

MOHAMED KROMAH, Appellant, v. **JOHN WHEAGAR**, Appellee.

JUDGMENT WITHOUT OPINION

Decided February 4, 1983

At the call of this case, Counsellor Samuel Payne Cooper appeared for the appellee and informed this Court that he had filed a motion to dismiss the appeal because the bill of exceptions was filed without the statutory time of ten days and that there was no appeal bond filed or notice of the completion of the appeal issued and served. Counsellor J. K. Burphy appeared for appellant and conceded the legal soundness of the motion. From our observation of the records, we discover that there is no appeal bond or notice of the completion of the appeal issued and served. The bill of exceptions was approved by the judge on the 30th day of August, 1982 and filed with the clerk on the 31st day of August.

Considering these violations of the statute, it is adjudged that the appeal be and the same is hereby dismissed with costs against the appellant. The Clerk of this Court is hereby instructed to send a mandate to the trial court commanding the judge presiding therein to resume jurisdiction over the case and enforce its judgment. And it is hereby so ordered.

NOTE: Justice Koroma having decided this case in the court below prior to his elevation on the bench did not take part in the hearing and determination of this case; hence, he did not sign this judgment.