

SAMUKA DONZOE , Plaintiff-In-Error, *v.* HIS HONOUR **NAPOLEON B. THORPE**, Assigned Circuit Judge, presiding over the Eighth Judicial Circuit, Nimba County, November Term, A. D. 1977, ANSUMANA KEITA and MAMADEE KEITA, Defendants-In-Error.

JUDGMENT WITHOUT OPINION

Decided: June 14, 1979.

At the hearing of the petition of the plaintiff-in-error, the Justice in Chambers ruled that because it appeared that the plaintiff-in-error had not been allowed to have his day in court, and thereby was deprived of the opportunity to appeal from an adverse judgment, the cancellation proceedings out of which error was applied for should be remanded to the court below for new trial, and that the said case would have precedence over all other matters now pending on the docket of the trial court. Defendants-in-error took exceptions to this ruling, and appealed to the Bench *en banc* for review.

When the case was called, Counsellor James Kandakai appeared for the plaintiff-in-error and the Peter Amos George Law Firm appeared for the defendants-in-error. After studying the record certified from the trial court and the ruling of the Chambers Justice, and after hearing arguments of counsel, it is adjudged that the ruling of the Chambers Justice should be and the same is hereby affirmed. And the Clerk of this Court is ordered to send a mandate down to the court below commanding the judge therein to resume jurisdiction over the cause out of which these proceedings have grown, and give effect to the ruling in Chambers. Costs are to abide final determination. And it is so ordered.

NOTE: Justice Brooks-Randolph having handled this matter in Chambers did not take part, hence had not signed this judgment.