

**ADMINISTRATORS OF THE ESTATE OF AUGUSTUS WASHINGTON,
Appellants, vs. MARIA A. LLOYD, Appellee.
LRSC 15; 1 LLR 511 (1878)**

[January Term, A. D. 1878.]

Before His Honor C. L. Parsons, Chief Justice, and the Honorable Associate Justices.

MOTION TO DISMISS APPEAL.

Maria A. Lloyd, appellee in the above entitled cause, respectfully motions the said court to dismiss the appeal, because the said appellee, having obtained two verdicts in an action of ejectment, at two separate and distinct trials between the same parties, for the same property now in dispute, as will appear by the record and proceedings in the said case (certified copies of which verdicts are herewith filed with this motion), says that the said appellants have no legal right to prosecute any further an appeal in the said case, but that the said two verdicts are a final determination of the issues involved in the said case.

MARIA A. LLOYD, Appellee,

By her Counsellors, J. W. HILTON and H. W. JOHNSON, JR.

COURT'S RULING.

The court having very carefully and deliberately considered the various authorities cited in support of and against this motion, have arrived at the following conclusions: That Section 20 of the Liberian Statutes (page 37) relates to the effect of verdicts in ejectment as evidence, and is to be interpreted that two verdicts and judgments in ejectment between the same parties, or those under whom they claim in favor of the same side, are conclusive evidence of title. There is nothing, however, in that action that may be so construed as to make those verdicts an estoppel or bar to further proceedings, or prevent an appeal from being taken on the judgment and proceedings in a trial in which a verdict may have been given, provided the party against whom the judgment is rendered should comply with the law regulating appeals.

An appeal is a relief authorized by statute and must be regulated by the provision of the act so granting it, and our statute declares that every person against whom any judgment is rendered shall be entitled to appeal from any decision or opinion of any court except such courts of appeal. (Lib. Stat. p. 61, Sec. 1.) Therefore the court adjudges that the motion to dismiss the appeal is not sustained.

Supreme Court, February 21st, 1878.