

J. W. WEST, Appellant, vs. **THE REPUBLIC OF LIBERIA**, Appellee.

[January Term, A. D. 1901.]

Appeal from the Court of Quarter Sessions and Common Pleas, Montserrado
County.

Libel for Non-Payment of License.

Motion to Dismiss Appeal.

Upon this case being called up the counsellor for the appellee submitted a motion to dismiss the case upon the grounds, first, that costs had not been paid in the court below, and secondly, that no notice of appeal had been served upon the appellee in said case.

The court upon review of said motion finds that the case has been brought before this court upon a writ of certiorari, which is a remedial writ issued by a superior tribunal to a court of inferior jurisdiction commanding it to forward the record for review, upon some alleged irregularity in law which occurred at the trial in the court below. It is not in the nature of an appeal, nor a writ of error; the writ of certiorari operates as a supercedeas to further proceedings in the court below, which writ is peremptory and must be obeyed by the judge of the court below. It is therefore the opinion of this court that the act (Leg. Lib. 1894) respecting the payment of costs and issuing of notice in cases of appeals, does not apply to writs of certiorari.

For the foregoing reasons the court does not sustain the motion to dismiss the said case.