declaration of the Attorney General is an abandonment of the case, on the part of the Republic of Liberia (appellee). A similar declaration was made before this court in February, A. D. 1878, by Attorney General J. W. Hilton, in the case of Republic of Liberia against F. J. Payne and Hester Huff, and the premises upon which the abandonment was based, and a few of the important legal principles involved in that case the court briefly reviewed. We would do likewise if any peculiar feature of this case required it. In the face of a formal abandonment of a cause, such as we have cited above, we have only to render judgment; therefore this court adjudges that the judgment of the Court of Common Pleas and Quarter Sessions in and for the County of Sinoe, rendered against E. A. L. McAuley at its August term, A. D. 1888, is reversed, under the 4th section of the 33d rule of the Revised Rules of this court, and the clerk of this court is hereby commanded to forthwith transmit a mandate to the aforementioned Court of Common Pleas and Quarter Sessions, Sinoe County, to the effect of this judgment.