

BURLES V. ROBERTS, 1918-NMSC-087, 24 N.M. 256, 173 P. 1035 (S. Ct. 1918)

**BURLES
vs.
ROBERTS et al. McTAVISH v. SAME. BELLOMINI v. SAME.**

Nos. 2242, 2243, 2244

SUPREME COURT OF NEW MEXICO

1918-NMSC-087, 24 N.M. 256, 173 P. 1035

July 02, 1918, Decided

Appeal from District Court, McKinley County; Raynolds, Judge.

Separate actions by Charles Burles, by Robert H. McTavish, and by Nello Bellomini, against R. L. Roberts and others. From judgments dismissing the complaints on defendants' motion, plaintiff in each case appeals. Appeals dismissed.

SYLLABUS

SYLLABUS BY THE COURT.

Section 15, chapter 43, Laws 1917, interpreted, and **held** to have the effect of abating an appeal or writ of error where no cost bond is filed within the time required by the statute.

COUNSEL

A. T. HANNETT, of Gallup, for appellants.

WILSON & WALTON, of Silver City, and H. C. DENNY, of Gallup, for appellees.

JUDGES

PARKER, J. HANNA, C. J., and ROBERTS, J., concur.

AUTHOR: PARKER

OPINION

{*256} {1} OPINION OF THE COURT. PARKER, J. The facts in these cases are identical with those in Hernandez v. Roberts et al., 24 N.M. 253, 173 P. 1034, not yet

officially reported, and for the reasons stated in that case the motion to dismiss the appeal will be granted; and it is so ordered.

HANNA, C. J., and ROBERTS, J., concur.