

TERMOR YUBOTEY, Appellant, *v.* **ELIAS T. NASSIM**, Appellee.

JUDGMENT WITHOUT OPINION

Decided: June 15, 1979

At the call of this case, Counsellor David Gballah appeared for the appellant. Counsellor Harper S. Bailey appeared for the appellee, and filed motion to dismiss the appellant's appeal on the ground that the Supreme Court was without jurisdiction over the case because appellant, having been absent from the court when his appeal from the magistrate court in Zwedru was dismissed and having admitted in his bill of exceptions that being absent, did not orally announce appeal in open court as the law required. Accordingly, the matter should have come up to the Supreme Court on a writ of error instead of on regular appeal.

This point in the motion is supported by section 51.6 of Civil Procedure Law, Rev. Code 1, under Announcement of taking appeal. After studying the motion and the resistance thereto, and after hearing arguments of counsel of both sides, it is adjudged that the motion to dismiss the appeal being well taken is hereby granted and the appeal is dismissed with costs against the appellant. And the Clerk of this Court is ordered to send a mandate down to the court below commanding the judge presiding therein to resume jurisdiction over the case and enforce the judgment. And it is so ordered.