

**W. S. ANDERSON, Appellant, vs. H. W. DENNIS, Appellee.**

**1 LLR 55 (1872) (1 January 1872)**

[January Term, A. D. 1872.]

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

Where the bill of exceptions in an appeal is unsigned by the lower judge, the Appellate Court will not hear the appeal unless it appears that the judge neglected or refused to sign the same.

Counsel W. M. Davis for the appellee filed a motion to dismiss the case on the ground that there is no legal bill of exceptions before the court, as the bill filed with the record is not signed by the judge of the lower court as the law directs.

This question has been already decided in the case of the Southern Baptist Mission vs. McGill Bro., January term, A. D. 1861, that this court cannot consider any case of appeal legally before it unless upon a bill of exceptions duly signed by the judge of the court from which the appeal is taken. The court finds that the bill of exceptions in this case is not signed. It is due to the judge who tried the case to say that there appears no evidence to show that he either neglected or refused to sign the bill of exceptions; it is therefore the fault of the appellant.

Therefore, the court decides that the case be dismissed, and the clerk is hereby commanded to issue a mandate to the Court of Pleas and Quarter Sessions, Montserrado County, informing it of this decision; appellant to pay all costs incurred in the court.

**Key Description Appeal (Dismissed for absence of lower court's signature on bill of exceptions)**