

ROSE A. C. BROWN and T. W. D. LEIGH, Appraisers of the Estate of JOHN A. BROWN, Petitioners, v. His Honor EDWARD J. SUMMERVILLE, Resident Circuit Judge of the Second Judicial Circuit, Respondent.

PETITION FOR WRIT OF PROHIBITION.

Argued February 10, 1935. Decided February 11, 1935.

1. The estate of a decedent having property in more than one county of the Republic may be administered in any of the counties where the property is located by the Probate Division of the Circuit Court of that county.
2. A writ of prohibition will be issued against a Circuit Court Judge ordering him to cease from exercising further jurisdiction over an estate for which appraisers have been appointed by the Circuit Court of another county where property of the decedent is located.

Petitioners, who have been appointed by the Circuit Court of the First Judicial Circuit as appraisers of the estate of John A. Brown, petition for a writ of prohibition to be issued against Judge Edward J. Summerville, resident Circuit Court Judge of the Circuit Court of the Second Judicial Circuit, compelling him to desist from exercising jurisdiction over said estate. *Petition granted.*

*P. Gbe Wolo* for petitioners. *Judge Edward J. Summerville* for respondent.

MR. JUSTICE RUSSELL granted the writ in chambers.

Rose A. C. Brown, widow of the late John A. Brown, and T. W. D. Leigh, appraisers of the estate of the aforesaid John A. Brown, petitioned this Court to cause to be issued out of this Court a writ of prohibition against His Honor Edward J. Summerville, resident Circuit Judge of the Circuit Court of the Second Judicial Circuit, commanding him to desist from exercising further jurisdiction over said estate because His Honor Nete Sie Brownell, Circuit Judge resident in the First Judicial

Circuit, upon the petition of Rose A. C. Brown, widow of the late John A. Brown, one of the petitioners, had taken jurisdiction over said estate and appointed them, the petitioners, and George A. Brown appraisers of said estate. When on the seventh day of February, 1935, a writ was issued against His Honor Judge Summerville to appear and show cause why said writ should not be issued, he submitted the following as his observations and defense:

"1. The Statutes of Liberia divide the territory of Liberia into five counties, each containing a Probate Court exercising jurisdiction over all matters of a Probate nature in their respective counties. And hence one Probate Court cannot extend its jurisdiction into or over anything, or property which is rightfully situated in another county, and therefore under the jurisdiction of the Probate Court of that county. Such a procedure would bring endless confusion never contemplated by the statute delimiting each county, and defining the jurisdiction of its particular Probate Court. So it would seem, therefore, that so long as it was shown that Mr. Brown had previously and for many years made his home in Bassa County, that his dwelling house and considerable other property were there, that his family from the time of marriage always resided there and made their home in his dwelling house, the Probate Court of that county had jurisdiction to order the administration of his estate, for no order ruling or judgment of a Probate Court in any other county could affect property situated in that county.

"2. Although Mrs. Brown, the widow, applied for the administration of said estate in Montserrado County, Judge Summerville respectfully submits that even her consent could not give jurisdiction to the Court in said county when the law had previously withheld same.

“3. It is erroneous to contend that although a man may be living in another county at the time of his death, simply because he may possess property in another the court in this latter county can take jurisdiction and administer his property all over Liberia.”

After a careful consideration of the contentions of petitioners and respondent, we have arrived at the following conclusions:

(1) That inasmuch as the late John A. Brown had both real and personal estates in the counties of Montserado and Grand Bassa, his said estate could be administered in any of the counties by the Probate Division of the Circuit Court of that county.

(2) Inasmuch as the petition was duly filed first with His Honor Nete Sie Brownell, resident Circuit Judge for the First Judicial Circuit, and he has taken jurisdiction over said estate by appointing appraisers to appraise said estate, it is therefore the opinion of this Court that the intent of our statute for the administering of an intestate estate has been fully complied with.

(3) The petition of the petitioners should therefore be granted, and a writ of prohibition be ordered issued against His Honor Edward J. Summerville, resident Circuit Judge for the Second Judicial Circuit, Grand Bassa County, to forthwith desist from exercising further jurisdiction over said estate; and the cost of these proceedings should be paid forthwith by the petitioners out of the aforesaid estate; and it is hereby so ordered.

*Petition granted.*