

GERTRUDE TALERY and MARVINA COOPER,
by and through her husband, MOMOLU S. COOPER,
Appellants, v. ABRAHAM T. WESLEY, Appellee.

MOTION TO DISMISS APPEAL FROM THE CIRCUIT COURT, SIXTH
JUDICIAL CIRCUIT, MONTSERRADO COUNTY.

Argued March 30, 1971. Decided May 27, 1971.

1. The Supreme Court will not recognize any person as counsel for a party, who has not obtained a lawyer's license, as required.

In an action of ejectment, the defendants appealed from the judgment entered against him. The appellee moved to dismiss the appeal, on the ground that the appeal bond was defective. The appellants opposed the motion, contending that counsel subscribing the motion papers had no standing in Court, having failed to obtain his lawyer's license for 1970. The Supreme Court sustained the argument and *denied the motion to dismiss the appeal.*

Momolu Cooper for appellants. *A. Lorenzo Weeks* for appellee.

MR. JUSTICE SIMPSON delivered the opinion of the Court.

This case originated in the Sixth Judicial Circuit Court, Montserrado County during the June Term, 1969, when Abraham T. Wesley filed an action of ejectment against Gertrude Talery and Marvina Cooper, by and thru her husband, Momolu S. Cooper.

The complaint substantially alleged that on September 16, 1964, plaintiff bought, from the Republic of Liberia, a portion of land containing twelve acres, situated at Fendell, in Louisiana, a part of Montserrado County. The complaint continued by averring that irrespective of plaintiff's source of title, the defendants were continuing

to unlawfully deny plaintiff the aforesaid twelve acres of land, to his damage. In the circumstances, plaintiff prayed for \$3,500.00 in damages, and the return of his property to him by the eviction of the defendants therefrom.

The case was subsequently assigned and bulletined for hearing before this Court. When the case was called, the Court noted that a motion to dismiss, containing two cogent counts, had been filed by the appellee, through his subscribing counsel. Count one of the motion contended that the appeal bond was seriously defective in that it had attached thereto no affidavit in verification of the fact that the sureties named thereon had not only signed the bond but that they also had properties to cover the amount stated therein. Count two, in further attacking the bond, contended that it was totally defective, for it violated another statutory provision in that no certificate from the Revenue Service was attached thereto showing that there was no lien on the property of the sureties and that it was unencumbered.

Counsel for appellants produced evidence to show that at the time of subscribing his signature to the motion to dismiss, March 6, 1970, and for the residue of the year, counsellor A. Lorenzo Weeks, of counsel to Badio and Weeks, had not, in fact, procured a license, permitting him to subscribe his signature to the motion. In the circumstances, the motion constituted a legal nullity for it had not been subscribed by a counsellor to whom this Court gave legal cognizance, since he had failed and neglected to obtain from the Government a license to permit him to practice law. Upon inquiry by the bench, counsellor Weeks was forced to concede that he had not obtained a lawyer's license for the year 1970.

In view of the fact that counsel who signed the motion was not legally clothed to do so, this Court must deny the motion. Costs to abide final determination of the case.

Motion to dismiss appeal denied.