

J. DOSSEN RICHARDS, Appellant, v. THE  
COMMERCIAL BANK OF LIBERIA, INC.,  
Appellee.

APPEAL FROM THE DEBT COURT, MONTSERRADO COUNTY.

Argued March 22, 1971. Decided May 28, 1971.

1. In an appeal pending in the Supreme Court, a motion attacking the jurisdiction of the trial court will be considered prior to a motion brought by appellee to dismiss the appeal before the Court.
2. A motion challenging the jurisdiction of a lower court may be made at any stage of the proceedings, including the appellate court.
3. An action of debt for less than \$2,000.00 may not be instituted in the Debt Court.

An action of debt was brought in the Debt Court by appellee for under \$2,000.00. Judgment was obtained against defendant and an appeal therefrom taken. A motion to dismiss the appeal was brought by appellee, at which time appellant made a motion to dismiss the action on the ground the Debt Court had lacked jurisdiction. The Supreme Court *granted the motion* brought on jurisdictional ground, holding that an action in debt for less than \$2,000.00 should not have been entertained, as the statute creating the Debt Court recites.

*J. Dossen Richards pro se*, for appellant. *Joseph Williamson* for appellee.

MR. JUSTICE WARDSWORTH delivered the opinion of the Court.

The above-entitled cause of action was instituted by plaintiff-appellee in the Debt Court for Montserrado County, in the month of October 1969. The case was duly tried and final judgment rendered in favor of plaintiff on January 2, 1970. It is from this final judgment of the trial court defendant excepted and announced an in-

tention to appeal to this Court. When called for argument in keeping with assignment, the Court was informed that appellee had filed a motion to dismiss appellant's appeal on March 4, 1970, to which motion there is no resistance filed by the appellant. On the other hand, appellant filed a motion entitled "Appellant's motion to dismiss for want of jurisdiction of the trial court over the subject matter," which was filed in the Clerk's Office of this Court on March 19, 1970, to which motion appellee filed a resistance. Appellant's motion now under consideration attacks the jurisdiction of the trial court over the cause of action. Therefore, it supersedes that of appellee's to dismiss the appeal.

Appellant contends that actions for debt under \$2,000.00 cannot be brought in the Debt Court. Appellee's argument is that this Court cannot consider appellant's motion for failure to properly appeal from the judgment.

However, appellant's motion attacks the action itself and not the judgment and is well grounded.

The trial judge should have refused to sanction an action brought in the Debt Court for \$1,675.96, since the Act creating the Debt Court conferred jurisdiction upon it of exclusive jurisdiction only where the amount sued for is not less than \$2,000.00.

As to contesting the right of appellant to raise a jurisdictional issue at this stage of the proceedings, this Court has held in *Hill v. Republic of Liberia*, 2 LLR 517 (1925), that where want of jurisdiction over the cause appears upon the record, it may be taken advantage of by a plea in abatement or objection made to jurisdiction at any stage of the proceedings; for any act of a court beyond the jurisdiction conferred upon it by law is null and void.

In view of the foregoing, appellant's motion is hereby granted with costs against appellee.

*Motion to dismiss the action granted.*