

C. B. REEVES, Appellant, vs. MARK HYDER, Appellee.

LRSC 11; 1 LLR 318

[January Term, A. D. 1897.]

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

Damages.

This is an appeal from the Court of Quarter Sessions and Common Pleas, Grand Bassa County. The irregularity of the trial below (the trial clearly not having been conducted according to law and the usual practice), has given this court no little trouble, and as yet does not enable it to say for whom judgment should be given. We find a total neglect in the court below, to take the appeal bond required in appeals as well as to render its final judgment in the case; hence the trial is incomplete. And although the case is here docketed for trial, it being sent up in obedience to a mandamus issued by this court, yet the court, in the present status of this case, cannot exercise such jurisdiction over it and the parties, as the law contemplates it should have. For this reason, the court makes the following ruling:

First, that the case is hereby remanded to the Court of Quarter Sessions and Common Pleas, Grand Bassa County, to be tried over at its June term next, 1897. Second, that said court resume and take jurisdiction over said case and try the same according to law and practice. Third, that the parties be allowed to replead as is allowed in legal practice. The clerk is hereby ordered to issue a mandate to the judge below, to the effect of this ruling.

Key Description: Appeal and Error (Defects in proceedings in lower court, Or for review; Judgment of dismissal or nonsuit)