

MULLER & CO., Plaintiff in Error, vs. F. A. OVERTON, Sheriff, Defendant in Error.

LRSC 2; 1 LLR 188

[January Term, A. D. 1885.]

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

The plaintiffs in error brought this action upon assignment made against the proceedings and judgment rendered in a case of indictment, in the Court of Pleas and Quarter Sessions, Grand Bassa County, at its June term, A. D. 1884. At the calling of this case the defendant failed to answer, whereupon the plaintiffs asked for judgment by default.

We say, whenever one party to a suit before a court of competent jurisdiction fails to appear in person or by counsel, on the day which the cause was assigned for hearing, such failure furnishes to the other party sufficient ground to base a prayer for judgment by default.

In this case the defendant in error has failed to answer to his name either in person or by counsel, therefore this court adjudges that the plaintiffs in error are entitled to judgment by default against the defendant.

Key Description: Appearance (Failure to appear)