FOMBA BILITY, Appellant, *v.* MASSAH SIRLEAF, Appellee.

MOTION TO DISMISS APPEAL FROM THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, BONG COUNTY.

Argued October 21, 1976. Decided November 19, 1976.*

1. The omission of any one step necessary to be taken by appellant to perfect an appeal deprives the appellate court of the power to hear and determine the appeal upon its merits.
2. Notice of completion of the appeal should be issued within sixty days after rendition of judgment in the lower court.

On a motion to dismiss an appeal from the Circuit Court, the time of issuance of the notice of completion of the appeal was in issue. Appellant contended that the appeal was completed well within the statutory time, and that the certificate of the clerk of court showing it to have been completed 332 days after rendition of the judgment was in error. The Supreme Court, however, accepted the certificate as correct, and therefore decided that since more than the statutory period of sixty days had elapsed since the lower court rendered judgment, the *appeal* must be *dismissed.*

Samuel E. H. Pelham for appellant. *James D. Gorden* for appellee.

MR. JUSTICE AZANGO delivered the opinion of the Court.

When this case was called for hearing, appellee moved the court to dismiss the appeal on the ground that appellant had not conformed to statutory requirements in that he neglected to file an appeal bond within sixty days after

* Mr. Chief Justice Pierre did not participate in this decision.

rendition of judgment in the lower court, and that he had failed to secure issuance of notice of completion of the appeal within that same period. Appellee fixed the time of rendition of judgment in the lower court as April 2, 1975, and the date of perfection of the appeal as March 16, 1976, fully 332 days after rendition of judgment.

Appellant opposed the motion on the ground that he had complied with the statutory requirements by filing in the office of the clerk of the court on April 9, 1975, an approved bill of exceptions dated April 8, 1975; that the appeal bond, to which was attached the affidavit of sureties, together with the notice of the completion of appeal and the bill of exceptions, were filed on April 9, 1975, within statutory time and not on March 16, 1976, constituting a period of 332 days as alleged by appellee; and that the certificate from Robert B. Anthony, clerk of the Supreme Court, and that of the clerk of the Ninth Judicial Circuit, Bong County, were false and untrue. He requested us to take judicial notice of the photostatic copy of the notice of the completion of the appeal, filed with his resistance, which notice shows on its face that it was filed on April 9, 1975. He contended that it was inconceivable that the same clerk of the Ninth Judicial Circuit could have issued another certificate declaring that the notice of completion of the appeal was issued and served on March 16, 1976. He contended also that it was on March 16, 1976, when the clerk of the Ninth Judicial Circuit invited all parties to the proceedings to appear in his office to tax the records prior to their transmission to the Supreme Court. It was therefore an error on his part to have substituted March 16, 1976, for April 9, 1975, as the day on which the notice of completion of appeal was issued and served. On these grounds, he has moved this Court to deny the motion to dismiss the appeal.

Commenting now on the issues raised in the motion to dismiss and the resistance thereof, we must re-emphasize that the right to appeal from a court of record to the Su-

preme Court is given in general terms by the Constitution of the Republic of Liberia and in several provisions of the Civil Procedure Law which set out the method of procedure to be followed. Rev. Code 1:51.1–51.20; see especially §§ 51.8, 51.9, 51.16. The sections of that statute providing the steps to be taken in removing a cause to the Supreme Court are jurisdictional and must be strictly complied with. *Bryant* v. *African Produce Co.*, 7 LLR 221 (undated). Stating it otherwise, the omission of any one step necessary to be taken by appellant deprives the appellate court of the power to hear and determine the appeal upon its merits. *Delaney* v. *Republic,* 4 LLR 251, 257 (1935); *Liberty* v. *Republic,* 9 LLR 437 (1947). And every appeal must be taken and perfected within sixty days after final judgment except in cases in admiralty. *Melton* v. *Republic,* 4 LLR 115, 116 (1934). This has been the holding of this Court since its institution.

The records certified to this Court reveal that judgment in the instant case was rendered on April 2, 1975, the bill of exceptions and appeal bond were tendered on April 3, 1975, and notice of the completion of the appeal was issued on March 16, 1976, when in deed and in truth the appeal should have been completed within sixty days as required by law; that is to say, in the month of June or July, 1975. Rather, notice of completion was issued a full 332 days after rendition of judgment.

As much as we would have enjoyed passing upon the principle of *lis pendens* and other issues presented by counsel, because of the violation of the appeal statutes we are without any alternative but to grant the motion to dismiss the appeal and order the court below to resume jurisdiction and enforce the ruling of His Honor MacDonald Krakue of the Ninth Judicial Circuit. And it is hereby so ordered. Costs are ruled against appellant.

Motion to dismiss granted.