

L. VAN DER WERF, agent for Hendrick J. G. Moddermann, the agent for Messrs. Hendrick Muller & Co., Plaintiff in Error, vs. JOHN H. LOGAN, of Grand Bassa County, Defendant in Error.

LRSC 5; 1 LLR 521

Damages.

[January Term, A. D. 1885.]

Before His Honor C. L. Parsons, Chief Justice, and the Honorable Associate Justices, H. J. Neyle and Z. B. Roberts.

MOTION TO DISMISS APPEAL.

John H. Logan of Grand Bassa County, defendant in error in the above entitled cause, respectfully motions this honorable court to dismiss this case and rule the plaintiff in error to pay all costs, first, because in the assignment of errors in said case the said plaintiff in error assigns as errors matters of fact not on the record of said case; and second, because the purported affidavit attached to said assignment of errors is illegal and void, in that it is not entitled of any cause and has no jurat.

Respectfully submitted,

JOHN H. LOGAN, Defendant in Error,

By HY. W. GRIMES, Counsellor at Law.

COURT'S RULING.

This case comes up from the Court of Quarter Sessions, Grand Bassa County, for review, upon a writ of error. The defendant in error submits for the consideration of the court a motion to dismiss the cause, first, because the petition upon which the writ is founded assigns errors not found in the record and proceedings of the court below; and second, because the affidavit attached to said assignment of errors is illegal and void in that it is not entitled of any cause and has no jurat.

The court says, after a careful examination of law and the motion submitted, it is bound to support the rulings made in the case of Horace vs. Johnson, as said ruling is in perfect harmony with the law governing affidavits. Upon inspection, the court is satisfied that the motion to dismiss is well founded, and that all affidavits ought to intelligibly refer to the action in which they are filed, and should contain below, the jurat and the signatures of both the justice officiating and the deponent. The want of these requisites being apparent on the affidavit, the court therefore adjudges the case dismissed and that the defendant in error recover costs from the plaintiff in error.

Supreme Court, January Term, 1885.

Key Description: Affidavits (Nature and functions, in general; recording; signature and oath)