

THE BOARD OF TRUSTEES OF MONROVIA
COLLEGE AND INDUSTRIAL TRAINING
SCHOOL, through WILLIAM H. KETTER, Secre-
tary, Pastor HOPE, Treasurer, and Others of the Board,
Appellants, v. J. B. F. COLEMAN, Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST JUDICIAL
CIRCUIT, MONTSERRADO COUNTY.

Decided February 9, 1933.

1. When a jury is sworn, the complaint and subsequent pleadings not ruled out are read and explained and the oral evidence marshalled so as to enable the jury to draw their conclusions from the facts and render a true and valid verdict for which they were sworn.
2. A verdict, to be valid, must be in conformity with the facts submitted and must not rest chiefly upon the court's charge to the prejudice of either party.

In an action of debt brought in the Circuit Court, judgment was given for plaintiff. On appeal to this Court on a bill of exceptions, *remanded*.

D. C. Karanda for appellant. *Coleman* and *Simpson* for appellee.

MR. JUSTICE PAGE delivered the opinion of the Court.

This appeal grows out of an action of debt brought by the appellee against the appellant representing the Board of Trustees of the Monrovia College and Industrial Training School in the Circuit Court for the First Judicial Circuit, Montserrado County, at its November term, 1931, the same being finally determined at the August term, 1932.

The appellants, not being satisfied with the final determination of the case, appealed to this Court upon a bill of exceptions containing twenty-three counts, each count containing errors complained of in several rulings of his honor the trial judge; also the validity of the verdict of

the jury and the judgment of the court founded thereon as not being predicated upon a legal and valid verdict of the jury.

On a review of the bill of exceptions we observe count one to complain against the court for ruling the case to the trial docket to be tried by a jury after reviewing the law issues. This exception is not well founded because the rule of the Circuit Court directs the prior hearings and determination of issues of law and if the case embodies issues of fact the case shall be transferred to the trial docket for trial by jury under the direction of the court. In this ruling of the court there was no error. As to exception 2, it was error on the part of the court to sustain the objection to the question put to witness on cross examination to wit:

“To whom have you accounted for the amount of one hundred dollars scholarship paid over to you for one Momolu Cooper of Monrovia College during your incumbency, and if so, when?”

We are also of the opinion that the court erred in the third count of the bill of exceptions in sustaining objections to counts 4, 5 and 8 as set up in said bill of exceptions, for it was manifest error on part of the court to disallow questions put to witness because said questions were not in themselves vexatious, annoying or hypothetical.

It has been set up in count 20 of said bill of exceptions “that the petit jury returned a verdict in favour of plaintiff predicated chiefly upon the court’s charge, to the prejudice of the defendants, to which exceptions the trial judge subscribed as being correct by his approval of, and signature to, said bill of exceptions.” See bill of exceptions. The said verdict is therefore rendered invalid as a verdict because a verdict to be valid must be in conformity with the facts submitted and must not rest chiefly upon the court’s charge to the prejudice of the defendant so when a jury is sworn, the complaint and subsequent

pleadings are read and explained and the evidence marshalled, examined and submitted to the jury to enable them to draw their conclusions from the facts in issue and render that true and valid verdict for which the oath was taken.

We are therefore of the opinion that in view of the foregoing, this Court is not in position to consider the case and determine it in accordance with law and justice.

The case is therefore remanded for trial of the issues of facts contained therein so that a legal verdict and judgment may be rendered in the premises. And it is hereby so ordered. The Clerk of this Court is hereby ordered to transmit a mandate to the court below as to the effect of this judgment.

Remanded.