

In re Information of KOFA THOMPSON.

JUDGMENT WITHOUT OPINION.

Decided February 3, 1978.*

At the call of this case Counsellor *John A. Dennis* and Counsellor *Edward N. Wollor* appeared for the petitioner-informant, and Counsellor *A. Lorenzo Weeks* appeared for the respondents. Petitioners' counsel having filed information growing out of mandamus proceedings which had been decided by the Justice in chambers, from whose ruling counsel for the respondents appealed to the bench *en banc*, it was discovered that while the appeal was pending and before it could be heard respondents' counsel filed withdrawal of their appeal, and also filed a return to the bill of information. Answering and replying affidavits also appeared in the record sent for review by the bench *en banc*.

Besides the novelty of filing information while appeal from a ruling in chambers was still pending hearing by the Supreme Court, withdrawal of the appeal taken from the ruling in chambers left enforcement thereof binding upon the parties on both sides of the mandamus proceedings. The bill of information is therefore dismissed. After studying the records and hearing arguments on both sides, it is adjudged that the ruling of the Justice in chambers should be and the same is hereby affirmed, and the petition in mandamus is granted with costs against the respondents. And the Clerk of this Court is ordered to send a mandate down to the court below commanding the judge presiding therein to resume jurisdiction over the cause out of which the mandamus grew, and approve the bill of exceptions *nunc pro tunc* as of the date of its presentation for approval in the court below. And it is so ordered.

* Mr. Chief Justice Pierre did not participate in this decision.