

script. Nothing has been done by appellant to perfect his appeal pursuant to Appellate Rules, and there is consequently nothing before the Court for review.

It is, therefore, ordered, that the above entitled appeal be, and it hereby is, dismissed.

MULLER, Appellant

v.

MAKRORO and JABLUR, Appellees

Civil Appeal No. 82

Appellate Division of the High Court

Marshall Islands District

October 4, 1974

Unperfected appeal. The Appellate Division of the High Court, Burnett, Chief Justice, dismissed the appeal.

Appeal and Error—Notice and Filing of Appeal

Where notice of appeal did not, as required by rule, make a concise statement of the judgment or part thereof appealed from and a concise statement of the grounds on which the appeal was made, and no attempt to obtain a transcript was made, the appeal would be dismissed. (Rules Civil Proc. 21)

BURNETT, *Chief Justice*

Notice of appeal was filed, on December 7, 1972, from judgment entered on December 10, 1971. The notice itself is defective, in that it does not comply with Rule 21, Rules of Civil Procedure, which requires such notice to include "a concise statement of the judgment or part thereof appealed from . . . and a concise statement of the grounds on which he appeals.". Appellant was notified, through counsel, on January 27, 1972, and subsequently in person by the Clerk of Courts, of the estimated cost of the trial transcript, and that the record could not be certified to this court without

a transcript. Nothing further has been done, nor any action taken by appellant to perfect his appeal; consequently, there is nothing before this Court for review.

It is, therefore, ordered, pursuant to Appellate procedural Rule 32(d), that this appeal be, and it hereby is, dismissed.

KOMA KOROK and KURUMA KOROK, Appellants

v.

KIMAT LOTA, Appellee

Civil Appeal No. 96

Appellate Division of the High Court

Marshall Islands District

October 11, 1974

Appeal. The Trial Division of the High Court, Burnett, Chief Justice, remanded for a new trial.

Appeal and Error—New Trial

Where the court reporter at trial, the transcript and the trial judge were not available on appeal, court would remand for a new trial.

BURNETT, *Chief Justice*

The appellants have filed a timely notice of appeal. However, the court reporter at the trial is no longer available and efforts to order and obtain a transcript have proven fruitless. In addition, the trial judge is no longer available.

Pursuant to the authority granted in the Rules on Appeal, Rules of Criminal Procedure, Rule 32(1), and to accomplish justice, this matter is remanded to the High Court, Marshalls District, for a new trial to be heard at the first convenient date for that Court.