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
BEFORE HIS HONOR : YUSSIF D. KABA .....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR..... ASSOCIATE JUSTICE
BEFORE HER HONOR: CEAINEH D. CLINTON-JOHNSON….. ASSOCIATE JUSTICE

Benetta Pearson-Cooper, Barsee Cooper, Mary Lucky, Mohammed Lara, and all other persons acting directly or indirectly under their control, of Cooer's Farm, Paynesville, Montserrado County, Liberia…… ……..….. Plaintiffs-In-Error	)	
Versus	)	Petition for the Writ of Error
His Honor J. Boima Kontoe, Cllr. Milton D. Taylor of Mamba Point, United Nations Drive, Monrovia, Liberia …… Defendants-In-Error	)	

GROWING OUT OF THE CASE:

Cllr. Milton D. Taylor of Mamba Point, United Nations Drive, Monrovia, Liberia …… Plaintiffs	)	
Versus	)	Action of Ejectment
Benetta Pearson-Cooper, Barsee Cooper, Mary Lucky, Mohammed Lara, and all other persons acting directly or indirectly under their control, of Cooer's Farm, Paynesville, Montserrado County, Liberia…… ……..……..….. Defendants	)	

Heard: October 29, 2024 Decided: February 17, 2025

MR. JUSTICE KABA DELIVERED THE OPINION OF THE COURT.

When this case was called for a hearing, the counsel representing the plaintiffs-in-error, Benetta Pearson-Cooper et al., was absent. Upon Inquiry, the Clerk of the Court informed the Court that Counsellor Laveli Supuwood verbally informed the Clerk that he had a stomach complain and would return for the hearing after attending to his stomach issue. The Court invoked Rule IV Part 6 of the Revised Rule of the Supreme Court, which states in part that "…If, when the case is again called for hearing, the party or counsel again fails to appear or file a brief, the Court shall proceed to hear the argument of the appearing party and rule thereon"; the Court therefore ordered that it will

enter upon the records and make a decision in this matter since this matter has been before this Court for a long time.

The record shows that on April 23, 2018, the plaintiffs-in-error, Benetta Pearson-Cooper, Barsee Cooper, Mary Lucky, Mohammed Lara, and all other persons acting directly or indirectly under their control, filed a fifteen-count petition for a writ of error with the Justice presiding in the chambers of this Court. After the conference with the parties, the Chamber Justice ordered the writ issued and venue the petition before the full bench of the Supreme Court for hearing.

In its petition, the petitioner averred that on Friday, December 22, 2017, fifteen 15 strange men invaded the residence of the petitioners and family, broke down the doors thereof and looted properties therefrom, and thereafter threw the petitioners and family out from the said property based upon a writ of possession emanating from the Six Judicial Circuit, Civil Law Court, Montserrado County, issued at the instance of Milton D. Taylor, the defendant-in-error, and without notice to the plaintiff-in-error; that upon searching the records of the Civil Law Court, the petitioners noticed the following massive fraud, lies, deception, and manipulation that occasioned the proceedings leading to the issuance and execution of the said writ of possession: (a) on the back of the purported writ of summons issued on November 14, 2016, the bailiff wrote as his returns that “on the 4th to the 24th day of November, A. D. 2016, …. the defendants were not found to be served.”; that the bailiff, in his returns to both the writ of summons and re-summons, did not state where he went to look for the petitioners to be served; (b) that the respondent's purported publication made in the "Capital Times newspaper” is inconsistence with the requirement of section 3.40 of 1LCLR, which provides that such publication be made in a recognized newspaper, and the Capital time is not such a widely publicized newspaper; (c) that following the services of summons and publications as described above, the respondent applied for and obtained a clerk certificate dated February 27, 2016, although the records show that the defendant-in-error instituted the action on November 14, 2016, 8 months and 18 days after the issuance of the clerk certificate; (d) that there exist inconsistencies in the dates of the assignments and hearing - that is, the first assignment which is

dated July 18, 2017, assigned the matter for trial on July 27, 2017, and the second assignment which is dated October 3, 2017, assigned the matter for trial on October 4, 2017, while the jury verdict and final ruling are dated July 31, 2017. The petitioners further question the veracity of the sheriff's returns on the summons, and the resummons for the following reasons: (a) that the defendant-in-error had the state to earlier charge the petitioners in the First Judicial Circuit, Criminal Assizes C, with the commission of the crimes of criminal conveyance of land, criminal mischief, misapplication of entrusted property and criminal facilitation, and petitioners were found by the sheriff on the property, the subject of contention in the action the bases of this error proceedings, arrested and brought under the jurisdiction of the criminal court, but yet, the sheriff of the civil law court could not find the petitioners in the self-same property in which they reside to have them served with the summons and re-summons; (b) that on November 13, 2017, the court officers found the plaintiffs-in-error on the property the subject of the ejectment suit and evicted them therefrom, but yet could not fi nd them on the self-same property to serve them thereby according them the opportunity to appear and prosecute their defense. The plaintiffs-in-error further averred that the judgment should be reversed and the matter proceeded by law since the subject judgment is a default judgment in an action of ejectment rendered upon claims that petitioners could not be found to be served pursuant to Article 20 (a) of the 1986 Constitution of the Republic of Liberia. The plaintiffs-in-error relied upon section 16.21(4) of the Civil Procedure Law to support his petition.

The defendant-in-error filed his returns and subsequently amended the same on the 19th day of July A.D. 2018. We note that most of the fifty (50) counts in the amended returns deal with the history of the parties' relationships and several factual allegations irrelevant to determining the core issues determinative of the petition. We will limit our consideration to those averments germane to our appreciation of the parties' contention, as it is a principle in this jurisdiction that courts are not compelled to address all the issues raised in the parties' pleadings. Kollie Buway v. Republic of Liberia, Supreme Court Opinion, March Term A.D. 2023; Oliver Newton v. Augustus D. Kromah, Supreme Court Opinion, October Term A. D. 2022; Ministry of Foreign Affairs v. Sartee et al, 41 LLR 285, 290 (2002).

The defendant-in-error substantially averred that the plaintiffs-in-error lack the legal capacity to file these error petitions for the following reasons: 1. that the plaintiffs-in-error do not have title to the disputed property; 2. that the plaintiffs-in-error occupied the property by order of the defendant-in-error and while she, “co-plaintiff, Benetta Pearson Cooper” was occupying the property constructed by the defendant-in-error, she criminally manufactured deed and began to sell. Defendant-in-error further averred that what is exhibited by the plaintiffs-in-error to be a deed and other instruments of title are nothing but a product of fraud, that the plaintiffs-in-error's petition is not properly brought before this Court, and the Court will have no jurisdiction to entertain this petition and that same should be dismissed consistent with the Civil Procedure Law, Rev. Code 1:16.24. Defendant-in-error further averred that except for the counselor’s certificate attached to the petitioners’ petition, the petition is void of all of the other mandatory statutory grounds to sustain the issuance of the writ of error; and that the execution of the judgment has been fully completed and the respondent took full possession over his property five months after the rendition of the final judgment on July 31, 2017. Also that the petitioners have failed to comply with Section 51.8 of the Civil Procedure Law to pay all accrued costs and to file a bond to indemnify the defendant-in-error; that at no time did the defendant-in-error personally instruct fifteen strange and rough men to enter co-plaintiff-in-error, Benetta Pearson Cooper and her husband’s house and threw their children and personal effects out of the house; that when the writ of summons was taken to the very house located in Paynesville, in a residential community called “Cooper’s Beach” the particular location on two occasions the bailiff met strangers in the building; that the strange men Cllr. Supuwood referred to are the same Bailiffs he used to serve his papers when he was a lawyer in disguise; that after the first execution of the possession order, the co-plaintiff-in-error, Benetta Pearson Cooper, re-possessed herself in the property. A notification was made to the court, informing the court of Benetta Pearson Cooper's defiance. At this juncture, the court reinforced the number of bailiffs to execute its mandate. Indeed, she was arrested when she attempted to use her criminal gangsters to attack the bailiff on the second attempt by the court’s officers to enforce the final ruling of the court. The respondent further averred that the issue of the service of the writ of summons being dated

November 14, but the bailiff return shows November 4, is a legal impossibility and is trivial in that where a date is indicated on the writ, say November 14, there is no way the bailiff will serve it on the 4th day of November. The bailiff could have mistakenly recorded it, but it is insufficient to amount to any issue suggesting that the process was not followed. The defendant-in-error contends that Cllr. Supuwood has not obtained a lawyer's license for several years to qualify him to practice before this Court. Defendant-in-error prays that the petition filed by Cllr. Supuwood should be stricken from the docket of this Court.

This Court says that after reviewing the petition for the writ of error and the resistance thereto, two issues are found to be determinative of this petition. The issues are:

1. Does this Court lack jurisdiction to hear the Petitioners' petition?

2. Whether or not the petition for the writ of error will lie under the facts and circumstances of this case.

We shall now proceed to address the issues in the order presented.

Considering the first issue, the Defendant-In-Error contends that this Court lacks jurisdiction to hear this petition for several legal reasons. He argued that the plaintiffs-in-error failed to follow the mandatory requirements under Chapter 16.24 of the Civil Procedure Law. He further argued that except for a counselor's certificate annexed to the petition, all other mandatory requirements under chapter 16.24 are lacking. The judgment in this case was rendered on July 31, 2017, execution of the judgment was completed, and the petitioners' writ of error was filed on April 23, 2018; that Cllr. Supuwood has not paid his bar dues with the Liberian National Bar Association (LNBA) nor obtained a law license. He, therefore, lacks the competence to make legal representation before the courts of Liberia.

It has been interpreted by this Court and is well considered as a settled principle by our legal jurisprudence that when the jurisdiction of a court, including the Supreme Court, is challenged, the court must first determine its jurisdiction before considering the merit of the case if need be. It is also the

law that when a court acts without jurisdiction, any decision emanating from such court acting without authority is null and void. This law is so guarded that it places the burden of determining the court's jurisdiction upon the shoulders of the parties and the court itself. In a plethora of cases, this Court decision on the question of jurisdiction remains the same. In the case MIM Liberia Corp. v Toweh 30 LLR 611,615 (1983), we held that: “Where the question of jurisdiction of the appellate court to hear a direct appeal is involved, it will be considered by the appellate court even though the parties do not raise the question”. The Supreme Court cannot open the records to decide any issue touching the merits and demerits of a case when its jurisdiction is challenged, but it can examine the records to ascertain if the jurisdictional steps were taken to confer jurisdiction upon her over the parties and the cause.

This Court reaffirmed this holding in the case Scanship (Lib) Inc. v Flomo 41 LLR 181,186 (2002) that “Whenever the issue of a court’s jurisdiction is raised, every other thing in the case becomes subordinated until the court has determined its jurisdiction to hear and dispose of the particular matter”. Once the court’s jurisdiction has been challenged, it must stop all other proceedings and determine its jurisdiction. In Mulbah v Russell Supreme Court Opinion, October Term, A.D. 2014 referencing several other cases like Firestone Plantations Company v. Kollie, 41 LLR 63 (2002); The Intestate Estate of the late Chief Murphy-Vey John et al. v. The Intestate Estate of the late Bendu Kaidii, 41LLR 277 (2002) held that: "It is essential to the proper rendition of a judgment that a court has jurisdiction over the subject matter", adding that "a judgment rendered without jurisdiction is not affected by the judicial discretion of a court. In order to confer jurisdiction on a court, the subject matter must be presented for its consideration in some mode sanctioned by law. Where judicial tribunals have no jurisdiction of the subject matter on which they assume to act, their proceedings are absolutely void in the strictest sense of the term”.

The respondent is therefore calling our attention and asking us to refuse jurisdiction over the petitioners’ petition because the same is not properly venue before this Court. It is now our duty to inspect the records and the law to ascertain whether this case presents the circumstances under which this

Court must obey its previous decision relied upon by the defendant-in-error under the doctrine of *stare decisis*. Civil Procedure Law, Rev. Code 1:16.24, provides the roadmap for filling a writ of error. It states that the writ should be filed within six months from the date of the ruling; it should be worded like a bill of exceptions verified by an affidavit, a statement about why an appeal was not announced, a statement that the judgment has not been completed; a counselor certificate must be attached; or a bond may be filed; accrued costs paid. All those requirements are mandatory unless the discretion of filling a bond. We hereunder quote verbatim the Civil Procedure Law, Rev. Code 1:16.24:

> "§ 16.24. Procedure on application and hearing of writ of error.
> *1. Application.* A party against whom judgment has been taken, who has for good reason failed to make a timely announcement of the taking of an appeal from such judgment, may within six months after its rendition, file with the clerk of the Supreme Court an application for leave for a review by the Supreme Court by writ of error. Such an application shall contain the following:
> (a) An assignment of error, similar in form and content to a bill of exceptions, which shall be verified by an affidavit stating that the application has not been made for the mere purpose of harassment or delay;
> (b) A statement why an appeal was not taken;
> (c) An allegation that execution of the judgment has not been completed and;
> (d) A certificate of a counselor of the Supreme Court, or of any attorney of the Circuit Court, if no counselor resides in the jurisdiction where the trial was held, that in the opinion of such counselor or attorney, real errors are assigned.
>
> As a prerequisite to the issuance of the writ, the person applying for the writ of error, to be known as the plaintiff in error, shall be required to pay all accrued costs and may be required to file a bond in the manner prescribed in section 51.8. Such bond shall be conditioned on paying the costs, interest, and damages sustained by the opposing party if the judgment complained of is affirmed or the writ of error is dismissed…"

Our search of the records reveals that the trial court entered its final ruling against the plaintiffs-in-error on July 31, 2017 and that the trial court executed the judgment fully in December 2017. The Plaintiffs-In-Error filed this petition for the writ of error on the 23rd of April, 2018, which is nine months after the rendition of judgment and three months after the expiration of the sixth month within which to file this writ. It is the law that: "In the absence of good cause shown, no matter how meritorious the case may seem, an application for a writ of error made more than six months after rendition of a judgment in the lower court will be denied". *RL v Fulton et al.*

31 LLR 209, 220 (1983). This Court says that the filling of the petition on April 23, 2018, violates the mandatory requirement, which states that a party against whom judgment has been taken, who has, for good reason, failed to make a timely announcement of the taking of an appeal from such judgment, may within six months after its rendition file a writ of error. We, therefore, hold that the petition is filed outside of the time allowed by the statute, thereby depriving this Court of the jurisdiction to consider the merit of the petition.

As if this was not sufficient, the records also show that the Plaintiffs-In-Error failed to file a verified affidavit stating that the application has not been made for the mere purpose of harassment or delay and that there is no statement in the petition averring why an appeal was not taken. It is held in the case Bah et al. v Henries et al. 41LLR 87, 95 that "the application for a writ of error shall contain the following: (a) an assignment of error, similar in form and content to a bill of exceptions; (b) a statement why the appeal was not taken; (c) an allegation that the execution of the judgment has not been completed; and (d) a certificate of a counsellor of the Supreme Court that in the opinion of such counsellor real errors are assigned." The failure of the plaintiffs-in-error to file an affidavit as mandated by the statute makes the petition a fit subject for dismissal. This Court cannot cure any defect alluded to in the petition due to the willful failure of the petitioner to comply with the law in filing this petition. For this Court to acquire jurisdiction over this case, plaintiffs-in-error had the duty to have properly venue this petition before this court of last resort by following the steps enumerated in the statute governing the application for writ of error.

More besides, the records further show that the Plaintiffs-in-error cited the very Civil Procedure Law Rev. Code 1:16.24, which is the guiding tool for the filing of a petition for a writ of error; however, the petitioners' counsel wants this Court to take on this matter when he failed deliberately to follow the steps provided therein by paying accrued costs. We are taken aback as to what was the basis of the petitioner citing this very law in support of his petition but failed to follow the commands of the statute. It appears that the petitioners' counsel's aim was to resurrect already settle matter. In the petition, he alleged that he pursued the case file from the lower court; how is

it that he did not notice that the judgment had already been completed or executed. Or why he thinks that accrued costs was an option when the law is clear on the issue. In the case Gbeh et al v Blamah et al 30 LLR 657, 664 (1983) the Court held that: the payment of accrued costs is not discretional, but is a mandatory prerequisite to the issuance of the writ of error and must be strictly complied with or the Supreme Court will refuse relief. Again, in Togbe et al. v Cooper et al. 41 LLR 403, 407 (2003), this Court held that the statutory provisions for payment of accrued costs by a petitioner for a writ of error as a prerequisite for the issuance of the writ is mandatory.

Given that the records, in this case, established that the final ruling, in this case, has been delivered and the execution of the judgment completed; the petition filed outside of the time allowed by the statute; petitioners failed to pay accrued costs; filed an affidavit; and to give reason why an appeal was not announced at the rendition of judgment, this Court is left with no alternative but to reaffirmed our previous decisions in the cases of similar facts and to have the petition dismissed and denied for failure to comply with the statue controlling a writ of error *supra*.

Considering the second issue of whether the petition for the writ of error will lie, this Court says that it having determined that the petition is not properly before this Court for review of the various alleged irregularities alluded to by the Plaintiffs-in-error allegedly committed during the disposition of this case, the petition for the writ will not lie.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the application for a writ of error is hereby denied. The Clerk of this Court is hereby ordered to send a Mandate to the court below, commanding the judge presiding therein to resume jurisdiction over the case and enforce its final ruling of July 31, 2017. Costs are ruled against the Plaintiff-in-error. AND IT IS HEREBY SO ORDERED.

WHEN THE CASE WAS CALLED FOR HEARING, COUNSELLORS MILTON D. TAYLOR AND SYLVESTER D. RENNIE APPEARED FOR THE DEFENDANT-IN-ERROR. NO LAWYER APPEARS FOR THE PLAINTIFFS-IN-ERROR.