

GEORGE D. N. MORRIS, Petitioner-Appellee, v.  
CARTER BROWN, *et al.*, Respondent-Appellants.

APPLICATION FOR ORDER TO THE CIRCUIT COURT OF THE SIXTH  
JUDICIAL CIRCUIT, MONTSERRADO COUNTY, TO RESUME  
JURISDICTION AND ENFORCE ITS JUDGMENT.

Argued October 14, 1958. Decided December 19, 1958.

When an appellant has failed to complete an appeal, the lower court may be ordered to resume jurisdiction and enforce its judgment.

On appeal from a decree dissolving an injunction, petitioner-appellee applied to this Court for an order to the court below to resume jurisdiction and enforce its judgment. The *order* was *granted*.

*Michael M. Johnson* for petitioner-appellee. *Edward N. Wollor* for respondents-appellants.

MR. JUSTICE HARRIS delivered the opinion of the Court.

An action of injunction was filed by the above-named respondents-appellants in the equity division of the Circuit Court of the Sixth Judicial Circuit, Montserrado County, against the petitioner-appellee herein, and others, on July 14, 1955.

On October 25, 1956, the cause was heard and a decree dissolving the injunction was entered. The present respondents excepted and announced an appeal to this Court of last resort for review. The parties appealing having failed to perfect their appeal within statutory time, the present petitioner has made application to this Court for an order to the court below to resume jurisdiction and enforce its judgment in the said cause, making profert

with said application a certificate which reads as follows:

*Office of the Clerk,  
Civil Law Court,  
Sixth Judicial Circuit,  
Montserrado County,  
Monrovia.*

“REPUBLIC OF LIBERIA, }  
MONTSEERRADO COUNTY. }

“ C E R T I F I C A T E

“This certifies that the case: ‘Carter Brown, Annie S. Davis, *alias*, Annie Gibson, and Willie Walker, *et al.*, Petitioners, *versus* George D. N. Morris, J. Everett Bull, Stipendiary Magistrate, Commonwealth District City of Monrovia and B. G. McCabe, Ministerial Officers of the City Court, Monrovia, Respondents, action of injunction, was regularly filed in the office of the clerk of this court on the 14th day of July, 1955.

“On October 25, 1956, His Honor, William E. Wardsworth, then Circuit Judge, presiding by assignment over the September, 1956, term of this court, entered a decree dissolving the injunction, to which ruling petitioners excepted and announced an appeal to the Honorable Supreme Court of Liberia, to perfect which the appellants, on October 31, 1956, filed in the office of the clerk of this Court, through counsel, Edward N. Wollo, an approved bill of exceptions, but have neglected up to the present to file an approved appeal bond in completion of said appeal.

“Given from under my hand and seal  
of office in the City of Monrovia  
this 29th day of August, 1957.

“[Sgd.] WILLIAM H. KENNEDY,  
*Clerk of the aforesaid court.*”

A correct computation of time from October 25, 1956, the date on which the decree was entered dissolving the injunction, to October 7, 1957, the date of filing of this application for an order to the court below to resume jurisdiction and enforce its judgment, will give us eleven

months and twelve days, within which time only an approved bill of exceptions was filed by the appellants after exceptions were taken and appeal announced.

The law gives ten days after judgment is rendered or final decree entered within which the appellant is to file an approved bill of exceptions and an approved appeal bond, as well as a notice of completion of appeal within sixty days.

In the instant case, only an approved bill of exceptions has been filed in keeping with the certificate of the clerk of the lower court. There being no evidence that an approved appeal bond and a notice of the completion of the appeal were ever filed, and in view of the fact that the application was never resisted, the said application is granted and the Judge of the lower court is ordered to resume jurisdiction in the matter and enforce judgment. And it is hereby so ordered. Costs to be paid by the respondents.

*Application granted.*