

**REVIEW OF A WRIT FOR CONTEMPT ISSUED AGAINST JUDGE J. J.
CHEESEMAN.
LRSC 2; 1 LLR 209**

[January Term, A. D. 1887.]

The motion of Judge J. J. Cheeseman of the Court of Quarter Sessions, Grand Bassa County, is addressed to this court to stay further proceedings in this matter of alleged contempt, and to discharge him from further attendance on this court, alleging as the ground of the motion that the citation issued upon him requiring his appearance before this court, is not authenticated by the signature of the clerk and seal of the court, and that it is not addressed to the marshal of the Supreme Court.

In respect to the motion this court says, it is a well approved maxim of law that there can be no plea against an action which entirely destroys the plea. Proceedings in matters of contempt may be properly classed with such peculiar actions as may be brought within the rule, but considering the circumstances surrounding this case we hesitate not to give expression on the merit of the motion.

First, the court says it is not necessary that any writ or process whatever, issued under the authority of law by either of the justices of the Supreme Court in the recess of the court, and bearing the official signature of the justice who issued it, should have the seal of the court on it to make it valid and of force in law, because it is reasonable to suppose that neither of the justices would or could carry with him the seal of the court out of the clerk's office where it properly belongs, so that the impress may be conveniently affixed upon writs and other processes issued by them. If our supposition is correct, it must be admitted that it harmonizes with this well settled maxim, which declares that "whatever appears within the reason of the law ought to be considered within the law itself."

Second, that the citation ought to have been directed to the marshal, is a good plea. This plea, however, only affects an abatement in the proceedings in the case instituted under the citation, leaving Judge J. J. Cheeseman still in alleged contempt to this court, and liable to be brought before it again to answer interrogatories, under penalty of a writ of attachment.

The court is of the opinion that the good order and harmony of the judiciary demands an investigation of the case and a final disposition of the same. But in considering the merits of the motion, this court rules that it is not necessary that the citation have the seal of the Supreme Court to make it valid and of force in law. Notwithstanding, the proceedings in this case under said citation is abated, because it was not directed to the marshal of the Supreme Court, and the said Judge J. J. Cheeseman is hereby discharged from the allegations of his recognizance.