

JACOB N. CISCO, Sole Heir of JUAH WEEKS WOLO, Deceased, by His Attorney in Fact, WILLIAM A. CISCO, Petitioner, v. J. GBAFLEN DAVIS, Commissioner of Probate, Montserrado County, and W. H. KETTER, Administrator Pendente Lite of the Intestate Estate of JUAH WEEKS WOLO, Deceased,
Respondents.

JUDGMENT WITHOUT OPINION ON APPEAL FROM ORDER IN CHAMBERS
ON APPLICATION FOR WRIT OF MANDAMUS TO THE MONTHLY
AND PROBATE COURT OF MONTSERRADO COUNTY.

Decided May 18, 1961.*

This case was heard in the Chambers of Mr. Justice Pierre, from whose ruling an appeal was announced, but was withdrawn. The Justice presiding in Chambers nevertheless sent the matter forward to be reviewed by this Court *en banc*, and ordered the case docketed for the March, 1961, term of the Supreme Court.

When the cause was reached on the docket, the Court unanimously held that, since the appeal had been withdrawn, and the ruling appeared to be in keeping with law, the same should be ordered enforced. It is therefore hereby

ADJUDGED:

1. That the majority report of the commission of accountants appointed to examine the estate of the late Juah Weeks Wolo be forwarded to the Monthly and Probate Court of Montserrado County, where administration of the said estate is being handled, together with any and all

* Mr. Chief Justice Wilson, who was absent when this cause was heard, did not participate in the hearing, and did not sign this judgment.

property belonging to the said estate which might be in their custody, for the purpose of facilitating the closing of the estate.

2. That the commissioner of probate will, after having satisfied himself that the administrator's handling of the estate has been in order, and that his final report is correct, proceed to close the estate, and deliver to their heirs all property which is rightfully theirs.

3. That, since the administrator failed to file a bond to secure the estate against loss, as the law in such case provides, should any discrepancy be found in the account of the administrator the immediate closing of the estate should be suspended until the amount of the discrepancy is returned to the estate and be made to form a part of the property to be turned over to the heirs after ascertaining that all debts have been paid. However, should the commission's report show a discrepancy and the administrator fail to make it good immediately, the commissioner of probate should then proceed to handle the matter in manner provided for handling misappropriation of property belonging to an estate.

4. The two accountants appointed by the court shall submit their bill for services rendered and shall be paid out of any money belonging to the estate, and should then be discharged. The administrator's commission should also be paid from money found in the estate after his final report shall have been found to be in order, all of the property of the estate accounted for and all of the debts paid.

And the clerk of this Court is hereby ordered to send a mandate to the commissioner of probate commanding him to resume jurisdiction over the said estate and to proceed to close the same in keeping with this judgment.

Given under our hands and the seal of the
Supreme Court of Liberia this 18th day of
May, 1961.

[Sgd.] DESSALINE T. HARRIS,
Associate Justice, Supreme Court of Liberia.

[Sgd.] JAMES A. A. PIERRE,
Associate Justice, Supreme Court of Liberia.

[Sgd.] LAWRENCE E. MITCHELL,
Associate Justice, Supreme Court of Liberia.

[Sgd.] WILLIAM E. WARDSWORTH,
Associate Justice, Supreme Court of Liberia.