

HOWARD CHILDS and PAUL JOHNSON, Appel-
lants, v. JAMES STATES, Appellee, REPUBLIC OF
LIBERIA, Relator.

APPLICATION FOR LEAVE TO INTERVENE.

Argued April 11, 1934. Decided May 4, 1934.

1. Upon proper application made and good cause shown, this Court may, in its discretion, permit a third party to intervene in a cause in which he was not an original party.
2. Leave to intervene will be granted the Republic in a case improperly brought by a private prosecutor against a person accused of a crime.

On application by the Republic of Liberia for leave to intervene in a case brought by a private prosecutor against a person accused of official misconduct, *leave to intervene granted.*

No appearance for appellants. *Barclay & Barclay* for appellee. *The Solicitor General* for the relator.

MR. JUSTICE GRIGSBY delivered the opinion of the Court.

At the call of this case before this Court, the Solicitor General of Liberia filed an application for leave of court to intervene for reasons as follow:

- “1. That on the docket of this Honourable Court the above entitled cause appears; 2) That the said cause is not entitled of the proper parties to causes of such a nature; 3) That according to section 125 of the Criminal Code of this Republic, Official Misconduct is a crime punishable by due prosecution on behalf of the aggrieved party by Republic of Liberia, upon information of the County Attorney in summary proceedings before the Circuit Court; 4) That the above procedure was not followed in this matter, but same

was brought by a private prosecutor in his own right contrary to law; 5) That to the mind of the prosecution there is such criminality involved in the case above as to demand justice meted out to all parties concerned; 6) That the Republic of Liberia as the sovereign, is an indispensable party and should have been made such in these proceedings.

“Wherefore the Republic of Liberia through her Attorney most respectfully prays that due leave of court may be granted her in the premises as an intervener in order that she may be able as of record to take whatever steps may be necessary, or as may otherwise conduce to the best interests of the State.”

This Court has considered the several counts laid in the foregoing application, and notes that counsel for appellee has concurred therein, and that appellants have not appeared. As there seems to be no objection raised by any of the parties to the application of the relator, and hence no issue before the Court for our consideration, it is the opinion of the Court that the leave to intervene should be granted; and it is so ordered.

Application granted.