

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

LRSC 1; 1 LLR 86 (1876)

[January Term, A. D. 1876.]

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

Bastardy.

The writ of error brings to this court a question between the judgment in the case in the court below and the law. This court shall therefore proceed to consider the question involved in the same. The error complained of is that the court below erred in giving final judgment in the case upon a default of the defendant below. From the record in the case, this court discovers great irregularities in the proceedings had in the court below upon the case. The court below upon a default of the defendant below ordered that the plaintiff in error (defendant below) enter into recognizance with good securities for the maintenance of the child, and to pay into the Sub-Treasury of Sinoe County the sum of one dollar per week, payable monthly. And as soon as the said Alexander Lee can be had, the sheriff or his deputy shall cause him to appear before this court, or the judge thereof, to enter into the aforesaid recognizance.

In the making of this order the court below erred; because, if the plaintiff in error (defendant below) had failed to appear at the time of trial, the proper action of the court below would have been to give judgment against the bond of the defendant below, which bond the statute directs should be taken from the defendant as a security for his appearance to the Court of Quarter Sessions, that the said court may make such order in the case as may be proper and lawful to do. It is the bond that gives the Court of Quarter Sessions jurisdiction over such cases, and enables it to proceed thereupon.

Therefore, this court adjudges that the order made by the Court of Quarter Sessions, Sinoe County, in the said case of Alexander Lee, plaintiff in error, against the Republic of Liberia, defendant in error, be and is hereby set aside and made void and of no legal effect whatever; and that the said Republic of Liberia, defendant in error, pay all costs incurred in this action.

Key Description: Appearance (Failure to appear)

Attachment (Absconding, absence, or concealment)