

HURATU WILLIAMS - - Appellant.

29th January,
1923.

v.

ROCKEY SAVAGE - - Respondent.

Application for special leave to appeal—Section 9 of the Appeal Rules—Conditional leave granted under section 8—No further step taken.

The facts of this case are sufficiently set out in the judgment.

Application for special leave to appeal from a judgment of Purcell, C.J., in the Supreme Court of the Colony of Sierra Leone.

T. A. Taylor for the Appellant.

Wright for the Respondent.

McDONNELL, Acting J.

This is an application for Special Leave under section 9¹ of the Appeal Rules.

Conditional Leave under section 8² was applied for within a week of the lapse of the three months, the time prescribed under that section. Nothing was then done; there is a conflict between the parties as to whether the would-be Appellant was thereafter in Freetown or not; at any rate her counsel left for the Protectorate on professional business, and did not return until the month prescribed for fulfilling the conditions had elapsed.

He took no steps to instruct other counsel to comply with the conditions. It would be stultifying the decision arrived at the last sittings of this Court, constituted exactly as it is now, in *Khalim Nicholas v. Boyawa* referred to in my judgment last week in *During v. Traill* and others, were we to entertain this application, which must therefore be dismissed with costs.

PURCELL, C.J.

I agree.

SAWREY-COOKSON, J.

I agree.

¹ Now Cap. 205, Sch., sec. 9, Vol. II, p. 1439.

² Now Cap. 205, Sch., sec. 8, Vol. II, p. 1439.