

J. J. ROSS, Appellant, vs. R. MINUS, Appellee.

LRSC 1; 1 LLR 208

[January Term, A. D. 1887.]

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

Ejectment.

It is the duty of the appellant in appeals, to see that all documents relating to same are duly transmitted to the appellate court. Where the records are incomplete the court, upon application, will dismiss the appeal.

Notwithstanding the long continuance of this case in the courts, and the use of a mandamus issued out of this court in the interest of justice, when this case was called for hearing appellee motioned this court to dismiss same because of the incompleteness of the record sent up from the Court of Pleas and Quarter Sessions, Grand Bassa County, in that three papers,—viz., the verdict of the petit jury in an action of damages, J. J. Ross vs. R. Minus, tried A. D. 1883 ; the publication of the Sheriff of Sinoe County, for the sale of lot 1357 in Greenville, Sinoe County, as the known property of R. Minus, and the notice of R. Minus which was offered in evidence at the trial of the case in the court below,—have not been sent up in the record filed in this court.

We take great pleasure in hearing the causes of litigants brought here upon sound principles and in keeping with the general rules of practice, while we regard it the duty of each party to watch carefully the safety of his cause. Under this sense of feeling the court has carefully considered the allegations in appellee's motion to dismiss, and upon inspection of the record of the lower court we do not find the papers, named in appellee's motion as missing in said record, notwithstanding both parties admit that those papers were offered to the court below as evidence in this case.

As the 18th rule of the revised rules of this court informs all parties that this court will hear no case before a complete record is filed, we think appellant should have been vigilant enough to see that the whole proceedings of the court below were sent up here. Justice now demands that this case, which has been on the docket so long, be set at rest. Therefore, this court rules that the motion is sustained and the case dismissed; the appellant to pay all costs of this action.

Key Description: Appeal (Dismissal of appeal for failure to transmit complete record within statutory time; Responsibility of appellant for completion)