

**REPUBLIC OF LIBERIA**, Appellant, v. **TARWOE NIO**, Principal, and **G. P. CONGER THOMPSON**, Accessory Before the Fact, Appellees.

APPLICATION TO ABANDON APPEAL.

[Undated.]

Decision without opinion.

When this case was bulletined for hearing and before this Court could proceed to review the records certified to it from the court below, the counsel for appellant filed a notice of abandonment in the office of the clerk of this Court on April 19, 1944, which notice reads as follows:

"The Honourable D. Bartholomew Cooper, Solicitor General of Liberia, representing the Republic of Liberia, appellant in the above entitled cause, hereby abandons prosecution of the appeal, now pending before this Honourable Court, in which Tarwoe Nio, principal, and G. P. Conger Thompson, accessory before the fact, are appellees, Crime : Murder—Petition for cancellation of Bail Bond of G. P. Conger Thompson, for the following legal reasons, to wit:

"BECAUSE under section 5 of Criminal Appeal Statute approved December 16, 1938, which reads as follows—the appeal ought to be abandoned:

" 'An appeal to the Supreme Court may be taken by the State only in the following cases:

(a) Upon a judgment for the prisoner on a demurrer to the indictment [. . .; and]

(b) Upon an order of the Court arresting . . . judgment.'

"WHEREFORE the appellant's appeal hereof not being grounded on either of the aforementioned causes, and from an impartial consideration of the merits of the issue does not justify a prosecution of said appeal, said appellee ABANDONS the appeal without reservations —especially since the principal felon has been discharged from further answering the premises. 16: 8: 1943.

"Dated this 19th day of April A.D. 1944.

Republic of Liberia, Appellant,

"By:

[Sgd.] D. BARTHOLOMEW COOPER,  
D. Bartholomew Cooper,  
*Solicitor General of Liberia.*"

In accordance with said notice, it is hereby adjudged that the said application be granted; that the judgment of the court below be, and the same is, hereby affirmed; and that the case be remanded to the trial court with instructions to resume jurisdiction and to execute its judgment.

*Application granted.*