

**JOHN HAMMOND, Appellant, Vs. THE CORPORATION OF
MONROVIA, Appellee.**

LRSC 2; 1 LLR 137 (1881)

[January Term, A. D. 1881.]

Appeal from the Court of Quarter Sessions and Common Pleas, Montserrado County.

Charter of the City of Monrovia—Jurisdiction of City Magistrate.

1. The Corporation of Monrovia is an authorized body politic to which is delegated the right to enact such laws and ordinances as are necessary for its government, provided such laws and ordinances do not conflict with the laws of the Republic. It does not exclude the political jurisdiction of the laws of the Republic or any part thereof.

2. The City Magistrate's court has concurrent jurisdiction with a Justice of the Peace and an appeal from the former to the Court of Quarter Sessions and Common Pleas may be taken under the same circumstances as an appeal from the Justice of the Peace might be taken to said court.

This is an appeal case in an action of assault and battery brought up from the Court of Quarter Sessions and Common Pleas, Montserrado County. The case having come to the aforesaid court on an appeal from the City Magistrate, the judge below refused to take jurisdiction.

In the charter of the city of Monrovia we find that the Legislature of the Republic granted to that corporation the power to appoint one or more city magistrates and to specify and determine the duties of said officers. (See Charter, Sec. 9.)

The Common Council in "An ordinance relative to the justices of the peace," approved Oct. 24, 1860, ordained that the magistrates of the city should try and give judgment in all cases brought before them, according to the laws of the Republic of Liberia and ordinances of the city of Monrovia. "Any magistrate exercising the functions of a justice of the peace shall proceed according to the laws governing justices of the peace."

This court at its January term, 1862, in its decision in regard to the jurisdiction of the charter of the city of Monrovia, according to the third section of the same, gave as its opinion that the corporation 'fis an authorized body politic, to which is delegated the right to enact such laws and ordinances as are necessary for its government, provided such laws and ordinances do not conflict with the laws of the Republic"; and that the charter "does not exclude the political jurisdiction of the laws of the Republic or any part thereof, but simply gives the right to exercise the same jurisdiction."

The laws of the Republic give to every person the right to appeal from the decision of any court except such courts of appeal. They declare that an appeal shall lie from every decision of a justice of the peace, and later on, that in cases before a justice of the peace the party dissatisfied with the decision shall have a right to appeal forthwith to the Court of Quarter Sessions and Common Pleas.

Now it appears to us that in all cases in which the city magistrates have concurrent jurisdiction with the justices of the peace, the right to appeal exists, and is in accordance with the laws adopted.

Therefore the judge below erred in refusing jurisdiction. His decision dismissing the case is annulled, the case remanded, and he is directed to assume jurisdiction.