

JUAH KARPEH BUCHANAN, Widow and Administratrix *pendente lite* Of the Estate of THOMAS E. BUCHANAN, deceased, Appellant, v. MARY JANE BUCHANAN RATAZZI and ENID BUCHANAN, nominated Executrices of the Estate of THOMAS E. BUCHANAN, deceased, MILLY BUCHANAN COOPER, by her Husband, JULIUS COOPER, FIRESTONE PLANTATIONS COMPANY, UNITED STATES TRADING COMPANY, BANK OF MONROVIA, CHASE MANHATTAN BANK, TRADEVCO BANK, UNITED LIBERIA RUBBER CORPORATION, INTERNATIONAL TRUST COMPANY, BANK OF LIBERIA, *et al.*, Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT,  
MONTSERRADO COUNTY.

Argued April 1, 1964. Decided May 22, 1964.

If an appellant fails to appear when a case is called for hearing, a motion for dismissal of the appeal will be granted.

On appeal in injunction proceedings, *appeal dismissed*.

*C. L. Simpson* for appellees. No appearance for appellants.

MR. JUSTICE HARRIS delivered the opinion of the Court.

On September 23, 1963, the appellant herein, plaintiff below, entered an action of injunction against the appellees, defendants below, venued before the September term, 1963, of the Circuit Court of the Sixth Judicial Circuit, Montserrado County. The trial was had by His Honor, James Hunter, who entered a decree dissolving

the injunction, to which decree the plaintiff below, now appellant, took exceptions and announced an appeal to this Court, which was granted and the appeal perfected. On April 1, 1964, this case was called for hearing before this Court. Counsel for the appellees answered, but neither counsel for the appellant nor the appellant himself appeared.

The case was therefore postponed until that afternoon at the hour of 3 o'clock, when a notice of assignment was again issued and placed in the hands of the marshal for service; but according to his returns, in his attempt to serve the notice of assignment upon the appellant's counsel, none of them could be found at their office; and even the clerk who was seen in the office refused to receive or acknowledge the notice of assignment. At 3 o'clock that afternoon, when the Court resumed business, the trial of the case was resumed. Predicated upon the returns of the marshal as well as the nonappearance of the appellant and her counsel, counsel for the appellees invoked Part 6 of Rule IV of this Court relating to dismissal of cause for failure of counsel or party to appear. There being no motion for continuance filed, the rule was applied and the appeal dismissed with costs against appellant. The clerk of this Court is ordered to send a mandate down to the court below, informing it of this judgment and commanding its enforcement. And it is hereby so ordered.

*Appeal dismissed.*