

**ALEXANDER LEE, Plaintiff in Error, vs. REPUBLIC OF LIBERIA, Defendant
in Error.**

LRSC 4; 1 LLR 508 (1875)

[January Term, A. D. 1875.]

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

MOTION TO DISMISS APPEAL.

The said defendant, in the above entitled case, respectfully motions the Honorable Supreme Court to dismiss the said case from the docket and to rule the plaintiff in error to pay all costs in the case, on the following grounds:

1. Because the so-called assignment of errors, in this case, is not made out in accordance with the rules of this court, and therefore this court should not entertain the same, nor require said defendant in error to make defence thereto.

2. And also because the writ of error in this case was issued illegally, inasmuch as it was issued on an assignment of errors that does not contain the necessary affidavit, nor the certificate of counsel, as required by the 27th rule of this court, and therefore said case is not legally in court.

Respectfully submitted,

W. M. DAvrs, Attorney General.

COURT'S RULING.

The court is of the opinion that the motion of the defendant in error contains matters of fact, in that it asserts that the assignment of errors has not thereto attached the certificates of one of the counsellors of the court, and is not made out in accordance with the rules of this court. Therefore this court rules that the motion is not entertained; because all motions containing matters of fact must have an affidavit thereto affixed, which is wanting in the motion before us.

Supreme Court, January Term, 1875.