

**MESSRS. RICHTER & CO.**, Appellants, vs. **W. BRUMSKIN**, Judge of the Court of Quarter Sessions, Grand Bassa County, Appellee.

**LRSC 4; 1 LLR 301**

[January Term, A. D. 1897.]

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

Mandamus.

This is a case that was brought up to this court on appeal, from the Court of Quarter Sessions, Grand Bassa County, and was filed January 22d, A. D. 1895. At the call of said case for trial at the January term, A. D. 1896, before the reading of the records in said case the counsellor for appellant informed the court that the record in said case was incomplete, by reason of the bill of exceptions not being signed by the judge of the said court below, according to the law governing appeals, and he consequently, on behalf of the said appellant, motioned the court to grant a writ of mandamus to be served on the said judge below, compelling him to sign said bill of exceptions, or on refusing so to do, to show cause for the same at the January term of the court, A. D. 1897. The said motion was sustained by the court and the request granted, and the case was turned down until the next term of the court, January A. D. 1897.

At this session of the court the said case was called up for trial, when it appeared that neither of the parties was present, nor was there any return made respecting the writ of mandamus, the judge below having died before the present term of this court. Therefore, the court regards the non-appearance of the parties concerned in the issue as an abandonment of the case, and rules that the said case be dismissed and stricken from the docket, according to law (Lib. Stat. 1894, Bk. p. II, sec. 2), and that the Republic of Liberia be ruled to pay costs. The clerk is hereby commanded to issue a mandate to the judge below to the effect of this judgment.

**Key Description: Appeal and Error (Necessity and requisites of appearance)**

**Appearance (Failure to appear)**