

JACOB D. FREEMAN, Plaintiff, v. **REPUBLIC OF LIBERIA**, Defendant.

ARGUED APRIL 20, 1915. DECIDED MAY 10, 1915.

Dossen, C. J., and Johnson, J.

1. The statutes requiring appellant to pay costs on an appeal, do not apply to criminal cases. In such cases the Republic neither receives nor pays costs.
2. The omission to stamp an appeal bond in accordance with the provisions of the Stamp Act is a material error.

Mr. Justice Johnson delivered the opinion of the court:

Forgery, Writ of Error — Motion to Dismiss. In this case a motion was filed by the Attorney General in behalf of defendant in error, praying the court, to dismiss the case in this court, for reasons set out in said motion.

There are several questions raised in the motion to dismiss, but the only points worthy of serious consideration by the court, are: (a) that relating to the appeal bond, which it is alleged was not stamped as the law directs, and (b) the point with reference to the non-payment of costs by plaintiff in error ; and these questions the court will now proceed to consider and determine.

The statutes requiring appellants to pay costs, on taking an appeal, do not apply to criminal cases. In the courts of the United States it has been repeatedly held that the Government neither pays nor receives costs. This principle has been well established in the practice of this court, and may be regarded as applicable to the several courts of this Republic (Rules of Supreme Court, I Lib.

L. R. Appendix; Bouv. L. D., vol. I, Costs; 3 Bl. Com . 400).

The second point is, in our opinion, well taken. This court has already ruled in the case *Johnson et al. v. Roberts* (I Lib. L. R. 8) that the omission to stamp an appeal bond as the law directs is a material error; and this principle has been reaffirmed in the following cases, viz.: *Moore v. Gross* (Lib. Ann. Series, No. 2, p. 18) ; *Greaves v. Johnstone* (Lib. Semi Ann. Series, No. 2, p. 14).

On inspecting the copy of the appeal bond filed in this case we find nothing to show that the said bond was stamped in accordance with the requirements of the Stamp

Act.

We are of the opinion, therefore, that the case should be dismissed.

Arthur Barclay, for plaintiff in error.

Attorney General, for defendant in error.