

**H. D. BROWN and S. G. GOULSBY, Plaintiffs in Error, vs. WILLIAM
TAYLOR, Defendant in Error.**

LRSC 1; 1 LLR 62 (1873) (1 January 1873)

[January Term, A. D. 1873.]

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

When a general answer has been filed it is not error in a court to refuse to decide points of law raised on the ground that same were not specially plead.

The law demands the best evidence which the case admits of.

This is a case ordered up from the Court of Quarter Sessions and Common Pleas, Montserrado County, on a writ of error. The defendant in error not appearing either in person or by counsel, and judgment by default having been entered against the said defendant in error, it remains for the court to pronounce perfect judgment in the cause. But before doing so the court is of opinion that some of the errors assigned by the counsel for Brown and Goulsby ought to be noticed by the court.

1st. The court below erred in ruling that the defendants should have named or stated the law points in their answer, and therefore refused to decide the law points raised by the defendants.

2d. The court below erred in permitting the witness King to state what the plaintiff in the court below told him, for the law demands the best evidence, and, as it was a case in equity, the plaintiff in the court below himself ought to have been called to testify. .

3d. The court below erred in permitting the plaintiff below to introduce testimony after he had informed the court that he had gotten through with his testimony. The reasons for pronouncing the above rulings erroneous are so apparent that it needs no further comment.

The court therefore proceeds to final judgment. The court adjudges that the decree of the lower court in this case be reversed and the injunction dissolved, and the clerk of this court is hereby ordered to issue notice to the court below accordingly.