

JACOB JAMES ROSS, Appellant, vs. THE REPUBLIC OF LIBERIA, Appellee.

**LRSC 4; 1 LLR 249**

[January Term, A. D. 1893.]

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

Misdemeanor.

1. The statute relative to the clause of indemnification in appeal bonds applies to civil cases; in criminal cases the omission of this clause will not vitiate the bond.
2. The non-certification of records by the clerk in cases of appeal is a violation of the provision of the statute of appeals and a ground for dismissal.

This case comes up before us upon a bill of exceptions taken to the rulings and judgment of the Court of Quarter Sessions and Common Pleas of Sinoe County, at its November term, A. D. 1892. On the case being called up for hearing, the appellee, through his counsel, submitted a motion to this court to dismiss the appeal, on the following points: 1st that the law governing appeals requiring the certification of the record is not complied with. 2nd, that the bond in this case does not contain the statutory requisites, and therefore is illegal and void, and the appeal ought to be dismissed.

The court would here remark that the bond of the appellant being a bond to appear in this court on the day, month and year therein stated, to prosecute his cause, is sufficient, and that the statute referred to respecting bonds of indemnification applies only in civil actions and not in criminal cases. The court would further remark that it has carefully examined the entire record in this case and nowhere finds the requisite certificate attached to any of the papers sent up to this court as copies, and especially since there is not attached to these papers the signature of the clerk or the seal of the court from which the appeal was taken. Therefore, this court adjudges that as there is no lawful record before this court the appeal is dismissed.

**Key Description: Appeal (Record, Dismissal of appeal for noncertification of record by clerk)**