

THOMAS J. R. FAULKNER, Administrator of the Will of the Late FREDERICK
E. JOHNSON, Representing the Heirs and Legatees of said Estate, and **L. T.**
JOHNSON, Petitioners-in-Certiorari, v. **JAMES S. SMITH, GABRIEL L.**
DENNIS, HENRY W. DENNIS and His Honor **R. F. D. SMALLWOOD**,
Resident Judge of the Circuit Court of the First Judicial Circuit, Montserrado County,
Respondents-in-Certiorari.

CERTIORARI TO THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT,
MONTSEERRADO COUNTY.

[Undated.]

William E. Dennis and *A. B. Ricks* for petitioners-in-certiorari. *H. Lafayette Harmon* for
respondents-in-certiorari.

PER CURIAM.

This cause having been called for hearing, Counsellors William E. Dennis and A. B. Ricks appeared for petitioners-in-certiorari, and Counsellor H. Lafayette Harmon appeared for respondents-in-certiorari; and after having carefully considered the records certified to this Court from the court below, and after hearing arguments *pro et con*, it is hereby adjudged that the judgment of the court below be, and the same is, hereby vacated, and the judge of the court below be, and is, hereby instructed to resume jurisdiction and to hear and to determine all the legal issues appearing in the pleadings of the parties in accordance with the rule of law that when in a case issues of law and fact are raised, the issues of law shall first be disposed of. Costs of these proceedings to be paid by respondents-in-certiorari.

Reversed.