

JERRY M. JOHNSON, Appellant, v. REPUBLIC
OF LIBERIA, Appellee.

Decided February 3, 1928.

Where a party fails to appear, judgment by default will be rendered upon proper application therefor.

Judgment of the court below in a case of rape *affirmed*.

No appearance for appellant. *The Solicitor General* for appellee.

PER CURIAM.

Judgment by default is rendered in consequence of the non-appearance of the defendant. The term is also applied to judgments entered under statute or rule of court for want of affidavit, plea, answer and the like, or for failure to take some required steps in the cause. Judgment by default is rendered against the defendant when he has failed to appear after being served with a writ to plead or after being ruled to do so in any civil or criminal matter; to file a defense within the prescribed term; or to make any step in the cause incumbent on him.

Before this Court proceeds to do so, there are certain requisites incumbent upon the Court to inquire into the validity of the indictment. The essential requisites to a valid indictment are:

1. That it be presented to some court having competent jurisdiction over the offense stated therein, and the indictment must allege specifically that a crime was committed within its jurisdiction.
2. That it appears to have been found by the grand jury of the county or the district in question.
3. That the indictment be found by a true bill, signed by the foreman of the grand jury.

4. That it be framed with sufficient certainty, and for this purpose the charge must contain a description of the crime or misdemeanor of which the defendant is accused, and a statement of the facts by which it is constituted so as to identify the accusation. The former are first: the venue; second: the presentment; third: the name of the defendant; fourth: the time when the offense was committed; fifth: a proper description of the offense. These are found upon the face of the record of this case.

Therefore, judgment of the court below is hereby affirmed, and it is so ordered.

Affirmed.