WILLIAM M. COLEMAN and **ANNA E. COLEMAN**, Appellants, v. **REPUBLIC OF LIBERIA**, Appellee.

ARGUED DECEMBER 17, 1913. DECIDED DECEMBER 18, 1913.

Dossen, O. J., and McCants-Stewart, J.

1. An appeal is perfected under the statutes if the appellant's bill of exceptions is duly signed within ten days and the appeal bond duly approved within sixty days from the date of final judgment.

2. The provision of the statute requiring the clerk to issue forthwith notice of appeal upon the filing of the bill of exceptions and appeal bond and the payment of all costs does not affect the validity of an appeal or furnish grounds for a motion for its dismissal, if the clerk should fail to act within sixty days from the date of judgment.

Mr. Justice McCants-Stewart delivered the opinion of the court :

Forgery—Motion to Dismiss. This is a motion to dismiss the appeal in this cause on the ground that it was not perfected within the time required by the law relating to appeals, in that the clerk of the trial court did not issue the notice of appeal within sixty days from the date of final judgment. No other material objection is raised as it was conceded on the argument that appellant's bill of exceptions was duly approved within ten *days* and the appeal bond within sixty days from the date of final judgment, and that this being a criminal case, there were no costs to be paid.

The statute provides that upon the signing of the bill of 'exceptions and the approval of the appeal bond by the trial judge, the cleric of the trial court shall "forthwith" issue the notice of appeal and such notice shall complete the appeal. The moving party contends that this notice of appeal must be issued within sixty days as this is the time fixed by the statute within which the appellant must perform the last act on his part in connection with the appeal, namely, the filing of the appeal bond duly approved by the trial judge. The Attorney General conceded on the argument, however, that under certain circumstances the clerk could issue notice of appeal after sixty days but that

he would be compelled to show that a pressure of business in his office prevented him from doing so within the sixty days.

Now, such an .admission itself is fatal to the contention that this appeal should be dismissed, and we could well deny the motion on such admission, but it may guide us in all such proceedings in the future if we would consider what is the meaning of the word "forthwith" when applied to the discharge of a duty enjoined upon a public officer.

It is well settled by many judicial decisions that the word "forthwith" means such convenient time as is reasonably requisite for doing the thing; and this meaning has been adopted by legal lexicographers generally.

For example, when a statute directed that the officers of lunatic asylums should discharge patients "forthwith" upon receipt of an order so to do, it has been held that "forthwith" meant as soon after as practicable. *(Lowe v. Fox,* 15 Q. B. D. 667, aff. L. R. 12 App. 206.)

An English bankruptcy rule required that an appeal shall be entered in twenty-one days, and that, upon entering a copy of the appeal, notice should be sent "forthwith" to the registrar of the court appealed from. In such a case it was held in several adjudicated cases that "forthwith" meant that such notice should be sent in twenty-one days or within a reasonable time after entering the appeal.

Now, the clerk of the trial court is compelled to discharge his duties promptly under his oath of office and the requirements of statutes providing penalties for neglect of duty on his part. If there is any unreasonable delay by the clerk, a party to avoid injury or delay in his case can resort to mandamus proceedings, or can invoke the aid of punitive statutory provisions.

It has been recently repeatedly held by this court that we shall not look favorably upon technical motions, but that we shall endeavor to hear and dispose of all causes on their merits. *(Page v. Jackson,* Lib. Ann. Series, No. 2, p. 22.) But this motion is so clearly without merit that we must deny it; and it is so ordered.

Arthur Barclay, for appellants.

Thos. W. Haynes, Attorney General, for appellee.

[Mr. Justice Johnson, being disqualified, took no part in the consideration or decision of this case.]