

LEONORA IRIS COLE-LARSTON, OLIVE
MARIE COLE, and CECIL WALTER COLE,
Distributees, and SATARIA DESHIELD,
CO-Administratrix of the Estate of IRIS COLE-
LARSTON, Appellants, v. MAXIMILLIAN E. G.
THOMPSON, Appellee.

APPEAL FROM THE MONTHLY AND PROBATE COURT,
MONTERRADO COUNTY.

Argued March 11, 1971. Decided May 28, 1971.

1. A court has no power to interfere with the judgment of another court of concurrent jurisdiction.
2. A judge of the Monthly and Probate Court cannot overrule, in effect, the judgment of a Circuit Court, when the issues upon which he is ruling, or some of them, have previously been ruled upon in the Circuit Court. As in the instant case, where the Probate Court's determination found that a divorce decree was invalid for procedural and jurisdictional failures.
3. A final judgment is conclusive of a suit, unless an appeal is taken, and matters decided therein are not matters to be reconsidered, in the absence of an order from a higher court.
4. An administrator of an estate may only be removed for cause, after he has been confronted with the evidence establishing his misconduct in office.

Decedent obtained a divorce from the appellee in these proceedings in 1966. She died shortly thereafter, and three children of a previous marriage and another were issued letters of administration. In 1967, the divorced husband applied for appointment as co-administrator, and his petition was granted by a judge other than the judge of the same Monthly and Probate Court who had made the original appointment. An appeal was taken therefrom *Reversed* and *original administrators restored*.

M. Fahnbullah Jones for appellants. No appearance for appellee.

MR. JUSTICE ROBERTS delivered the opinion of the Court.

According to the record, Iris Cole-Larston was married to Maximillian E. G. Thompson on April 25, 1958. Thereafter they lived together in Liberia until 1959, when they changed residence to the Federal Republic of Nigeria. Apparently, this marriage became distasteful, Mrs. Cole Larston returning to Liberia in 1965. It was then she filed an action of divorce alleging cruelty, in the Civil Law Court, Montserrado County. The case was heard during the March Term, 1966, and on April 20, Hon. Robert J. W. Azango, rendered a decree affirming and confirming the verdict of the jury, in favor of the plaintiff.

Shortly thereafter Mrs. Iris Cole-Larston died. Whereupon, Leonora Iris Cole-Larston, Cecil Walter Cole and Olive Marie Cole, legatees of Mrs. Cole-Larston, and Mrs. Sataria DeShield, best friend of the deceased, petitioned the Monthly and Probate Court for Montserrado County during its September Term, 1966, presided over by Hon. Gbafflen Davies, Judge of the Monthly and Probate Court, praying for letters of administration, which were ordered issued on September 12.

Mr. Thompson, divorced by his wife prior to her death, ending their childless marriage, petitioned the court in 1967, presided over by Judge Charles H. D. Simpson, to be appointed co-administrator of the estate of Iris Cole-Larston. Counsel for respondents in resisting the petition brought the 1966 divorce decree to the attention of the court. Respondents argued further that generally a widower cannot interfere with the estate of his widow, unless he holds the estate as a tenant by courtesy by virtue of issue of the marriage. In this case, they argued, since there were no issue of the marriage, the property descended to the next of kin of the widow.

Judge Simpson ruled lengthily, in substance holding that marriage is a special relationship, that he perceived

various procedural and jurisdictional failure in the divorce proceedings, that the unavailability of three children of decedent required the services of another representative, and, therefore, all appointments except the best friend's were revoked and the divorced husband substituted therefor as co-administrator of the estate.

It is patently clear that the Judge not only reviewed, set aside, and made null and void the acts of his predecessor in office, Judge Gbaflan Davies, but also conferred upon himself appellate jurisdiction to review the acts of the circuit judge who granted the divorce.

This Court has said that a court has no power to interfere with the judgment of another court of concurrent jurisdiction. *Republic of Liberia v. Aggrey* 13 LLR 469 (1960).

It was also ruled by this Court in *Freeman v. Gibson et ano*, 7 LLR 227 (1941), that a commissioner of probate whose jurisdiction is inferior to that of a judge of a circuit court, cannot set aside a ruling of a circuit judge.

The Court in that case also held that final judgment puts an end to a suit unless an appeal is taken. Otherwise, jurisdiction cannot be resumed without an order from a higher court.

There is no uncertainty that the judge did not review, disregard and countermand the decree of Judge Azango ending the marriage of Mrs. Cole-Larston and Mr. Thompson. For had the Judge recognized said decree, as well as his legal incompetency to reverse it, he would not have granted the petition of Mr. Thompson, made manifest when the final decree of the court was made profert with the return. The case of *Railey v. Brewer et ano.*, 9 LLR 64 (1945), is not in point, for in that case the Court held that a decree of distribution by a Commissioner of Probate is in error if it grants rights to a person claiming as widow of the decedent where there is some question about whether she had been divorced. In the

case before us, moreover, there is not only a mere allegation in respect to the divorce, but also proof of the divorce decree.

In addition, an administrator or administrators regularly and legally appointed by a court of competent jurisdiction, should not be disturbed, except for good cause shown after confrontation and evidence thereof. So the Court has held in *Dennis et al. v. Weeks et al.*, 11 LLR 317 (1952), where it ruled that an administrator may be removed only upon evidence of improper conduct and after he has had an opportunity to defend himself.

In view of the foregoing, we are of the opinion that the ruling of Judge Simpson in respect to the appointment of Mr. M. E. G. Thompson as co-administrator should be and is hereby reversed and the heirs of Iris Cole-Larston restored to their former status in keeping with the ruling of Judge Gbaflan Davies of the Monthly and Probate Court for Montserrado County, with costs of these proceedings against appellee.

Reversed.