

SAMUEL T. A. RICHARDS, Appellant, v. GEORGE
HOLT, Appellee.

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

Argued March 13, 1956. Decided June 29, 1956.

1. An appeal bond which is not validated by a revenue stamp on its face is materially defective.
2. Where an appeal bond is shown to lack a revenue stamp on its face a motion to dismiss the appeal will be granted.

After an appeal to this Court had been filed in an injunction action, appellee moved to dismiss the appeal on the ground, *inter alia*, that no revenue stamp was affixed to the face of the appeal bond. This allegation having been proved, the motion to dismiss the appeal was granted, and the *appeal dismissed*.

J. Dossen Richards for appellant. *T. Gyibli Collins* for appellee.

MR. JUSTICE PIERRE delivered the opinion of the Court.

This case is now before us for final determination on appeal from a ruling of the trial judge who presided over the March, 1955, term of the Circuit Court of the Sixth Judicial Circuit, Montserratado County. When it was called for hearing during the present term we discovered that a motion to dismiss the appeal, containing two counts, had been filed by the appellee. We deem the second of these counts to be of material importance, and will therefore quote it word for word:

- “2. And also because the purported appeal bond filed in this case is not such a bond as the law requires, in that the said bond does not set out any amount of indemnity, or bear any revenue stamp on its

face, or is it signed by any surety, and it is not approved by the trial judge, and therefore is fatally defective and void."

Of the several defects raised in this count, two have been cured by the following certificate issued by the clerk of the court below :

"The appeal bond filed in the said cause of action was approved by His Honor, Judge Beysolow, on the 21st day of April, 1955, with W. D. Richards, instead of J. D. Richards, and Sarah Simpson George as sureties."

An inspection of the bond reveals that, in fact, it does set out an amount of indemnity. The other alleged defect—absence of a revenue stamp on the face of the bond—remains undenied and stands as a barrier in the way of any further hearing of this case on appeal.

It is regrettable that so often attention has to be called to negligence on the part of counsel in supervising the preparation of the records of their clients' cases on appeal. As summarized in the syllabus of a decision rendered by this Court many years ago :

"Party appealing should superintend the appeal and see that all legal requisites are completed." *Johnson v. Roberts*, 1 L.L.R. 8 (1861).

Several times, and on many occasions since then, counsel have been admonished to give more time and attention to, and show more interest in the handling of causes before this Court.

It is mandatory that all civil appeal bonds carry stamps on their faces to make them valid. Absence of a stamp on the face of an appeal bond has been held by this Court to constitute a material ground for the dismissal of an appeal, as summarized in the following syllabus :

"The omission to stamp an appeal bond in accordance with the provisions of the Stamp Act is a material error." *Freeman v. Republic*, 2 L.L.R. 189 (1915).

Since it seems to us that, of the several grounds stated

in the motion to dismiss, this ground is sufficient to invalidate the bond upon which the appeal was completed, we are of the opinion that the motion should be, and the same is hereby granted, and the appeal before this Court is dismissed. Costs of these proceedings ruled against the appellant; and it is so ordered.

Appeal dismissed.