

BOLUS, *alias* TOM PEPPER, and **BO-TABAR**, Appellants, vs. **SOKINE**, Appellee.

Damages Growing out of Replevin.

[January Term, A. D. 1907.]

COURT'S RULING ON MOTION TO DISMISS APPEAL.

This is a case brought to this court in the nature of an appeal by certiorari, for final determination. The trial below was conducted before the Court of Quarter Sessions and Common Pleas, Sinoe County, His Honor Judge William Witherspoon presiding, at its May term, A. D. 1906. At the call of the case the appellee failed to answer; whereupon the appellants prayed the court for judgment by default.

When a party to a suit before a court of competent jurisdiction fails to appear, either in person or by counsel, on the day assigned for hearing of said case, such failure is sufficient cause for his opponent to ask for judgment by default. In the case now before the court the appellee has failed to answer, which the court considers as an abandonment of the cause. The court therefore adjudges that the appellants are entitled to recover against the appellee, and renders final judgment that the appellants recover from the appellee all costs in this action. It further adjudges that the judgment rendered in the court below is reversed; and the clerk of this court is hereby ordered to issue and forward to the court below, in legal manner, notice of this ruling.