

T I T L E 17

Judiciary Law

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TABLE OF CONTENTS

<i>Chapter</i>	<i>Page</i>
1 Organization of courts	1
2 The Supreme Court	2
3 The Circuit Courts	6
4 The Debt Court	14
5 The Monthly and Probate Courts	
6 The Tax Court and the Tax Division of the Circuit Court	25
7 Magistrates Courts	28
8 Justices of the Peace Court	35
9 Traffic Court	41
10 The Juvenile Court	44
11 Juvenile Court Procedural Code	47
Subchapter A. Applicability and Objectives	48
Subchapter B. Definitions	49
Subchapter C. Jurisdiction of Juvenile Court	51
Subchapter D. Preliminary Procedure	53
Subchapter E. Hearings	59
Subchapter F. Dispositional Orders	63
Subchapter G. General Provisions	68
Subchapter H. Appeals	73
12 Provisions relating to courts generally	75
13 Provisions relating to judges generally	82
14 Marshals	85
15 Sheriffs	89
16 Constables	95

17 Attorneys	97
18 Juries and jurors	107
19 Protection of rights of indigents	110
20 Notaries public	111
21 Administration	112

JUDICIARY LAW

Chapter 1. ORGANIZATION OF COURTS

Sub-session 1.1. The judicial power; a unified judicial system.

The Judicial power of this Republic, except for Tribal Courts, whose organization and exclusive jurisdiction over tribal persons in tribal matters as set forth in the Local Government Laws shall be embodied in a unified judicial system and shall be vested in one Supreme Court and in the following subordinate courts: a trial court of general jurisdiction, known as the Circuit Court; a trial court of whose original jurisdiction is limited to civil actions to obtain payment of a debts known as the Debt Court; a trial court whose jurisdiction is limited to probate and related matters, known as the Monthly and Probate Court; a trial court whose jurisdiction is limited to tax matters, known as the Tax Court; a trial court whose jurisdiction is limited to minor matters as set forth in this title, known as the Magistrates Court; another trial court whose jurisdiction is also limited to minor matters as set forth in this title, known as the Justices of the Peace Court; a trial court whose jurisdiction is limited to cases involving infraction violations of the Vehicle and Traffic Law, known as the Traffic Court; and a trial court whose jurisdiction is limited to special proceedings involving children under the age of eighteen years, known as the Juvenile Court.

Chapter 2. THE SUPREME COURT

- § 2.1. Original jurisdiction.
- § 2.2. Appellate jurisdiction.
- § 2.3. Justices: appointments; number; quorum; tenure,
- § 2.4. Qualification of justices.
- § 2.5. Terms.
- § 2.6. Justice presiding in Chambers.
- § 2.7. Disqualification of justices.
- § 2.8. Reconstitution of quorum by ad hoc appointments.
- § 2.9. Remedial and extraordinary writs
- § 2.10. Clerk of Supreme Court.

JUDICIARY LAW

§ 2.1. Original jurisdiction.

The Supreme Court shall have original jurisdiction in all cases affecting ambassadors, or other public ministers and consuls, and those in which a county is a party. ¹

§ 2.2. Appellate jurisdiction.

The Supreme Court shall have jurisdiction of all appeals from courts of record and from rulings of Justices of the Supreme Court presiding in Chambers on applications for remedial and extraordinary writs, including refusal to issue such writs, and shall be the court of final resort in all such cases. ²

§ 2.3. Justices; appointment; number; quorum; tenure.

The President shall nominate and by and with the consent of the Senate, appoint a Chief Justice and four Associate Justices of the Supreme Court, any three of whom shall constitute a quorum at any regular term. They will hold office during good behavior. ³

§ 2.4. Qualifications of Justices.

No person shall be appointed or hold office as a Justice of the Supreme Court who has not been a citizen of Liberia for at least ten years immediately previous to his appointment, who has not attained the age of thirty years, and who is not a counsellor at law licensed to practice in the Supreme Court and engaged in the active practice of law for at least seven years next preceding his appointment. Active practice of law, as

1. *Prior Legislation:* 1956 Code 18:500; Rev. Stat. § 1407.

2. *Prior legislation:* 1956 Code 18:501; L. 1943-449 ch. XXVIII, §5; L. 1893-94, 10 (2nd), § 2; OBB 113, Judiciary, art. IV, § 9; Judiciary Act of 1841, § 11, 2 Hub. 1373.

3. *Prior legislation:* 1956 Code 18:1; Rev. Stat. § 1404; L. 1929, ch. VII, § 1404; L. 1927-28, ch. XXII, § 2; L. 1876-77, 5(1st); L. 1875-76, 3(1st); L. 1874-75, 12(2nd), §§ 1, 2; L. 1858, 27; 1 OBB 113, Judiciary, art. V.

JUDICIARY LAW

used herein, shall include judicial service, governmental service and teaching of law.⁴

§ 2.5. Terms.

1. The Supreme Court shall hold two terms annually, commencing on the Second Monday of October and on the Second Monday of March and continuing as long as the business before the Court may require. They shall be known as the October and March Term respectively.

2. *Seal; Officers; Records.* The Supreme Court shall have a seal, clerk, a marshal and deputy marshals and shall keep records of its proceedings and decisions.⁵

§ 2.6. Justice presiding in Chambers.

At all times, in term and out of term, there shall be a Justice presiding in the Chambers of the Supreme Court who shall be designated by the Chief Justice in regular rotation from among the Associate Justices, and no such Associate Justice designated shall delegate his powers to another.⁶

§ 2.7. Disqualification of Justices.

No Justice of the Supreme Court shall sit on any case in which he is interested or has made a ruling as a Justice presiding in Chambers in connection with an application for a remedial or extraordinary writ or on which he sat while a judge of a lower court.⁷

4. *Prior legislation:* 1956 Code 18:6; L. 1913-14, 8(1st).

5. *Prior legislation:* 1956 Code 18:2; L. 1943-44, ch. XXV; L. 1940, ch. VII; Rev. Stat. § 1405; L. 1927-28, ch. XXII, § 1; L. 1916, 6(1st); L. 1913-14, 37:1. 1912-13, 22(1st); L. 1911-12, 3, § 5; L. 1901-02, 8(1st); L. 1900-01, 6(3rd); L. 1876-77, 5(1st); L. 1875-76, 3(1st); L. 1874-75, 12(2nd), §§ 2, 3; L. 1858, 27, § 5; OBB 113, Judiciary, art. V.

6. *Prior legislation:* 1957-58 Supp. 18:502; L. 1954-55, ch. VII, § 1.

7. *Prior legislation:* 1956 Code 18:7; L. 1951 (E.S.) ch. V, §§ 1, 2; Rev. Stat. § 1406; L. 1928, ch. VIII, § 3; L. 1874-75, 12(2nd), § 4; L. 1858, 27, §§ 1, 4.

JUDICIARY LAW

§ 2.8. Reconstitution of quorum by ad hoc appointments.

When more than two Justices of the Supreme Court cannot sit on a pending case, the Chief Justice shall direct the Clerk of the Court to notify the President, who shall make ad hoc appointments to reconstitute a quorum from among the judges of the circuit courts.⁸

§ 2.9. Remedial and extraordinary writs.

1. *Power to issue limited to Justice presiding in Chambers.* Except as provided in paragraph 2 and as may be otherwise provided by statutes the power to issue remedial or extraordinary writs in exercise or aid of the appellate jurisdiction of the Supreme Court and to otherwise issue writs of mandamus, prohibition, quo warranto and other remedial or extraordinary writs and processes, shall reside exclusively in the Justice presiding in Chambers.

2. *Habeas corpus.* Neither the Supreme Court nor any Justice thereof, including the Justice presiding in chambers, may issue a writ of habeas corpus.⁹

§ 2.10. Clerk of Supreme Court.

1. *Appointment.* The President by and with the advice and consent of the Senate shall appoint a clerk of the Supreme Court.

2. *Duties.* The clerk of the Supreme Court shall keep a docket of pending cases; take charge of all papers and records and furnish copies thereof when required by law; issue, sign and record writs, returns and other processes; take, transcribe and record minutes and reports of transactions

8. *Prior legislation:* 1956 Code 18:7; L. 1951 (E. S.) ch. V, §§ 1,2; Rev. Stat. § 1406; L. 1928, ch. VIII, § 3; L. 1874-75; 12(2nd), § 4; L.1858, 27, §§ 1, 4.

9. *Prior legislation:* 1957-58 Supp. 18:502; 1956 Code 18:502; L. 1954-55, ch. VIII; Rev. Stat. §§ 1388, 1408; L. 1889-90, 14; L. 1874-75, 12(2nd), § 5; L. 1858, 27, § 7.

JUDICIARY LAW

and orders of Court; and perform all other duties required of him. ¹⁰

Chapter 3. THE CIRCUIT COURT

- § 3.1. Fourteen circuits and circuit courts created.
- § 3.2. Original jurisdiction of the Circuit Courts.
- § 3.3. Power of Circuit Judges to issue writs of injunction and writs for summary proceedings in nature of prohibition.
- § 3.4. Appellate jurisdiction of the Circuit Court.
- § 3.5. Supreme Court to have appellate jurisdiction.
- § 3.6. Appointment and tenure of Circuit Judges.
- § 3.7. Qualifications of judges.
- § 3.8. Quarterly sessions.
- § 3.9. Assignment of Judges to circuits.
- § 3.10. Circuit Court open for judicial business at all times; availability of circuit judges.
- § 3.11. Order of business at quarterly sessions; duration of trial beyond session.
- § 3.12. Jury sessions; time limitations on empanellment.
- § 3.13. Clerks of Circuit Courts.
- § 3.14. Fees of clerks in civil actions.

§ 3.1. Fourteen Circuits and Circuit Courts created.

The Republic of Liberia is hereby divided into fourteen judicial circuits, each of which shall extend throughout the county for which it is designated, with a Circuit Court to be established in each circuit, composed as follows:

<u>CIRCUIT</u>	<u>COURT</u>
First Judicial Circuit	Circuit Court, Criminal Assizes, Montserrado County

10. *Prior legislation:* 1956 Code 18:12, 14; L. 1874-75, 12(2nd), §§ 8, 10; OBB 49, Legal Principles and Rules, Tit. II, ch. VIII, § 3, 2 Hub. 1545.

JUDICIARY LAW

Second Judicial Circuit	Circuit Court County of Grand Bassa
Third Judicial Circuit	Circuit Court County of Sinoe
Fourth Judicial Circuit	Circuit Court County of Maryland
Fifth Judicial Circuit	Circuit Court County of Grand Cape Mount
Sixth Judicial Circuit	Circuit Court Civil Court of Law, Equity and Admiralty, Montserrado County
Seventh Judicial Circuit	Circuit Court County of Grand Gedeh
Eighth Judicial Circuit	Circuit Court County of Nimba
Ninth Judicial Circuit	Circuit Court County of Bong
Tenth Judicial Circuit	Circuit Court County of Lofa
Eleventh Judicial Circuit	Circuit Court County of Bomi
Twelfth Judicial Circuit	Circuit Court County of Grand Kru
Thirteenth Judicial Circuit	Circuit Court County of Margibi
Fourteenth Judicial Circuit	Circuit Court

JUDICIARY LAW

County of Rivercess ¹¹

§ 3.2 Original jurisdiction of the Circuit Courts.

The Circuit Court shall exercise original general jurisdiction, including jurisdiction in admiralty cases, over all cases as to which another court is not expressly given exclusive original jurisdiction by constitutional or statutory provision, provided that in Montserrado County the Circuit Court(s) in the First Judicial Circuit shall have jurisdiction to try only criminal cases and the Circuit Court in the Sixth Judicial Circuit shall have jurisdiction to try only cases other than criminal cases.

Criminal Court “C” shall have jurisdiction of offenses against property, narcotic and hallucinogenic drugs. All persons charged with any of the offenses shall enjoy the right of jury trial, except a jury trial is waived, and if convicted, shall have the right of appeal to the Honourable, the Supreme Court of Liberia. This Court shall in no way exercise any quasi jurisdiction over civil matters directly or indirectly. ¹²

§ 3.3. Power of Circuit Judges to issue writs of injunction and writs for summary proceedings in nature of prohibition.

The Circuit Judges shall have the power, authority and jurisdiction,

11. *Prior legislation:* L. 1962-63; ch. XXVII, § 1; 1956 Code 18:30; L. 1943-44, ch. XXVIII, § 2; L. 1925-26, ch. VIII, § 1; L.1911-12, 3, § 1.

12. This paragraph was added by an Act of the Legislature, approved February 6, 1986, repealing People’s Redemption decree No. 43, re-establishing Criminal Court “C”, and abolishing the People’s Special Court on Offenses Against Property, Narcotic and Hallucinogenic Drugs”.

Prior legislation: 1956 code 18:510; L. 1950-51, ch. VII, § VIII; L. 1950 (E.S.), ch. V, § XXV; L. 1949-50, ch. XXXVIII: § 4; Lib. Mar. Code, Tit. XII; L. 1945-46, ch. VIII, § 4; L. 1943-44 ch. XXVIII, §§ 3.5; L. 1938-39, ch. IX, § 1; Rev. Stat. §§ 718, 1189(4), 1272; L. 1927-28, ch. IX, § 12; T., 1924-25, ch. XVII, § 20; L. 1924-25, ch. VIII, art. 10, § 23; L. 1923-24, ch. XX, § 2; L. 1918-19, 7(1st); L. 1915-16, ch. CLIV, 13th par.; L. 1915 (E.S.), 8, § 6; L. 1911-12, 3, §2; J.P. Code (adopted L. 1907-08, 16), §§ 98, 99, 101; L. 1864-65, 34, § 9; OBB 113, Judiciary, art. II, § 1; art. IV, §§ 1, 3, 5, 7,8; art. XII, § 2; OBB 160, Act concerning bastardy; OBB 231, Act relating to divorces, § 2.

JUDICIARY LAW

exclusively, to issue or order the issuance of writs of injunction, and writs for summary proceedings in the nature of prohibition addressed to inferior courts and their officers in exercise or aid of their appellate jurisdiction over them.¹³

§ 3.4. Appellate jurisdiction of the Circuit Court.

Except for appeals from decisions in actions to obtain the payment of a debt, which shall be heard in the appropriate debt court, and as otherwise provided herein, the circuit court in each judicial circuit shall hear appeals from final administrative determinations of Government agencies and officials in accordance with statutes providing for appeals therefrom and from decisions of courts not of record made within the county in which it sits, provided that the Circuit Court of the First Judicial Circuit shall hear such appeals only in criminal cases arising in Montserrado County and the Circuit Court of the Sixth Judicial Circuit shall hear such appeals only in cases other than criminal cases arising in Montserrado County, and provided further, that neither of these Circuit Courts shall hear appeals from decisions of courts not of record in the District of Careysburg or the Bondiway Magisterial Area.¹⁴

13. *Prior legislation:* 1956 Code 18:514; Rev. Stat. (adopted L. 1929, ch. VII), § 1394(2)); L. 1904-05, 18, § 2; L. 1901-02, 33, § 1.

14. Under Interim National Assembly's Decrees No. 16, the Territory of Bomi was made a county, with a Circuit Court being created therefor, constituting the Eleventh Judicial Circuit; the Territories of Grandcress and Kru Coast were combined to form the County of Grand Kru, with its own Circuit Court constituting the Twelfth Judicial Circuit; the Territory of Marshall and Gibi were combined to form Margibi County, with the Thirteenth Judicial Circuit being created for the new County; and the Territory of Rivercress was made into a County, with a Circuit Court being created therefor, to constitute the Fourteenth Judicial Circuit. All of the new circuit courts were given the same trial and appellate powers, and territorial jurisdictional authority. Appeal cases and original cases previously cognizable before the Monthly and probate Court of these territories are now cognizable before the respective circuit courts of the new counties.

Prior legislation: L. 1965-66, ch. § 1; L. 1958-59, ch. XLV, §2; 1957-58 Supp. 18:511; L. 1955-56, ch. XXVII, § 6; 1956 Code 18:511; L. 1950-51, ch. VII, §VIII; L. 1949-50, ch. XXXVIII, § 3; L.1946-47, ch. XXV, § 1; L. 1943-44, ch. XXVIII, § 3; L. 1923-24, ch. XXIV, arts. 9, 34; L. 1911-12, 3, § 2; J.P. Code (adopted L.1907-08, 16), §60; L. 1904-05, 18(2nd) §2; L. 1878-79, 19, §2; L. 1861, 79, § 1; OBB, 113, Judiciary, art. IV, § 1.

JUDICIARY LAW

§ 3.5. Supreme Court to have appellate jurisdiction.

Appeals from decisions and other determinations of the Circuit Court shall be to the Supreme Court.

§3.6. Appointment and tenure of Circuit Judges.

The President shall nominate and by and with the consent of the Senate, appoint and commission (sixteen) Circuit Judges, (fourteen) of whom shall be resident Judges, one for each circuit, and two of whom shall be relieving judges. They shall hold office during good behaviour.¹⁵

§ 3.7. Qualifications of judges.

No person shall be appointed or hold office as judge of a Circuit Court who has not been a citizen of Liberia for at least five years immediately previous to his appointment, who shall not have attained the age of twenty-five years, who is not an attorney licensed to practice and who has not engaged in the active practice of law for at least five years next preceding his appointment, and except for the persons appointed as relieving judges, who is not a resident of the county in which the Circuit Court to which he is appointed, is located. Active practice of law, as used herein is not limited to the direct practice of law, but includes judicial service, governmental service and the teaching of law.¹⁶

§ 3.8. Quarterly Sessions.

1. Opening dates. Each judicial circuit shall meet four times a year in quarterly sessions. The First, Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Judicial Circuits of the Circuit Court shall open their quarterly sessions on the second Monday in February, May, August, and November in each

15. *Prior legislation:* L. 1962-63, ch. XXXVIII, §2; 1956 Code 18:13; L. 1949-50, ch. XVII, §1; L. 1943-44, ch. XXVIII, §4; L. 1925-26, ch. VII, § 2; L. 1911-12, 3, § 3.

16. *Prior legislation:* 1956 Code 18:32; L. 1943-44, ch. XXVIII, § 4; L.1925-26, ch. VIII, § 2; L. 1913-14, 8(1st), § 2; L. 1911-12, 3, § 3.

JUDICIARY LAW

year. The quarterly sessions of these circuits shall be entitled the February, May, August and November sessions. The Sixth Judicial Circuit of the Circuit Court shall open its quarterly session on the third Monday in March, June, September and December in each year. The quarterly sessions of that circuit shall be entitled the March, June, September and December Sessions.

2. *Duration.* Ten days before the opening of each quarterly session, there shall be a pre-trial chamber session to be held by the circuit judge assigned to sit during the quarterly sessions which shall immediately be followed by a trial session beginning with the opening of each quarterly session and continuing for forty-two consecutive days not including Sundays and legal holidays unless sooner terminated because all business before the court is disposed of before the expiration of that period. Immediately following the close of the trial session there shall be a ten day closing chamber session to be held by the judge assigned to sit for the quarterly session and any judge concurrently assigned to the circuit.¹⁷

§ 3.9. Assignment of judges to Circuits.

Each Circuit Judge, except the judges commissioned as relieving judges, shall preside as resident judge over the Circuit Court of the circuit for which he was appointed. The Chief Justice of the Supreme Court shall assign, on a rotating system, a Circuit Judge to each quarterly session of the various circuits and if all business before a circuit court is disposed of before the expiration of a quarterly session, the Chief Justice shall have the power to reassign the Circuit Judge assigned thereto to sit for the balance of the quarterly session in any other circuit in addition to the Circuit Judge currently assigned there, if he deems such reassignment will aid the prompt disposition of judicial business.¹⁸

17. *Prior legislation:* 1957-58 Supp. 18:36; L. 1957-58, ch. XXII, § 1; 1956 Code 18:36; L. 1943-44, ch. XXVII, §§ 3, 5; L. 1925-26, ch. VIII, § 7; L. 1916-17, 14, § 3; L. 1912-13, 9, § 1; L. 1911-12, 3, § 5; L. 1895-96, 18, § 1; L. 1894-95, 7, § 1; L. 1889-90, 18, § 1; L. 1886-87, 9, § 1; L. 1879-80, 9, § 2; OBB 113, Judiciary, art. IV. §§ 1, 6.

18. *Prior legislation:* 1956 Code 18:33; L. 1943-44, ch. XXVIII, § 2; L. 1911-12, 47, § 1; L. 1911-12, 3 § 5.

JUDICIARY LAW

§ 3.10. Circuit Court open for judicial business at all times; availability of Circuit Judges.

The Circuit Court of the several judicial circuits shall be considered always open for adjudication of matters over which they have jurisdiction and for the purpose of filing any pleading or other paper authorized by rule or statute, of issuing and returning mesne and final process and of making and directing all interlocutory motions, orders and rules. Wherever they are present within the circuit, the Circuit Judge assigned to a Circuit Court, during his assignment and the pre-trial chamber session prior thereto, concurrently with the resident judge thereof, shall have authority to act on all matters coming before the court; and if neither is available, then except for the trial of an action and any motions in connection therewith which may be made during and after such trial or any motion for an order that would dispose of the action, in whole or in part, in any manner other than the settlement of an action or claim involving an infant or judicially declared incompetent, all other matters may be heard by the presiding judge of the Circuit Court adjoining the circuit where the action is triable.¹⁹

§ 3.11. Order of business at Quarterly Sessions: duration of trial beyond Session.

Except as provided in the Civil Procedure Law, jury cases shall have preference over all other cases and matters, and criminal cases shall first be heard; provided that the following capital offenses shall have preference over all cases, criminal and civil, in all courts of competent jurisdiction of Liberia, particularly the following cases:

- a) Treason
- b) Armed robbery
- c) Hi-jacking
- d) Terrorism
- e) Murder

19. *Prior legislation:* 1956 Code 18:39 (1st sent.); L. 1943-44, ch. XXVIII, § 8; L. 1911-12, 3, § 5.

JUDICIARY LAW

f) Other capital offenses

Notwithstanding the expiration of the session at which it was commenced a trial shall continue until it is completed.²⁰

§ 3.12. Jury Sessions; time limitations on empanellment.

No jury shall be empanelled after the forty-second day of any quarterly trial session, as provided in paragraph 2 of section 3.8, but a jury once empanelled in any case in accordance therewith shall continue until the case is determined.²¹

§ 3.13. Clerks of Circuit Courts.

The President by and with the advice and consent of the Senate shall appoint a clerk for each Judicial Circuit of the Circuit Courts. Each such clerk, in addition to all other duties required of him by law, shall perform the following duties for the circuit for which he is appointed:

- (a) To keep a docket of pending cases;
- (b) To issue all notices requiring the hearing of ex-parte matters or other matters which can be disposed of without a jury;
- (c) To issue all venires of jurors in cases triable by jury;
- (d) To issue and record all writs and other processes allowed by law, signed with his name as clerk and record returns thereto;
- (e) To take minutes of all trials of cases held during the quarterly sessions and record all things ordered and done there;

20. *Prior legislation:* L. 1965-66, ch. §1 (18:34-A); 1956 Code 18:38; L. 1911-12, 3, § 5.

21. *Prior legislation:* 1957-58 Supp. 18:37; L. 1957-58, ch. XXII, § 2; 1956 Code 18:37; L. 1941-42, ch. XXIV, § 2; L. 1924-25, ch. VI, § 1; L. 1923-24, ch. XVII, § 1; L. 1914, 50(1st), § 3; L. 1911-12, 3, § 5; L. 1889-90, 18, § 2; L. 1886-87, 9, § 2.

JUDICIARY LAW

(f) To take charge of all records and papers and give copies of them when required by law;

(g) To perform for the probate division in his circuit, if any has been established, the duties required to be performed by the clerk of a monthly and probate court until a regularly constituted monthly and probate court has been created for the circuit;

(h) To perform for the tax division in his circuit, if any has been established, the duties required to be performed by the clerk of the Tax Court until a regularly constituted tax court has been created for the circuit.²²

§ 3.14. Fees of clerks in civil actions.

Except where a greater fee is allowed by another statute for the same service, the clerk of a Circuit Court shall be paid by the party requiring his services in a civil action, the following fees for the services herein specified, payable in advance:

(a) Docketing of a cause	\$ 1.00
(b) Issuing a writ of summons	.30
(c) Issuing a citation or order to show cause in lieu thereof, in a special proceeding.	.30
(d) Issuing a subpoena.	.25
(e) Issuing a commission to the take testimony.	.50
(f) Filing demand for a jury to be paid by the party demanding the jury.	.50
(g) Taxation of bill costs.	.50
(h) Entry of final judgement.	.50
(i) Issuing a writ of execution.	.30
(j) Docketing of return of execution of judgment.	.25
(k) Docketing of certificate of satisfaction of judgment	.25
(l) Issuing transcript of the docket of a judgment or	

22. *Prior legislation:* 1956 Code 18:43; L. 1943-44, ch. XXVIII, § 6(a); L. 1925-26, ch. VIII, § 3; L. 1911-12, 3, § 8; OBB 113 Judiciary, art. IV, § 1; OBB 49, Legal Principles and Rules, Tit. II, ch. VIII, § 1, 2 Hub. 1545.

JUDICIARY LAW

other lien	.25
(m) Filing, docketing and recording a notice of pendency of action or a notice of attachment against real property	.50
(n) Cancelling a notice of pendency of action or a notice of attachment against real property	.25
(o) Preparing and certifying copy of record on appeal	.50
(p) Preparing, or preparing and certifying a copy of an order or other paper filed or entered in his office per page	.10
minimum	1.00
(q) Certifying a prepared copy of and order on other paper filed or entered in his office per page	.15
minimum	.50
(r) Certifying to a search of court records for a consecutive five year period or fraction thereof - - for each name so searched	.50
(s) Filing a bond or other undertaking	.25

Chapter 4. THE DEBT COURT

- § 4.1. Establishment of Debt Court.
- § 4.2. Jurisdiction and procedure.
- § 4.3. Appellate jurisdiction of Debt Court.
- § 4.5 Power of Debt Court judges to issue writ in exercise or aid of appellate jurisdiction.
- § 4.5. Supreme Court to have final appellate jurisdiction.
- § 4.6. Appointment and tenure of judges.
- § 4.7. Qualifications of judges.
- § 4.8. Terms.
- § 4.9. Debt Court open for judicial business at all times; availability of Circuit Court judges when judge is not available.
- § 4.10. Order of trial during monthly term.
- § 4.11. Juries; selection of jurors.
- § 4.12. Clerks of Debt Courts.
- § 4.13. Fees for services of court clerks.

JUDICIARY LAW

§ 4.1. Establishment of Debt Court.

A Debt Court is hereby created which will be established in each of the counties of the Republic at the county seats thereof.²³

DECREE BY THE INTERIM NATIONAL ASSEMBLY OF THE REPUBLIC OF LIBERIA AMENDING CERTAIN SECTIONS OF CHAPTERS FOUR AND SEVEN OF THE NEW JUDICIARY LAW WITH RESPECT TO ACTIONS OF DEBT. 23a

§ 4.2. Jurisdiction and procedure.

Section 4.2 of Chapter 4 of the New Judiciary Law is hereby amended to read as follows:

Sub-section 4.2. Jurisdiction and procedure.

The Debt Court shall have exclusive original jurisdiction of all civil actions to obtain payment of a debt in which the amount is \$2,000.01 (two thousand dollars and one cent) or more. It shall not exercise original jurisdiction where the amount is less than \$2,000.01 (two thousand dollars and one cent). The procedure of the Debt Court and the method of enforcement of its judgments shall be the same as that of the Circuit Court in civil actions. Appeals from judgments of the Debt Court in an Action of Debt shall not operate as a stay in the enforcement of the judgment thereof, except where the party was denied his day in court; or where the amount of the indebtedness is in dispute. Nor shall the institution of remedial proceedings operate as a stay in the enforcement of such judgment, except where the party was denied his day in court; or where the amount of the indebtedness is in dispute. And the Debt Courts shall exercise concurrent jurisdiction with the Circuit Courts in the issuance of the Writ of NE EXEAT REPUBLICA in matters arising out of debt cases.

23. *Prior legislation:* L. 1966-67, ch. § 1.

23a. Interim National Assembly No 6, which amended section 4.2 of the Judiciary Law was issued on May 2, 1985. The decree took effect upon the signature of the Head of State and President of the Military led Interim National Assembly Government.

JUDICIARY LAW

Assignment for trial or the hearing of law issues in debt cases shall be limited to two (2) and all interlocutory motions or pleadings shall be entertained only on the following grounds:

- a) Illness of Counsel (if there is only one) authenticated by a certificate from a licensed medical doctor.
- b) Absence of material witness when verified or as provided by existing law.²⁴

§ 4.3. Appellate Jurisdiction of Debt Court.

The Debt Court in each county shall have exclusive jurisdiction to hear appeals from decisions in actions to obtain the payment of a debt made by courts not of record within the county in which it sits.

§ 4.4. Power of Debt Court Judges to issue writs in exercise or aid of appellate jurisdiction.^{24a}

The judges of the Debt Court shall have the power, authority and jurisdiction, exclusively, to issue or order the issuance of writs for summary proceedings addressed to inferior courts not of record and their officers in exercise or aid of the respective appellate jurisdiction of each Debt Court established hereunder. All summary proceedings in such cases shall be heard and determined within three (3) days from date of filing or same shall be dismissed and the trial proceeded with immediately.

24. *Prior legislation:* An Act Approving a New Judiciary Law, App. May 10, 1971, pub. June 22, 1972, ch. 4, § 4.3; L. 1966-67, ch. --- § 2.

The latest amendment to Section 4.2, sub-sections (a) and (b) was made by Interim National Assembly Decree No. 6 which was issued on May 2, 1985, and which became effective upon the signature of the Head of State and President of the military led Interim National Assembly Government.

24a. The current version of the section was passed by Interim National Assembly decree No. 6, issued on May 6, 1985, and effective as of the signing thereof by the Head of State.

JUDICIARY LAW

§ 4.5. Supreme Court to have final appellate jurisdiction.

Appeals from decisions and other determinations of the Debt Court shall be to the Supreme Court.²⁵

§ 4.6. Appointment and tenure of judges.

The President shall nominate and by and with the consent of the Senate, appoint and commission a judge to preside over the Debt Court in each county of the Republic. They shall hold office during good behavior.²⁶

§ 4.7. Qualifications of judges.

The qualifications of a person appointed or holding office as a judge of a regularly constituted Debt Court shall be the same as those required for resident judges of the Circuit Court

§ 4.8. Sitting of court.

The Debt Court shall sit in each County on the Second Tuesday of each and every month and continue in Session until the completion of its business.

§ 4.9. Debt Court open for judicial business at all times; availability of Circuit Court judges when judge is not available.

The Debt Court shall be considered always open for adjudication of matters over which the court has jurisdiction and for the purpose of filing any pleading or other paper authorized by rule or statute, of issuing and returning mesne and final process and of making and directing all interlocutory motions, orders and rules. If a judge of a Debt Court is not available, then, except for the trial of an action and any motions in connection therewith which would dispose of the action, in whole or in part, in any manner other than the settlement of an action or claim

25. *Prior legislation:* L. 1966-67, ch. --- § 7.

26. *Prior legislation:* L. 1966-67, ch. --- § 3.

JUDICIARY LAW

involving an infant or judicially declared incompetent, all other matters may be heard by a Circuit Court judge who, pursuant to section 3.10, would be available to hear such matters had the action been instituted in a Circuit Court in the county in which the particular Debt Court involved is established.

§ 4.10. Order of trials during monthly terms.²⁷

In the ordinary course, cases in the Debt Court shall be tried in accordance with the chronological order in which they are placed on the trial calendar, except that the Chief Justice of the Supreme Court, in his discretion, wherever he shall deem it expedient, may designate a monthly term or any other part thereof in which trials shall be given preference. Notwithstanding the expiration of the term at which a case commenced a trial shall continue until it is completed.

§ 4.11. Trial of debt cases.

Section 4.11, Chapter 4 of the New Judiciary Law is hereby amended to read as follows:²⁸

Sub-section 4.11. Trial of debt cases.

The Debt Court shall be a court of record and its cases shall be tried without jury.

§ 4.12. Clerks of Debt Court.

The President, by and with the advise and consent of the Senate, shall appoint a clerk for the Debt Court established in each county of the Republic. Each such clerk, in addition to all other duties required of him by law, shall perform the following duties for the court to which he is

27. Amendment effected by Interim National Assembly decree No. 6, issued on May 2, 1985.

28. Amendment effected by Interim National Assembly decree No. 6, issued on may 2, 1985.

JUDICIARY LAW

appointed:

- (a) To keep a docket of pending cases;
- (b) To issue and record all writs and other processes allowed by law, signed with his name as clerk and record returns thereto;
- (c) To take minutes of all hearings held during the appointed sessions and record all matters transacted there;
- (d) To take charge of all recorders and papers and give copies of them when required.²⁹

§ 4.13. Fees for services of court clerks.

The clerk of a Debt Court shall be paid the same fees to which a clerk of a Circuit Court would be entitled for like services in a civil action in the Circuit Court.³⁰

Chapter 5. THE MONTHLY AND PROBATE COURT

- § 5.1. Establishment of Monthly and Probate Courts and Probate Divisions in Circuit Courts.
- § 5.2. Original jurisdiction (exclusive) of the Monthly and Probate Court, the Provisional Courts and the probate divisions of the Circuit Court.
- § 5.3. Appellate jurisdiction of provisional courts.
- § 5.4. Power of provisional court judges to issue writ in exercise or aid of appellate jurisdiction.
- § 5.5. Supreme Court to have appellate jurisdiction.

29. *Prior legislation:* L. 1966-67, ch. ---- § 5.

30. For a schedule of fees of the clerks of the circuit courts, which schedule also applies to clerks of the Debt Courts, see Judiciary Law, section 3.14, at pages 16 and 17 of this volume.

JUDICIARY LAW

- § 5.6. Appointment and tenure of probate judges.
- § 5.7. Qualifications of judges.
- § 5.8. Terms.
- § 5.9. Clerks of Monthly and Probate Courts.
- § 5.10. Establishment of a Monthly and Probate Court in Gbarma and Bopolu Statutory Districts in Lofa County.
- § 5.11. Qualification and removal of judges.
- § 5.12. Original jurisdiction.
- § 5.13. Appellate jurisdiction.
- § 5.14. Power of Provisional Monthly and Probate Court Judges to issue writs in exercise or aid of appellate jurisdiction.
- § 5.15. Supreme Court to have appellate jurisdiction.
- § 5.16. Appointment and tenure of judges.
- § 5.17. Terms.
- § 5.18. Clerks of Provisional Monthly and Probate Courts.

§ 5.1. Establishment of Monthly and Probate Court and Probate Divisions in Circuit Courts.

A Monthly and Probate Court is hereby created which, when fully constituted shall be established in each of the counties and territories of the Republic and may include such provisional courts as may be deemed necessary; accordingly, a Monthly and Probate Court is hereby established in and for the County of Montserrado except for those areas where provisional courts are established therein; and Provisional Monthly and Probate Courts are hereby established in and for the District of Careysburg in Montserrado County and the Bopolu Statutory District; and until regularly constituted monthly and probate courts are established in and for other counties of the Republic, probate divisions are hereby established in the Circuit Court for the Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Judicial Circuits, with jurisdiction respectively in those areas in each circuit which are outside the territorial jurisdiction of any provisional monthly and probate court established therein. ³¹

31. *Prior legislation:* L. 1958-59, ch. XLV, § 1; 1957 Supp. 18:60; L. 1955-56, ch. XXVII, §§ 1, 2; L. 1939-40, ch. XV, § L. 1931-32, ch. XIV, § 1; L. 1903-04, 23(3rd), § 1; L. 1863-64, 23(3rd), § 1; L. 1861, 79, §§ 1, 4; OBB 113, Judiciary, art. II, § 1.

JUDICIARY LAW

§ 5.2. Original jurisdiction (exclusive) of the Monthly and Probate Court, the Provisional Courts and the Probate Divisions of the Circuit Court.

The Monthly and Probate Court of Montserrado County, the Provisional Monthly and Probate Courts and the Probate Divisions of the Circuit Court shall have exclusive original jurisdiction of the following matters arising within their respective territorial jurisdictions:

- (a) To probate wills affecting real and personal property;
- (b) To grant letters testamentary and of administration;
- (e) To direct and control the conduct and settle the accounts of executors and administrators;
- (d) To enforce the payment of the debts of testators and intestates and of their legacies and inheritances and to direct the distribution of their estates;
- (e) To order the sale and distribution of the real property of deceased persons;

The previous provisions creating Provisional Monthly and Probate Courts for the territories of Marshall, Bomi, Rivercess, Sasstown and Kru Coast have been superseded by the creation of the new counties of Bomi, Grand Kru, Margibi and Rivercess out of the territories or by merging of several of the territories into counties, and thereafter by the creation of new circuit courts in those counties, by Interim National Assembly decree No. 16, issued December 13, 1985. Interim National Assembly decree No. 16 created the additional Circuit Courts for the Eleventh (Bomi), Twelfth (Grand Kru), Thirteenth (Margibi) and Fourteenth (Rivercess) Judicial Circuits.

Additionally, by Act of the Legislature, approved August 25, 1988 and published September 14, 1988, two new Statutory Districts, Gbarma and Bopolu in Lofa County, were created with Provisional Monthly and Probate Courts. See section 5.10 and sequence through section 5.18 for the establishment of the new Provisional Monthly and Probate Courts of Gbarma and Bopolu Statutory Districts.

JUDICIARY LAW

- (f) To cause the admeasurement of dower, or interests in lieu thereof, to widows;
- (g) To have general supervision and direction of the estates of deceased persons and of minors, mentally disabled persons, and persons judicially declared as incompetents, and of all affairs connected with them;
- (h) To appoint and remove guardians of the property for minors, to direct and control their conduct and to settle their accounts;
- (i) To appoint and remove guardians of the property of incompetents, to direct and control their conduct and to settle their accounts;
- (j) To hear and determine applications for the adoption of children;
- (k) To hear and determine proceedings to legitimize illegitimate children;
- (l) To probate deeds, mortgages and other documents affecting or relating to real property and other instruments, documents and papers necessary to be probated;
- (m) The Provisional Courts shall have jurisdiction in all actions of debt where the amount claimed is \$2000.01 or more.³²

§ 5.3. Appellate jurisdiction of Provisional Courts.

Except for appeals from decisions in magisterial and justices of the peace courts involving actions to obtain payment of a debt, which shall be

32. *Prior legislation:* L. 1958-59, ch. XLV, § 2; 1957-58 Supp. 18:531; L. 1955-56, ch. XXVII, § 6; 1956 Code 18:531; L. 1943-449 ch. XXI, § 26; L. 1939-40, ch. XV, § 4; L. 1931-32, ch. XIV, §§ 1-3; Rev. Stat. (adopted L. 1929, ch. VII), §§ 997,999, 1268; OBB, 113, Judiciary, art. II, 9 1, art. XII, § 1; 1841 Digest, art. I, Act legalizing marriages and legitimizing illegitimate children, § 6, 2 Hub. 1492; Acts, 1839; Act legalizing marriages and legitimating illegitimate children, § 5, 2 Hub. 1398.

JUDICIARY LAW

heard in an appropriate Debt Court, and those involving matrimonial causes arising under tribal customary law heard in the magisterial courts in the Bondiway, Bomi Hills, Mano River, Lamco, and African Fruit Company magisterial areas, which shall be heard in the appropriate tribal courts, the Provisional Monthly and Probate Courts of the District(s) of Careysburg, Gbarma and Bopolu shall have jurisdiction of appeals from courts not of record in their respective territorial jurisdictions; and in addition, the Provisional Monthly and Probate Court(s) of the District(s) of Careysburg, Gbarma and Bopolu, subject to the same exceptions, shall have jurisdiction of appeals from courts not of record within [their respective] magisterial areas. Provided, however, that in areas where there are no debt courts, appeal from justices of the peace and magistrate courts of debt cases shall be taken before the Provisional Monthly and Probate Court.³³

§ 5.4. Power of Provisional Court Judges to issue writs in exercise or aid of appellate jurisdiction.

The judges of the Provisional Monthly and Probate Courts shall have the powers authority and jurisdiction, exclusively, to issue or order the issuance of writs for summary proceedings addressed to inferior courts not of record and their officers in exercise or aid of the respective appellate jurisdictions of each Provisional Monthly and Probate Court.

§ 5.5. Supreme Court to have appellate jurisdiction.

Appeals from decisions and other determinations of the Monthly and Probate Court of Montserrado County and from those of the Provisional Monthly and Probate Courts and of the Probate Divisions of the Circuit Court shall be to the Supreme Court.³⁴

33. *Prior legislation:* L. 1965-66, ch. § 1; L. 1958-599 ch. XIV, § 2; 1957-58 Supp. 18:531 (2nd Par.); L. 1955-56, ch. XXVII, § 6; 1956 Code 18:531 (2nd Par.); L. 1943-44, ch. XXI, § 4; L. 1932-33, ch. III, § 1.

34. *Prior legislation:* L. 1958-59, ch. XLV, § 2, last sent.

JUDICIARY LAW

§ 5.6. Appointment and tenure of Probate Judges.

The President shall nominates and by and with the advice and consent of the Senate, appoint and commission, a judge to preside over the Monthly and Probate Court of Montserrado County and judges to preside over each of the following courts: the Provisional Monthly and Probate Court of the District of Careysburg; [the Provisional Monthly and Probate of the District of Gbarma; and the Provisional Monthly and Probate Court of the District of Bopolu]. They shall hold office during good behavior.³⁵

§ 5.7. Qualifications of Judges.

The qualifications of a person appointed or holding office as a judge of a regularly constituted or Provisional Monthly and Probate Court shall be the same as those required for resident judges of the Circuit Court.³⁶

§ 5.8. Terms.

The Monthly and Probate Court of Montserrado County shall sit monthly in the City of Monrovia on the first Monday in each month. The Provisional Monthly and Probate Court of the District of Careysburg shall sit in the city of Careysburg on the third Monday in each month. [The Provisional Monthly and Probate Courts of Gbarma and Bopolu shall sit monthly on the first Monday in each month]. Each court shall remain in session from the opening of each monthly term until all business before the court is disposed of.³⁷

35. *Prior legislation:* L. 1965-66, ch. , § 1; L. 1958-59, ch. XLV, § 4; 1957-58 Supp. 18:61; L. 1955-66, ch. XXVII, § 4; 1956 Code 18:61, 64; L. 1943-44, ch. XXI, § 2; L. 1903-04, 23(3rd), § 1; L. 1878-79, § 1; L. 1868-70, 9(1st), § 4. *See also* footnote 31 and Sections 5.10 through 5.18.

36. *Prior legislation:* 1956 Code 18:63; L. 1913-14, 8(1st), § 2.

37. *Prior legislation:* L. 1965-66, ch. , § 1; L. 1958-59, ch. XLV, § 3; 1957-58 Supp. 18:62; L. 1955-56, ch. XXVII, § 7; 1956 Code 18:62; L. 1943-44, ch. XXI, § 3; L. 1939-40, ch. XV, § 3; L. 1932-33, ch. III, § 4; L.1929, ch. X, § 6; Rev. Stat. (adopted L. 1929, ch. VII), § 706(1).

JUDICIARY LAW

§ 5.9. Clerks of Monthly and Probate Courts.

The President, by and with the advice and consent of the Senate, shall appoint clerks for the Monthly and Probate Court of Montserrado County and the Provisional Monthly and Probate Courts of the the District of Careysburg, [the District of Gbarma and the District of Bopolu]. Each such clerk, in addition to all other duties required of him by law, shall perform the following duties for the court to which he is appointed.

- (a) To keep a docket of pending cases;
- (b) To issue and record all writs and other processes allowed by law, signed with his name as clerk and record returns thereto;
- (c) To take minutes of all hearings held during the monthly sessions and record all matters transacted there;
- (d) To note for the record, all wills, conveyances of real property and another documents, papers and instruments in writing offered for probate and those admitted to probate after being so noted, to deliver all such papers as are so required to the Registrar of Deeds for recording.
- (e) To take charge of all records and papers and give copies of them when required.³⁸

§ 5.10. Establishment of a Monthly and Probate Court in Gbarma and Bopolu Statutory Districts respectively in Lofa County.³⁹

38. *Prior legislation:* L. 1965-66, ch. , § 1; 1957-58 Supp. 18:67; L. 1955-56, ch. XXVII, § 4; 1956 Code 18:44, 67; L. 1931-32, ch. XIV, §§ 3, 5; OBB 113 Judiciary, art. II, § 1; OBB 49, Legal Principles and Rules, Tit. II, ch. VIII, § 3, 2 Hub, 1545.

39. Sections 5.10 thru 5.18 were added to the Judiciary Law by "An Act to Amend Chapter 5 of Title 17 of the New Judiciary Law to Provide for the Establishment of a Provisional Monthly and Probate Court in Gbarma and Bopolu Statutory Districts Respectively in Lofa County, Republic of Liberia, approved August 25, 1988, published September 14, 1988. Section 1 of the Amendment stated: "That from and immediately after the passage of this Act, Chapter 5 of Title 17 of the New Judiciary Law, approved May 10, 1972 and published in handbills on June 22, 1972, with respect to the Monthly and probate Courts, is hereby

JUDICIARY LAW

Pursuant to Section 5.1 of Chapter 5 of the new Judiciary Law, there is hereby established two provisional Monthly and Probate Courts in Gbarma and Bopolu Statutory Districts respectively in Lofa County, Republic of Liberia.

§ 5.11. Qualification and removal of judges.

The qualification and removal of judges of the Provisional Monthly and Probate Courts shall be the same as provided for under the Constitution of the Republic of Liberia and Title 17 of the New Judiciary Law of Liberia.

§ 5.12. Original jurisdiction.

The Provisional Monthly and Probate Courts of Gbarma and Bopolu Statutory Districts shall have exclusive original jurisdiction of the following matters arising within their respective statutory districts:

- (a) To probate wills affecting real and personal property;
- (b) To grant letters testamentary and of administration;
- (c) To direct and control the conduct and settle the accounts of executors and administrators;
- (d) To enforce the payment of the debts of testators and intestate and of their legacies and heritances, and to direct the distribution of their estates;
- (e) To order the sale and distribution of their estates (real property);
- (f) To cause the admeasurement of dower, or intestate in lieu thereof, to widows and widowers;

amended to provide for a new Sections 5.10 through 5.18 as follows:" Then followed the recital of the Sections.

JUDICIARY LAW

- (g) To have general supervision and direction of the estates of deceased persons and of minors, mentally disabled persons, and persons judicially declared as incompetents, and of all affairs connected with them;
- (h) To appoint and remove guardians of the property for minors, to direct and control their conduct, and to settle their accounts;
- (i) To appoint and remove guardians of the property of incompetents, to direct and control their conduct, and to settle their accounts.
- (j) To hear and determine applications for the adoption of children;
- (k) To hear and determine proceedings to legitimize illegitimate children;
- (l) To probate deeds, mortgages and other documents affecting or relating to real property and other instruments, documents and papers necessary to be probated;
- (m) The Provisional Monthly and Probate Courts of Gbarma and Bopolu shall have jurisdiction in all actions of debt where the amount is \$2000.01 or more.

§ 5.13. Appellate jurisdiction.

Except for appeals from decisions in the Magisterial and justices of the peace courts involving actions to obtain payment of debt, which shall be heard in an appropriate Debt Court, and those involving matrimonial causes arising under tribal customary law which shall be heard in the appropriate tribal courts, the Provisional Monthly and Probate Courts of Gbarma and Bopolu Statutory Districts of Lofa County shall have jurisdiction of appeals from courts not of record in their respective jurisdictions; provided, however, that in areas where there are no debt courts, appeals from justices of the peace and magistrate courts of debt cases shall be taken before the Provisional Monthly and Probate Courts established herein.

JUDICIARY LAW

§ 5.14. Power of Provisional Monthly and Probate Court Judges to issue writs in exercise to aid appellate jurisdiction.

The judges of the Provisional Monthly and Probate Courts shall have the power, authority and jurisdiction to issue or order the issuance of writs of summary proceedings addressed to inferior courts not of record and their officers in exercise or aid of the respective appellate jurisdiction of each Provisional Monthly and Probate Court.

§ 5.15. Supreme Court to have appellate jurisdiction.

Appeals from decisions and other determinations of the Provisional Monthly and Probate Courts of Gbarma and Bopolu Statutory Districts of Lofa County shall be to the Supreme Court of Liberia.

§ 5.16. Appointment and tenure of judges.

The President shall nominate, and with the consent of the Senate, appoint and commission judges to preside over each of the Provisional Monthly and Probate Courts of Gbarma and Bopolu Statutory Districts of Lofa County. They shall hold office during good behaviour.

§ 5.17. Terms.

The Provisional Monthly and Probate Courts of Gbarma and Bopolu shall sit monthly on the first Monday in each month. Each Court shall remain in session from the opening of each Monthly Term until all business before the Court is disposed of.

§ 5.18. Clerks of Provisional Monthly and Probate Courts.

The President shall nominate, and with the consent of the Senate, appoint and commission clerks for the Provisional Monthly and Probate Courts. Each such clerk, in addition to all other duties required by law, shall perform the following duties for the court to which he/she is appointed:

- (a) To keep a docket of pending cases;

JUDICIARY LAW

- (b) To issue and record all writs and other processes allowed by law, signed with his/her name as clerk and record returns thereto;
- (c) To take minutes of all hearings held during the monthly sessions and record all matters transacted there;
- (d) To note for the record, all wills, conveyances of real property and all other documents, papers and instruments in writing offered for probate and those admitted to probate after being so noted; to deliver all such papers as are so required to the Registrar of Deeds for recording;
- (e) To take charge of all records and papers and give copies of them when required.⁴⁰

Chapter 6. THE TAX COURT AND THE TAX DIVISIONS OF THE CIRCUIT COURT

- § 6.1. Establishment of Tax Court and tax divisions.
- § 6.2. Jurisdiction of the Tax Court and tax divisions and procedures.
- § 6.3. Supreme Court to have appellate jurisdiction.
- § 6.4. Appointment and tenure of Tax Court Judges.
- § 6.5. Qualification of Judges.
- § 6.6. Term of Court; rules and regulations.
- § 6.7. Clerks of Tax Court.
- § 6.8. Fees for services of court clerk.

§ 6.1. Establishment of Tax Court.

A Tax Court is hereby created and established in each of the counties and

40. The Act stated, as to its effective date: "This Act shall take effect immediately upon publication in handbills."

JUDICIARY LAW

territories of the Republic. ⁴¹

§ 6.2. Jurisdiction and procedure.

The Tax Court and the tax divisions of the Circuit Courts, within their respective territorial jurisdictions, shall have exclusive jurisdiction to review final administrative determinations of assessments of taxes, license fees and other imports, valuations made for tax purposes and denials of claims for refund with respect to taxes, license fees and other imposts assessed by the Republic or any of its political subdivisions or agencies in accordance with the Revenue and Finance Law, together with exclusive original jurisdiction over civil penalties and such other original civil jurisdiction as is expressly conferred on the Tax Court by the Revenue and Finance Law or is otherwise contained therein, including such admiralty jurisdiction as is necessary to carry out the functions herein set forth. Except as otherwise provided in the Revenue and Finance Law, the Administrative Procedure Act and as otherwise expressly provided by statute, in so far as practicable, the procedures of the Tax Court and the method of enforcement of its judgments shall be the same as these of the Circuit Court in civil matters. ⁴²

§ 6.3. Supreme Court to have appellate jurisdiction.

Appeals from decisions and other determinations of the Tax Court shall be to the Supreme Court. ⁴³

§ 6.4. Appointment and tenure of Tax Court Judges.

The President shall nominate and by and with the consent of the Senate,

41. *Prior legislation:* L. 1958-59, ch. IX, § 1(18:130); 1956 Code 18:130; L. 1948-49, ch. XXII, § 1; L. 1947-48, ch. XXII, § 1; L. 1944-45, ch. III, § 7; L. 1937, ch. XXV, art. 10, § 6; L. 1929, ch. X; L. 1929, ch. VI, § 1; L. 1927-28, ch. XII, § 2; L. 1923-24, ch. XIXV, § 4; OBB 113, Judiciary, art. IV, §§ 1, 4.

42. *Prior legislation:* L. 1958-59, ch. IX, § 2 (18:570); 1956 Code 18:570; L. 1950-51, ch. VII, § VIII; L. 1950 (E. S.), ch. V, § XXV; L. 1947-48, ch. XXII, § 4.

43. *Prior legislation:* L. 1958-59, ch. IX, § 1 (18:133).

JUDICIARY LAW

commission a judge to preside over the Tax Court in each of the counties and territories of the Republic. They shall hold office during good behavior. ⁴⁴

§ 6.5. Qualifications of Judges.

The qualifications of a person appointed or holding office as a Judge of a regularly constituted Tax Court shall be, as far as practicable, the same as those required for resident judges of the Circuit Court.

§ 6.6. Terms of Court; rules and regulations.

The Chief Justice of the Supreme Court shall fix the terms of Court and make rules and regulations for the operation and administration of the Tax Court. ⁴⁵

§ 6.7. Clerks of Tax Court.

The President, by and with the advice and consent of the Senate, shall appoint a clerk, for each Tax Court in the Territories and Counties of the Republic. Each such clerk, in addition to all other duties required of him by law, shall perform the following duties for the court to which he is appointed:

- (a) To keep a docket of pending cases;
- (b) To issue and record all writs and other processes allowed by law, signed with his name as clerk and record returns thereto;
- (c) To take minutes of all hearings held during the appointed sessions

44. *Prior legislation:* L. 1956-59, ch. IX, § 1 (18:131); 1956 Code 16:131; L. 1948-49, ch. XXVII, § 1; L. 1947-48, ch. XXII, § 1.

45. *Prior legislation:* L. 1958-59, ch. IX, § 1(18:132); 1956 Code 18:134; L. 1947-48, ch. XXII, § 3.

45. *Prior legislation:* L. 1958-59, ch. IX, § 1 (18:132); 1956 Code, 18:134; L. 1947-48, ch. XXII, § 3.

JUDICIARY LAW

and record all matters transacted there;

(d) To take charge of all records and papers and give copies of them when required.⁴⁶

§ 6.8. Fees for services of Court Clerk.

Except where a greater fee is allowed by another statute for the same service, the clerk of a Tax Court shall be paid by a party requiring his/her services, the same fees to which a clerk of the Circuit Court would be entitled for like services in a civil action in the Circuit Court.

Chapter 7. MAGISTRATES' COURT

§ 7.1. Application of chapter to magisterial courts.

§ 7.2. Designation of magisterial areas and establishment of magistrates' courts.

§ 7.3. Jurisdiction of magistrates' court.

§ 7.4. Appellate Courts.

§ 7.5. Appointment and tenure of magistrates.

§ 7.6. Qualifications of stipendiary magistrates.

§ 7.7. Territorial powers of magistrates; civil and criminal.

§ 7.8. Records and dockets of court.

§ 7.9. Fees.

§ 7.1. Application of chapter to magisterial courts.

The provisions of this chapter shall apply to every magisterial court which is established in a magisterial area or in and for a city, municipal district or commonwealth district, whether denominated "magistrate's court," "city court", "municipal court" or "commonwealth's court", and to every magisterial court to be established hereunder.

46. *Prior legislation:* L. 1958-59, ch. IX, § 1(18:134).

JUDICIARY LAW

§ 7.2. Designation of Magisterial Areas and establishment of Magistrates' Courts.

The President is empowered whenever in his discretion he shall deem it necessary and expedient, to extend the geographic area over which any presently established magisterial court has jurisdiction and to designate additional magisterial areas and establish magistrates' courts therein, the number and extent of which shall be such as he may decide.⁴⁷

§ 7.3. Jurisdiction of Magistrates' Courts.

The magisterial courts shall be courts of limited jurisdiction wherein applicable matters shall be tried without a jury.

They shall exercise jurisdiction as follows:

(a) *In civil cases.* Except when another court shall have exclusive jurisdiction, the magisterial courts shall have original jurisdiction (1) of civil actions and proceedings for the recovery of money or chattels or to obtain payment of debt where the amount sought to be recovered or the value of the property does not exceed \$2,000.01 (Two Thousand Dollars and one cent) exclusive of interest and cost; provided that such jurisdiction shall not extend to actions for injuries to domestic relations as those actions are defined in the Domestic Relations Law; and (2) of summary proceeding to recover possession of real property located in whole, or in part within their respective magisterial areas to remove tenants therefrom and to render judgment for rent due if such damages do not exceed \$500.00 exclusive of interest and costs; provided that, if two or more claims for relief are joined in an action or proceeding, the aggregate of the amounts sought to be recovered shall not exceed the monetary limitations herein set forth, or, if a counterclaim is interposed, the amount sought to be recovered, or if two or more claims for relief are joined therein, the aggregate of the amounts sought to be recovered, shall not

47. *Prior legislation:* 1956 Code 18:90 (1st sent.); L. 1943-44, ch. XII, § 1; L. 1943-44, ch. VII, §§ 1, 4; L. 1938, ch. XI, § 1.

JUDICIARY LAW

exceed the monetary limitations herein set forth;

(b) In criminal proceedings. The magisterial courts concurrently with justices of the peace courts shall exercise exclusive original jurisdiction of cases of petit larceny which shall be tried by a magistrate and associate magistrate and of no other misdemeanor, and of all offenses and violations of the Vehicles and Traffic Law constituting infraction thereof, except where another court in the same area or part of the same area has by law been given exclusive original jurisdiction of such infractions; and as provided in the Criminal Procedure Law, magistrates shall hold court for the examination of persons charged with an offense over which a superior court has original jurisdiction, alleged to have been committed at any place within their respective magisterial areas; provided that the jurisdiction over criminal proceedings herein set forth shall also extend to contiguous areas in which no magisterial or justice of the peace court is established.

(c) In juvenile court proceedings. Except when another court in the same geographic area shall have exclusive jurisdiction, the magisterial court shall exercise juvenile court jurisdiction over special proceedings concerning juveniles duly brought within their respective magisterial areas in accordance with the provisions and procedures set forth in the Juvenile Court Procedural Code;

(d) In filiation proceedings. The magisterial courts shall have jurisdiction of filiation proceedings duly brought within their respective magisterial areas in accordance with the provisions and procedures set forth in the Domestic Relations Law;

(e) In tribal matrimonial causes in certain magisterial areas. The magisterial courts in the following magisterial areas: Bondiway, Bomi Hill, Bong, Mano River, Lamco, Gedetarbo and African Fruit Company, in addition, shall have jurisdiction within their respective areas of matrimonial causes arising under tribal customary law, provided that appeals from decisions in each cause shall be taken within the tribal courts system as if such decisions had been made in the court of a Paramount

JUDICIARY LAW

Chief.⁴⁸

§ 7.4. Appellate Courts.

1. *In county areas outside jurisdiction of Provisional Probate Courts.* Except as provided in paragraphs 2, 3, and 4, appeals from decisions of magisterial courts shall be to the Circuit Court in the county in which the magisterial court sits; provided that the Circuit Court of the First Judicial Circuit shall hear such appeals only in criminal cases arising in Montserrado County and that the Circuit Court of the Sixth Judicial Circuit shall hear such appeals in cases other than criminal cases arising in Montserrado County.

2. *In areas over which Provisional Probate Courts have jurisdiction.* Except as provided in paragraphs 3 and 4, appeals from decisions of magisterial courts within the territorial limits of the the District of Careysburg shall be heard in the respective Provisional Monthly and Probate courts having territorial jurisdiction over the areas in which these magisterial courts are established; and in addition, appeals from magisterial courts within the Bondiway Magisterial areas shall be heard in the Provisional Monthly and Probate Court of the District of Careysburg.

3. *Actions for debt.* Appeals from decisions of magisterial courts in actions to obtain the payment of a debt shall be to the Debt Court in the county in which the magisterial court sits.

4. *In tribal matrimonial causes in certain magisterial areas.* Appeals from causes arising under tribal customary law rendered in the magisterial courts of the Bondiway, Bomi Hill, Bong, Mano River, Lamco, Gedetarbo and African Fruit Company magisterial areas shall be to the

48. *Prior legislation:* 1956 Code, 18:555, 557; L. 1948-49, ch. XXX, §§ 1, 3, 4, 6; L. 1945-46, ch. XII, §§ 3, 4; L. 1940, ch. VI, §§ 1, 2; L. 1938, ch. XI, §1; L. 1930-31, ch. VI, § 1; Rev. Stat. (adopted L.1929, ch. VII), §§ 667, 668, 690; L. 1924-25, ch. XVI, § 3; L. 1911-12, 33, § 2; J.P. Code (adopted Law 1907-08, 16), §§ 11(7), 98, 99, 101; OBB 159, Act concerning bastardy, art. I, § 1; OBB 113, Judiciary, art. I, § 1.

Legis. note: Sub-section 7.3(a)(1), as appearing in the current form above, is the result of an amendment promulgated by Interim National Assembly decree No. 16, issued May 2, 1985.

JUDICIARY LAW

tribal court which would have appellate jurisdiction had such decision been made in the court of a Paramount Chief.⁴⁹

§ 7.5. Appointment and tenure of Magistrates.

The President shall appoint for each magisterial court a Stipendiary Magistrate, who shall act as chief magistrate of the court, and such associate stipendiary magistrates for each court as he shall deem it necessary and expedient to dispose of the judicial business within the magisterial area covered by each court. A stipendiary magistrate shall hold office for a period of four years and shall be eligible for reappointment, but he may be removed from office prior to the expiration of his term of office for cause or at the pleasure of the President.⁵⁰

§ 7.6. Qualifications of Stipendiary Magistrates.

Stipendiary magistrates, upon appointment, must be citizens of the Republic of Liberia and have attained the age of twenty-three years; they must be attorneys licensed to practice and have been engaged in the active practice of the law for at least two years next preceding their appointments; they must reside in the magisterial area for which they are appointed or in the county in which the magisterial area for which they are appointed is located and shall not try a cause in any other magisterial area except as otherwise provided by law. Active practice of law, as used herein, is not limited to the direct practice of law, but includes judicial service, governmental service, and the teaching of law.⁵¹

49. *Prior legislation:* L. 1959-59, ch. LXV, § 2; 1957-58 Supp. 18:511; L. 1955-56, ch. XXVII, § 6; 1956 Code 18:511; L. 1950-51, ch. VII, § VIII; L. 1949-50, ch. XXXVIII, § 3; L. 1946-47, ch. XXV, § 1; L. 1943-44, ch. XXVIII, § 3; L. 1923-24, ch. XXIV, arts. 9, 34; L. 1911-12, 33, § 2; J.P. Code (adopted L. 1907-08, 16), § 60; L. 1904-05, 18(2nd), § 2; L. 1978-79, 19, § 2; L. 1861, 79, § 1; OBB 113, Judiciary, art. IV, § 1.

50. *Prior legislation:* 1956 Code 18:90, 91, 95; L. 1948-49, ch. XXX, § 5; L. 1943-44, ch. XII, §§ 2; L. 1943-44, ch. VIII, §§ 2, 3; L. 1938, ch. XI, §§ 2, 3, 6; Rev. Stat. (adopted L. 1929, ch. VII).

51. *Prior legislation:* 1956 Code 18:54; L. 1943-44, ch. XII, § 3; L. 1938, ch. XI, § 7; Rev. Stat. (adopted L. 1929, ch. VII), §§ 615, 616.

JUDICIARY LAW

§ 7.7. Territorial powers of Magistrates; civil and criminal.

1. *Civil Powers.* Within the limitations set forth in this chapter, Stipendiary Magistrates shall have power to act in civil matters in accordance with the Civil Procedure Law within their respective magisterial areas.

2. *Criminal Powers.* Stipendiary Magistrates shall have power to act in accordance with the provisions of the Criminal Procedure Law to issue warrants for the seizure and arrest of any person violating the law at any place within their respective magisterial areas and within any contiguous areas in the same county in which no magisterial or justice of the peace court is established, and to commit him to jail, release him on bond or discharge him from custody if it appears that no offense has been committed by him. They shall have power also to issue warrants for the search of any premises at any place within their respective magisterial areas and within any contiguous areas in the same county in which no magisterial or justice of peace court is established, for stolen or embezzled property, illicit, forfeited or prohibited property, contraband and instruments or other articles designed or intended for use, or which are or have been used, as a means of committing a criminal offense, if, upon complaint made, the magistrate is satisfied that there is probable cause to believe that such property is concealed therein.⁵²

§ 7.8. Records and Dockets of court.

Under the supervision of the chief stipendiary magistrate, each magisterial court shall keep legible and suitable books, papers, records and dockets of all civil actions, proceedings and separately, of all criminal actions and proceedings. The rules of court may prescribe their form, care, custody and disposition.

§ 7.9. Fees.

Except where a greater fee is allowed by another statute for the same ser-

52. *Prior legislation:* 1956 Code 18:550; L. 1948-49, ch. XXX, § 3; Rev. Stat., § 620; J. P. Code (adopted L. 1907-08, 16), § 8; OBB 113, Judiciary, art. I, § 1.

JUDICIARY LAW

vice, a party requiring services in a civil action in a magisterial court shall pay the following fees for the services herein specified, payable in advance:

(a) Filing of first paper in any action or proceeding	\$1.00
(b) Issuing a writ of summons	.30
(c) Issuing a citation or order to show cause in lieu thereof, in a summary proceeding	.30
(d) Issuing a subpoena	.15
(e) Issuing a commission to take testimony	.25
(f) Preparation of bill of costs	.25
(g) Entry of final judgment	1.00
(h) Issuing a writ of execution	.25
(i) Docketing of return of execution of judgment	.15
(j) Docketing of certificate of satisfaction of judgment	.15
(k) Issuing transcript of the docket of a judgment or other lien	.15
(l) Certifying copy of record on appealper sheet	.10
(m) Filing a bond or other undertaking	.15

§ 7.10 Magistrates.

Stipendiary magistrates shall make quarterly reports of all cases tried, fines imposed and collected, and all other matters touching the operation of their courts, to the circuit court within their area.

Chapter 8. JUSTICES OF THE PEACE COURT

§ 8.1. Application of chapter.

§ 8.2. Designation of territorial jurisdiction and place of holding of court

§ 8.3. Jurisdiction of justices of the peace court.

§ 8.4. Appellate courts.

§ 8.5. Appointment and tenure of justices of the peace.

§ 8.6. Qualifications of justices of the peace.

§ 8.7. Required training and education of justices.

§ 8.8. Power of justices to issue warrant and to commit, bail, discharge alleged violators.

§ 8.9. Records and dockets of court.

§ 8.10. Compensation of justices of the peace.

JUDICIARY LAW

§ 8.1. Application of chapter.

The provisions of this chapter shall apply to every court of a justice of the peace which has been established and to every such court which is to be established hereunder.

§ 8.2. Designation of territorial jurisdiction and place of holding of court.

In appointing justices of the peace and with respect to those already appointed, the President shall designate the geographic area, such as the city, township, settlement or other similar area, over which each justice shall have territorial jurisdiction and within which he shall hold court for the trial of actions or special proceedings and exercise the other incidents of his office.

§ 8.3. Jurisdiction of justices of the peace court.

The courts of justices of the peace shall be courts of limited jurisdiction wherein applicable matters shall be tried without a jury. Unless elsewhere provided by law, they shall exercise jurisdiction as follows:

(a) *In civil cases:* Except when another court shall have exclusive jurisdiction, the courts of the justices of the peace shall have original jurisdiction:

- (1) of civil actions and proceedings for the recovery of money or chattels, where the amount sought to be recovered or the value of the property does not exceed \$50 exclusive of interest and costs, except that in actions to obtain the payment of a debt the amount sought to be recovered may exceed \$50 but shall not exceed the sum of \$100 exclusive of interest and costs; provided that this jurisdiction shall not extend to actions for injuries to domestic relations as those actions are defined in the Domestic Relations Law, libel and slander actions and actions for damages for the bringing of malicious suits, actions, prosecutions or other legal proceedings; and (2) of summary proceedings to recover possession of real property located in whole or in part

JUDICIARY LAW

within their respective designated territorial jurisdictions to remove tenants therefrom and to render judgment for rent due if such damages do not exceed \$500 exclusive of interest and costs; provided that, if two or more claims for relief are joined in an action or proceedings, the aggregate of the amounts sought to be recovered shall not exceed the monetary limitation herein set forth, or, if a counterclaim is interposed, the amount sought to be recovered, or if two or more claims for relief are joined therein, the aggregate of the amounts sought to be recovered, shall not exceed the monetary limitations herein set forth;

(b) In criminal proceedings. Justice of the peace courts concurrently with the magisterial courts shall exercise exclusive original jurisdiction of cases of petit larceny and of no other misdemeanor and of all offenses and violations of a grade less than misdemeanor alleged to have been committed at any place within their respective designated territorial jurisdictions, including petty offenses and violations of the Vehicle and Traffic Law constituting infractions thereof, except where another court in the same area or part of the same area has by law been given exclusive original jurisdiction of such infractions; and as provided in the Criminal Procedure Law, justices of the peace shall hold court for the examination of persons charged with an offense over which a superior court has original jurisdiction alleged to have been committed at any place within their respective designated territorial jurisdictions; provided, that the jurisdiction over criminal proceedings herein set forth shall also extend to contiguous areas in which no magisterial or justice of the peace court is established.

(c) In filiation proceedings. Justices of the peace courts shall have jurisdiction of filiation proceedings duly brought within their respective designated territorial jurisdictions in accordance with the provisions and procedures set forth in the Domestic Relations Law.⁵³

53. *Prior legislation:* 1956 Code 18:556; L. 1945-46, ch. VIII, §§ 3, 4; L. 1930-31, ch. VI, § 1; Rev. Stat. (adopted L. 1929, ch. VII), §§ 624 (1), (2), (6), 690; L. 1924-25, ch. XVI, § 3; L. 1911-12, 33, § 2; J.P. Code (adopted L. 1907-08, 16), §§ 1(1), 11 (2)-(5), (7), (8), 98, 101; L. 1878-79, 19, § 4; OBB 113, Judiciary, art. I, §§ 1, 7.

JUDICIARY LAW

§ 8.4. Appellate courts.

Except as hereinafter set forth, appeals from decisions of the courts of the justices of the peace shall be to the Circuit Court in the county in which the justice of the peace court sits; provided that the Circuit Court of the First Judicial Circuit shall hear such appeals only in criminal cases arising in Montserrado County and that the Circuit Court of the Sixth Judicial Circuit shall hear such appeals only in cases other than criminal cases arising in Montserrado County, except that neither of these Circuit Courts nor the Circuit Courts of the Second, Third, and Fourth Judicial Circuits shall hear appeals from decisions of the courts of the justices of the peace within the [County of Margibi], the District of Careysburg, the Township of Kakata, the Bondiway Magisterial Area, the [County] of Bomi, the [County] of Rivercess, the [County of Grand Kru] but such appeals shall be heard in the respective [Circuit] courts having territorial jurisdiction over the geographic areas in which the courts of the justices of the peace are established, as set forth in section 5.3; provided further that appeals in actions to obtain the payment of a debt shall be to the Debt Court in the county in which the justice of the peace court sits.⁵⁴

§ 8.5. Appointment and tenure of Justices of the Peace.

The President shall nominate and, with the advice and consent of the Senate, appoint and commission all justices of the peace. A justice of the peace shall hold office for a term of two years from the date of his commission and shall be eligible for reappointment, but he may be removed from office prior to the expiration of his term of office for cause or at the pleasure of the President.⁵⁵

54. *Prior legislation:* L. 1958-59, ch. XIV, § 2; 1957-58 Supp. 18:511; L. 1955-56, ch. XXV II, § 6; 1956 Code 18:511; L. 1950-51, ch. VII, § VIII; L. 1949-50, ch. XXXVIII, § 3; L. 1946-47, ch. XXV, § 1; L. 1943-44, ch. XXVIII, § 3; L. 1923-24, ch. XXIV, arts. 9, 34; L. 1911-12, 33, § 2; J. P. Code (adopted L. 1907-08, 16), § 60; L. 1904-05, 18(2nd), § 2; L. 1878-79, 19, § 2; L. 1861, 79, § 1, OBB 133, Judiciary, art. IV, § 1.

55. *Prior legislation:* 1956 Code 18:93, 94; Rev. Stat. §§ 614, 617; J. P. Code (adopted L. 1907-08, 16), § 4.

JUDICIARY LAW

§ 8.6. Qualifications of Justices of the Peace.

Justices of the peace, upon appointment, must be citizens of the Republic of Liberia, must have attained the age of twenty-one years, and be able to read and write the English language; they must reside in the designated geographic area for which they were appointed or in the county in which the area is located and shall not try a cause in any other area except as otherwise provided by law.⁵⁶

§ 8.7. Required training and education of Justices.

No justice of the peace selected for a term of office on or after the date this section becomes effective, except one who has been admitted to practice law in this Republic, shall assume the functions of his office unless he has successfully completed a course of education and training in the functions of the office of a justice of the peace prescribed by the agency designated by the Chief Justice of the Supreme Court for that purpose and filed with the Chief Justice a certificate certifying to the successful completion of such a course.

§ 8.8. Territorial powers of Justices of the peace: (1) Civil; (2) criminal.

1. Civil powers. Within the limitations set forth in this chapter, justices of the peace shall have power to act in civil matters in accordance with the Civil Procedure Law within their respective designated territorial jurisdictions and within any contiguous areas in the same county in which no justice of the peace court is established.

2. Criminal powers. Justices of the peace shall have power to act in accordance with the provisions of the Criminal Procedure Law to issue warrants for the seizure and arrest of any person alleged to have been violating the law at any place within their respective designated territorial jurisdictions and within any contiguous areas in the same county in

56. *Prior legislation:* 1956 Code 18:94; Rev. Stat. §§ 615, 616; J. P. Code (adopted L. 1907-08, 16), §§ 2.3.

JUDICIARY LAW

which no magisterial or justice of the peace court is established, and to commit him to jail, release him on bond or discharge him from custody, if it appears that no offense has been committed by him. They shall have power also to issue warrants for the search of any premises at any place within their respective designated territorial jurisdictions and within any contiguous areas in the same county in which no magisterial or justice of the peace court is established, for stolen or embezzled property, illicit, forfeited or prohibited property, contraband, and instruments or other articles designed or intended for use, or which are or have been used, as a means of committing a criminal offense, if, upon complaint made, the justice is satisfied that there is probable cause to believe that such property is concealed therein.⁵⁷

§ 8.9. Records and dockets of court.

Each justice of the peace shall keep or cause to be kept legible and suitable books, papers, records and dockets of all civil actions and proceedings and separately, of all criminal actions and proceedings. The rules of court may prescribe their form, care, custody and disposition.

§ 8.10. Fees.

Except where a greater fee is allowed by another statute for the same service, a party requiring services in a civil action in a justice of the peace court shall pay the following fees for the services herein specified, payable in advance.

(a) Filing of first paper in any action or proceeding	\$1.00
(b) Issuing a writ of summons	.30
(c) Issuing a citation or order to show cause in lieu thereof, in a summary proceeding	.30
(d) Issuing a subpoena	.15
(e) Issuing a commission to take testimony	.25
(f) Preparation of bill of costs	.25

57. *Prior legislation:* 1956 Code 18:550; Rev. Stat., § 620; J.P. Code (adopted L. 1907-08, 16), § 7, OBB 133, Judiciary, art. I, § 1.

JUDICIARY LAW

(g) Entry of final judgement	1.00
(h) Issuing a writ of execution	.25
(i) Docketing of return of execution of judgment	.15
(j) Docketing of certificate of satisfaction of judgment	.15
(k) Issuing transcript of the docket of a judgment or other lien	.15
(l) Certifying copy of record on appeal 10 cents per sheet	.10
(m) Filing a bond or other undertaking	.15

2. *Posting of schedule.* A copy of the within schedule of fees shall be posted in a conspicuous place in the courtroom of every justice of the peace court in such a manner as to make the contents easily accessible to the public.⁵⁸

§ 8.11. Justice of the peace to make quarterly reports.

Justices of the peace shall make quarterly reports of all cases tried, fines imposed and collected, and all other matters touching the operation of their courts, to the circuit courts within their areas.

§ 8.12. Summary proceedings against stipendiary magistrates and justices of the peace.

Any person or party litigant in a Judicial proceeding before a magistrate or justice of the peace whose rights shall be abridged by the arbitrary action of such magistrate or justice of the peace, shall be entitled to institute summary proceedings against such magistrate or justice of the peace in the Circuit Court of the County where the action occurs; if such action occurs in any of the territories, summary proceedings shall be instituted in the Provisional Monthly and Probate Court. As used in this Section, "arbitrary action" shall be any act or action on part of a magistrate or justice of the peace which violates the legal right of a party litigant, or which is not in keeping with law or judicial practice under the statutes.

58. *Prior legislation:* 1956 Code 18:98; J.P. Code (adopted L. 1907-08, 16) § 50.

JUDICIARY LAW

Chapter 9. TRAFFIC COURT

- § 9.1. Establishment of Traffic Court; provisional assignment of magistrates and justice of peace courts.
- § 9.2. Original exclusive jurisdiction of traffic courts; procedure.
- § 9.3. Appellate courts.
- § 9.4. Appointment and tenure of Traffic Court judges.
- § 5.5. Qualification of judges of Traffic Court.
- § 9.6. Required training and education of judges.
- § 9.7. Records and dockets of court.

§ 9.1. Establishment of Traffic Court; provisional Assignment of Magistrates and Justices of the Peace courts.

A Traffic Court is hereby created which, when fully constituted, shall be established for each of the counties of the Republic and may hereafter be established in such lesser geographic units as the President may deem necessary and expedient; accordingly a Traffic Court is hereby established in and for the Commonwealth District of Monrovia in Montserrado County, and in and for the areas within the corporate limits of the county seats of each of the other counties; and until regularly constituted traffic courts are established in other areas of Montserrado County and the other counties of the Republic, or any lesser geographic units hereof, the magisterial and justices of the peace courts in these other areas, in addition to their other functions, shall assume jurisdiction as Traffic Courts.⁵⁹

§ 9.2. Original exclusive jurisdiction of Traffic Courts; procedures.

The Traffic Courts established pursuant to this chapter, including the magisterial and justices of the peace courts assuming traffic court jurisdiction thereunder, shall have original exclusive jurisdiction within their respective territorial jurisdictions to try without a jury any violation of the Vehicle and Traffic Law constituting an infraction as defined therein. The procedure in criminal proceedings in magisterial and justices of the

59. *Prior legislation:* L.1960-61, ch. XLII, § 2; 1957-58 Supp. 37:8; 1956-57, ch. XXXIV, arts. III in part, IV in part.

JUDICIARY LAW

peace courts shall govern the procedure in traffic courts.

§ 9.3. Appellate courts.

Appeals from decisions of traffic courts shall be governed by the same procedure as that governing appeals from decisions of the magisterial and justices of the peace courts and shall be to the Circuit Court in the county in which the traffic court sits; provided that only the Circuit Court of the First Judicial Circuit shall hear such appeals arising in Montserrado County, except that the said Circuit Court shall [not] hear appeals from the decisions of the traffic courts within the the District of Careysburg [and] the Bondiway Magisterial Area, but such appeals shall be heard in the respective Provisional Monthly and Probate Courts having territorial jurisdiction over the geographic areas in which these traffic courts are established, as set forth in section 5.3.⁶⁰

§ 9.4. Appointment and tenure of Traffic Court Judges.

The President shall appoint and commission judges to preside over the Traffic Court in and for the Commonwealth District of Monrovia in Montserrado County and in and for the areas within the corporate limits of the county seats of each of the other counties and such number of associate judges as he deems expedient and necessary; and, when traffic courts become established in other areas of Montserrado County and the other counties of the Republic, he shall similarly appoint and commission judges for each court. A judge of the traffic court shall hold office for a term of two years from the date of his commission and shall be eligible for reappointment but he may be removed from office prior to the expiration of his term of office for cause or at the pleasure of the President.

§ 9.5. Qualifications of Judges of Traffic Court.

Judges of the traffic court, upon appointment, must be citizens of the Republic of Liberia, must have attained the age of twenty-one years and

60. *Prior legislation:* L. 1960-61, ch. XLII, § 2; 1957-58 Supp., 37:8; L. 1956-57, ch. XXXIV, art. III in part.

JUDICIARY LAW

be able to read and write the English language; they must reside in the designated geographic area for which they were appointed or in the county in which the said area is located and shall not try a cause in any other area except as otherwise provided by law.

§ 9.6. Required training and education of Judges.

No judge of the Traffic Court selected for a term of office on or after this title becomes effective, except one who has been admitted to practice law in this Republic, shall assume the functions of his office unless he has successfully completed a course of education and training in the functions of the office of a judge of the Traffic Court prescribed by the agency designated by the Chief Justice of the Supreme Court for that purpose, and filed with the Chief Justice a certificate certifying to the successful completion of such a course.

§ 9.7. Records and dockets of court.

Each judge of the traffic court shall keep or cause to be kept legible and suitable books, papers, records and dockets of all proceedings had before the court. The rules of court may prescribe their form, care, custody, and disposition.

Chapter 10. THE JUVENILE COURT

- § 10.1. Establishment of juvenile court; provisional assignment of magisterial courts.
- § 10.2. Exclusive original jurisdiction of juvenile courts.
- § 10.3. Appeals to Circuit Court or provisional probate court; procedure.
- § 10.4. Appointment and tenure of juvenile court judges.
- § 10.5. Qualifications of judges.
- § 10.6. Court sessions.
- § 10.7. Clerk of court; appointment, duties.
- § 10.8. Probation officers.

JUDICIARY LAW

§ 10.1. Establishment of Juvenile Court; provisional assignment of magisterial courts.

A Juvenile Court is hereby created which, when fully constituted, shall be established for each of the counties of the Republic and in such lesser geographic units as the President may deem necessary and expedient; accordingly, a Juvenile Court is hereby established in and for the Commonwealth District of Monrovia in Montserrado County and until regularly constituted juvenile courts are established in other areas of Montserrado County and in and for other counties of the Republic or for any lesser geographic units thereof, the magisterial courts in these areas, in addition to their other functions, shall assume jurisdiction as juvenile courts whenever such jurisdiction becomes necessary under the Juvenile Court Procedure Code.⁶¹

§ 10.2. Exclusive original jurisdiction of Juvenile Courts.

Juvenile courts established under this chapter, including the magisterial courts empowered to assume juvenile court jurisdiction thereunder shall have exclusive original jurisdiction in special proceedings concerning any juvenile, living or found within the geographic area over which such court has territorial jurisdiction, as provided in the Juvenile Court Procedural Code.⁶²

§ 10.3. Appeals to Circuit Court or Provisional Probate Courts; procedure.

Appeals from adjudications or dispositions of the Juvenile Court or of any magisterial court assuming juvenile court jurisdiction hereunder shall be to the Circuit Court in the county in which the court sits unless, as provided by section 5.3, an appropriate Provisional Monthly and Probate Court has appellate jurisdiction. Appellate practice shall be in accordance with the procedures set forth in the Juvenile Court Procedure Code.

61. *Prior legislation:* L. 1958-59, ch. XLVI, § 1(18:170).

62. *Prior legislation:* L. 1958-59, ch. XLVI, § 1(18:181).

JUDICIARY LAW

§ 10.4. Appointment and tenure of Juvenile Court Judges.

The President shall appoint and commission a judge to preside over the Juvenile Court in and for the Commonwealth District of Monrovia in Montserrado County, and when Juvenile Courts become established in other areas of the Republic, judges to preside over each of such courts. They shall hold office for a period of four years and shall be eligible for reappointment but may be removed prior to the expiration of their terms of office for cause or at the pleasure of the President. ⁶³

§ 10.5. Qualifications of judges.

The qualifications of a person appointed as a judge of a regularly constituted Juvenile Court shall be, as far as practicable, the same as those required for stipendiary magistrates except that he shall have attained the age of thirty years and in addition, shall be appointed on the basis of demonstrated capacity to deal wisely with juveniles. ⁶⁴

§ 10.6. Court sessions.

Each Juvenile Court shall sit regularly each and every month of the year to hear and determine all matters which come within its jurisdiction and shall remain in session from the opening of each monthly term until all business before the court is disposed of. ⁶⁵

§ 10.7. Clerk of court; appointment, duties.

The President by and with the advice and consent of the Senate shall appoint a clerk for the Juvenile Court in and for the Commonwealth District of Monrovia in Montserrado County and when established for each juvenile court established hereunder. Each such clerk, in addition to all other duties required of him by law, shall perform the following

63. *Prior legislation:* L. 1958-59, ch. XLV, § 1(18:171, 175).

64. *Prior legislation:* L. 1958-59, ch. XLVI, § 1(18:174).

65. *Prior legislation:* L. 1958-59, ch. XLVI, § 1(18:176).

JUDICIARY LAW

duties for the court to which he is appointed:

- (a) To keep a docket of pending proceedings;
- (b) To issue and record all writs and other processes allowed by law, signed with his name as clerk and record returns thereto;
- (c) To take minutes of all proceedings during the monthly sessions and record all things ordered and done there;
- (d) To devise and cause to be printed such forms for social and legal records and such other papers as may be required.
- (e) To take charge of all official records and papers and to ensure that inspection and the furnishing of copies thereof be fully in accordance with law.⁶⁶

§ 10.8. Probation Officers.

The President, by and with the advice and consent of the Senate, shall appoint a Chief Probation Officer to be attached to each Juvenile Court established hereunder. He may appoint one or more additional probation officers for each court as required. As far as it is practicable, probation officers shall have had training in social welfare and related problems.⁶⁷

Chapter 11. JUVENILE COURT PROCEDURAL CODE

Sub-Chapter A. Applicability and objectives.

§ 11.1. Title of code.

§ 11.2. Scope.

§ 11.3. Purpose and construction of Code.

66. *Prior legislation:* L. 1958-599 ch. XLVI, § 1(18:171(2nd. par.), 173 (3rd par.).

67. *Prior legislation:* L. 1958-59, ch. XLVI, § 1(18:171(2nd par.), 173 (2nd par.).

JUDICIARY LAW

Sub-Chapter B. Definitions.

§ 11.11. Definitions.

Sub-Chapter C. Jurisdiction of Juvenile Courts.

§ 11.21. Special proceedings involving juveniles; exclusive original jurisdiction of court.

§ 11.22. Continuing jurisdiction of court until adulthood.

§ 11.23. Venue.

Sub-Chapter D. Preliminary procedure.

§ 11.31. Manner of originating special proceedings; petition, contents.

§ 11.32. Persons who may originate proceedings.

§ 11.33. Substitution of petition by court.

§ 11.34. Summons; issuance and contents.

§ 11.35. Summons may require immediate custody of juvenile.

§ 11.36. Manner of service of summons; time limitation and extension of hearing date.

§ 11.37. Republic-wide process.

§ 11.38. Contempt for failure to appear.

§ 11.39. Issuance of warrant in lieu of summons.

§ 11.40. Custody by peace officer without a warrant for delinquency committed in his presence,

§ 11.41. Procedures upon the taking of a juvenile into custody.

§ 11.42. Detention.

Sub-Chapters E. Hearings.

§ 11.51. Copy of petition to be furnished prior to hearing.

§ 11.52. Confidentiality of hearings.

§ 11.53. Types of hearings: adjudicating and dispositional.

§ 11.54. Conduct of adjudicatory hearings.

§ 11.55. Evidence in adjudicating hearings; required quantum of proof.

§ 11.56. Decision of court upon adjudicatory hearing.

§ 11.57. Sequence of hearings.

§ 11.58. Evidence in dispositional hearings; required quantum of proof.

§ 11.59. Probation reports to be used only in dispositional hearings.

§ 11.60. Non-criminal nature of adjudications.

JUDICIARY LAW

Sub-Chapter F. Dispositional orders.

- § 11.71. Disposition of juvenile delinquents.
- § 11.72. Disposition of wards of the court.
- § 11.73. Disposition on adjudication of neglect.
- § 11.74. Consent decrees; prejudicial disposition.
- § 11.75. Conditions to be attached to order of probation.
- § 11.76. Reciprocal exchange of information between court and placement facility.

Sub-Chapter G. General Provisions.

- § 11.91. Right to counsel.
- § 11.92. Court may require medical and psychiatric examinations.
- § 11.93. Probation service; investigation and supervision duties.
- § 11.94. Preliminary conferences conducted by probation officers.
- § 11.95. Returns of run aways by peace officers.
- § 11.96. Use of juvenile court record in other courts.
- § 11.97. Use of police records concerning juveniles.

Sub-Chapter H. Appeals.

- § 11.111. Appeal by permission.

Subchapter A. APPLICABILITY AND OBJECTIVES

§ 11.1. Title of Code.

This chapter shall be entitled and cited as the Juvenile Court Procedural Code, sometimes referred to herein as this Code.

§ 11.2. Scope.

This Code shall govern the practice and procedure in the juvenile court in the special proceedings coming within the jurisdiction of such court and, in so far as practicable, in the special proceedings in the magisterial courts upon the assumption by such courts of juvenile court jurisdiction as provided in the Judiciary Law. It shall also govern the method of ap-

JUDICIARY LAW

peal from determinations made in such special proceedings and in so far as applicable the practice and procedure upon a trial de novo on an appeal being allowed. Where the method of procedure in any such special proceeding is not prescribed by this Code, the procedure shall be in accord with the rules of court promulgated for the juvenile courts by the Chief Justice of the Supreme Court and if none has been promulgated, with the provisions of the Civil Procedure Law to the extent they are suitable to the special proceeding involved. Reference in this Code to the juvenile court shall include the magisterial courts upon the assumption by such courts of juvenile court jurisdiction, as provided in the Judiciary Law and appellate courts upon the trial de novo when an appeal is allowed from a determination made in any special proceeding provided for herein.

§ 11.3. Purpose and construction of Code.

The purpose of this Code is to provide a due process of law for the just determination of all causes coming within the jurisdiction of the juvenile courts and the magisterial courts when such courts are empowered to assume juvenile court jurisdiction under the Judiciary Law, to protect the welfare of juveniles and the community. This Code shall be liberally construed to the end that each juvenile coming under juvenile court jurisdiction shall receive such care, guidance and control, preferably in his own home, as will conduce to the juvenile's welfare and the best interest of the Republic. In the instances when such juvenile is removed from the control of his parents, guardian or other custodian, the court shall secure for him care as nearly as possible equivalent to that which should have been given him by his parents. In furtherance of this end, informal preliminary conferences and negotiations terminating in decrees entered upon consent shall be a primary objective.

Subchapter B. DEFINITIONS

§ 11.11. Definitions.

Except when the context or a specific provision of law otherwise requires, the following terms when used in this part and for the purpose of

JUDICIARY LAW

this part shall have the meaning as ascribed to them in this section:

- (a) A "juvenile" is a child who is under the age of eighteen years.
- (b) A "juvenile delinquent" is a juvenile who has attained the age of seven years but is under the age of eighteen years at the time a petition hereunder is entertained by the court in his behalf and who has been adjudicated to the status of juvenile delinquent by the court on the basis of a finding that he has committed an act which if committed by a person over the age of eighteen years would be a crime.
- (c) A "juvenile in need of care and protection necessary for his well being" is a juvenile who is under the age of eighteen years at the time a petition hereunder is entertained by the court in his behalf and who pursues a course of conduct as follows:
 - (1) Habitual truancy; or
 - (2) Repeatedly and without consent absents himself from his home or a legally designated place of abode; or
 - (3) Associates with thieves or other criminals, or with vicious or immoral persons; or
 - (4) Frequents gaming places or establishments where intoxicating liquor is sold; or
 - (5) Loiters in the street at night; or
 - (6) Begs for alms; or
 - (7) Indulges in the use of drugs subject to the Narcotic Drug Control Act; or
 - (8) If a female repeatedly becomes pregnant out of wedlock.
- (d) A "neglected child" is a juvenile who is under the age of eighteen years at the time a petition hereunder is entertained by the court in his

JUDICIARY LAW

behalf and who has been adjudicated to such status by the court on the basis of findings that:

(1) His parents or other person legally responsible for his care does not adequately supply him with food, clothing, shelter, education or medical or surgical care, though financially able or offered financial means to do so; or that

(2) He suffers or is likely to suffer serious harm from improper guardianship and conduct, including lack of moral supervision or guidance, of his parents or other person or persons legally responsible for his care and requires the aid of the court; or that

(3) He has been abandoned or deserted by his parents or other person or persons legally responsible for his care,

(e) A "ward of the court" is a juvenile who is adjudicated to such status on the basis of a finding that he is in need of care and protection necessary for his well being.

(f) The term "juvenile court" shall include magisterial courts upon the assumption by such courts of juvenile court jurisdiction as provided in the Judiciary Law.

(g) The term "peace officer" in addition to marshals, sheriffs, their assistants and deputies, constables and policemen shall include probation officers and officers of the Bureau of Child Welfare authorized to act as peace officers for the purposes of this Code.

Subchapter C. JURISDICTION OF JUVENILE COURTS

§ 11.21. Special proceedings involving juveniles; exclusive original jurisdiction of court.

The following matters involving juveniles are within the exclusive origi-

JUDICIARY LAW

nal jurisdiction of the juvenile court and of the magisterial courts when such courts assume juvenile court jurisdiction under the Judiciary Law.

(a) Juvenile delinquency. Special proceedings concerning any juvenile who is alleged to be a juvenile delinquent, except that proceedings involving any juvenile sixteen years of age or over who is alleged to have done an act which if committed by a person over the age of eighteen years would be a crime punishable by death or life imprisonment, shall not originate in the juvenile court which does not have jurisdiction over any such proceeding unless an order of the Circuit Court having jurisdiction thereof removing the proceeding to an appropriate juvenile court, based on a finding that it is in the best interest of such juvenile and the public, is made; provided, however, that if a juvenile sixteen years of age or older is charged with a lesser offense which would be a felony if committed by a person over the age of eighteen years, the juvenile court, if it concludes after full investigation that it is in the best interest of such juvenile or of the public, may in its discretion waive its jurisdiction and certify such juvenile for proper criminal proceedings to any court which would have trial jurisdiction of such offense if it were committed by a person over the age of eighteen years; but no juvenile below the age of sixteen years shall be so certified; and provided further, that if a juvenile is charged with any violation of the Vehicle and Traffic Law constituting an infraction as defined therein, such charge shall be tried in the traffic court having jurisdiction thereof.

(b) Wards of the Court. Special proceedings concerning any juvenile who is alleged to be in need of care and protection necessary for the well being and whom the court is petitioned to adjudicate a ward of the court.

(c) Neglected child. Special proceedings concerning any juvenile who is alleged to be a neglected child and for whom the court is petitioned to so regulate his home, or if necessary to remove him therefrom, so that his needs are properly cared for.

(d) Powers incident to jurisdiction. Apart from any other provision of law, the juvenile courts shall have power in these special proceedings to determine the custody or the guardianship of the person of any juvenile coming within the jurisdiction of the court and to transfer temporarily or

JUDICIARY LAW

to terminate parental or other custodial rights in connection with such proceedings.

§ 11.22. Continuing jurisdiction of Court until adulthood.

When jurisdiction shall have been obtained by the court in the case of any juvenile in accordance with the provisions of this Code, such jurisdiction shall be retained by the court for the purposes of this Code until he becomes twenty-one years of age unless he is discharged prior thereto by the court.

§ 11.23. Venue.

1. In juvenile delinquency and ward of court proceedings. Special proceedings concerning any juvenile who is alleged to be a juvenile delinquent or concerning any juvenile who is alleged to be in need of care and protection for his well being are originated in the juvenile court having territorial jurisdiction over the geographic area in which the act or acts referred to in the petition allegedly occurred.

2. In neglected child proceedings. Special proceedings concerning any juvenile who is alleged to be a neglected child may be originated in the juvenile court having territorial jurisdiction over the geographic area in which the juvenile resides or is domiciled at the time of the filing of the petition or in the juvenile court having territorial jurisdiction over the geographic area in which the person having custody of the juvenile resides or is domiciled.

3. Motion for change of venue. On motion made on behalf of the respondent juvenile or by or on behalf of his parent or other person legally responsible for his care and for good cause shown, the juvenile court having originating jurisdiction may transfer the proceedings to a more convenient court having juvenile court jurisdiction.

Subchapter D. PRELIMINARY PROCEDURE

§ 11.31. Manner of originating special proceedings; petition, contents.

The special proceedings prescribed by this Code shall be originated by the filing of a petition in the appropriate juvenile court which shall set forth plainly the following:

- (a) The jurisdictional facts which are alleged to bring the juvenile within the purview of the Code;
- (b) The name, age and residence of the juvenile;
- (c) The names and residences of his parents;
- (d) The name and residence of his guardian, custodian or other person legally responsible for his care, or nearest known relative;
- (e) The name of the petitioner and his address and if petitioner is a peace officer, probation officer or officer or employee of the Bureau of Child Welfare, his official title or position;
- (f) If any of the facts herein required are not known by the petitioner, the petition shall so indicate.

§ 11.32. Persons who may originate proceedings.

Any person having probable cause to believe that a juvenile is within purview of this Code may file a petition in the appropriate juvenile court to bring the juvenile before the court. The following persons are included among the persons who may originate such proceedings:

- (a) A parent or other person interested in or legally responsible for the care of a juvenile;
- (b) A peace officer, probation officer, or officer or employee of the Bureau of Child Welfare;

JUDICIARY LAW

- (c) The recognized agents of any duly authorized agency, association or institution;
- (d) Any person who has suffered injury as a result of the alleged activity of a juvenile alleged to be a juvenile delinquent or in need of care and protection necessary for his well being, or a witness to such activity;
- (e) Any person having knowledge or information of a nature which convinces him that a juvenile is neglected.
- (f) A person on the court's direction.

§ 11.33. Substitution of petition by Court.

1. *Ward of court petition for delinquency petition.* On its own motion and at any time in the proceedings before a juvenile court, the court may substitute for a petition to determine delinquency a petition to determine whether a juvenile is in need of care and protection necessary for his well being.

2. *Neglect petition for delinquency or ward of court petition.* On its own motion and at any time in the proceedings before a juvenile court, the court may substitute a neglected child petition for a petition to determine delinquency or for a petition to determine whether a juvenile is in need of care and protection necessary for his well being.

3. *Time to respond to substituted petition.* In all cases where the court on its own motion has substituted a petition hereunder, the parties and their counsel, if any, shall be afforded a reasonable time in which to prepare for the hearing or trial of the issues raised under the substituted petition.

§ 11.34. Summons; issuance and contents.

After a petition in a special proceeding hereunder has been filed, unless the necessary parties thereto shall appear voluntarily, the court shall issue a summons which shall contain a brief recital of the substance of the peti-

JUDICIARY LAW

tion and requiring the parent or other person who has the custody or control of the juvenile involved or who is legally responsible for his care or with whom he is domiciled, to appear personally to answer the petition and bring the juvenile involved before the court at a time and place stated therein. A summons may be issued directed to the juvenile involved and may require the appearance of any other person whose presence, in the opinion of the court, is necessary.

§ 11.35. Summons may require immediate custody of juvenile.

If it appears in any special proceeding hereunder that the juvenile involved is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge thereof may order, by endorsement upon the summons, that the officer serving the same at once take the Juvenile into custody.

§ 11.36. Manner of service of summons; time limitation and extension of hearing date.

Service of a summons in a special proceeding hereunder shall be made by delivering a true copy thereof to the person summoned at least twenty-four hours before the time stated therein for appearance. The court, if so requested by one acting on behalf of the juvenile involved, or by a parent or other necessary party, shall not proceed with the hearing or proceeding earlier than three days after such service.

§ 11.37. Republic-wide process.

The juvenile court may send process or other mandates in any matter in which it has jurisdiction into any county of the Republic for service or execution in like manner and with the same force and effect as similar process or mandates of circuit courts as provided by law.

§ 11.38. Contempt for failure to appear.

If any person summoned as provided in section 11.36, without reasonable causes shall fail to appear, he may be proceeded against for con-

JUDICIARY LAW

tempt of court.

§ 11.39. Issuance of warrant in lieu of summons.

In case the summons in a special proceeding hereunder cannot be served, or the persons served fail to obey the same, or in any case when it shall be made to appear to the court that the service of a summons would be ineffectual, or that the welfare of the juvenile involved requires that he be brought forthwith into the custody of the court, a warrant may be issued for any necessary party, including the juvenile involved.

§ 11.40. Custody by Peace Officer without a warrant for delinquency committed in his presence.

A peace officer may take a juvenile into custody without a warrant while he is engaging, in the opinion of the officer, in conduct defined by law as juvenile delinquency in the same cases in which the officer may arrest a person over eighteen years of age under the Criminal Procedure Law for allegedly committing a crime. Such action, however, shall not be construed as an arrest but shall be deemed a measure to protect the well being, health and morals of the juvenile.

§ 11.41. Procedures upon the taking of a juvenile into custody.

When any juvenile is taken into custody on the authority of an endorsement upon the summons under section 11.35, or of a warrant under section 11.39, or without a warrant under section 11.40, the following procedures shall govern:

(a) The peace officer taking the juvenile into custody shall as soon as possible notify the parent or other person legally responsible for his care or with whom the juvenile is domiciled, that he has been taken into custody.

(b) After making every reasonable effort to give notice to the person responsible for the juvenile's care, unless it be impracticable, or if the nature of the matter bringing the juvenile within the jurisdiction of the

JUDICIARY LAW

Juvenile Court is such as to require his immediate detention, the peace officer shall release the juvenile to the custody of his parent or other responsible person upon the written promise, without security, signed by such person, that he will produce the juvenile before the court having jurisdiction of the matter at a stated time specified in the writing or at such time as such court may direct. Such written promise accompanied by a written report by the officer concerning the matter shall be submitted to the court as soon as possible. If such person shall fail to produce the juvenile as agreed or upon notice from the court, a summons may be issued for his appearance and that of the juvenile or a warrant may be issued for the apprehension of such person or of the juvenile.

(c) If the juvenile is not released as provided in subsection (b), such juvenile shall be taken without unnecessary delay either directly to the court having jurisdiction of the matter, or to the detention facility theretofore approved by such court for such purpose, and as soon as possible thereafter, the fact of such detention shall be reported to the judge of the court accompanied by a written report by the officer taking the juvenile into custody stating the facts of the offense or other jurisdictional grounds for taking him into custody and the reason why the juvenile is not released to his parent or other persons responsible for his care. Upon such notification, the judge, according the juvenile all legal safeguards and no later than the next day the court is in session, shall hold a hearing for the purpose of making a preliminary determination of whether the court appears to have jurisdiction over the juvenile and shall order immediate release of the juvenile if warranted, or, in his discretion, may release him to the custody of his parent or some other responsible person upon such terms as the necessity of the case requires, or direct his detention in a proper facility pending disposition of the charges against him in which case the peace officer involved shall forthwith cause a petition to be filed; provided, however, that no juvenile shall be held in such detention without a hearing on the charges against him for a period longer than two days, excluding Sundays and holidays, unless, for good cause, an order for a longer detention is signed by the court; provided further, that in no case shall the juvenile be held in detention

JUDICIARY LAW

longer than two weeks without such hearing or thereafter, pending final action of the court and its officers.

§ 11.42. Detention.

1. Suitable and unsuitable facilities. No juvenile under the age of sixteen years shall be detained or placed in any prison, jail, lockup or police station except for good cause upon an order of a judge of a juvenile court in which the reasons therefore shall be specified. A juvenile of the age of sixteen years or over shall not be placed in any prison, jail, lockup or police station unless there shall be no other safe and suitable place for his detention and it is necessary for his protection or the protection of the public or if his conduct or condition is such as to endanger the safety and welfare of others in the detention facility provided for other juveniles, and unless when so placed in a prison, jail, lockup or police station it shall be in a segregated section of such premises where the said juvenile cannot have contact with persons over eighteen years of age confined therein.

2. Release and confinement after petition is filed. At any time between the filing of a petition and its disposition the judge of the juvenile court having jurisdiction of the proceeding involved may order the release of any juvenile from detention and fix the terms of such release. Similarly, at any time after the filing of a petition, for good cause, the judge of a Juvenile Court having jurisdiction of the proceeding involved, may direct that a juvenile be placed in detention.

Subchapter E. HEARINGS

§ 11.51. Copy of petition to be furnished prior to hearing.

After a petition in a special proceeding hereunder has been filed, a copy thereof shall be furnished to the juvenile involved, or his parent or other person legally responsible for his care, or his counsel upon their initial appearance thereafter before the juvenile court in which the petition has been filed. The parties and their counsel, if any, shall be afforded a rea-

JUDICIARY LAW

sonable time in which to prepare for the hearing or trial of the issues raised by the petition.

§ 11.52. Confidentiality of hearings.

All special proceedings hereunder concerning juveniles shall be dealt with at separate hearings and without a jury. In the best interest of the juvenile concerned every hearing shall be conducted in private. The general public shall be excluded from the hearing room and only such persons shall be admitted as the court shall find to have a direct interest in the case or in the work of the court.

§ 11.53. Types of hearings; adjudicatory and dispositional.

Hearings in special proceedings concerning juveniles shall consist of two kinds: (1) adjudicatory, which is a hearing to determine whether the juvenile or other respondent did the act or acts alleged in the petition upon which an adjudication of the status of the juvenile involved may be made, and (2) dispositional, which is a hearing to determine whether the juvenile or other respondent requires supervision or treatment, and, in the case of a juvenile adjudicated to the status of juvenile delinquent, confinement.

§ 11.54. Conduct of adjudicatory hearings.

Adjudicatory hearings in special proceedings hereunder concerning juveniles, except as hereinafter set forth, shall be conducted in an informal manner as a civil proceeding. Wherever possible, stenographic or other transcript of such hearings shall be required. The court may, in its discretion, conduct the examination of witnesses, but the prosecuting attorney, if any, and counsel, if any, for the juvenile, his parents or other persons legally responsible for his care, shall be permitted to participate in the hearing and to present evidence, call and examine or cross-examine witnesses. However, at any such hearing which may result in the institutional commitment of the juvenile, such examination or cross-examination, including the introduction of documentary or other evidence, shall be as formal as in the trial of a regular civil case.

JUDICIARY LAW

§ 11.55. Evidence in adjudicatory hearings; required quantum of proof.

Only evidence that is competent, material and relevant may be admitted in an adjudicatory hearing. Any determination at the conclusion of an adjudicatory hearing that a juvenile did an act or acts must be proven beyond a reasonable doubt in order to support an adjudication that he is a juvenile delinquent; to support any other adjudication such determination must be based on a preponderance of the evidence. In any case, an uncorroborated confession made out of court by a juvenile or other respondent is not sufficient.

§ 11.56. Decision of court upon adjudicatory hearing.

The court in an adjudicatory hearing may dismiss the petition in behalf of a juvenile if the allegations of a petition are not established, or otherwise, for good cause, terminate its jurisdiction at any time. When in such a hearing the court finds that a juvenile comes within any of the provisions of section 11.21, the court shall so adjudicate and in its determination shall make a finding of the facts upon which it exercises its jurisdiction over such juvenile.

§ 11.57. Sequence of hearings.

Upon completion of an adjudicatory hearing, the dispositional hearing may commence immediately after the required findings are made, or the court may adjourn the proceedings on the conclusion of the adjudicatory hearing to enable it to have an inquiry made into the surroundings, conditions, and capacities of the juvenile or other respondent and with respect to such other matters may be of assistance to the court in determining the disposition that will best serve their welfare. If the juvenile or other respondent is held in a detention facility, such an adjournment may not be had for a period of more than ten days and in the absence of special circumstances not more than a total of two such adjournments may be granted.

JUDICIARY LAW

§ 11.58. Evidence in dispositional hearings; required quantum of proof.

Only evidence that is material and relevant may be admitted during a dispositional hearing. A disposition at the conclusion of a dispositional hearing must be based on a preponderance of the evidence.

§ 11.59. Probation reports to be used only in dispositional hearings.

Reports prepared by the probation officer for use by the Juvenile Court at any time prior to the making of an order of disposition shall be deemed confidential information furnished to the court which the court in a proper case, in its discretion may withhold from or disclose in whole or in part to the law guardian or counsel for the juvenile, other party in interest or other appropriate persons. Such reports may not be furnished to the juvenile court prior to the completion of an adjudicatory hearing but may be used in the Dispositional hearing.

§ 11.60. Non-criminal nature of adjudications.

No adjudication by the juvenile court of the status of any juvenile made in any special proceeding hereunder shall be deemed a conviction, nor shall such adjudication operate to impose any civil liability, nor shall any juvenile be found guilty or be deemed a criminal by reason of such adjudication, nor shall juveniles be charged with crime or convicted in any court except as set forth in the exception and provisos contained in section 11.21(a).

Subchapter F. DISPOSITIONAL ORDERS.

§ 11.71. Disposition of juvenile delinquents.

In the case of a juvenile adjudicated a juvenile delinquent, the court by order duly entered, may make a disposition as follows:

- (a) Repatriation to the village of his native residence;

JUDICIARY LAW

(b) Requiring restitution or the payment of a fine up to the sum of \$100, which payment the court may permit by its order to be made in installments, in such amounts and at such intervals in view of his financial capacity, as will enable the party paying to comply with the order;

(c) Suspending judgment, with or without terms or conditions, provided that the maximum duration of any term or condition shall be no more than one year, unless the court finds at the conclusion of that period that exceptional circumstances require an additional period of no more than one year;

(d) Continuing the proceeding and placing the juvenile in the same manner and to the same extent as placements may be made for juvenile adjudicated wards of the court;

(e) Probation for an indefinite period with a maximum of two years, the conditions of which shall be in accordance with the provisions of section 11.75 and providing that the juvenile delinquent be discharged when he has conformed to the conditions of probation and appears, in the opinion of the court, no longer to require supervision; provided that if the court finds at the conclusion of the original period that exceptional circumstances require an additional year of probation, the court may continue probation for an additional year;

(f) Commitment of adjudicated juvenile delinquents between the ages of 12 and 18 years to the care and custody of the Youth Vocational Training Institution or any subsidiary facility thereof or to any other institution suitable for the commitment of such juvenile delinquents and maintained by the Government or an authorized private agency, for an indefinite period with a maximum of three years, during which the delinquent shall be subject to the further orders of the court.

§ 11.72. Disposition of wards of the Court.

In the case of a juvenile adjudicated a ward of the court, by order duly entered, the court may make a disposition as follows:

JUDICIARY LAW

- (a) Discharging the juvenile with warning;
- (b) Repatriation to the village of his native residence;
- (c) Suspending judgment, with or without terms or conditions, provided that the maximum duration of any term or condition shall be no more than one year, unless the court finds at the conclusion of that period that exceptional circumstances require an additional period of no more than one year;
- (d) Continuing the proceeding and placing the juvenile in placement families appropriate to his needs in accord with the following:
 - (1) Placement of the juvenile in his own home or in the custody of a suitable relative, or
 - (2) Placement of one who is between the ages of 16 and 18 years in a supervised residence hall or youth hostel or in the Youth Camp of Liberia National Youth Organization, or
 - (3) Placement with fit foster parents in an adequate abode, or
 - (4) Placement of one who is between the ages of 10 and 16 years in a youth opportunity center or private school designed for the care, protection and training of wards of the court, or
 - (5) Placement of one who is below the age of 10 years in a child welfare center supervised by the Bureau of Child Welfare, provided that initially, such placements may not be for a period longer than eighteen months, to which the court, in its discretion, may make successive extensions for additional periods of no more than one year at the expiration of such period and each additional period. The court on its own motion, at the conclusion of any period of placement, may hold a hearing concerning the need for continuing the placement;
- (e) Probation not to exceed one year, the conditions of which shall be in accordance with the provisions of section 11.75 and providing that

JUDICIARY LAW

such ward be discharged when he has conformed to the conditions of probation and appears, in the opinion of the Court, no longer to require supervision; provided that if the court finds at the conclusion of the original period that exceptional circumstances require an additional period not to exceed one year, the court may continue probation for an additional period not to exceed one year.

§ 11.73. Disposition of wards of the Court.

In the case of a juvenile adjudicated to be a neglected child, the court, by order duly entered, may make a disposition as follows:

(a) Suspending judgment upon terms and conditions which shall relate to the acts or omissions of the parent or other person legally responsible for the care of the neglected child, provided that the maximum duration of any term or condition shall be no more than one year, unless the court finds at the conclusion of that period that exceptional circumstances require an additional period of no more than one year;

(b) Discharging the neglected child to the custody of his parents or other person responsible for his care, in which case the court may place the person to whose custody the child is discharged under supervision of the probation service under terms and conditions relating to his care of the child or may enter an order of protection which may set forth reasonable conditions of behavior to be observed for a specified time by a person who is before the court and is a parent or a person legally responsible for the juvenile's care or the spouse of the parent or other person legally responsible for the juvenile's care, or the court may do both; provided that the maximum duration of any term or condition of the supervision provided for herein shall not exceed a period of one year, unless the court finds at the conclusion of that period that exceptional circumstances require an extension thereof for an additional year;

(c) Placing the neglected child in the custody of a relative or other suitable person, or with foster parents in an adequate abode, or in the custody of the Director General of the Public Welfare Agency, or to

JUDICIARY LAW

such other officer, board or department as may be authorized to receive children as public charges or to a duly authorized association, agency, or society, or in an institution suitable for the placement of a neglected child, provided that initially such placements may not be for a period longer than eighteen months, to which the court, in its discretion, may make successive extensions for additional periods of no more than one year; at the expiration of such period and each additional period, the court, on its own motion, at the conclusion of any period of placement, may hold a hearing concerning the need for continuing the placement.

§ 11.74. Consent decrees; pre-judicial disposition..

A judge of a juvenile court having jurisdiction of a special proceeding concerning a juvenile hereunder, is hereby authorized to approve and have entered a consent decree when voluntary negotiations seeking to resolve the grievance without adjudication involving the juvenile, his parents or other persons legally responsible for his care, his counsel, if any, the probation officer assigned to the case and any other interested party or parties, have resulted in a resolution thereof. The terms of the agreement reached shall be incorporated in writing, in a proposed consent decree which shall be attested to by all the interested parties involved and then presented to the judge of the juvenile court having jurisdiction of the matter for approval of its terms. The consent decree shall be effective only upon approval of its terms by the judge of the juvenile court. It shall prescribe a treatment plan but cannot commit the juvenile to an institution. The maximum duration of any term or condition therein shall be no more than one year, unless the interested parties attesting thereto consent to successive extensions for additional periods of not more than one year, at the expiration of the initial period and each additional period. In case of violation of the consent decree, the posture of the special proceeding shall return to status quo ante, the charge would be the one that initially gave rise to the proceeding and the same procedures concerning it would be available as were available prior to the decree. Violations would only be relevant to the question of disposition after adjudication.

JUDICIARY LAW

§ 11.75. Conditions to be attached to order of probation.

The conditions attached to an order of probation shall include the following:

- (a) Report to the probation officer at regular intervals according to the needs of the particular case;
- (b) Obedience to the law;
- (c) Continuance in legitimate employment if the juvenile is employed;
- (d) Regular attendance at school if the juvenile is of school age;
- (e) Residence with his parent or other legally designated custodian or in the hostel or other probation residence approved by the court;
- (f) Any other reasonable and lawful condition related to the juvenile's conduct bringing him before the court that the court, in its discretion, may require.

§ 11.76. Reciprocal exchange of information between court and placement facility.

Whenever a juvenile is committed to or placed with any agency, institution or other facility by an order of the juvenile court, it shall transmit with the order a summary of its information concerning the juvenile and that agency, institution or facility shall provide the court such information concerning the juvenile as the court at any time may require.

Subchapter G. GENERAL PROVISIONS

§ 11.91. Right to counsel.

1. *Declaration of principle.* This Code declares that a juvenile involved in any special proceeding hereunder has a right to the assistance of

JUDICIARY LAW

counsel of his own choosing and if he or his parent or other person legally responsible for his care, is financially unable to retain his own counsel and such proceeding may result in the institutional commitment of the juvenile to the assistance of a law guardian to be assigned by the court as hereinafter set forth in this section. He shall enjoy the right to be so represented at every stage of the proceeding from the time of his being taken into custody, or if not so taken, from his initial appearance and submission to the jurisdiction of the juvenile court, and such right shall continue through appeal and post-adjudication proceedings, if any. This declaration is based on a finding that counsel is often indispensable to a practical realization of due process of law and may be helpful in making reasoned determinations of fact and proper orders of disposition.

2. *Law guardians.* As used in this Code, "law guardian" refers to an attorney duly admitted to practice when he is assigned by a judge of a Juvenile Court to represent a juvenile who, or whose parents or other person legally responsible for his care, is financially unable to retain his own counsel in a special proceeding hereunder which may result in his being committed to an institution and requests the court to have counsel represent him. The Chief Justice of the Supreme Court may designate a panel of law guardians who shall be available for assignment to each established juvenile court. For this purpose he may invite the National Bar Association to recommend qualified persons for consideration in making his designations. If no such panel is available, the court shall appoint any qualified attorney practicing within the territorial jurisdiction of his court. A law guardian so assigned shall serve without cost to the juvenile. Such assignment shall not deprive the juvenile of the right to engage other counsel in substitution at any stage of the proceeding.

3. *Juveniles to be advised of rights.* As soon as practicable after arrival at the first place of custody or, when not taken into custody, upon the initial appearance and submission of a juvenile to the jurisdiction of the juvenile court and at every new stage of the proceeding, including hearings and preliminary hearings, if any, when a juvenile involved in any special proceeding hereunder appears without counsel, he and his parent or other person legally responsible for his care, shall be advised of his right to remain silent and of his right to be represented by counsel chosen by him or his parent or other person legally responsible for his

JUDICIARY LAW

care and, in any such special proceeding which may result in his being committed to an institution, of his right to have a law guardian assigned by the court if he, or his parent or other person legally responsible for his care, is financially unable to retain counsel.

4. Immediate consultation with requested counsel to be provided. At any time when a juvenile involved in a special proceeding hereunder while in custody or on appearance before a juvenile court advises that he desires to obtain counsel, upon his request and without cost to him, he shall immediately be furnished with available facilities to aid him in securing such counsel and shall be allowed reasonable time and opportunity to consult privately with such counsel before any further proceedings are had.

§ 11.92. Court may require medical and psychiatric examinations.

After the filing of a petition in any special proceeding under this Code over which the juvenile court appears to have jurisdiction, the court may cause any person within its jurisdiction and the parent or other person legally responsible for the care of any juvenile within its jurisdiction to be examined by a physician, psychiatrist or psychologist appointed or designated for the purpose by the court when such an examination will serve the purpose of this Code. The court may direct who shall pay the cost of such examination. The court, during or after a hearing, may remand for a period not exceeding thirty days any such person for physical or psychiatric study or observation to a qualified hospital or psychiatric institution.

§ 11.93. Probation services; investigation and supervision duties.

1. Organization. Each juvenile court may establish a probation service which shall be administered by the Chief Probation Officer of the court. If feasible, a magisterial court may also establish such a service for use when it assumes juvenile court jurisdiction under this Code. This service may include volunteer probation officers when necessary; provided they have the qualifications required of salaried officers, but no such volunteer probation officer shall be a Chief Probation Officer or receive compensation from public funds for his services.

JUDICIARY LAW

2. *Duties.* It shall be the responsibility of the Chief Probation Officer of each juvenile court, with the aid of the probation staff and of the probation service, if any has been established, to perform the following duties:

- (a) Conduct investigation into the social history and circumstances of every juvenile adjudicated to be a juvenile delinquent or a ward of the court and to report thereon to the court;
- (b) With the aid and advice of the Bureau of Child Welfare, inquire into the adequacy of care and protection received by every juvenile in whose behalf a petition is brought to adjudicate him a neglected child;
- (c) Recommend to the court what disposition it should make of each juvenile adjudicated to be either a juvenile delinquent, a ward of the court, or a neglected child;
- (d) Provide supervision, guidance and instruction to each juvenile whom the court places on probation after adjudicating him delinquent or a ward of the court;
- (e) Report regularly to the court concerning the welfare and progress of juvenile delinquents, wards of the court and neglected children;
- (f) So far as may be feasible, aid juveniles who are ready for release from the Youth Vocational Training Institution to find a proper residence and legitimate employment.

§ 11.94. Preliminary conferences conducted by probation officers.

1. *Authority.* The Chief Probation Officer of a Juvenile Court, his probation staff and if designated by the court, the probation service, are authorized to hold preliminary conferences and confer with any person seeking to file a petition in connection with any of the special proceedings under this Code, with the potential respondent and other interested persons, concerning the advisability of filing of such a petition and to attempt to adjust suitable cases before a petition is filed over which the court apparently would have jurisdiction.

JUDICIARY LAW

2. *Non-admissibility of statements made during preliminary conference.*
No statement made during a preliminary conference hereunder may be admitted into evidence at an adjudicatory hearing of the matter or, if the proceeding is transferred to a criminal court, at any time prior to a conviction.

§ 11.95. Returns of run aways by peace officers.

A peace officer may return to his parent or other person legally responsible for him any juvenile under the age of sixteen years who has run away from his home without just cause or who, in the reasonable opinion of the peace officer, appears to have run away from his home without just cause. For purposes of this section, a peace officer may reasonably conclude that such juvenile has run away from his home when the juvenile refuses to give his name to the officer or the name and address of his parent or other person legally responsible for his care or when the peace officer has sufficient reason to doubt that the name and address given are the actual name and address of the parent or other person legally responsible for such juvenile's care. Alternatively, if a return as set forth herein is not feasible, the peace officer is authorized to take such juvenile to a facility designated by the rules of the juvenile court for the reception of children.

§ 11.96. Use of Juvenile Court record in other courts.

Neither the fact that a juvenile was before the juvenile court in a special proceeding under this Code, nor any confession, admission or statement made by him to the court or to any officer thereof in any stage of the proceeding, is admissible as evidence against him or his interests, in any other court except on a trial *de novo* upon an appeal being allowed. Another court, however, in imposing sentence upon such person after conviction may receive and consider the records and information on file with the juvenile court concerning such person when he was a juvenile.

§ 11.97. Use of police records concerning juveniles.

All police records relating to the taking into custody by peace officers and the disposition of any juvenile involved in any special proceeding

JUDICIARY LAW

under this Code shall be kept in files separate and apart from the arrests of persons over eighteen years old and shall be withheld from public inspection, but such records shall be open to inspection upon good cause shown by the parent, or other person legally responsible for his care, next friend, or attorney of such juvenile upon the written order of a judge of the juvenile court in which the proceeding took places or if such juvenile is subsequently convicted of a crime, of a judge of the court in which he was convicted.

Subchapter H. APPEALS

§ 11.111. Appeals by permission.

1. Procedure. Any interested party aggrieved by any adjudication or disposition of the juvenile court or any magisterial court assuming juvenile court jurisdiction may apply to the appropriate circuit court or provisional monthly and probate court exercising appellate jurisdiction over such courts for the allowance of an appeal and the judge then presiding in the said appellate court may allow such an appeal whenever in his opinion the order, adjudication or disposition ought to be reviewed. Written notice of intention to make such application for appeal shall be given to the juvenile or magisterial court involved within ten days after the entry of the order, adjudication or disposition to be appealed from. The application for said appeal shall be in writing, shall be verified, shall state fully the grounds therefor, and shall include copies of the petition and the order, adjudication or disposition involved and a narrative statement of the proceedings authenticated by the judge of the juvenile court or the magistrate who made such order, adjudication or disposition, together with all exceptions to such narrative statement noted by the parties. The application and all supporting papers shall be presented to the appropriate circuit or provisional monthly and probate court within such time as the applicable rules of such courts shall prescribe.

2. Trial de novo if appeal allowed. When an appeal is allowed, it shall be heard at the earliest time practicable and if granted the matter shall be tried de novo in the appellate court granting the appeal.

JUDICIARY LAW

3. *Status of matter pending appeal and after appellate court's decision.* The pendency of an appeal or application therefor shall not suspend the order, adjudication or disposition of the juvenile or magisterial court appealed from, nor shall it discharge the juvenile involved from the custody of that court or of the person, agency or institution to whose care such juvenile shall have been committed or place. If the appellate court which grants an appeal does not dismiss the proceeding and discharge the juvenile, it shall affirm or modify the order, adjudication or disposition of the juvenile or magisterial court appealed from and remand the juvenile involved to the jurisdiction of that court for supervision and care and thereafter the juvenile shall be and remain under the jurisdiction of such court in the same manner as if no appeal had been taken.

Chapter 12. PROVISIONS RELATING TO COURTS GENERALLY

- § 12.1. Courts of record.
- § 12.2. Power of subordinate courts of record to issue writs of habeas corpus,
- § 12.3. Right to jury trial.
- § 12.4. Seals; authentication of acts of court.
- § 12.5. Power of a court to punish for criminal contempts.
- § 12.6. Punishment for criminal contempts.
- § 12.7. Allowance of costs to prevailing parties represented by counsel.
- § 12.8. Costs where parties prevail upon separate issues.
- § 12.9. Costs upon appeal.
- § 12.10. Disbursements allowable.
- § 12.11. Fees of witnesses.
- § 12.12. Government tax fee in civil actions.
- § 12.13. Exemption of Government and agencies and officers thereof from payment of court fees.

§ 12.1. Courts of record.

The following courts are courts of record: the Supreme Court, the Circuit Courts, the Debt Court, the Tax Court, the Monthly and Probate Court

JUDICIARY LAW

of Montserrado County, and the Provisional Monthly and Probate Court of the District of Careysburg [and other Statutory Districts].⁶⁸

§ 12.2. Power of subordinate courts of record to issue writs of habeas corpus.

All subordinate courts of record concurrently shall have exclusive original jurisdictional power to issue writs of habeas corpus.⁶⁹

§ 12.3. Right to jury trial.

1. *In civil actions.* In civil actions where the value of the amount in controversy exceed the sum of \$500.01 exclusive of interest and costs, the right to a jury trial shall be preserved; accordingly in courts of record there shall be no right to a jury trial in civil actions where the value of the amount in controversy is less; and in courts not of record, no jury trial may be had in civil actions regardless of the value of the amount in controversy, but on appeal, where the judgment appealed from exceeds the sum of 500.01, exclusive of interest and costs, the right to a jury trial may be exercised upon the trial de novo.

2. *In criminal proceedings.* In criminal proceedings, the right to a jury trial shall be preserved as set forth in the Criminal Procedure Law.

§ 12.4. Seals: Authentication of acts of court.

Every court in the Republic, including the magisterial and justices of the peace courts, shall have a distinctive seal which shall be judicially noticed. Every act of a court unless otherwise directed by law or rule of court shall be authenticated by the signature of the clerk or the Justice, judge, magistrate or justice of the peace thereof and the seal of the

68. *Prior legislation:* L. 1958-59, ch. XLV, § 2 and ch. IX, § 2; 1956 Code 18:223; L. 1955-56, ch. XXVII, § 6.

69. *Prior legislation:* 1956 Code 18:514; Rev. Stat. §§ 716(5), 1394(2); L.1904-05, 18(2nd); L. 1889-90, 14.

JUDICIARY LAW

court.⁷⁰

§ 12.5. Power of courts to punish for criminal contempts.

1. Acts constituting criminal contempt. Every court has power to punish for a criminal contempt, a person guilty of any of the following acts, and no others:

(a) Disorderly, contemptuous or insolent behavior directly tending to interrupt its proceedings or to impair the respect due to its authority.

(b) Breach of the peace, noise or other disturbance directly tending to interrupt its proceedings or to impair the respect due to its authority.

(c) Willful disobedience or resistance willfully offered to its lawful mandate, except that it shall not apply to a person who disobeys a summons in a case in which a writ of arrest is expressly authorized by law.

(d) Contumacious and unlawful refusal to be sworn as a witness; or after being sworn, to answer any legal and proper interrogatory.

(e) Publication of a false or grossly inaccurate report of its proceedings; but a court cannot punish as a criminal contempt the publication of a true and fair report of a trial, argument, decision or other proceeding therein.

2. Accused to be granted time to defend; exceptions. Criminal contempts committed in the immediate view and presence of the court may be punished summarily; when not so committed, the party charged must be notified of the accusation and have a reasonable time within which to

70. *Prior legislation:* 1956 Code 35:47, 220; Rev. Stat., § 1189 (a); OBB 49, Legal Principles and Rules, tit. II, ch. VIII, § 2, 2 Hub. 1545; 1841 Digest, pt. I, Act incorporating, bounding and regulating counties and towns, § 10, 2 Hub. 1459.

JUDICIARY LAW

make a defense.⁷¹

§ 12.6. Punishment for criminal contempts.

Punishment for a criminal contempt may be by fine, not exceeding \$300 in the Supreme Court, \$100 in the Circuit Court, \$100 in the Debt Court, \$30 in the Probate Court, \$30 in the Tax Court, \$15 in the Magistrates' Court, \$5 in the Justices of the Peace Court, \$5 in the Traffic Court and \$10 in the Juvenile Court, or by imprisonment in a jail located in the county where the court is sitting, not exceeding 30 days in courts of record, 5 days in Magistrates and Juvenile Courts and 1 day in Justices of the Peace Courts or imprisonment in the discretion of the courts. If a fine imposed hereunder is not paid, the person fined shall be committed to jail but must be discharged at the expiration of 1 day if the unpaid fine is \$5 or less, at the expiration of 5 days if the unpaid fine is more than \$5 and less than \$25, at the expiration of 10 days if the unpaid fine is \$25 or more but less than \$100, and at the expiration of 30 days if the unpaid fine is \$100, or more; however, where he is also committed for a definite time, the time of imprisonment for the nonpayment of a fine shall be computed from the expiration of the commitment for a definite time.⁷²

§ 12.7. Allowance of costs to prevailing parties represented by counsel.

Costs upon trial, including a trial *de novo*, shall be awarded to a prevailing party in a civil action only if he has appeared by an attorney or counsellor of law and shall be calculated as follows:

- (a) Where the judgement recovered is for money only, costs shall be two dollars for the first one hundred dollars or under and for every additional one hundred dollars or fractional part thereof, two dollars; excluding prepaid costs.

71. *Prior legislation:* 1956 Code 18:222; Rev. Stat. (adopted L. 1929, ch. VII), § 1189 (3).

72. *Prior legislation:* 1956 Code 18:280; 513; Rev. Stat. (adopted L. 1929, ch. VII), §§ 25, 717(4); L. 1877-78, 11(1st); OBB 113, Judiciary Law, art. IV, § 1.

JUDICIARY LAW

(b) Where the judgment is for the recovery of a chattel or in an action of summary proceedings to recover possession of real property, costs shall be awarded in the same amounts as provided in subdivision (a), based upon the value of the chattel as determined by the judgment or claimed by the adverse party, or upon the amount of rent found or claimed to be due, as the case may be.

(c) Where the judgment is for the recovery of real property or to compel the determination of a claim thereon, or grants equitable relief, costs may be awarded at the discretion of the court of such sums as it deems reasonable.

(d) The costs provided for in this section shall be in event exceed the sum of \$50.

§ 12.8. Costs where parties prevail upon separate issues.

Upon the recovery of a judgment in favor of a plaintiff in a civil action, the court may award costs upon trial to the defendant without denying costs to the plaintiff, if it determines that a cause of action upon which the defendant prevailed is not substantially the same as any cause of action upon which the plaintiff recovered the judgment. In such event, the credit of each shall then be set off against the other and the difference awarded as costs to the party in favor of whom the difference exists.

§ 12.9. Costs upon appeal.

Costs upon appeal may be allowed only on an appeal heard in the Supreme Court and shall be awarded at the discretion of the Court. If awarded, the amounts shall be as follows:

- (a) To the appellant upon reversals.
- (b) To the respondent upon affirmance.
- (c) To either party upon modification.

§12.10. Disbursements allowable.

Except where the contrary is specifically provided by law, a party to

JUDICIARY LAW

whom costs are awarded or a prevailing party who has appeared in person, shall be allowed his necessary disbursements as follows:

- (a) fees paid to the clerk of court and to the sheriff, constable or other enforcement officer.
- (b) Jury fees, if any.
- (c) The legal fees of witnesses and of referees and other officers.
- (d) The reasonable compensation of commissioners for taking depositions.
- (e) The legal fees for publication, where publication is directed pursuant to law.
- (f) The legal fees paid for a certified copy of a paper necessarily obtained for use on the trial.
- (g) The prospective charges for entering and docketing the judgment.
- (h) Such other reasonable and necessary expenses as are taxable according to the course and practice of the court by express provision of law or by order of the court.

§ 12.11. Fees of witnesses.

Witnesses whose attendance is compelled by a subpoena, whether or not actual testimony is taken, shall receive twenty-five cents for each day's attendance in a civil action or special proceeding before a magistrate or justice of the peace and fifty cents for each day's attendance in a civil action or special proceeding in other courts. Such witnesses, in addition, shall receive eight cents as travel expenses for each mile necessarily travelled, from the place where he was served and return. However, there shall be no mileage fee if the required travel is wholly within the

JUDICIARY LAW

municipality in which the place of attendance is located. ⁷³

§ 12.12. Government tax fee in civil actions.

In all civil actions, except in actions for divorce, a government tax fee of one dollar shall be paid by the unsuccessful litigant and unless otherwise provided by law shall be collected by the ministerial officer of the courts and turned over the Minister of Finance for deposit in an official depository within ten days after the end of the month during which it was collected. Each ministerial officer under a duty to collect the government tax imposed hereunder shall submit to the Minister of Finance at the end of each month an exact statement of the government tax fees collected and turned over by him during the month. ⁷⁴

§ 12.13. Exemption of Government and agencies and officers thereof from payment of court fees.

Notwithstanding any other provision of this title or any other general or special law relating to payment of court fees for services rendered, no clerk of court or officer of a court not of record shall charge or collect a fee from the Government, or any agency or officer thereof acting in an official capacity, for any service rendered in an action in which any of them is involved, nor for the filing, recording or indexing on their account of any official paper or other document, nor for furnishing a transcript, certification or copy of any paper or other document to be used for official purposes.

Chapter 13. PROVISIONS RELATING TO JUDGES GENERALLY

§ 13.1. Chief Justice to preside at impeachment trial of President or

73. *Prior legislation:* 1956 Code 18:261; Rev. Stat. (adopted L. 1929, ch. VII), § 45; J.P. Code (adopted L. 1907-08, 11) § 53.

74. *Prior legislation:* 1956 Code 6:863(2nd par.). 35:611; L. 1937, ch. XXV, art. 2, § 25.

JUDICIARY LAW

Vice President.

§ 13.2. Prohibited activities

§ 13.3. Substitution upon temporary disability of judge.

§ 13.4. Compensation of Judiciary; retirement pensions and death benefits.

§ 13.1. Chief Justice to preside at impeachment trial of President or Vice President.

The Chief Justice of the Supreme Court shall preside over the Senate at any impeachment trial when either the President or Vice President is to be tried.⁷⁵

§ 13.2. Prohibited activities.

No Justice, judge or stipendiary magistrate, during his term of office, shall engage in the practice of law, or hold any office in or take any other active part in any political party, organization or faction, or take part in any political campaign, but he shall have the right freely to exercise his elective franchise at all public elections.⁷⁶

§ 13.3. Substitution upon temporary disability of judge.

In the case of the absence, illness or other temporary disability of a judge of any subordinate court of record, including disqualification from hearing a cause by reason of interest or prejudice, the Chief Justice of the Supreme Court shall appoint an available judge of another subordinate court of record to preside and hold a special or general session of the court until such disability of the judge is removed.⁷⁷

75. *Prior legislation:* 1956 Code 8:31; Rev. Stat. (adopted L. 1909, ch. VIII), § 610.

76. *Prior legislation:* 1956 Code 18:240; Rev. Stat. § 1126; L. 1911-12, 3, § 9; L. 1908-09, 48(2nd), § 1; OBB 113, Judiciary, art. X, § 1.

77. *Prior legislation:* L. 1965-669 ohs p 19 1(18:34-A).

JUDICIARY LAW

§ 13.4. Compensation of Judiciary; retirement pensions and death benefits.

1. *Salaries.* The salaries of justices, judges and stipendiary magistrates shall be fixed by statute and shall be provided by annual budgetary appropriation. The salary to be provided for the Chief Justice of the Supreme Court shall be the same as that of the Vice President.

2. *No reduction of compensation.* The compensation of a Justice, judge or stipendiary magistrate shall not be reduced during the term for which he was appointed.

Pension for former Chief Justice and Associate Justices of the Supreme Court of Liberia.

1. A former Chief justice who has honourably retired to private life and who is not in any way gainfully employed by Government shall receive from Government a pension equal to Fifty (50%) percent of the salary of the incumbent Chief Justice per annum. In addition, the former Chief Justice shall be entitled to a personal staff and facilities for the remainder of his or her natural life, and the amount allowed for this purpose shall not be less than Fifteen thousand (\$15,000.00) Dollars per annum.

2. The surviving spouse of a deceased former Chief Justice or a Chief Justice who died in office shall be entitled to receive an annuity equal to Fifty (50%) percent of the pension received by the former Chief Justice during the natural life of the said spouse. In addition, the surviving spouse of the deceased Chief Justice of former Chief Justice shall be entitled to a personal staff and facilities for the remainder of the natural life of said spouse, and the amount allowed for this purpose shall not be less than Seven Thousand Five Hundred Dollars (\$7,500.00) per annum. This annuity shall commence as of the date of the death of the Chief Justice or former Chief justice.

3. On the death of the spouse or if there is no spouse, the annuity provided for the surviving spouse shall be paid in equal portion to each of the minor children of the deceased Chief Justice or former

JUDICIARY LAW

Chief Justice.

4. Upon being re-gainfully employed by Government, the annuity granted to the former Chief Justice shall be suspended, and if the annuitant qualifies for a second annuity upon the termination of services with the Government, he or she shall have the right to choose whichever annuity is greater.

Annuities for former Associate Justices of the Supreme Court.

1. A former Associate Justice who has honourably retired to private life and who is not in any way gainfully employed by Government shall receive from the Government a pension equal to Fifty (50%) percent of the salary of the incumbent Associate Justice per annum. In addition, the former Associate Justice shall be entitled to a personal staff and facilities for the remainder of his natural life, and the amount allowed for this purpose shall not be less than Ten Thousand (\$10,000.00) Dollars per annum.

2. Upon being re-gainfully employed by Government, the annuity granted to the former Associate Justice shall be suspended, and if the annuitant qualifies for a second annuity upon the second termination of services with the Government, he or she shall have the right to choose whichever annuity is greater.

3. *Payment after death.* Fifty (50%) percent of the annuity for a former Associate Justice who died in office shall be paid after the death of the Associate Justice to his spouse during the natural life of the said spouse. In addition, the surviving spouse of the deceased Associate Justice shall be entitled to a personal staff and facilities for the remainder of the natural life of said spouse, and the amount allowed for this purpose shall not be less than Five Thousand (\$5,000.00) dollars per annum. This annuity shall commence as of the date of the death of the Associate Justice.

4. On the death of the spouse or if there is no spouse, the pension provided for the surviving spouse shall be paid in equal portion to each of the minor children of the deceased Associate Justice of the

JUDICIARY LAW

Supreme Court. ⁷⁸

3. *Retirement pensions.* Any Justice, judge or stipendiary magistrate who has served continuously for fifteen years or more in any such judicial capacity and who has attained the age of 60 years, or who has served continuously for 10 years or more in any such capacity and has been certified, after appropriate physical or mental examination by competent medical authorities, that he has become permanently disable from performing his duties, or who has completed at least 25 years of continuous judicial service or at least 30 years of cumulative judicial service, may retire from regular active service with a right to receive a retirement pension as set forth in this section. Except for the Chief Justice of the Supreme Court, who upon honorably retiring to private life shall receive an annuity from the Government of not less than 50% of his salary and the Associate Justices of the Supreme Court, who upon honorably retiring to private life shall receive annuities of not less than \$2400, the Justices, judges and stipendiary magistrates, upon honorably retiring to private life hereunder, shall receive annuities of 40 percent of the salary being received by them at the time of such retirement. Upon the death, either before or after retirement hereunder, of any Justice, judge or stipendiary magistrate eligible to receive or receiving a retirement pension, 50 percent of the annuity herein provided as a pension shall be paid to his widow during her natural life or until remarriage, the said 50 percent of the annuity herein provided as a pension shall be paid to his minor children, if any, during their minority.

4. *Temporary assignment after retirement.* The Chief Justice of the Supreme Court, upon the approval of the President, is empowered to authorize retired judges to perform temporary judicial duties in any court in the Republic.

5. *Non-application of section to justices of the peace.* Justices of the peace, whose compensation is provided for in section 8.10 are excepted

78. The provisions regarding pension of the Chief Justice and Associate Justices of the Supreme Court were added to the Judiciary Law by "An Act to Amend section 13.4 of the New judiciary law to provide for pension for Chief Justice and Associate Justices of the Supreme Court of Liberia" approved, August 11, 1988 and published September 20, 1989.

JUDICIARY LAW

from the provisions of this section.⁷⁹

Chapter 14. MARSHALS

§ 14.1. Appointment.

§ 14.2. Rank of Brigadier General conferred on Marshal.

§ 14.3. Duties.

§ 14.4. Power to command assistance.

§ 14.5. Marshall's fees.

§ 14.1. Appointment.

The President, by and with the advice and consent of the Senate, shall appoint a Marshal of the Supreme Court and a Deputy Marshal of the Supreme Court in each county.⁸⁰

§ 14.2. Rank of Brigadier General conferred on Marshall.

The President shall commission or order the Marshal of the Supreme Court to be commissioned as a Brigadier General of the Liberian Army.⁸¹

§ 14.3. Duties.

1. As Ministerial Officer of Supreme Court. The marshal of the Supreme Court and each Deputy Marshal thereof shall be the ministerial officers of the Court, serve its precepts, execute its mandates, have custody of all

79. *Prior legislation:* 1957-58 Supp. 18:243; L. 1956-579 ch. XIV, § 1; 1956 Code 16:8. 243; L. 1949-50, ch. XXX, §§ 1, 2, ch. XVIII, § 1; L. 1943-44, ch. XXIV, § 1; ch. XV, § 1 ch. XII, § 2; ch. VII, § 5; L. 1938, ch. XI, § 3; L. 1933-34, ch. II, § 1, L. 1929, ch. X, § 5; Rev. Stat. (adopted L. 1929, ch. VII), § 1409; L.1922-23, ch. XVI, § 3; L. 1911-12, 3, § 10; L. 1874-75, 12(2nd), § 11; L. 1858, 27, §§ 2, 3.

80. *Prior legislation:* 1956 Code 18:9; Rev. Stat. §§ 1838, 1839; L. 1847-75, 12(2nd), §§ 5, 7.

81. *Prior Legislation:* 1956 Code 18:11; Supplemental act relating to the military service, § 2(5); L. 1935-36, ch. II.

JUDICIARY LAW

property seized under its orders and perform such other duties as may be required by law or by the rules of the court. The Marshal shall preserve order in the courtroom during sessions of the court and act as escort for the Justices.

2. *As Ministerial Officer of Circuit Court in admiralty.* When a Circuit Court sits in admiralty or a tax court exercises admiralty jurisdiction, the Marshal or a Deputy Marshal of the Supreme Court shall be the ministerial officer of the court, serve its precepts, execute its mandates, have custody of all property seized under its orders and perform such other duties as may be required by law or by the rules of court.

3. *As peace officer.* The Marshal and Deputy Marshals of the Supreme Court shall be officers of the peace and as such shall, without warrants, suppress any riot and quiet any infraction of the peace committed in their presence.⁸²

§ 14.4. Power to command assistance.

The Marshal or any Deputy Marshal of the Supreme Court may command the assistance of male citizens when necessary to carry out any of his duties.⁸³

§ 14.5. Marshall's fees.

1. *Fixed fees.* There shall be paid to the Marshal of the Supreme Court in advance by the party requiring such services the following fees for the services herein specified, performed by the Marshal or his deputies:

- | | |
|---|------|
| (a) For service of an attachment in rem or libel in admiralty | 2.00 |
| (b) For service of any warrant, attachment, or other writ in a civil action or proceeding | 1.00 |

82. *Prior legislation:* 1956 Code 18:9; L. 1943-44, ch. XXVIII, § 6(b); Rev. Stat. § 1138, 1139; L. 1974-75, 12(2nd), § 5, 7, OBB 113, Judiciary, art. IV, § 1.

83. *Prior legislation:* 1956 Code 18:10, Rev. Stat. § 1139; L. 1874-75, 12(2nd), § 7.

JUDICIARY LAW

(c) For serving a subpoena .50

(d) For serving or executing any other mandate for the service or execution of which no other fee is specially prescribed, the same fees as are or shall be allowed to sheriffs for similar service.

2. *Fees upon execution of final process.* The Marshal is entitled to the allowances herein specified for executing final process:

(a) For sale of vessels or other property under process in admiralty, or under the order of a court of admiralty or other court having admiralty jurisdiction and for receiving and paying over the money, 5 percent on the first \$1,000 and 2½ percent upon the excess of any sum over \$1,000. In all cases, however, in which the vessel or other property is sold by a public auctioneer or by some party other than the Marshal or his deputy, the fee herein authorized to be paid to the Marshal shall be reduced by the amount paid to said auctioneer or other party.

(b) For collecting money by virtue of a writ of execution, an order of attachment, an attachment for the payment of money in an action, the same poundage fees as are or shall be allowed to sheriffs for similar services.

3. *Mileage.* The Marshal is entitled to 10 cents for each mile necessarily travelled in serving or executing any mandate, payable in advance, and to be computed from the place where the service or execution is returned to the place of service or execution and back or where more than one mandate is to be served or executed in the course of one journey, to the place of service or execution which is more remote and back, adding thereto any additional travel necessary to serve or execute the others. When two or more mandates in one action are required to be served or executed upon or against one person at one time, compensation for travel on only one such mandate shall be charged and paid.

4. *Expenses.* The Marshal is entitled to reimbursement of all expenses necessarily incurred in the execution of any mandate and in the protection, presentation, transportation or sale of property including the necessary

JUDICIARY LAW

expenses of keeping vessels or other property attached or libeled in admiralty and the printing charges for advertising the sales thereof. Whenever he deems it necessary, the Marshal may require payment to him in advance to cover any or all expenses for which he is entitled to reimbursement. Advance payments made in connection with a mandate or direction affecting vessels or other property shall be repaid by the Marshal out of the proceeds of their sale, if any.

Chapter 15. SHERIFFS

- § 15.1. Appointment.
- § 15.2. Duties.
- § 15.3. Actions against sheriff for neglect or breach of duty.
- § 15.4. Fixed fees of sheriff.
- § 15.5. Mileage fees.
- § 15.6. Poundage fees.
- § 15.7. Expenses of sheriff.
- § 15.8. Collection of sheriff's fees on execution.

§ 15.1. Appointment.

The President by and with the advice and consent of the Senate shall appoint a sheriff for each county and as many deputy sheriffs as are required to carry out the duties of the office.⁸⁴

§ 15.2. Duties.

The sheriffs and deputy sheriffs shall be the ministerial officers of the circuit courts, except when the circuit courts are sitting in admiralty, and of all debt, probate and tax courts, except when the tax court exercises its admiralty jurisdiction, and shall carry out the orders, judgments and decrees of the courts; serve all processes and make returns thereto; have charge of all prisoners and bring them before the court at each term and take charge of all bail bonds and cancel and surrender the same upon the

84. *Prior legislation:* 1956 Code 18:250; L. 1943-44, ch. XXVIII.

JUDICIARY LAW

order of the court; summon all juries, act as officers of the peace and, as such, without any warrant, suppress any riot and quiet any infraction of the peace committed in their presence; and perform such other duties as may be required by common law, statute or rules of court.⁸⁵

§ 15.3. Actions against sheriff for neglect or breach of duty.

1. *Liability of aggrieved party.* If a sheriff neglects his duty or performs it illegally, any party aggrieved thereby may maintain an appropriate action against such sheriff for any loss suffered by him.

2. *Liability to successor in office.* When a sheriff goes out of office, he or his representative shall deliver to his successor all property in his official possession or custody. If the outgoing sheriff fails to deliver any such property, the incoming sheriff, on behalf of all parties in interest, may maintain an action for damages against the outgoing sheriff or his representative. In such an action, a jury shall not be required and the court may fix the amount of damages.⁸⁶

§ 15.4. Fixed fees of sheriff.

There shall be paid to a sheriff, by the party requiring his or his deputies' services, the following fees for the services herein specified, payable in advance:

(a) Attachment.

1. For levying upon property under a writ of attachment 1.50
2. For making and filling a description of real property, or an inventory of personal property, levied upon under a writ of attachment and furnishing an estimate of the value thereof, --
each page .25

85. *Prior legislation:* 1956 Code 18:25; Rev. Stat. § 1333.

86. *Prior legislation:* 1956 Code 18:252, 254; Rev. Stat. §§ 1334, 1336; OBB 82, Legal Principles and Rules, tit. 1, ch. XXII, §§ 4, 5, 2 Hub. 1581.

JUDICIARY LAW

minimum 1.00

(b) *Execution.*

1. For receiving a writ of execution against property, entering it in his books, searching for property and for postage on the return when made through the post office. .50
2. For levying upon property under a writ of execution. 1.00

(c) *Summons, subpoena and other mandates.*

1. For serving a writ of summons, or serving a citation or order to show cause in lieu thereof in a special proceeding 1.00
2. For serving a subpoena .50
3. For serving a writ of habeas corpus 1.00
4. For levying by virtue of a requisition or writ of seizure, or for executing a writ of replevin or other requisition to replevy chattels, or for executing a mandate requiring him to put a person in possession of real property and removing the person in possession 1.00
5. For executing a warrant of arrest or commitment 1.00
6. For serving or executing any other mandate for service or execution of which no other fee is specially prescribed by law .50

(d) *Sales.*

1. For advertising real or personal property for sale by virtue of an execution, order of attachment or other mandate, or in pursuance of a direction contained in a judgment, by posting notices thereof and when required by publication in newspapers and when requisite, for advertising a notice of postponement of sale .50
2. For drawing and executing a conveyance upon a sale of real

JUDICIARY LAW

property --- to be paid by grantee 2.50

(e) *Undertakings; Returns.*

1. For taking any undertaking which he is authorized to take .25
2. For returning any mandate which he is required by law to return. .25

§ 15.5. Mileage fees.

All Ministerial Officers of court are entitled to ten cents per each mile necessarily travelled by them or their Deputies in performing the following services, payable in advance by party requiring such services:

- (a) In serving or executing a mandate upon or against one person, or against two or more persons in the course of one journey, computed from the nearest office of the sheriff in the county to the place of service or execution which is more remote, adding thereto any additional travel to serve or execute the orders, and return.
- (b) In serving or executing two or more mandates in one action upon or against one person at one time, compensation for travel on only one such mandate shall be charged and paid.

§ 15.6. Poundage fees.

1. *Upon execution.* A sheriff is entitled, for collecting money by virtue of a writ of execution, an order of attachment, an attachment for the payment of money in an action, or a warrant for the collection of money issued by the Minister of Finance, or for collecting a fine by virtue of a commitment for civil contempt, to poundage of four percent upon the first five thousand dollars collected and two percent upon the excess of any sum collected over five thousand dollars.

2. *Upon settlement after levy under writ of execution.* Where a settlement is made after a levy by virtue of a writ of execution the sheriff is entitled to poundage at the same rates as set forth in paragraph (1) upon

JUDICIARY LAW

the value of the property levied upon but not exceeding the sum at which the settlement is made.

3. *Upon vacating an execution.* Where an execution is vacated or set aside, the court may order the party liable therefor to pay to the sheriff poundage at the same rates as is set forth in paragraph (1) upon the value of the property levied upon, not exceeding the amount specified in the execution.

4. *Upon settlement in attachment.* Where a settlement is made, either before or after judgment, after a levy by virtue of an order of attachment, the sheriff is entitled to poundage at the same rate as is set forth in paragraph 1 upon the value of the property levied upon, not exceeding the sum at which the settlement is made.

5. *Upon vacating or other discharge of attachment.* Where an order of attachment is vacated or set aside, the court may order the party at whose instance the order of attachment was granted to pay to the sheriff poundage at the same rates as is set forth in paragraph (1) upon the value of the property levied upon, not exceeding the amount specified in the order of attachment. And, where an order of attachment is otherwise discharged by order of the court, the sheriff is entitled to the same poundage to be paid by the party at whose instance the order of attachment is discharged and the sheriff is entitled to retain the property levied upon until the poundage is paid.

§ 15.7. Expenses of Sheriff.

1. *Publication of notice of sale.* A sheriff, where real property is to be sold by virtue of an execution, order of attachment or in pursuance of a direction contained in a judgment, is entitled to reimbursement for printer's fees paid by him for printing, placard notices, advertising the sale and for the publication of such notices in newspapers, when required by law. Where, by request, the notice is published in a newspaper more times than is required by law, or the sale is postponed, the expense of continuing the publication, or of giving notice of postponement, shall be paid by the person requesting it. Where two or more writs of execution

JUDICIARY LAW

against the property of one judgment debtor are in the hands of the sheriff at the time when the proceeds are distributed, the sheriff is entitled to reimbursement for printer's fees upon only the execution issued upon the judgment first docketed in the county.

2. *Appraisal of attached property.* A sheriff, where an estimate of the property levied upon by virtue of an order of attachment is necessarily made with the assistance of appraisers, shall be entitled to reimbursement for such reasonable compensation to appraisers actually employed thereupon as the court which granted the order of attachment may allow.

3. *Other expenses.* A sheriff is entitled to reimbursement of all expenses necessarily incurred in the execution of any mandate and in the protection, presentation, transportation or sale of property thereunder.

4. *Payment in advance.* A sheriff, whenever he deems it necessary, may require payment to him in advance to cover any or all expenses for which he is entitled to reimbursement; advance payments made in connection with a mandate or direction affecting property shall be repaid by the sheriff out of the proceeds of the sale of the property, if any.

§ 15.8. Collection of sheriff's fees on execution.

The fees of a sheriff, upon an execution against property, which are not required by statute to be paid by a particular person and which are not included in the bill of costs of the party in whose favor the execution is issued, shall be collected under the writ of execution in the same manner as the sum therein directed to be collected.

Chapter 16. CONSTABLES

§ 16.1. Appointment; under jurisdiction of sheriff.

§ 16.2. Duties.

§ 16.3. Action against constable for neglect or breach of duty.

§ 16.4. Fees of constables.

JUDICIARY LAW

§ 16.1. Appointment; under jurisdiction of Sheriff.

The President by and with the advice of the Senate shall appoint for each court not of record as many constables as are required to carry out the duties of the office. They shall be under the jurisdiction of the sheriff of the county in which is located the court to which they are appointed and shall be subject to his supervision.⁸⁷

§ 16.2. Duties.

The constables shall be the ministerial officers of the courts not of record and shall carry out the orders, judgments and decrees of such courts; serve all processes and make returns thereto; have charge of all prisoners and bring them before the court at each term and take care of all bail bonds and cancel and surrender the same upon the order of such courts; act as officers of the peace and, as such, without any warrant, suppress any riot and quiet an infraction of the peace committed in their presence; and perform such other duties as may be required by common law, statutes or rules of the court.⁸⁸

§ 16.3. Action against constable for neglect or breach of duty.

If a constable neglects his duty or performs it illegally, an appropriate action may be maintained against him by any party aggrieved thereby.

§ 16.4. Fees of constables.

There shall be paid to a constable by the party requiring his services, one half of the fees to which a sheriff would be entitled for like services, payable, however, in the same manner as they are required to be paid to

87. *Prior legislation:* 1956 Code 21:84; L. 1938, ch. IV, § 1; Rev. Stat. §§ 131, 141, 1414; L. 1882-73, 6, § 5; L. 1871-72, 22, §§ 1, 2.

88. *Prior legislation:* 1956 Code 18:102, 133; 21:87; L. 1948-49, ch. XXVII, § 2; L. 1947-48, ch. XXII, § 2; Rev. Stat. §§ 675, 676, 677, 679(3), 1416(5); J. P. Code, §§ 66, 67, 68, 70(2), (3); OBB 133, Judiciary, art. I, art. X, § 6; 1841 Digest, pt. I, Act punishing official misconduct, § 6, 2 Hub. 1473.

sheriffs.

Chapter 17. ATTORNEYS

- § 17.1. Qualifications for admissions to Bar.
- § 17.2. National Board of Bar Examiners; duties.
- § 17.3. Chief Justice to appoint local Bar committees; duties.
- § 17.4. Bar examination and requisites for eligibility; apprenticeship.
- § 17.5. Admission to the Bar as attorneys.
- § 17.6. Admission to Bar of Supreme Court.
- § 17.7. Supreme Court to conduct disciplinary proceedings.
- § 17.6. Minister of Justice and bar associations empowered to seek injunctions against unauthorized practice of law.
- § 17.9. Licenses.
- § 17.10. Penalties for delaying justice by applications for remedial writs.

§ 17.1. Qualifications for admission to Bar.

A person applying for admission to the Bar as an attorney must be a citizen of this Republic, have attained the age of twenty-one years, and be examined and licensed to practice as prescribed in this chapter.

§ 17.2. National Board of Bar Examiners; duties.

1. Appointment of Board. The Chief Justice of the Supreme Court shall appoint three counsellors of the Supreme Court in good standing as Bar Examiners, who shall be known as the National Board of Bar Examiners, one of whom shall be designated by him as chairman. Each member shall serve for a term of three years and shall not be eligible for immediate reappointment to succeed himself in office.

2. Duties. Subject to the approval of the Chief Justice, the Board shall prepare the examinations for candidates for admission to the Bar as attorneys and shall prescribe rules, forms and procedures relating thereto. The examinations given by the Board shall be conducted by written questions and answers and shall be as nearly uniform from year to year in the knowledge and capacity required of candidates as is reasonably practicable. The examination papers shall be so identified that the names

JUDICIARY LAW

of the candidates cannot be known to the Bar Examiners who grade them before they have announced the results of the examinations. The Board shall further publish a list of subjects which will indicate the general scope of the examinations and from law students which will tend to promote their studies.

3. Time and places of examinations. The examinations of candidates shall be conducted in the counties in which the candidates reside. The times and places of the examinations shall be fixed by the Board subject to the approval of the Chief Justice, and in accordance with the need therefor. Supervision of the examinations, however, shall be by the local Bar committees.

4. Personnel. The Chief Justice shall appoint a secretary and provide such other personnel and equipment as shall be required for the proper performance of the duties of the Board.

5. Security measures. The Board shall devise methods to ensure the integrity of its examination procedures which may include requiring the furnishing of penal bonds by its personnel.⁸⁹

§ 17.3. Chief Justice to appoint Local Bar Committee; duties.

1. Appointment; composition. The Chief Justice of the Supreme Court shall further appoint a Local Bar Committee for each county of at least three lawyers practicing law in each county, preferably counsellors of the Supreme Court, one of whom shall be designated as chairman. Any member of a committee may be dismissed by the Chief Justice for cause.

2. Duties. In addition to supervising examinations of candidates for admission to the Bar who are resident in their respective counties, the Local Bar Committees shall assess the moral and intellectual character and fitness of such candidates for admission to practice as attorneys in the subordinate courts of this Republic, and on the basis of such assessment to submit recommendations for admission or denial of

89. *Prior legislation:* 1956 Code, 18-272 (1st par.); L. 1928 (E.S.), ch. III, § 5.

JUDICIARY LAW

admission of such candidates to the circuit courts and the Chief Justice of the Supreme Court as required by law and by rules of court. The committees are further authorized, after appropriate proceedings which shall be conducted in private and the records of which shall be confidential, to censure attorneys practicing within their respective counties for professional misconduct.⁹⁰

§ 17.4. Bar examination and requisites for eligibility; apprenticeship.

1. *Satisfactory completion of bar examination and apprenticeship required prior to admission.* Candidates for admission to the Bar as attorneys are required to pass satisfactorily a bar examination given by the National Board of Bar Examiners and serve an apprenticeship for at least one year continuously in the office and under the immediate supervision, direction and advice of a counsellor of the Supreme Court, or of an attorney who has been in practice for at least five years which, at the option of the candidate, may be served either before or after taking such examination; provided that such service may not commence until after the successful completion of two years of the prescribed course of study of law or its equivalent.

2. *Education requisites for examination eligibility.* A candidate shall not be eligible to take a bar examination unless he has successfully completed a prescribed course of study in the law, either (1) at a qualified law school, or (2) under private tutors for a period of at least four years during which yearly examinations of such candidates on the subjects covered each year shall be conducted by the local bar committees; provided that this second method of establishing eligibility shall not be available to candidates who commence their study of law one year after this section becomes effective.

§ 17.5. Admission to the Bar as Attorneys.

On the basis of the written bar examinations given by the National Board

90. *Prior legislation:* 1956 Code 18:270, 271; Rev. Stat. (adopted L. 1929, ch. VII), § 23; L. 1928 (E.S.), ch. III., §§ 1, 2, 3, 4.

JUDICIARY LAW

of Bar Examiners, proof of service of apprenticeship and of such other assessments of the moral and intellectual character and fitness of the candidates for admission to the bar as attorneys, as the rules of courts may require, the chairman of each Local Bar Committee shall transmit duplicate reports to the resident judge of the circuit court of the county in which a candidate resides and to the Chief Justice of the Supreme Court, recommending admission or denial of admission of each candidate to the Bar, with reasons therefor. The Chief Justice, within fifteen days of such transmission, shall indicate approval or disapproval for cause of the admission to the Bar of each candidate and upon such indication by the Chief Justice, the candidates approved shall be admitted to the Bar by the resident judge of the circuit court of the county. Should the Chief Justice fail to indicate such approval or disapproval within the said fifteen day period, the resident judge of the circuit court to whom a duplicate report has been transmitted shall so indicate and proceed accordingly.⁹¹

§ 17.6. Admission to Bar of Supreme Court.

Any attorney who has been actively engaged in the practice of law for five years may submit a petition to the Supreme Court showing his moral and professional qualifications for membership in the Bar of the Supreme Court and praying admission as a counsellor of that Court. The petition shall be supported by the affidavits of at least two practicing counsellors of the Supreme Court, one of whom shall present the petition to the Supreme Court en banc in open court. If the Supreme Court accepts the petition, the Chief Justice shall appoint a committee of at least three counsellors of the Supreme Court who, as soon as convenient, shall examine the petitioner and report in writing upon his moral and professional qualifications to the Chief Justice. In addition, the petitioner shall take and satisfactorily pass a written examination on questions which a lawyer in practice before the Supreme Court may reasonably expect to meet, which shall be prepared and conducted by the National Board of Bar Examiners. If the petitioner has satisfactorily passed the

91. *Prior legislation:* 1956 Code 18:272(2nd Par.); L. 1942-43, ch. VIII, § 1; L. 1928 (E.S.), ch. III, § 5.

JUDICIARY LAW

examination and if the report is favorable, the report shall be voted upon by the members of the Bar of the Supreme Court present at the next sitting of the Court and, if a majority vote for admission, the petitioner shall be admitted as a counsellor at law before the Supreme Court.⁹²

§ 17.7. Supreme Court to conduct disciplinary proceedings.

1. Powers of Supreme Court. The Supreme Court shall have power and control over all attorneys and counsellors at law and all persons practicing or assuming to practice law and is hereby authorized to censure, suspend from practice or remove from office any attorney or counsellor at law admitted to practice who is guilty of professional misconduct, malpractice, fraud, deceit, crime or misdemeanor or any conduct prejudicial to the administration of justice and is further authorized to revoke such admission for any misrepresentation or suppression of any information in connection with his application for admission to practice. In any case, however, an attorney or counsellor at law, if convicted of a felony, shall upon conviction cease to be an attorney or counsellor at law or be competent to practice law as such and upon presentation of a certified copy of the judgment of such conviction to the Supreme Court, thereupon the name of the person so convicted shall by order of the Court be struck from the roll of attorneys or counsellors at law.

2. Notice of proceedings; manner of service. Before an attorney or counsellor at law is suspended or removed as prescribed in this section, a copy of the charges against him must be delivered to him personally or, in case it is established to the satisfaction of the Chief Justice that he cannot with due diligence be served personally a copy of the charges, may be served upon him by mail, publication or otherwise as the Chief Justice may direct; and in either event he must be allowed an opportunity of being heard on his defense.

3. Chief Justice may appoint prosecutors and hearing officers. When so required by the Chief Justice, it shall be the duty of the Attorney General, or of any deputy, assistant or special assistant delegated by him,

92. *Prior legislation:* 1946 Code 18:277; L. 1900-01, 7(2nd), §§ 1, 2.

JUDICIARY LAW

to prosecute proceedings for the removal or suspension of attorneys and counsellors at law, or the Chief Justice may appoint any attorney or counsellor at law to conduct a preliminary investigation and to prosecute any disciplinary proceeding and during or upon the termination of the investigation or proceeding may fix reasonable compensation for the services so rendered which shall be a charge against the funds allocated to the judicial branch in the national budget. In the interest of expedition and the efficient administration of justice, the Chief Justice may also appoint a member of the Bar, who may be a judge currently sitting, to act as a referee in any disciplinary proceeding to hear and report to the Supreme Court and no objection shall be taken to the appointment of any such member of the Bar on the ground that he is a member of a bar association or other association which may be the petitioner therein.

4. Provisions to be contained in disciplinary orders. It shall be the duty of the Supreme Court to insert in each order of suspension or removal hereafter rendered a provision which shall command the attorney or counsellor at law thereafter to desist and refrain from the practice of law in any form, either as principal or as agent, clerk or employee of another. In addition it shall forbid appearance as an attorney or counsellor at law before any court, judge, board, commission or other public authority and the giving to another of an opinion as to the law or its application, or of any advice in relation thereto. In case of suspension only, the order may limit the command to the period of time within which such suspension shall continue and if justice so requires may further limit the scope thereof.

5. Proceedings to be confidential until charges sustained. Any statute or rule to the contrary notwithstanding, all papers, records and documents upon the application or examination of any person for admission as an attorney or counsellor at law and upon any complaint, inquiry, investigation or proceedings relating to the conduct or discipline of an attorney or counsellor at law, shall be sealed and be deemed private and confidential. However, upon good cause being shown, the Justices of the Supreme Court in their discretion, by written order, are empowered to permit to be divulged all or any part of such papers, records and documents. In the discretion of the Chief Justice, such order may be made either without notice to the persons or attorneys and counsellors at law to be affected

JUDICIARY LAW

thereby or upon such notice to them as he may direct. However, without regard to the foregoing, in the event that charges are sustained on any complaint, investigation or proceeding relating to the conduct or discipline of any attorney, the records and documents in relation thereto shall become public records.

§ 17.8. Minister of Justice and Bar Associations empowered to seek injunctions against unauthorized practice of law.

1. Action for injunction sanctioned. Upon his own information or upon complaint of any person, including any judge or any organized Bar Association, the Minister of Justice may maintain an action for injunctive relief in the Circuit Court against any person who renders, offers to render, or holds himself out as rendering any service which constitutes the unauthorized practice of the law. Any organized Bar Association may also maintain the action or may, for good cause shown, intervene in the action initiated by the Minister of Justice at any stage of the proceeding.

2. Investigation by Minister of Justice. The Minister of Justice may investigate any complaint of unauthorized practice of the law and the Minister of Justice, his deputy, assistant, special assistant, or other officer designated by him may subpoena witnesses, compel their attendance, examine them under oath and require the production of any relevant documentary evidence. The following shall be applicable to such investigations:

(a) The laws relating to the attendance of witnesses, including payment of their fees and expenses.

(b) If a person fails or refuses to obey a subpoena or to testify as to any material matter regarding which he may be interrogated, the Circuit Court, upon application by the Minister of Justice, may issue to the person an order requiring him to appear before the Minister of Justice or the officer designated by him, to produce documentary evidence or testify. Failure to obey the order of the court may be punished by the court as a contempt of court.

JUDICIARY LAW

(c) When requested, public officers, their deputies, assistants, subordinates, or employees, shall furnish to the Minister of Justice or to the officer designated by him all information and assistance within their official knowledge.

(d) The investigation shall be confidential. Any person participating in an investigation who, except as required in the discharge of his official duties, discloses to any person other than to a person under investigation the name of any person under investigation or any witness examined, or any other information in the investigation, is guilty of a misdemeanor and shall be subject to a fine up to \$200 or to imprisonment up to 30 days, or both.

(e) Every person whose conduct is investigated shall be furnished with a written specification of the issues which are to be considered and shall be given an opportunity to present evidence and be heard upon the specified issues.

3. *Remedy provided herein not exclusive.* The remedy and procedures provided in this section are in addition to and not in substitution for other available remedies and procedures.

§ 17.9. Licenses.

1. *Required to practice law.* No person shall practice law or appear before any court as an attorney or counsellor at law without a valid license as a lawyer.

2. *Licenses; by whom issued.* All licenses for attorney or counsellors shall be issued by the Bureau of Revenues of the county or territory in which the licensee resides and register in the office of the Clerk of Court of the county or territory.

3. *Clerk of Court to be notified of disbarment and suspension.* When the agency authorized by statute, rule or regulation to make final determinations in disciplinary proceedings with respect to attorneys and counsellors at law makes a final determination suspending the right of an attorney or counsellor at law to practice law or removing him from

JUDICIARY LAW

office, it shall immediately notify the clerks of the Circuit Court in each circuit and the clerk of the Supreme Court in writing of such determination. Upon receiving such notice, the clerk of the court which issued the annual license to the lawyer whose right to practice has been suspended or who has been removed from office, shall retrieve the license credential delivered to such licensee.⁹³

§ 17.10. Penalties for delaying justice by application for remedial writs.

Any lawyer who applies for a remedial or extraordinary writ for the mere purpose of delaying justice may be held in contempt of court and fined for the first offense not more than fifty dollars, and for the second and subsequent offenses not more than one hundred dollars.⁹⁴

Chapter 18. JURIES AND JURORS

§ 18.1. Composition of jury.

§ 18.2. Qualifications of jurors.

§ 18.3. Exemptions from jury service.

§ 18.4. Compensation of jurors.

§ 18.5. Misconduct by jurors.

§ 18.6. Penalty for refusal to serve as juror; exception for women.

§ 18.7. Female bailiffs to attend female jurors.

§ 18.1. Composition of jury.

Every trial jury shall be composed of twelve jurors and three alternates.⁹⁵

93. *Prior legislation:* L. 1959-60, ch. XLIV, § 1; 1959 Code 18:275; Act approved Dec. 16, 1940, par. 2, § 9.

94. *Prior legislation:* 1957-58 Supp. 18:280(2); L. 1955-56, ch. XVIII, § 4 in part.

95. *Prior legislation:* 1956 Code 18:300; L. 1952-53, ch. X; Rev. Stat. § 356; OBB 30, Legal Principles and Rules, tit. II, ch. IX, § 1, 2 Hub. 1945.

JUDICIARY LAW

§ 18.2. Qualifications of jurors.

1. *In all cases.* Any citizen of the Republic, male or female, who has attained the age of twenty-one year, is competent to serve as a grand or petit juror in the county in which he or she resides unless:

- (a) He or she has been convicted of an infamous crime and his civil rights have not been restored;
- (b) He or she is unable to speak and understand the English language;
- (c) He or she is incapable by reason of mental or physical infirmity of rendering efficient jury service; or
- (d) He or she has served on a jury within the preceding year.

2. *In the case to be tried.* A person shall be disqualified from acting as a juror in any of the following cases:

- (a) One in which he or she has a pecuniary interest;
- (b) He or she is unable to speak, write, read and understand the English language;⁹⁶
- (c) One in which the spouse of the person or an ancestor or descendant, brother, sister, uncle, aunt, niece, nephew or first cousin is a party;
- (d) One in which he has expressed any opinion indicating that he would not be an impartial juror; or
- (e) One in which he served on the grand jury which found the

96. This provision was inserted by an Act to Amend the Judiciary Law Relating to Qualifications and Compensation of Jurors, approved July 23, 1974, and which eliminated the previous provision disqualifying a person from serving as a juror because his relatives or descendents had an interest in the proceedings.

JUDICIARY LAW

indictment in the case involved.⁹⁷

§ 18.3. Exemption from jury service.

1. *Classes exempted.* The following classes of person are exempt from service as jurors:

- (a) Members of the armed services in active services and all marshals, sheriffs, constables, police officers and firemen;
- (b) Public officers in the executive, legislative or judicial branches of the Republic of Liberia or any political subdivision thereof who are actively engaged in the performance of official duties;
- (c) Physicians, clergymen, teachers and nurses who are actively engaged in the practice of their professions; and lawyers, whether actively engaged in their profession or not.

(2) *Individuals exempted.* A circuit court judge for good cause may excuse from jury service any person called as a juror.⁹⁸

§ 18.4. Compensation of jurors.

A juror shall receive a fee of five dollars per diem for services rendered in a circuit court or on a coroner's jury.⁹⁹

97. *Prior legislation:* 1956 Code 18:301; L. 1948-49, ch. III, Rev. Stat. § 357, L. 1900-01, 17; OBB 113, Judiciary, art. VI, § 1; Acts 1844, Act to amend 9th section of 9th chapter of the "Abstract of Legal Principles and Rules", 2 Hub. 1632, OBB 30, Legal Principles and Rules, tit. II, ch. IX, §§ 6, 9, 2 Hub. 1546.

98. *Prior legislation:* 1956 Code 18:302; Rev. Stat. § 359.

99. The amount of per diem for a juror was increased from two dollars to five dollars by An Act to Amend the Judiciary Law Relating to Qualifications and Compensation of Jurors", approved July 23, 1974.

Prior legislation: 1956 Code 18:303; L. 1949-50, ch. XXVII; L. 1949-50, ch. XVI, L. 1942-43, ch. X; L. 1939-40, ch. XI; L. 1938, ch. XXI, § 1; L. 1938, ch. XXII, § 1; L. 1922-23, ch. X; L. 1868-69, 3(1st); L. 1861(3rd), § 1

JUDICIARY LAW

§ 18.5. Misconduct by jurors.

1. *Bribery.* Jurors are forbidden to receive any bribe, present or promise of reward, either pecuniary or otherwise by which the performance of their duties might be influenced. Any juror who violates this provision, upon conviction, shall be found guilty of the crime of bribery and penalized under the provisions of the Penal Law.

2. *Non-observance of oath.* Jurors are required to perform their duties strictly according to the terms of the oath administered to them. Any juror who violates this provision, upon conviction, shall be found guilty of a misdemeanor punishable by imprisonment up to 30 days or a fine up to the sum of \$200 or both, except that acts constituting the crime of bribery shall be dealt with in accordance with the provisions of paragraph 1 of this section.¹⁰⁰

§ 18.6. Penalty for refusal to serve as juror; exception for women.

1. *Women may refuse.* A woman summoned to serve as a juror has the option of refusing to serve.

2. *Men punishable for refusal.* Any man who is summoned to serve as a juror and who is not exempt from such service under the provisions of this chapter and who without an excuse refuses to serve as a juror may be punished for contempt of court.¹⁰¹

§ 18.7. Female bailiffs to attend female jurors.

The court shall appoint one or more female bailiffs to attend upon any jury in which there are female jurors. Such bailiffs shall be paid a per diem allowance to be fixed by the Chief Justice of the Supreme Court.¹⁰²

100. *Prior legislation:* 1956 Code 18:306; L. 1908-09, 48, § 2.

101. *Prior legislation:* 1956 Code 18:305; L. 1948-49, ch. XXXI, § 2.

102. *Prior legislation:* 1956 Code 18:304; L. 1948-49, ch. XXXI, § 4.

JUDICIARY LAW

**Chapter 19. PROTECTION OF RIGHTS OF
INDIGENTS**

§ 19.1. Defense counsel.

1. *Appointment.* The President, by and with the advise and consent of the Senate, shall appoint in each county an attorney to be known as Defense Counsel.

2. *Duties.* It shall be the duty of Defense Counsel to represent and defend all persons charged with criminal offenses who satisfy the court of their financial inability to retain counsel.¹⁰³

Chapter 20. NOTARIES PUBLIC

§ 20.1. Notaries Public.

1. *Appointment and commission.* The President shall nominate and by and with the advice and consent of the Senate appoint and commission as many notaries public for each county as he shall deem necessary and proper.

2. *Term of commission.* The term of the commission of a notary public shall be two years, subject to renewal by the President or removal at his pleasure.

3. *Powers and duties.* Notaries public shall have the power and it shall be their duty to demand acceptance and payment of checks, promissory notes, bills of exchange and other negotiable instruments; to protest such instruments for nonacceptance and nonpayment; to take down, certify and acknowledge affidavits and other documents and written instru-

103. *Prior legislation:* 1956 Code 18:340, 341; L. 1935-36, ch. XX, §§ 1, 2.

JUDICIARY LAW

ments; and to exercise such other powers and perform such other duties as may be prescribed by common law, commercial usage and the law of nations.

4. *Fees.* A notary public shall receive a fee of one dollar for the performance of each notarial act requiring his seal and signature. ¹⁰⁴

Chapter 21. ADMINISTRATION

§ 21.1. Administrative authority of Judiciary Branch.

§ 21.2. Administrative Assistant to Chief Justice.

§ 21.3. Fiscal appropriations.

§ 21.4. Judicial officers and employees; salaries, expenses and disbursements.

§ 21.5. Fees of witnesses, interpreters, etc.

§ 21.6. Deposit of revenue collected by courts.

§ 21.1. Administrative authority of Judiciary Branch.

1. *Responsibility of Chief Justice.* The Chief Justice of the Supreme Court shall be the head of the Judiciary Branch of the Government and he shall be responsible for the general administrative supervision thereof.

2. *Judges, Clerks and Ministerial Officers.* All judges, clerks and ministerial officers of the courts of the Republic shall be under the administration of the Judiciary Branch of the Government. ¹⁰⁵

§ 21.2. Administrative Assistant to Chief Justice.

1. *Appointment.* The President shall appoint an administrative assistant to the Chief Justice of the Supreme Court.

104. *Prior legislation:* 1956 Code 18:320, 321, 322; Rev. Stat. (adopted L. 1929, ch. VII), §§ 459 1221, 1222; Acts 1839, Act regulating the fees of public officers, § 17, 2 Hub. 1373.

105. *Prior legislation:* L. 1958-599 ch. XII, § 1; ch. XXI, § 1.

JUDICIARY LAW

2. *Duties.* It shall be the duty of the administrative assistant to the Chief Justice of the Supreme Court to serve directly under the Chief Justice; to assist him in all phases of the administration of the Judiciary Branch of the Government; to collect judicial data and prepare court statistics; to be responsible, under the direction of the Chief Justice, for the fiscal management of the courts and of the Judiciary Branch of the Government; to ensure that the officers of all courts function in accordance with the rules promulgated by the Chief Justice; to prepare and submit to the Chief Justice on or before the 30th day of September of each year a report of the operation of the Judiciary Branch of the Government; to prepare statistics of disposition of cases in all courts of the Republic and submit weekly reports thereupon to the Chief Justice; and to perform any other duties which may be required in and of the administrative responsibilities of the Chief Justice.

3. *Data to be supplied by judicial officers.* Judges, clerks and ministerial officers of the courts of the Republic shall, upon request, furnish to the administrative assistant the information required by him to carry out his duties.¹⁰⁶

§ 21.3. Fiscal appropriations.

All appropriations of funds to be expended by the Judiciary Branch of the Government for salaries, equipment, supplies including stationery, and services other than personal, shall be included in that section of the national budget which provides for expenses of the Judicial Branch, and the disbursement of such funds to the several courts shall be administered by the Judiciary Branch.¹⁰⁷

§ 21.4. Judicial officers and employees; salaries, expenses and disbursements.

1. *Salaries.* The salaries of judicial officers and employees shall be fixed by annual budgetary appropriation.

106. *Prior legislation:* L. 1958-59, ch. LIII, § 1.

107. *Prior legislation:* L. 1958-59, ch. XII, § 2, ch. XXI.

JUDICIARY LAW

2. *Expenses and disbursements.* Immediately after the end or adjournment of each term, the clerk of each court, or, if there is no such official, at the end of each month, the judicial officer presiding, shall compile an itemized schedule of information required for reimbursement of costs and expenses of all persons who attended or served as jurors, talesmen, witnesses, interpreters, bailiffs, marshals, sheriffs, county attorneys, defense attorneys, constables, coroners, justices, magistrates and other court officers. Each such schedule shall contain the following information:

- (a) A full list of all such persons;
- (b) The function performed or service rendered by each such person not paid a salary by the Government, the length of time served, the rate of pay and the amount due to each such person;
- (c) The reimbursable expenses and disbursements due to each such person, including mileage.

The clerk of every court of record shall present such itemized schedule to the presiding judge thereof, who shall examine them, endorse them and forward them to the administrative assistant to the Chief Justice of the Supreme Court for payment; such itemized schedules compiled with respect to courts not of record shall first be sent to the clerks of the circuit courts of their respective counties, or, in the case where such courts are within the jurisdiction of provisional monthly and probate courts, to the clerks of those courts who, after reviewing them, shall present them to the presiding judges thereof who shall examine them, endorse them and forward them to the administrative assistant to the Chief Justice of the Supreme Court for payment.¹⁰⁸

§ 21.5. Fees of witnesses, interpreters, etc.

Fees for the services of witnesses, interpreters, coroners, and physicians

108. *Prior legislation:* 1956 Code 18:360, 365; L. 1943-44, ch. XXVIII; L. 1938, ch. XXI; L. 1935-36, ch. XX, § 3; L. 1931-32, ch. XIV, § 5; L. 1929, ch. X, § 5; L. 1928, ch. VI, § 3; L. 1925-26, ch. VIII, § 3; L. 1915-16, ch. XXIII; L. 1906-07, 11, § 1; L. 1903-04, 9; L. 1894-95, 8(2nd); L. 1872-73, 3, § 10.

JUDICIARY LAW

conducting post mortem examinations required by law shall be fixed at reasonable rates in a schedule promulgated by the Chief Justice of the Supreme Court and published as part of the Rules of Court. ¹⁰⁹

Sub-section 21.6. Deposit of revenue collected by courts.

Except as otherwise provided by statute, the revenue and receipts collected by each court shall be turned over without any deductions to the nearest office of the Minister of Finance for deposit in an official Government depository and an accounting thereof shall be rendered to the said Minister in accordance with regulations promulgated by him. ¹¹⁰

Chapter 23. LABOUR COURTS ¹¹¹

WHEREAS, under the Act of Legislature approved May 6, 1972, amending the Labour Practices Law of Liberia, the Board of General Appeals was established and created within the Ministry of Labour as an *ad hoc* administrative tribunal, situated only in Montserrado County, with jurisdiction to hear and determine all labour cases as appealed from the rulings of Hearing Officers around the country, indeed a situation which obviously compels party litigants of the other counties to travel to Montserrado County for the filing and hearing of their appeals; and

WHEREAS, by Decree No. 21, approved December 24, 1985, the Interim Legislative Assembly established and created the National

109. *Prior legislation:* 1956 Code 18:360, 361, 362, 363, 364, 365; L. 1949-50, ch. XVI; L. 1943-44, ch. XXVIII, § 9; L. 1938, ch. XXI; L. 1935-36, ch. XX, § 3; L. 1931-32, ch. XIV, § 5; L. 1929, ch. X, § 5; Rev. Stat. § 45; L. 1928, ch. VI, § 3; L. 1925-26, ch. VIII, § 3; L. 1915-16, ch. XXIII; J.P. Code (adopted L. 1907-8, 16), § 53.

110. *Prior legislation:* 1956 Code 35:340; L. 1943-44 Ch. XII, Sub-section 3; L. 1938, Ch. XI, Sub-section 7.

111. Chapter 23 was added to the Judiciary Law by amendment made by passage of "An Act to Repeal An Act Amending the Labour Practices Law of Liberia with respect to Administration and Enforcement, and to Amend decree No.21 of the Interim Legislative Assembly in Connection therewith", App. October 20, 1986 and published March 31, 1987.

JUDICIARY LAW

Labour Court, seated only in Montserrado County, with appellate jurisdiction over all labour cases as appealed from the rulings of the Board of General Appeals, yet, another situation which imposes serious impediments to speedy and inexpensive disposition of labour cases; and

WHEREAS, article 20(b) of the Constitution of the Republic of Liberia empowers the Legislature to prescribe rules and procedures for the easy, expeditious and inexpensive filing and hearing of appeals;

NOW, THEREFORE,

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature Assembled:

Section 1: That from and immediately after the passage of this Act, the Board of General Appeals of the Ministry of Labour be and same is hereby dissolved.

Section 2. Article III of decree No. 21 of the Interim Legislative Assembly, approved December 24, 1985, is hereby amended and revised to read thus:

Title 17 of the new Judiciary Law of Liberia of 1972 is hereby amended by adding thereto a new Chapter to be known as Chapter 23 to provide for additional Labour Courts to read as follows:

Chapter 23. LABOUR COURTS.

- § 23.1. Establishment of Labour Courts.
- § 23.2. Jurisdiction and procedure.
- § 23.3. Power of Labour Courts.
- § 23.4. Procedure on review.
- § 23.5. Final appellate jurisdiction vested in the Supreme Court.
- § 23.6. Appointment and tenure of Judges of Labour Courts.
- § 23.7. Qualification of Judges.
- § 23.8. Terms.
- § 23.9. Order of hearing.

JUDICIARY LAW

§ 23.10. Clerks of Labour Courts.

§ 23.11. Fees for services.

§ 23.12. Ministerial Officers.

§ 23.13. Fees for Sheriffs.

§ 23.14. Seal of Court.

§ 23.15. Special jurisdiction of Debt Court in labour cases.

§ 23.16. Substitution of Judges upon temporary disability.

§ 23.1. Labour Courts established.

There is hereby established in each of the counties of the Republic of Liberia a Labour Court to be seated in the capital city of each county.

§ 23.2. Jurisdiction and procedure.

The Labour Court shall be a court of limited jurisdiction and shall have exclusive appellate jurisdiction over all labour cases as appealed to it from the decisions of the Hearing Officers or Labour Commissioners in the county where it is established. The procedure and method of enforcement shall be the same as that of the debt Court, except as modified herein.

§ 23.3. Power of the Labour Court.

The Labour Court and Judges thereof shall have the exclusive jurisdiction, power and authority to issue or cause the issuance of writs of execution, attachment, garnishment, *Ne Exeat Republica* and summons in summary proceedings addressed to hearing officers of Labour commissioners under their jurisdiction for the enforcement of judgments or orders and in exercise of the appellate jurisdiction herein vested in each Labour Court. The Labour Court or a judge thereof shall exercise the power and authority vested in the Debt Court or Judges thereof in civil cases.

§ 23.4. Procedure on review.

In the conduct of all cases brought before it, the Labour Court shall be guided by the Rules of the Debt Courts and shall make a finding of facts

JUDICIARY LAW

and conclusion of law thereon in accordance with provisions of Chapter 23 of the Revised Civil Procedure Law of Liberia, and may revise, affirm or modify, wholly or in part, any judgment before it, as to any party and, when the interest of justice so requires, remand a case to the hearing officer or Labour Commissioner for further proceedings with such instructions or orders as may be necessary and proper.

§ 23.5. Appellate jurisdiction of the Supreme Court.

Appeals from the decisions and other determinations of the Labour Courts shall be before the Supreme Court of Liberia for final review; provided that labour cases shall have preference over all other cases pending in the Supreme Court, except criminal cases.

23.6. Appointment and tenure of judges of Labour Courts.

The President of Liberia shall nominate and, with the consent of the Senate, appoint and commission a Judge to preside over Labour Courts in each county of the Republic, and the Judges so appointed shall hold office during good behaviour but may be removed from office upon impeachment and conviction by the Legislature based upon proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes.

§ 23.7. Qualification of judges.

A person to be appointed as Judge of the Labour Court shall have the requisite qualifications as provided under Article 69 of the Constitution of the Republic of Liberia.

§ 23.8. Term.

The Labour Courts shall sit monthly on the first Monday of each month for review of all cases docketed for the Term, for disposition of motions, complaints, petitions and other matters pending before them, and shall remain in session from the opening of each Monthly Term until all business before them are disposed of.

JUDICIARY LAW

§ 23.9. Order of hearing.

Notwithstanding the expiration of the Term at which a hearing has commenced, the hearing shall continue until it is completed. In the ordinary course, cases shall be called for hearing in the chronological order in which they are placed on the trial calendar of the Court.

§ 23.10. Clerks of court.

The President, with the consent of the Senate, shall appoint a clerk and assistant clerk of the Labour Court herein created for each county of the Republic, and each such clerk or assistant clerk shall, in addition to all other duties required of him by law, specifically perform the following duties:

- (a) To keep dockets of pending and other cases;
- (b) To issue and record all writs and other processes allowed by law and signed with his name and record returns thereof;
- (c) To take minutes of all hearings and record all matters transacted at each sitting of the Court; and
- (d) To take charge of all records and papers and give copies thereof when required.

§ 23.11. Fees for services.

The schedules of fees of clerks in actions prescribed in section 3.14 of Chapter 3 of this Title shall be applicable to clerks of the Labour Courts.

§ 23.12. Ministerial officers.

The President, with the consent of the Senate, shall appoint a sheriff, a deputy sheriff and such other ministerial officers of the court.

JUDICIARY LAW

§ 23.13. Fees of sheriff.

Fees payable to the sheriff or his deputy shall be the same as those prescribed in Section 15.7 of the new Judiciary Law of Liberia.

§ 23.14. Seal of court.

The Labour Courts shall have a seal for the authentication of their records and other official documents.

§ 23.15. Conduct of proceeding on review.

A proceeding under this Chapter shall be conducted by the Labour Court in each county without a jury and shall be confined to the record.

§ 23.16. Special jurisdiction of Debt Court in labour cases.

Until the judges of the Labour Courts herein created are appointed and commissioned in each county of the Republic of Liberia, except Montserrado County, the Debt Court shall exercise jurisdiction over all labour cases on appeal from the rulings of Hearing Officers and Labour Commissioners in their respective jurisdictions.

§ 23.17. Substitution of judge.

In the event of illness or other temporary disability of a judge of the Labour Court, including disqualification from hearing a case by reason of interest, prejudice or otherwise, he or she shall refuse trial jurisdiction over the cause and/or subject matter and recuse himself/herself from further hearing and grant venue to the next forum, which is the Debt Court Judge. That Judge shall preside over the term of court in accordance with the provision hereof until such temporary disability of the Judge is removed.

§ 23.18. Disposition of pending cases.

All cases pending for review before the Board of General Appeals of the Ministry of Labour not otherwise disposed of prior to this Act shall be

JUDICIARY LAW

transmitted to the Labour Courts in the respective counties from whence such cases originated for hearing and determinations.

§ 23.19. This Act shall take effect immediately upon publications in handbills.¹¹²

112. Approved October 20, 1986; published March 31, 1987.