

MARDEA, *alias* BASSA WOMAN, Appellant, v. RE-  
PUBLIC OF LIBERIA, Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT,  
MARYLAND COUNTY.

Argued April 3, 1956. Decided June 29, 1956.

1. The jurisdiction of an appellate court over an appeal is conferred by notice of completion of the appeal, duly issued and served on the appellee, since such notice is in the nature of a summons.
2. An appeal will be dismissed on motion of the appellee where, before submitting himself to the jurisdiction of the appellate court the appellee shows that the appellant failed to file notice of the completion of the appeal.
3. Absence or material defectiveness of a duly approved appeal bond constitutes sufficient ground for dismissal of an appeal.

On appeal from a judgment of conviction for mayhem, appellant failed to file notice of completion of the appeal, or to submit an appeal bond, or to appear either in person or by counsel. This Court accordingly granted appellee's motion that the appeal be *dismissed*.

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

MR. JUSTICE SHANNON delivered the opinion of the Court.

The appellant in this case was indicted, tried, convicted and sentenced for the crime of mayhem before the Circuit Court of the Fourth Judicial Circuit, Maryland County; and appealed to this Court. When the case was called for hearing before us the Republic of Liberia, appellee, through her counsel, gave notice that a motion to dismiss the appeal had been filed. The grounds set out therein are:

- "1. Because the appellee says that the appeal should be dismissed for the reason that no notice of the com-

pletion of appeal was issued and served on the appellee as is mandatorily required by our statutes, as more fully appear by certificate from this Court herewith filed, marked Exhibit 'A,' and forming part of this motion.

- "2. And also because appellee says that the appellant failed to file an approved (appeal) bond in keeping with law and as is evidenced by certificate of clerk of this Court herewith filed, marked Exhibit 'B,' and forming part of this motion."

The appellant did not appear either in person or by counsel, which would, *ipso facto*, entitle appellee to a ruling dismissing the appeal. R. Sup. Ct. XI (2), (2 L.L.R. 666).

Appellee's motion to dismiss the appeal is supported by the records in the case including certificates issued by the clerk of this Court. We have repeatedly held that it is the notice of the completion of the appeal, duly issued and served on the appellee, which confers jurisdiction on the appellate court over the appellee because said notice is in the nature of a summons. Its absence, when shown by an appellee before submitting himself to the jurisdiction of the appellate court, is sufficient ground for the dismissal of an appeal. *Morris v. Gatlin*, 1 L.L.R. 252 (1893); *McBurrough v. Republic*, 1 L.L.R. 385 (1901); *Cooper v. McGill & Bros.*, 1 L.L.R. 93 (1878); *Anderson v. Dennis*, 1 L.L.R. 505 (1872); *North v. Clarke*, 2 L.L.R. 491 (1925); *Kwasi Adai v. Jackson*, 2 L.L.R. 171 (1914); *Morris v. Republic*, 4 L.L.R. 125 (1934); *Jantzen v. Williams*, 4 L.L.R. 231 (1934); *Delaney v. Republic*, 4 L.L.R. 251 (1935).

Our statutes also provide that the absence or non-issuance of a duly approved appeal bond or the material defectiveness of such a bond shall constitute grounds for the dismissal of an appeal. L. 1938, ch. III, sec. 1 (2).

In *Melton v. Republic*, 4 L.L.R. 115, 117 (1934), Mr. Justice Dossen speaking for this Court, said :

“The appeal bond is therefore an essential requirement to the perfecting of a legal appeal, and when same is omitted, as in this case, or fatally defective, said appeal will be dismissed by the appellate court. For it is not until the appeal bond shall have been approved by the trial judge and the appeal perfected that the clerk of said court can issue notice to the appellee informing him that the appeal is taken and to what term of the court, and directing said appellee to appear and defend same; which said notice served and returned by the ministerial officer of said court places appellee under the jurisdiction of the appellate court.”

In our opinion, the motion is well founded and supported by the records certified to us, so that we have no alternative but to grant same and dismiss the appeal; and it is hereby so ordered.

*Appeal dismissed.*