

JIMMIE GAIGUAE, Appellant, v. HON. PETER
BONNER JALLAH, Stipendiary Magistrate,
Commonwealth District of Monrovia, JOSEPH S.
MORRIS, and all other officers of the court,
Montserrado County, Appellees.

APPEAL FROM DENIAL OF A WRIT OF PROHIBITION BY THE JUSTICE IN
CHAMBERS TO THE MAGISTRATE'S COURT, COMMONWEALTH DISTRICT
OF MONROVIA.

Argued October 20, 1970. Decided January 21, 1971.

1. A writ of prohibition properly lies when it seeks to prevent courts or tribunals from assuming jurisdiction not legally vested in them.
2. Prohibition is not the remedy when the writ sought is to correct errors or irregularities in such court or tribunal, when the relief then lies in appeal, writ of error, or certiorari.
3. The Supreme Court will only take cognizance of matters appearing on the record in the court below.
4. Litigants are required to protect their own interests and may not rely on the courts to do for them the things they should do for themselves.

Appellant was denied a writ of prohibition by the Justice presiding in chambers, which he sought to obtain against the stipendiary magistrate for various irregularities he alleged were committed in eviction proceedings in the lower court, where he was the unsuccessful respondent. His appeal is from the Justice's ruling. Ruling affirmed.

Joseph J. Chesson for appellant. *Joseph Williamson* for respondents.

MR. JUSTICE WARDSWORTH delivered the opinion of the Court.

Upon the complaint of Joseph S. Morris an action of summary ejectment was instituted against petitioner in these proceedings. Endorsed on the back of the writ of

summons in the Magistrate's Court is the record of its disposition.

"Case called, parties present. From the evidence adduced at the trial, the court rules and adjudges that the defendant is liable in the action against him and is ruled to vacate the plaintiff's premises immediately. At this stage, Plaintiff, through his counsel, Samuel E. H. Pelham, prays for a writ of possession.

"By court. Granted. The clerk of this court is hereby ordered to issue a writ of possession and place it in the hands of the ministerial officer to have the defendant ousted, evicted and ejected from the plaintiff's premises, and to place plaintiff in possession of his property. Dated this 5th day of March, 1968.

"[Sgd.] PETER BONNER JALLAH,
Stipendiary Magistrate,
Commonwealth District."

It is evident the petitioner herein was present when the case was tried, and he failed to except to the ruling of the magistrate in order to appeal his case.

Petitioner thereupon applied for a writ of prohibition to the Justice presiding in chambers. It is from the denial of the peremptory writ by the Justice that he appeals.

He based his petition upon various grounds, including denial of a request for postponement, confusion of a debt action with the action of summary ejection and a certain oral agreement he had with respondent for his continued occupation of the premises.

Respondent denied the truth of many of petitioner's allegations and maintained that petitioner had brought an incorrect proceeding, since prohibition is not the remedy herein.

The attempt to raise issues of irregularities in the court below, unsupported by any showing in the record, is contrary to the law, for the Supreme Court will only take cognizance of matters of record. *Bryant v. African Produce Company*, 7 LLR 93 (1940).

The proper approach of the petitioner, since he was present at the trial, should have been his exception to any ruling and appeal upon the record.

“It is the duty of litigants, for their own interest to so surround their causes with the safeguards of the law as to secure them against any serious miscarriage and thereby pave the way to the securing of the great benefits which they seek to obtain under the law. Litigants must not expect courts to do for them that which it is their duty to do for themselves.” *Blacklidge v. Blacklidge et al.*, 1 LLR 371 (1901).

As to the remedy chosen, petitioner has obviously selected incorrectly, for prohibition clearly does not lie herein.

“Prohibition prevents inferior courts or tribunals from assuming jurisdiction not legally vested in them. It cannot correct errors and irregularities committed in a trial, for adequate and complete remedy therefor lies in appeal, writ of error, or certiorari.” *Fazzah v. Nat. Economy Committee*, 8 LLR 85 (1943).

Therefore, in view of the foregoing, the ruling of the Justice is hereby affirmed, with costs against the petitioner.

Affirmed.