

BOIMA LUWULA and all persons operating under him, **TOWN CHIEF** and **MOMO KARBO** and all residents of Canoamen and Fallah Towns, Plaintiffs-In-Error, *v.* **HIS HONOUR JEREMIAH Z. REEVES**, Assigned Circuit Judge, **JOHN W.** and **MARGRETTA GRIGSBY**, Defendants-In-Error.

JUDGMENT WITHOUT OPINION

Decided: December 20, 1979.

At the call of this case Counsellor Moses K. Yangbe appeared for the plaintiffs-in-error and Counsellor Daniel Draper appeared for the defendants-in-error. The returns revealed, and review of the records certified from the trial court showed, that assignment of the case was served and returned, assigning hearing of the ejectment suit out of which these proceedings grew for the 6th of June, 1978 at 10:00 o'clock in the morning and the notice of assignment with returns of the sheriff had been marked exhibit "B" and filed with the returns.

The records also showed that when the writ of summons in the ejectment was served upon the defendants on the 3rd of February, 1978, they refused to accept service upon them. The sheriff made returns to that effect, and the writ together with the said returns have been annexed to these returns and marked exhibit "A."

An answering affidavit filed by the plaintiffs-in-error does not show that these allegations of the defendants-in-error are false or untrue, so they must have to be accepted as being true. Consequently, the allegation in the petition that plaintiffs-in-error did not have their day in court is not in harmony with the returns of the sheriff, to the notice of assignment marked exhibit "B." Except there is a showing to the contrary, returns of the ministerial officers of courts must be accepted as being true and correct.

After reviewing the records and hearing arguments on both sides, it is adjudged that the petition of the petitioner should be and the same is hereby denied and the alternative writ quashed, with costs against the plaintiffs-in-error. And the Clerk of this Court is ordered to send a mandate to the lower court commanding the judge therein to resume jurisdiction over this cause and enforce his judgment. And it is so ordered.

Note: Mr. Justice Tulay being absent, and Mr. Justice Barnes having handled this case in Chambers did not take part, hence have not signed this judgment.