



**RULES AND
REGULATIONS FOR
THE GOVERNANCE OF
THE MAGISTRATE
AND TRAFFIC COURTS
OF LIBERIA**

APPROVED BY THE SUPREME COURT OF LIBERIA

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AND TRAFFIC COURTS OF LIBERIA**

- Rule 1.** The Stipendiary Magistrates and Traffic Courts shall exercise the jurisdiction and perform respectively the duties prescribed by statutes.
- Rule 2.** The Senior Associate Magistrate shall discharge automatically the duties of the Stipendiary Magistrate, whenever the latter through illness, absence or other disability cannot discharge the functions of his office. The Stipendiary Magistrate shall assign cases to be heard before the Associate Magistrate(s) for the speedy discharge of the business of the court. In the absence of the Traffic Court Judge, his duties shall be performed by any other Magistrate appointed by the Chief Justice to act during illness, absence or other disability. In all such cases where either the Associate Magistrate has to act for the Magistrate or some other person for the Traffic Court Judge, they shall have the same jurisdictions and powers as the officers for whom they serve.
- Rule 3.** That should the Associate Magistrate be conducting the Court during the illness or other disability of the Stipendiary Magistrate, upon the return of the proper official to duty or the removal of the disability under which he suffered, the Associate Magistrate shall complete the matters, the trial of which shall have actually begun; but shall leave those trial of which may not have commenced to be tried by the Stipendiary Magistrate whether the writs were signed by the Associate Magistrate or not. This Rule shall also apply in cases where some other Judge acts under similar circumstances for the Traffic Court Judge.
- Rule 4.** Under the direction of the Court, the clerks, in the Stipendiary Magistrate's Court and in the Traffic Court, shall issue and sign all legal precepts of the respective courts, keep the minutes and records of the court and place daily bulletins of all cases and matters to be disposed of and to perform such other duties as may be required to them by the court. The bulletins shall be placarded at the door of the court.
- Rule 5.** A schedule of cases assigned for hearing shall be prepared daily and placarded at the door of the courthouse, and the cases so scheduled and bulletined shall be disposed of first, before any other case can be advanced on the docket and heard, criminal cases shall always have precedence, and shall be heard in the morning sittings and civil cases in the afternoon; except however in cases and under circumstances which in the discretion of the Magistrate it might seem wise to do otherwise.
- Rule 6.** Any Justice of the Peace or Magistrate exercising functions within the limits of cities, towns, and commonwealth districts are vested with jurisdiction over cases arising under the Sanitary Act of December 19, 1930, as amended, and the City Ordinances. Justices of the Peace or Magistrates shall set aside Mondays in every

week for the trial of all cases arising out of the Sanitary Act and City Ordinances issued from time to time. Such trials shall be summary and judgment shall be rendered and enforced without delay.

Rule 7. The trial and determination of all criminal cases in the Magistrate Court, and all cases in the Traffic Court, shall be speedy. Every person arrested or detained shall be accorded his constitutional rights, and all such arrests shall be made in accordance with the criminal procedure law provided no person shall be detained for more than 48 hours without a warrant.

Rule 8. During periods when the Grand Jury is sitting, all indictable offenses shall be immediately forwarded to the Circuit Court and to the County Attorney for appropriate action.

Rule 9. No civil case shall be postponed and continued for more than two (2) weeks, except for good reasons in the discretion of the Magistrate. Neither shall a civil case be continued from month to month without speedy determination. No criminal case in the Magistrate Court, nor might any case in the Traffic Court, remain pending and not disposed of for more than thirty (30) days after arrest.

Rule 10. No civil case filed in the Magistrate Court shall remain on the docket undetermined for more than two months; all cases in which the parties have not appeared and asked for hearing shall be automatically stricken from the docket after that period. Where one of the parties appears and requests a hearing of the case, the court shall upon more than one assignment ignored by the other side grant the request of the party so requesting a trial.

Rule 11. The procedure outlined in the Liberian Code of Laws Revised as amended shall be strictly observed in all civil and criminal cases in the Magistrate Court, and in every case in the Traffic Court; the substance of all motions shall be entered on the back of the writ and ruled upon, and hearing in the case had without undue delay. The Magistrate Court not being strictly a court of record, written pleadings and other procedures strictly within the providence of courts of records, shall not be entertained by any Magistrate Court.

Rule 12. The procedure in the Traffic Court shall be in conformity with the provision outlined in Rule 10 above.

Rule 13. Amendments to processes before trial to promote speedy and substantial justice shall be liberally allowed.

Rule 14. All fees required by statute to be paid in civil cases in the Magistrate's Court shall, without exceptions, be prepaid to the Magistrate Police upon a bill prepared by the clerk. All fees, fines and forfeitures due for deposit to the credit of Government account, shall be paid in the Magistrate and Traffic Court to an employee of the

Bureau of Internal Revenues, who shall be assigned to each of these courts for that purpose. A daily report of these payments which shall be received against official Flag Receipts, shall be made at the close of each day's sitting, in quintuplicate and signed by the Clerk, acknowledged by the Revenue Collector and approved by the Magistrate or Traffic Judge. These forms shall show the number of cases tried daily, the amounts collected for each to be deposited to Government account, and must show that said amount must have already been received by the Revenue Officer; they shall be distributed as follows:

1. ORIGINAL to the Court Administrator's Office in the Supreme Court, and should be filed at the end of each week;
2. DUPLICATE to the District, Commissioners or Mayor of Cities or the Commonwealth District;
3. TRIPLICATE to the Magistrate;
4. QUADRUPPLICATE to the Revenue Tax Collector; and
5. QUINTUPLICATE to the Clerk of Court.

Rule 15. The Clerk of Court shall be entitled to receive for his own fees, amounts prescribed by law for repairing appeal records in civil cases only, and for issuing writs in such cases.

Rule 16. All fines or forfeitures imposed by court shall be collected forthwith upon rendition of judgment except in cases of appeal. Otherwise, the party shall upon failure to pay be committed to prison to liquidate same at labor at \$25.00 per month.

Rule 17. In civil cases in the Magistrate's Court, all costs shall immediately upon the rendition of judgment be paid, except in cases of appeal. Upon the failure to pay said costs of court, a writ of execution shall be issued against the losing parties.

Rule 18. If the successful party in a civil case shall immediately upon rendition of final judgment pray for execution, the costs of court may be joined in the one execution containing the judgment in favour of all the successful party.

The Clerk shall keep a clear account of cases tried, and the date of judgment and amount paid as costs and fines so that in case an appeal is not taken within the time prescribed by statute, execution shall issue as a matter of course as to the cost of court, without the necessity of application from the successful party. A fine of not less than \$25.00 or not more than \$100.00 in each case shall be imposed on the Clerk of Court where he neglects to issue an execution of costs of court, upon the losing party.

Rule 19. Any prisoner duly arrested in a criminal case in the Magistrate's Court or Traffic Court, and whose case shall remain untried for ten days shall be entitled to jail delivery, and such person so entitled shall be sent up by the Jailor to the committing court to be discharged according to law, except upon request of the

City Solicitor of the Court and where it is determined that the safety of the State requires the further detention of the prisoner(s).

Rule 20. The courthouse shall not be shut during the hours prescribed by law and by these rules, nor shall the clerk be absent from duty except upon permission of the Magistrate, Traffic Court Judge, or officer presiding in either the Magistrate or Traffic Court, but said absence shall not prejudice the rights of litigants in obtaining speedy trials.

Rule 21. Upon the arrest of any person based on a warrant issued by either Magistrate or Traffic Court, he shall be required to give only one bail bond which shall be for his appearance and attendance from day to day until final judgment when said bond shall cease to be valid. The payment of a bail bond fee for approval of bail bonds in any such cases is prohibited, this fee being unauthorized by law.

Rule 22. Every office of the court shall be required to faithfully observe time, and be on duty according to Rule 1 of these General Rules applicable in all courts of Liberia or shall be liable to a fine of any amount which the Magistrate or Traffic Court Judge might deem sufficient; but in no case shall it be less than \$25.00 or more than \$100.00.

Rule 23. Criminal Procedure in these courts (Magisterial and Traffic) shall be commenced by the issuance of a warrant of arrest by the clerk of the court, upon the order of the Judge or Magistrate and said warrant shall contain the following essentials:

- (a) A case file number;
- (b) It shall be directed to the ministerial officer of the court of service;
- (c) It must be issued in the name of the City or Corporation and the Republic of Liberia;
- (d) It shall contain a distinct and intelligible complaint sufficient to sustain the charges;
- (e) It must be signed by the clerk who issued the warrant;
- (f) The ministerial officer must make his returns on the back of the warrant and present same in court on the day appointed in the warrant for the appearance of the prisoner.

Failure to do any of the above upon application properly made will

furnish ground for dismissal of said warrant.

- Rule 24.** If there be any objections to the warrant, such objection must be made immediately after the case is called for hearing, and before the defendant pleads to the warrant. But after issue is joined, an application objecting to the writ shall not be allowed except to the jurisdiction over the subject matter, which may be made at any time before judgment.
- Rule 25.** Upon calling of a case for hearing, if there be no objections or after such objections have been disposed of by the court, the Magistrate or Traffic Court Judge shall require the prisoner to plead to the writ as follows: "Are you guilty or not guilty", if he pleads "guilty" then there shall be no necessity to proceed further with the witnesses but the Magistrate or Traffic Court Judge shall at once render judgment, same to be recorded on the back of the warrant.
- Rule 26.** No person other than a party himself shall be allowed to represent a litigant in the Magisterial or Traffic Courts, except he be a regularly licensed attorney or counselor-at-law, or bears such relationship as the law provides.
- Rule 27.** Objections to the competency of the witness must be made before the oath is administered, except in cases where his incompetency is not discovered until after he has been sworn, or after the examination is over. In the latter case it shall be within the Magistrate's or Traffic Court Judge's discretion to accept said testimony, otherwise such objection shall not be allowed.
- Rule 28.** After the close of the oral examination, counsels for both parties may next offer material evidence as the instrument used or article stolen; provided however, said article or instrument shall have been first identified by two (2) witnesses and marked by court, and not otherwise. All objections to such evidence must be made as soon as it is offered or it may not be allowed.
- Rule 29.** After counsels on both sides have concluded examination of witnesses and rested evidence, they may be allowed summation of the whole evidence, the plaintiff opening and closing the argument.
- Rule 30.** After arguments the Magistrate or Traffic Court Judge shall render and record his judgment on the back of the warrant. Appeal may be taken therefrom to the proper Circuit Court, having jurisdiction over the subject matter in which case a prisoner shall give a bond within twenty-four (24) hours after judgment, same to be approved by the Magistrate or Traffic Court Judge by whom the judgment was rendered. All appeals must be completed within fifteen (15) days from the date of judgment, the amount of the appeal bond to be determined or fixed by the Magistrate or Traffic Court Judge approving.
- Rule 31.** Cases determined by the Traffic Court, and those of a criminal nature determined by

the Magisterial Court, and from which appeal is taken to the Circuit Court, shall be tried thereat on its merits.

- Rule 32.** In all cases of arrests without warrant, the officer shall arrest only for such offenses as are committed in his presence. He shall not arrest for past offense not committed in his presence without a warrant of arrest, except for cases of felony and breaches of the peace; provided however the arrest be made within two hours after the offense was committed; otherwise upon application properly made to the court the case may be dismissed.
- Rule 33.** No lawyer shall be allowed to prosecute in the Magisterial or Traffic Courts in the name of the State or City Corporation, except by permission of the City Solicitor, who shall first inform the court of his desire to have said lawyer as his assistant.
- Rule 34.** The Police Officer detailed to attend the Magistrate's Court, shall be known as the Magistrate's Police, and said officer shall keep order within the precincts of the court and shall be fined by the court for each neglect to do so.
- Rule 35.** All civil actions must be commenced by means of a writ, which must embody or be accompanied by the complaint of the plaintiff. It must contain the legal requisites and when it embodies the complaint, must state clearly the acts of grievances sought to be redressed.
- Rule 36.** In civil cases every defendant must appear on the day appointed in the writ for his appearance otherwise judgment shall be rendered against him by default. Upon appearance of the defendant, he may give notice of change of venue if he so desires, and this must be done before issue is joined. The right of change of venue shall be extended only to the defendant.
- Rule 37.** The Traffic Court shall be presided over by the Traffic Judge appointed in each of the counties where such court is established.
- Rule 38.** Any operator charged with violating traffic laws by operating a vehicle beyond the speed limits required by law, shall be punished in keeping with existing statute. Drivers found violating any of the rules controlling driving signals, or ignoring the signal of a Traffic Officer, suffer the punishment prescribed in such case, or any which shall be imposed by the Traffic Court within the limits set by the statute.
- Rule 39.** The Traffic Court Judge or any other officer authorized to hear and determine traffic cases shall in each and every instance of punishment, have a notation in the offender's license in one of the sheets marked "Judicial Comment", what the punishment is, the date, and whether it is the first, second or third offense, and shall initial the said notation.
- Rule 40.** Where personal injury or death ensue as a result of the violation of any of the traffic

rules or regulations, such alleged violator shall stand trial in keeping with law controlling in such cases.