

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA,
SITTING IN ITS OCTOBER TERM, A.D. 2024

BEFORE HER HONOR: SIE-A-NYENE G. YUOH..... CHIEF JUSTICE
 BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
 BEOFRE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
 BEOFRE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON ...ASSOCIATE JUSTICE

The Intestate Estate of Victoria Johnson Maxwell, represented by)
 its administrators, Charles Johnson, Jr., Fredrick E. R. Johnson and)
 Margaret Johnson, of the City of Monrovia, Liberia..... Informant)

Versus)

) BILL OF
) INFORMATION

Her Honor Golda A. Bonah-Elliott, Assigned Circuit Judge, Sixth)
 Judicial Circuit, June Term of Court, and the Intestate Estate of)
 Thomas Wesley Philips, represented by its administrators, Patrick)
 N. Bishop and Emmanuel K. Bishop, and the Sheriff of the Sixth)
 Judicial Circuit, Monrovia, Liberia..... Respondents)

GROWING OUT OF THE CASE:)

The Intestate Estate of Thomas Wesley Philips, by and thru John)
 S. Bishop and Kwii S. Tarniah, administrators, of the City of)
 Monrovia, Liberia..... Appellant)

Versus)

) APPEAL
)

Jessie S. Payne, Attorney-in-Fact, for Victoria Johnson Maxwell,)
 of the City of Monrovia, Liberia..... Appellee)

Heard: October 23, 2024

Decided: December 19, 2019

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

On August 14, 2024, the informant herein, the Intestate Estate of Victoria Johnson Maxwell, represented by its administrators, Charles Johnson, Jr., and Fredrick E. R. Johnson, filed before the Supreme Court of Liberia a (14) count bill of information. The informant alleged *inter alia*, that although the Sixth Judicial Circuit, Civil Law Court, Montserrado County, fully executed the Mandate of the Honorable Supreme Court of Liberia, growing out of a Judgment Without Opinion entered on April 7, 2015, in the case: “*The Intestate Estate of Thomas Wesley Philips v. Mr. Jessie S. Payne, Sr., Attorney-In-Fact for Victoria Johnson Maxwell*”, the assigned judge of the said court, Her Honor Golda Bonah-Elliott, ordered the clerk of the trial court to issue a Writ of Possession commanding the Sheriff of said court to put Jessie Payne in possession of the remaining three (3) lots of land as per the stipulation

contained in the joint stipulation of voluntary discontinuance; that the Supreme Court Mandate did not authorize the respondent Judge to order the issuance of a writ of possession to the parties, but rather, to demarcate the nine (9) lots in dispute. Therefore, the order for the issuance of a writ of possession is an irregular manner of executing the Supreme Court's Mandate.

The informant also averred that in a 2023 Opinion, the Supreme Court revoked the letters of administration issued to Jessie Payne by the Monthly and Probate Court for Montserrado County, disallowing his administration of the Intestate Estate of Victoria Johnson Maxwell; that Charles Johnson, Jr., Fredrick E. R. Johnson and Margaret Johnson are heirs of the late Victoria Johnson Maxwell; that predicated on the revocation of the letters of administration of Jessie Payne, Charles Johnson, Jr., Fredrick E. R. Johnson, and Margaret Johnson obtained letters of administration to administer the Intestate Estate of Victoria Johnson Maxwell; that because Jessie Payne is deceased, and the estate now has new administrators, the respondent Judge was in error, and irregularly executed the Mandate of the Supreme Court when she ordered the issuance of a writ of possession in favor of Jessie Payne. The informant further stated that as a consequence of the said writ of possession issued, the Intestate Estate of Thomas Wesley Philips, together with the Sheriff of the Civil Law Court, aided by the Liberia National Police, entered upon the premises of the informant, using bulldozers to damage and destroy the informant's structures. The informant therefore prayed the Supreme Court to grant its bill of information, prevent the respondents from using the said stipulation to evict the informant, and oust and eject informant and its tenants from the subject premises.

On September 6, 2024, co-respondent, the Intestate Estate of Thomas Wesley Philip, by and thru its administrators, Patrick N. Bishop and Emmanuel K. Bishop, filed returns and contended *inter alia* that Her Honor Golda Bonah-Elliott did not execute the Supreme Court's Mandate irregularly; the said Mandate having been read and a writ of possession issued in its favor, efforts to have it possessed of its property proved futile at the instance of the Ministry of Justice, who informed the co-respondent that there would be insecurity should the eviction order be executed; that predicated upon this, some of the illegal occupants have remained intransigent, hence, it had decided to hold back until an appropriate time.

The co-respondent further averred that upon filing the third application to the court in July 2024, for the issuance of a writ of possession before Judge Golda Bonah-Elliott, the Judge cited the parties through their respective counsels to a conference, perused the file, and the counsels not interposing any objection, but confirmed that the co-respondent was allotted 3 lots of land as per the said joint stipulation and the Supreme Court's Mandate, the writ of possession was ordered issued. The co-respondent also indicated that assuming *arguendo* that the Mandate did not specifically state, in as much the mandate was fully executed and the land demarcated accordingly, the parties were to be placed in possession and illegal occupants evicted therefrom.

The co-respondent then concluded and prayed that because the informant failed to state exactly how the Mandate was irregularly executed, but elected to introduce extraneous issues as they relate to the petition for the revocation of letters of administration against the late

Jessie Payne which bears no connection to the Supreme Court's Mandate, subject of this bill of information, same is a fit subject for dismissal.

As gleaned from the facts contained in the records and the arguments advanced by the counsels for the parties before this Court, will this bill of information lie?

It is the law that in order for a bill of information to be granted, the matter forming the basis of the information must have been pending before the Supreme Court, or decided by it; there must be an act to usurp the province of the Court; there must exist some irregularities or obstruction in the execution of the Supreme Court's mandate; or there must have been a refusal to carry out the Supreme Court's mandate. *Liberia Aggregate Corporation v. Taylor et al*, 35 LLR 3 (1988); *Kromah v. Badio and Hill*, 34 LLR 85 (1988); *Barbour-Tarpeh v. Dennis*, 25 LLR 468 (1977).

The informant has asked this Court to grant its bill of information, thereby preventing the respondents from evicting it and its tenants from their premises. However, our research of the records shows no correlation between the bill of information and the alleged act of the respondents. In count four of the informant's bill of information, the informant alluded to the fact and certainly so, that the trial court, upon receipt of the Mandate instructing it to resume jurisdiction over the case and give effect to the Joint Stipulation and Opinion, proceeded to execute the Mandate in strict compliance as instructed by the Supreme Court. We quote verbatim court four of said bill of information for the benefit of this Opinion:

“That the mandate, along with the stipulation and the judgment without opinion [were] sent to the Civil Law Court, Sixth Judicial Circuit for Montserrado County for implementation by the court below of the stipulation. The Sixth Judicial Circuit, upon the resumption of jurisdiction, proceeded to, and implemented the stipulation by having the nine (9) lots demarcated and disposed or divided pursuant to the Joint Stipulation of Voluntary Discontinuance, and the Mandate of the Supreme Court of the Republic of Liberia, thereby completing the execution and enforcement of the Joint Stipulation”.

With the language of count four of the bill of information being very clear and unambiguous, this Court finds it difficult to understand why the informant reverted to the Supreme Court on a bill of information. Assuming *arguendo* the trial judge ordered, and a writ of possession was issued to the co-respondent, the Intestate Estate of Thomas Wesley Philips, how does that act by the trial judge come into conflict with the execution of the Supreme Court's Mandate as being alleged, it having been fully executed?

Also, why should the action by the trial court, clearly showing that same was in consonance with the Joint Stipulation by the parties in placing one of the parties thereto, the Intestate Estate of Thomas Wesley Philips, in possession of its three (3) lots be deemed an attempt to improperly execute or interfere with this Court's Mandate of April 7, 2015. Moreover, the informant, conceding in count four of its bill of information that the Supreme Court's Mandate of April 7, 2015, was fully executed, and that the trial court had demarcated and disposed of the subject land in accordance with the Joint Stipulation, void of any interruption

from any of the parties to the stipulation, the trial judge did not irregularly execute the Mandate of the Supreme Court of April 7, 2015.

Notwithstanding, we note that the informant is contending that upon the reading of the Mandate and demarcation of the disputed property in line with the Joint Stipulation, the co-respondent, the Intestate Estate of Thomas Wesley Philips, and Jessie Payne, then Attorney-in-Fact for Victoria Johnson Maxwell, combined their respective three (3) lots, and sold same to a third party. However, contrasting this allegation, the co-respondent contended that at the time the Mandate was read and demarcation of the property made, it could not take possession of its three (3) lots as per the stipulation because the Ministry of Justice had warned it of security implications, coupled with threats from the illegal occupants.

Confronting these allegations stated herein above, this Court says that the current administrators and informant herein, not being a party to the Joint Stipulation out of which the Mandate of April 7, 2015, grew, did not have standing to bring this bill of information. But, as actual heirs of the said Victoria Johnson Maxwell, and having obtained letters of administration to administer her estate, have interest in the same. However, the parties having raised factual issues which require the taking of evidence, which the Supreme Court is prohibited from entertaining, as the Court does not take in evidence, this bill of information will not lie.

WHEREFORE AND IN VIEW OF THE FOREGOING, the bill of information filed by the Intestate Estate of Victoria Johnson Maxwell, through its administrators, is hereby dismissed. The Clerk of this Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. Costs are ruled against the informant. AND IT IS HEREBY SO ORDERED.

Bill of Information Denied

When this case was called for hearing Counsellor Bima Lansanah appeared for the informant. Counsellor Milton Taylor appeared for the co-respondent, the Intestate Estate of Thomas Wesley Philips.