

TEAH TOKOH, Appellant, v. **REPUBLIC OF LIBERIA**, Appellee.

[Undated.]

Judgment without opinion.

When this cause was bulletined for hearing and before the records certified to this Court could be reviewed, the Republic of Liberia, appellee, through her counsel, C. Abayomi Cassell, Attorney General of Liberia, filed in the office of the Clerk of this Court on the eighth day of February, 1944 an application for leave to enter a nolle prosequi in the above-entitled cause, which application reads word for word as follows, to wit:

"The Republic of Liberia, appellee, by and through her Attorney, C. Abayomi Cassell, Attorney General of Liberia, begs most respectfully, by leave of this Honourable Court to enter a NOLLE PROSEQUI in the foregoing and above entitled cause, for the following legal reasons, to wit:—

"1. Because of the absence of sufficient strong, cogent and irresistible evidence in establishing the *corpus delecti*. Vide: 13 R. C. L. secs. 40 and 42, pages 736 and 738.

"2. And also because the evidence in proof of the cause of death is not clear and unequivocal. Vide: 1 Wharton's Criminal Law, sec. 653, page 825.

"Dated at Monrovia this 8th day of February, A.D. 1944.

"Respectfully submitted,

Republic of Liberia, appellee:

By her Attorney:

[Sgd.] C. ABAYOMI CASSELL,

C. Abayomi Cassell,

Attorney General of Liberia."

This Court having very carefully considered said application of appellee's counsel, it is hereby ordered that the application for leave to enter a nolle prosequi be, and the same is, hereby granted, that the judgment of the court below be, and the same is, hereby reversed, and that the case be remanded with instructions to the trial court forthwith to discharge appellant without day.

Application granted.