

H. L. PEARSON, husband for and on behalf of Rebecca Ann Pearson, his wife, and **William Beecher Harris**, heirs of the estate of W. E. Harris, of Sinoe County, deceased, Appellants, v. **B. J. TURNER**, Judge of the Monthly and Probate Court, Sinoe County, and **H. T. WRIGHT** and **J. W. LYMAS**, Administrators of the estate of R. A. Wright, deceased, Appellees.

Failure of parties to appear either in person or by counsel is an abandonment of cause.

Injunction. On appeal from the Court of Quarter Sessions and Common Pleas, Sinoe County.

The above entitled cause was tried and determined at the March term of the Court of Quarter Sessions and Common Pleas, sitting in equity—Judge William Witherspoon, presiding. Judgment was rendered in favor of the defendants to which judgment the appellants took exceptions, and upon a bill of exceptions brought the case up to the Supreme Court for review.

At the calling of the case in this court appellees did not answer, whereupon, appellants motioned the court for judgment by default, and also requested the court to complete its judgment by final expression. The court granted judgment by default, and now proceeds to render final judgment. In the above entitled cause now pending before this court, the appellees failing to appear in person or by counsel to defend their interests, or to show any legal cause why the case might not be proceeded with at this term of the court, this court, consequently, regards such failure as an abandonment of the cause, and says that the plaintiffs cannot be made to suffer on account of dereliction of the appellees.

Therefore, the court adjudges, that the judgment of the court below is reversed, the injunction perpetuated and that the appellees pay all legal costs in the action.

Given under our hands this 12th day of February, A. D. 1908.
By the Court.