

TARPLAH TEAH, Petitioner, v. TARPLAH TEE-
TEE and Their Honors E. J. S. WORRELL, and
AARON J. GEORGE, Judges, First Judicial Circuit,
Respondents.

WRIT OF ERROR TO THE CIRCUIT COURT OF THE FIRST JUDICIAL
CIRCUIT, MONTSERRADO COUNTY.

Decided February 9, 1933.

1. When the question of dowry is involved, no man shall be permitted under Interior Department Regulation of 1931 to refund to the husband the dowry paid by such a husband for his wife. All dowry shall be paid only to the parents of the woman or the person standing *in loco parentis*.
2. Where a woman is without parents or relatives standing *in loco parentis*, she shall be considered the ward of the tribal authority.
3. Should a woman desire to leave her husband, she must go back to the control of her parents who shall be held responsible in a proper case to refund to her husband the dowry paid for her.

On application of the petitioner to the court of the Governor of Krootown for refund of dowry by respondent, Tarplah Teetee, a writ of execution issued returnable before the Circuit Court of the First Judicial Circuit. The Circuit Court dismissed the execution and ruled the petitioner to costs. On writ of error to this Court, *reversed and remanded*.

D. C. Caranda and *Nete-Sie Brownell* for petitioner-in-error. *James A. Gittens* for respondents.

MR. JUSTICE PAGE delivered the opinion of the Court.

This case comes up to this Court by a writ of error with the following assignment of errors:

- “(a) That in the year 1924 petitioner was married to his wife Tarplah Teetee under the native customary law in Krootown, Monrovia. That in December, 1930, the said Tarplah Teetee renounced her relationship with petitioner-in-error

and declared her desire to return petitioner's dower. Wherefore petitioner in February, 1931, applied to the Kroo Governor's court for his dower and after due adjudication, judgment was entered for petitioner for the dower under the native customary law to the amount of \$223.76; respondent Teetee, not having the amount to pay forthwith, prayed for time to pay, and the court granted respondent four weeks. Upon further application by petitioner to the court, respondent appeared in court and told the court that she did not have the money nor would she give any bond for the payment of the money and asked the court to commit her to prison. Whereupon the court issued an execution against the said Teetee for the payment of said amount. Upon said execution being returned before His Honour E. J. S. Worrell, assigned to the First Judicial Circuit on the 29th of March, 1932, said Judge heard objections of respondent Teetee who contended that there was no complaint, writ of summons or any other written pleadings from the Kroo Governor's court upon which the Circuit Court could base a hearing of the execution.

“(b) That the Governor of Krootown as such could not issue a writ of execution.

“(c) That said execution was not stamped, hence the court should dismiss same and rule plaintiff, now petitioner, to costs.”

The court reserved judgment for a while and afterwards entertained the objections and dismissed the execution and ruled petitioner to costs.

On the 30th of March when the court met with His Honor Aaron J. George presiding, petitioner's counsel asked the court to review the matter of the execution held the day before on the grounds that he was representing

petitioner Tarplah Teah and had not been notified of taking up of the matter on the day before; that Tarplah Teah was being held for the costs of the execution proceedings; and that Judge George should hear the whole matter and give final judgment.

Tarplah Teetee through her counsel opposed the application to the judge on the ground that the doings of Judge Worrell could not be reviewed by Judge George. Judge George held that he would have nothing to do with the matter, the execution proceedings having been finally determined by Judge Worrell.

On a review of the aforesaid errors, we are of the opinion that the act of Judge Worrell in assuming jurisdiction over and dissolving the execution of the Governor of the Borough of Krootown is erroneous and contrary to the Act of the Legislature approved January 29, 1916, incorporating the Borough of Krootown and fixing the judicial powers of the Governor thereof. Further, that the judgment of the Governor of Krootown, requiring Tarphah Teetee, the wife of Tarplah Teah, to make restitution to her husband, the dowry money paid for her by the husband is also erroneous and contrary to the administrative Regulations of the Department of Interior, 1931, page 19, section 102, which prescribes that "where the question of dowry is involved, no man shall be permitted to refund to the husband the dowry paid by such a husband for his wife. All dowry shall be paid only by the parents of the woman or the person standing in the place of the parents. In the exceptional case where a woman is without parents or relatives standing *loco parentis*, she shall be considered the ward of the tribal authority." Section 103: "Should a woman desire to leave her husband, she must go back to the control of her parents who shall be held responsible in a proper case to refund to her husband the dowry paid by him for her."

This Court therefore adjudges that the case and subject

matter of dowry paid by Tarplah Teah for his wife Tarplah Teetee be referred to the Governor of the Borough of Krootown who took original jurisdiction over said cause and the parties and that he be instructed and is hereby ordered to enforce collection of the dowry money paid by Tarplah Teah for his wife from the parents of the said Tarplah Teetee with all costs of this case and pay same over to petitioner-in-error and in case where the said Tarplah Teetee is without parents or relatives standing *in loco parentis*, said dowry is to be collected from the tribal authority of the said Tarplah Teetee. And the Clerk of this Court is hereby ordered to send a mandate down to the Governor of the Borough of Krutown as to the effect of this judgment, and it is hereby so ordered.

Reversed and remanded.