

SAMUEL T. BUNDOO, Appellant, v. NDEMBU,  
Appellee.

APPEAL FROM THE DEBT COURT, LOFA COUNTY, DISMISSING APPEAL  
TAKEN FROM THE MAGISTRATE COURT.

Argued October 28, 1970. Decided January 21, 1971.

1. The date of a court's ruling in any proceeding must always be indicated by the record, and in the event of such failure the time within which to perfect an appeal taken therefrom cannot be said to run from the date of the original ruling.

Appellee moved to dismiss the appeal taken from the Magistrate Court to the Debt Court, on the ground that appellant had failed to perfect his appeal within the fifteen days allowed in appeals taken from courts not of record. The Debt Court granted the motion and the court's judgment was appealed. The Supreme Court noted the fact from the record that the magistrate's decision was undated, thus leaving uncertain the day from which the time limit was to run, and, in view thereof, the Debt Court's judgment dismissing the appeal was *reversed* and the *appeal remanded*.

Appellant *pro se*. No appearance indicated for appellee.

MR. CHIEF JUSTICE WILSON delivered the opinion of the Court.

This case has its origin in the Magistrate Court of Lofa County.

The record reveals that appellant sued on an action of debt against the appellee in the Magistrate Court of the aforesaid county, and appealed to the Debt Court from the ruling against him.

When this case was called in the Debt Court, appellee moved to dismiss the appeal on the ground that the appeal was barred by statute in that the ruling was entered by the magistrate on May 12, 1969, and the appeal not perfected until June 10, 1969, since appeals from courts not of record must be perfected within fifteen days.

The appellant contended that the allegation was false in that the case was not determined until May 26, 1969, and that perfecting the appeal on June 10 was within the allowable fifteen days.

In inspecting the record, it appears that the decision was never dated by the magistrate.

It is an elementary rule of law and procedure that every ruling must be dated. The notation on it to the effect that plaintiff excepted to but never perfected his appeal from May 12 to June 10, which was obviously noted on June 10, cannot be accepted as the date the ruling was made and, therefore, leaves the date of the ruling uncertain.

With this ambiguity patent on the record, we are of the opinion that the trial judge was in error in sustaining the motion to dismiss the appeal.

The judgment of the court below dismissing the appeal is, therefore, reversed and the appeal remanded to be heard *de novo*. Costs to abide final determination.

*Reversed; appeal remanded.*