

J. E. SIMS, Appellant, v. WEST AND COMPANY,  
LTD., Appellee.

MOTION TO DISMISS APPEAL.

[Undated.]

The appellate court may dismiss a case upon motion for failure to pay costs in the court below.

On appeal to this Court, appellee moves to dismiss the appeal. *Motion granted.*

*C. L. Simpson* for appellant. *Barclay & Barclay* for appellee.

MR. JUSTICE PAGE delivered the opinion of the Court.

At the call of this case for hearing the appellee by and through its counsellors at law submitted for the consideration of the Court the following motion, to wit:

“West and Company Limited by and through their agent W. Walters, appellees in the above entitled cause respectfully move this Honourable Court to dismiss the appeal for the following legal reasons, to wit:—

“1. Because appellant has not paid cost in the court below in accordance with the Statute Laws of this Republic.

“Appellees therefore pray the dismissal of this case.

“Respectfully submitted,  
WEST AND COMPANY LTD.  
by and through their Agent  
W. WALTERS, appellees, by  
their Attorneys  
BARCLAY AND BARCLAY  
Counsellors at Law.”

Upon a careful consideration of the point set up in the motion, and on examination of the statute of Liberia relating to appeals (see I Rev. Stat. § 430, and also the records in the case for the best evidence that the cost had been paid which would be a certificate to that effect which does not appear on the records of this case), we are firmly of the opinion that the ground relied upon in the motion is well taken, and therefore without making any further observations the motion is sustained and the case dismissed with cost against the appellant. And the Clerk of this Court is hereby authorized to issue a mandate to the judge of the court below informing him of this ruling.

*Motion granted.*