

VARNE, VOMBO, GINDA and MOMORA SINGBY, Appellants, vs. **REPUBLIC OF LIBERIA**, Appellee.

LRSC 1; 1 LLR 242

[January Term, A. D. 1893.]

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

Misdemeanor.

The appellate court will not take cognizance of any matter of law to which the attention of the lower court does not appear to have been called. Where an irregularity in the process and returns was not brought to the notice of the court of inferior jurisdiction, the appellate court will not entertain a motion bearing thereon.

This case comes up before us upon a bill of exceptions taken to the rulings and judgment of the Court of Quarter Sessions of Montserrado County at its June session, A. D. 1891. At the call of this case the appellants, through counsel, submitted for the consideration of this court a motion in arrest of judgment. The said motion embraces the following points: That the bonds of the appellants and the writ of arrest do not appear upon the record of this case.

The court on inspection of the entire record in this case, takes occasion to say that not only the rule of practice, but the law, requires that in all appeals taken to this court by bills of exceptions the questions of law relied upon must be raised in the court having original jurisdiction over the case. The record in this case nowhere shows wherein the attention of the court below has been called to any irregularity in either the service of the writ or the return thereon as raised in the appellants' motion. The statute of the Republic regulating appeals is emphatic in language: "The court to which the appeal may be taken shall examine the matter in dispute upon the record only; it shall receive no additional evidence, and shall reverse no judgment, for any defect of form, or for any matter to which the attention of the court below shall not appear to have been called, either by some bill of exceptions or other parts of the record." In observation of this positive statute the court adjudges that the appeal is dismissed.

Key Description: Appeal and Error (Grounds of action or relief, relief not asked below)