

MUSA KARNEH, Informant, *v.* **HIS HONOUR BOIMA K. MORRIS**, Assigned Circuit Judge presiding over the Eighth Judicial Circuit, Nimba County, November Term, A. D. 1979, and **MAMADEE KABA et al.**, Respondents.

INFORMATION PROCEEDINGS FROM THE CIRCUIT COURT FOR THE
EIGHT JUDICIAL CIRCUIT, NIMBA COUNTY.

Heard: June 23, 1982.

Decided: July 8, 1982.

1. No single Justice of the Supreme Court can legally issue any restraining writ to adversely affect any decision of the Supreme Court *en banc*.
2. Where a matter is pending before the Supreme Court or where an issue or a case has been disposed of partly, or entirely by this Court, an act of a single Justice which interferes with that function of the Full Bench, is violative of the limited function of a single Justice.

During the August Term of the Eight Judicial Circuit Court, Nimba County, His Honour Daniel Draper, presiding by assignment, ruled in a summary investigation in favor of Musa Kanneh, informant in these proceedings. In his ruling, Judge Draper held that Informant should have priority to the disputed property and accordingly his two (2) town lots for which his tribal certificate called, should first be surveyed and thereafter the balance be surveyed for the other contending parties. No exceptions were taken from this ruling and no appeal was announced by any of the parties. The ruling of Judge Draper was subsequently revoked by Judge Roderick Lewis and the survey stopped. Although exceptions were noted and an appeal announced, the case could not be heard on its merits as the appeal was dismissed on grounds of a defective appeal bond. Hence, the Eight Judicial Circuit Court was mandated to resume jurisdiction over the case and to enforce its judgment.

Attempts at the execution of this mandate set the stage for a series of bills of information culminating into the instant one, all of which present the singular issue as to which of the rulings of the Eight Judicial Circuit Court should be enforced: the ruling of Judge Draper to which no exceptions were taken and no appeal announced, or the ruling of Judge Roderick Lewis, the appeal from which was dismissed by the Supreme Court.

The Supreme Court held that the ruling of Judge Roderick Lewis revoking the ruling of Judge Draper with whom he held concurrent jurisdiction was *void ab initio* because he could not legally do so, and accordingly, mandated the Eight Judicial Circuit Court to resume jurisdiction and enforce the mandate of Judge Draper.

The execution of the mandate of the Supreme Court was stopped, however, by the ruling of Justice Henries, then Justice in Chambers, on a bill of information filed subsequent to the mandate of the Supreme Court. In his ruling, Justice Henries held that the amount ordered by Judge Draper to be paid by Informant Musa Kanneh had not been paid; hence, Musa Kanneh was not entitled to benefit from Judge Draper's ruling. It is from this ruling of Justice Henries that the present

information grew.

The Supreme Court, upon review of the records, discovered that the amounts ordered by Judge Draper had been paid in full. Holding that no single Justice of the Supreme Court can legally issue any restraining writ to adversely affect any decision of the court *en banc*, vacated the orders of Justice Henries and mandated the Eight Judicial Circuit Court to resume jurisdiction over the case and place Musa Karneh in effective possession of the property as ruled by Judge Draper.

M. Fahnbulleh Jones appeared for informant, while *P. Amos George* appeared for respondents.

MR. AD HOC JUSTICE KOROMA delivered the opinion of the Court

This bill of information grows out of a fifteen-year old land dispute between and among members of what seems to be one family in Sanniquellie, Nimba County. Because of the circumstances and causes attending this case, which have prevented the final settlement of the controversy since 1967, when the ruling terminating it was given and upheld by this Court in December, 1975, in a bill of information proceedings, it becomes judicially necessary to give the chronology of this case for the benefit of this opinion. We set the pace for this task by reiterating the statutes and PRC Decree #3 which specifies that the decision of the Supreme Court is absolute and final; that a party against whom a final judgment is rendered, and who fails to announce the taking of an appeal at the time of the rendition of the judgment and to take the necessary steps to complete the appeal during the time allowed by statute, cannot thereafter seek a review of the matter by the appellate court; and that the appellate court cannot legally adjudicate any such matter not brought to it on appeal. PRC Decree #3, establishing the People's Supreme Tribunal, now the People's Supreme Court; and Civil Procedure Law, Rev. Code 1: 51.2.

Samuka Karneh and Varfeh Karneh were two brothers who lived in Sanniquellie, Nimba County, and who died intestate leaving their widows, children and one brother, Mamadee Kaba, one of the informants in several bills of information proceedings decided by this Court. Mamadee Kaba also died thereafter. The two dead brothers are said to have possessed two parcels of land under the strength of a tribal certificate and on which parcels of land they are said to have built two mud houses. Musa Karneh, the informant in these proceedings, claimed ownership to the said parcel of land on the strength of a tribal certificate.

This dispute over the parcel of land found its way to the courts at the genesis of what seems to have mushroomed into an endless litigation, when, in 1967, Musa Karneh petitioned the probate division of the Eight Judicial Circuit Court.

The Court observed that there were three contending parties claiming ownership to the parcel of land, namely: Musa Karneh, the petitioner; Mamadee Kaba, the surviving brother of the two deceased brothers and the two widows, Madame Massalam Kromah; and Mankro Fofana. The presiding judge organized a Committee to investigate into how long the claimants had squatted on the parcel of

land and as to when their respective certificates under which they claimed were issued. The Committee, in its report, observed that Musa Karneh, the petitioner, was in possession of the oldest certificate issued as far back as 1950. One of the respondents, Mamadee Kaba, was in possession of a certificate issued in 1963 and that he had erected a house on the disputed land. The Committee also observed that the widows of the two deceased brothers, Madame Massalam Kromah and Mankro Fofana, were occupying two houses built and left by their deceased husbands on the disputed land, but there was no certificate available to establish their documentary title. Based upon the report of the committee, Judge Draper ruled that petitioner Musa Karneh, being holder of the older certificate for the disputed land, should have priority. In this regard, he ordered that the two town lots for which his certificate called, should first be surveyed and thereafter one lot for each of the other contending parties should be surveyed from any unoccupied land in the area. Judge Draper also ordered, that the said petitioner, Musa Karneh, should pay to the two widows of the deceased brothers through the office of the sheriff of Nimba County the amount of \$1,600.00 within 30 days. Of this amount, \$900.00 was to be paid to Madam Massalam Kromah, widow of Samulka Karneh and \$700.00 to Madam Mankro Fofana, widow of Varfeh Karneh for the two mud houses erected on the disputed parcel of land by their late husbands.

His Honour Judge Draper went further to rule that surveyor Dagadu, who was ordered to survey the land for the petitioner and the other two parties, should make his returns to the chambers of the Eight Judicial Circuit Court upon the execution of the court's order. He concluded his ruling by saying that if Musa Karneh, the petitioner failed to pay the \$900.00 and \$700.00 to Madame Kromah and Fofana, respectively, then in that case the two widows should retain the spot, and have same surveyed fractionally to cover the two lots of Informant Musa Karneh. To this ruling of Judge Draper, no exceptions were taken or an appeal announced therefrom by any of the parties. Under the doctrine of *res judicata*, it is held that a "ruling which puts finality to a controversy is a final judgment of the court and, if not appealed from, is conclusive against the parties and the doctrine of *res judicata* will apply where any of the parties attempts to resurrect the issue. A final judgment or decree on the merits by a court of competent jurisdiction is conclusive of rights of the parties and/or their respective privies in all later suits on points and matters determined in former suit." BLACK LAW DICTIONARY (4th ed).

Appeal is a matter of right in our jurisdiction and every person against whom any final judgment is rendered shall have the right to appeal from the judgment except that of the Supreme Court. The decision of the Supreme Court shall be absolute and final; Civil Procedure Law, Rev. Code 1: 51.2. Unless an appeal is announced by a party and perfected in keeping with the appeal statute, the appellate court is without jurisdiction to review any such matter. It would be an untold trouble and endless confusion in a constituted government for any appellate court or any agency of government not clothed with judicial function to attempt to review or caused to be reviewed, a litigated case from which no appeal was taken to the proper judicial forum and determine the judgement not appealed from.

Judge Draper's ruling on the estate matter as given on the 21st day of September 1967,

from which no appeal was taken, was conclusive against the parties and puts finality to the issues of ownership of the subject property for all intents and purposes no matter how erroneous it might have been. Any attempt by this Court of final resort to review the final judgment of the trial court from which no appeal was announced and taken by any of the contending parties will open a floodgate for confusion into the judicial system of the country. Thus, the estate matter ought to have ended then.

This case, however, found its way back into the court room, when the survey ordered by Judge Draper's ruling was being conducted by Surveyor C. K. Dagadu. Musa Karneh, the successful party in the estate matter ruled upon by Judge Draper, not being satisfied with the manner in which the survey was being conducted, instituted a bill of information proceeding against the Surveyor Dagadu and Deputy Sheriff Sammy Gio. His Honour Roderick Lewis, presiding over the August 1968 Term of the Eighth Judicial Circuit Court, heard and disposed of this bill of information confirming the ruling of Judge Draper. We quote the relevant portions of this ruling for the benefit of this opinion.

"... From an inspection of the copy of a receipt, this court observes that on the 20th day of October, 1967 petitioner Musa Karneh paid to the Sheriff John Sawyer of Nimba County the sum of \$500.00 as part payment in connection with the judgment, referred to *supra*.

On yesterday the 18th instant, Petitioner Musa Karneh exhibited to court a check bearing number 0490 drawn on the Bank of Liberia for an amount of \$1,100.00 which he had deposited to complete payment in full. Said Check was ordered turned over to the Administrator Abdulai Karneh of the intestate estate. The court would like to remark that in keeping with Judge Draper's former ruling, payment of \$1,100.00 was to be made to the sheriff of Nimba County but this ruling was amended subsequently to direct payment to the Administrator Abdulai Karneh and this is what Petitioner Musa Karneh did with the said amount. Certified copy of the receipt of the \$500.00 is hereto annexed.

In view of the foregoing legal and factual reasons and ruling in the matter, it is hereby decreed that Mr. Dagadu, public land surveyor for Nimba County, be and is hereby ordered to survey in favor of petitioner Musa Karneh the said two lots and thereafter he shall prepare the relevant deed supported by a surveyor's certificate to be probated and registered. During the interim, the Clerk of this Court may issue unto Petitioner Musa Karneh a writ of possession directed to the sheriff to put said Musa Karneh in possession of said parcel of land, that is to say the two lots...."

Here again, there was no appeal announced from this ruling on the bill of information, thereby putting finality to the controversy which had warranted the filing of the bill of information. It should be noted here that although the Informant Musa Karneh did not join Mamadee Kaba, the surviving brother of the late Samuka Karneh and Varfeh Karneh, and the two widows, Massalam Kromah and Mankro Fofana, the losing parties in the estate matter as ruled upon by Judge Draper and confirmed by Judge Lewis, did not move the court to intervene or to be joined.

We assume, however, that Informant Musa Karneh could not have joined them as party-respondents, they having accepted Judge Draper's ruling and playing no part in the survey ordered by said ruling. We assume also that the said Mamadee Kaba, Massalam Kromah and Mankro Fofana could not have moved to intervene or be joined as party-respondents, they having accepted Judge Draper's ruling.

Quite strangely, one Abdulai Karneh said to be another surviving brother of decedents Samuka Karneh and Varfeh Karneh, and who on his own application had been appointed by Judge Tulay as administrator of the intestate estate during the November 1967 Term of the court, filed a letter of protest against the ruling of Judge Lewis hereinafter quoted despite the fact that he never moved the court to intervene or be joined in the bill of information proceedings filed by Musa Karneh and passed upon by Judge Lewis. In passing upon this protest on December 10, 1968, Judge Lewis against whose ruling of December 2 the protest had been filed, revoked not only his own ruling of December 2, 1968, but also that of Judge Draper in August 1967. As this subsequent ruling of Judge Lewis set into motion a chain of actions leading this case to finding its way on three different occasions to this Forum, we find it necessary to quote a relevant portion for the benefit of this opinion:

“.....with reference to the survey, we have received letter of protest against the same, particularly so, when the said mothers of decedents' children came to court and made us to understand that they do not wish to sell the property or any portion thereof and it would be illegal for a decree to be made to that effect except where the property was being taken by government and for just compensation. It is therefore adjudged that the decree handed down by Judge Draper, that upon the payment of one thousand six hundred (\$1,600.00) to the Administrator Abdulai Karneh, the surveyor should survey two lots and turn same over to appellant, is hereby revoked to all intents and purposes until Mr. Musa Karneh and all persons concerned can establish a bona fide possession..”

This ruling of the learned judge started a conglomeration of confusion in this case up to this point. Musa Karneh excepted to this ruling of Judge Lewis and announced an appeal to the Supreme Court but because his appeal bond was defective, the case was not heard on its merits as the appeal was dismissed upon motion, *Kaba et al. v. Karneh et al.*, 24 LLR 436 (1975).

From this juncture, the contention over the piece of property had become the subject of heated legal battle. Musa Karneh and his counsel, Counsellor Stephen Dunbar, were insisting on the enforcement of Judge Draper's ruling from which no appeal was taken, while Mamadee Kaba, Massalam Kromah and Mankro Fofana and their Counsel, the late John W. Stewart on their part, were insisting upon the enforcement of Judge Lewis' subsequent ruling revoking Judge Draper's ruling since the Honourable Supreme Court had dismissed the appeal taken therefrom and ordered the trial court to resume jurisdiction and enforce its judgment. Accordingly, on October 16, 1969, Musa Karneh addressed a letter to the then Chief Justice, the late A. Dash Wilson, requesting him to send a mandate to the judge of the Eighth Judicial Circuit Court to enforce the ruling of Judge Draper. Previous to this, the said Musa Karneh had complained to Mr. Justice Wardsworth then presiding in

Chambers of the irregularities attending the case. Predicated upon the complaint, Justice Wardsworth in February, 1968, instructed Judge Alfred Raynes to investigate said complaint and, if found correct, to enforce the ruling of Judge Draper. Unfortunately Judge Raynes resigned before he could carry out the instructions of the Chambers Justice. Chief Justice Wilson, who, apparently believing that the Supreme Court had decided the summary investigation in favor of Musa Karneh, sent a mandate to Judge Jeremiah Reeves who was then presiding over the November Term of the Eighth Judicial Circuit, 1970, commanding him to enforce the ruling of Judge Draper. Judge Reeves, not having found any records in the case, did not proceed any further and so the matter remained in abeyance.

On January 15, 1971, Chief Justice Wilson again addressed a letter to Judge Alfred Malobe ordering him to enforce the mandate in the case “Musa Karneh v. Mamadee Kaba”. In the enforcement proceeding, Judge Malobe ruled that Musa Karneh was entitled to the property and ordered the issuance of a writ of possession in his favor. As recorded in the opinion of this Court in the case *Kaba et al. v. Karneh*, 24 LLR 436 (1975), writs of possession and execution were ordered issued in favor of Musa Karneh on the 4th day of March 1971. For some reason not disclosed to the court, another set of writs of possession and execution were issued, this time, by the probate division of the Eighth Judicial Circuit Court in favor of Musa Karneh on the 26th day of April 1972. We assume for one reason or another, that these writs were never served to bring the matter to a close and so the confusion in the case intensified.

Mamadee Kaba, surviving brother of the two deceased brothers and their widows, Massalam Kromah and Mankro Fofana by and through their counsel, the late John W. Stewart, filed a bill of information before the Full Bench of this Court on the 5th day of April 1972, praying the Court to hold Musa Karneh and his counsel Stephen Dunbar in contempt for insisting on the enforcement of Judge Draper’s ruling which had been revoked by Judge Lewis, and which said ruling of revocation had been confirmed by the Supreme Court. Informants contended that respondents’ insistence upon the enforcement of Judge Draper’s ruling instead of that of Judge Lewis was contemptuous since it was the latter ruling that was confirmed by this Court upon the dismissal of Musa Karneh’s appeal. Before the Full Bench could hear this bill of information, the informants filed another bill of information on May 9, 1972, to the effect that while the matter was pending before the Full Bench undetermined, they had been evicted from the premises in question. Mr. Justice Henries then presiding in Chambers, instructed the Judge presiding over the May 1972 Term of court to stay any further proceedings until the matter had been heard by the Full Bench.

On the 12th day of July 1973, the respondents filed their returns and the bill of information was heard and decided by the Full Bench on December 31, 1975. *See* 24 LLR 436 (1975). Mr. Justice Horace, speaking for this Court, said and we quote: “The confusion in this matter has been brought almost entirely by judges of the lower courts and even the former Chief Justice who at one point instructed the judges to enforce the mandate of the Supreme Court. What mandate he had reference to is difficult to understand because certainly the mandate that was sent down after the dismissal of Co-respondent Karneh’s appeal because of defective

appeal bond could not make the erroneous ruling of Judge Lewis valid. The learned Justice went on to say: “We hold that Judge Lewis’ ruling revoking the ruling of his two colleagues of concurrent jurisdiction was void *ab initio* because he could not legally do so. This Court has held that a court has no power to interfere with a judgment of another court of concurrent jurisdiction. *Republic v. Aggrey*, 13 LLR 469 (1960); *Kanawaty et al. v. King*, 14 LLR 241 (1960).”

Justice Horace concluded by saying:

“It is our considered opinion, therefore, that respondents are not guilty of contempting this or any Court in the process of these proceedings and therefore the information is dismissed and the prayer to hold them in contempt is denied. We also hold that the only ruling in this case is that of Judge Draper as confirmed by Judge Tulay which was not excepted to nor an appeal announced therefrom. The Clerk of this Court is hereby directed to send a mandate to the court below to resume jurisdiction and enforce the ruling of Judge Draper which was entered at the August 1967 Term of Court and confirmed by Judge Tulay. Costs ruled against Informants. And it is hereby so ordered.

It is interesting to note here at this point, and we shall say more on it later, that except Mr. Justice Wardsworth who handled the matter in Chambers and therefore did not sit, all the other Justices, including Mr. Justice Henries, signed the judgment of the Court. In accordance with the judicial system of this country, the aforesaid judgment of this Court had put a finality to the controversy and any attempt made thereafter to disturb this final determination, can only be reviewed as intending to undermine the dignity and integrity of this Court and the independence of the judiciary of the country.

This mandate as ordered by the Court in the opinion just quoted above, was far from bringing the controversy to an end. Hence, the legal battle and confusion referred to by Justice Horace seemed to have just begun.

His Honor Galimah D. Baysah, then presiding over the February 1976 Term of the Eighth Judicial Circuit Court, received the mandate from this Honourable Court for enforcement. On March 3, 1976 immediately following the reading of the Mandate in the presence of the parties, Judge Baysah received a bill of information from the Chambers of Mr. Justice Henries. Feeling that there was no prohibition proceeding against the enforcement, Judge Baysah proceeded to enter orders to enforce the Mandate. Thereupon, another bill of information was filed against him, Musa Karneh and Counselor Stephen Dunbar as respondents. The informants were Bankala Karneh, Abdulai Karneh, Morayman Karneh, Manegbah Karneh and Fanta Karneh, said to be the heirs of the two deceased brothers Samulka Karneh and Varfeh Karneh and unconnected with the bill of information proceedings already decided by the Supreme Court ordering the enforcement of Judge Draper’s ruling. Because of the allegations laid in this last bill of information against Judge Baysah, he could not proceed further with the enforcement of the Mandate.

Mr. Justice Wardsworth, while speaking for this Court at the disposition of the bill of

information said the followings:

“The mandate of this Court dated December 31, 1975, was issued under the seal and over the signature of the Clerk of the Supreme Court of Liberia to enforce the judgment of His Honour Judge Draper. In attempting to enforce the judgement as commanded by the Supreme Court in its Mandate hereinabove referred to, informants obstructed the enforcement thereof and filed the information now under consideration. With respect to the alleged failure of the respondent to make payment in settlement of the property which was ordered to be turned over by His Honour Judge Draper to Respondent Musa Karneh in pursuant to records in this case, it is discovered that the amount was paid in full to the informants in keeping with the judgment referred to *supra*. Therefore, the contention of informants that the amount had not been paid for the property was misleading and untrue....”

This bill of information like the one before, was dismissed with cost against the informants and a \$50.00 fine imposed on informants’ counsel. Except for Chief Justice Pierre who was absent and did not sit, Justice Henries sat and signed the judgment with the other Justices.

Up to this point, the Supreme Court had not changed its position and continued to hold that Judge Draper’s ruling, from which no appeal was announced and taken, was the only legal ruling to be enforced. However, the legal battle and confusion in this case did not relent but rather continued unabated.

During the February 1977 Term of the Eighth Judicial Circuit Court, Judge James L. Brathwaite received, read and ordered the enforcement of the mandate from this Court but said orders were never carried out. During the May 1977 Term of said court, Judge A. Benjamin Wardsworth was informed by Musa Karneh of the negligent attitude of certain officers of court toward the enforcement of this mandate. Following an investigation, Judge Wardsworth entered a ruling on June 7, 1977, in which he fined the probate clerk \$25.00, and ordered the enforcement of Judge Draper’s ruling in obedience to this Court’s mandate. This enforcement was not possible as bills upon bills of information continued to be filed against said enforcement. This case indeed can be rightly styled “The information case.”

When Judge Thorpe, presiding over the February 1979 Term of the court in Nimba, attempted to enforce the mandate, he received a bill of information from the Chambers of Mr. Justice Henries in which Mamadee Kaba, Massalam Kromah and Mankro Fofana were informants, alleging that the amount of \$1,600.00 ruled by Judge Draper for Musa Karneh to pay to Kromah and Fofana had not been paid within 30 days and, therefore, Musa Karneh was not entitled to benefit from Judge Draper’s ruling. At this point, another milestone was added to the confusion when Justice Henries, who was one of the signatories to the two judgments of the Full Bench upholding the ruling of Judge Draper and declaring that the amount of \$1,600.00 had been paid in full by Musa Karneh and that any information to the contrary was misleading and untrue, handed down the below judgment in his Chambers, the relevant portion of which we shall quote for the benefit of this opinion:

“According to the ruling, the amount was to have been paid within 30 days from September 21, 1967 that is to say by October 21, 1967. It is now 12 years later and the amount still remains unpaid, and one of the persons who was to have received \$700.00 of this amount is now dead. That ruling also stated that if the petitioner Musa Karneh does not pay the amount of \$1,600.00... then in that case the parties are to retain the spots and have it surveyed as a portion of the two lots independent of any lot or public land unoccupied which surveyor may in harmony with their certificates thereafter survey for them.

This, in our opinion, substantiates Madame Kromah’s contention that she and her children as well as the heirs of the late Mankro Fofana cannot be evicted from their premises since payment of the \$1,600.00 was not made within 30 days after Judge Draper’s ruling as ordered in the ruling. Musa Karneh was not therefore entitled to benefit from said ruling, having failed to pay the \$1,600.00 to the informants within 30 days as ordered by Judge Draper.”

One wonders if Justice Henries at the time of passing on this information, was not mindful of these obvious point of facts and law:

1.1. That he was one of the signatories to two judgments of the Full Bench of the Supreme Court of Liberia upholding the ruling of Judge Draper in favor of Musa Karneh and against the identical informants.

1.2. Whether he was properly clothed with any legal or judicial authority as Justice presiding in Chambers, to review or reverse any judgment of the Supreme Court *en banc*?

We shall answer these questions later in this opinion by quoting the proper legal authorities on the issue. However, we want to conclude the history in this case by reverting to the final episode which paved the way of this case to this Bench for settlement and final determination.

When His Honor Boima K. Morris, presiding over the November 1979 Term of the Eighth Judicial Circuit Court attempted to enforce the mandate based upon the ruling quoted above, Musa Karneh filed this information before the Bench *en banc*. In his returns, Judge Morris informed this Court that although he had ordered the enforcement of the mandate herein above referred to, yet prior to the execution of said orders by the clerk and the sheriff of court, he rescinded his orders thirty minutes later when he received a radiogram from the Clerk of the Supreme Court to stay execution and/or enforcement of the mandate. In his returns and argument before this forum, counsel for respondents, Massalam Kromah et. al., strongly contended that Judge Draper’s ruling for the payment of \$1,600.00 within 30 days had not been complied with and therefore Respondents and their children should retain the premises. This point of contention being the essence of the ruling of Justice Henries, this Court has since 1975 and 1976 respectively settled the issue of complete payment of this amount in favor of Musa Karneh. *Kaba v. Karneh*, 24 LLR 436 (1975); and 25 LLR 300 (1976). Consequently, any mandate under the order

of any single Justice to adversely affect the decisions of the court *en banc* referred to above is *void ab initio*. To quote the legal authorities to this effect, we cite the case *Wolo v. Wolo*, 8 LLR 453(1944) in which Mr. Chief Justice Grimes speaking for the court said:

“No single Justice of the Supreme Court can legally issue any restraining writ to adversely affect any decision of the court *en banc*.

In the case *Liberian Bank For Development and Investment v. Holder*, 29 LLR 310 (1981), decided July 30, 1981, this Court held that “where a matter is pending before this Court or where an issue or a case has been disposed of partly or entirely by this Court, an act of a single justice which interferes with that function of the Full Bench, is violative of the limited functions of a single Justice. It encroaches upon the functions of the Full Bench. The Full Bench cannot also legally exercise the functions of a single Justice. Only the Full Bench can exercise all of its legal functions.”

In view of all of the circumstances, facts and laws herein cited which the exigency of this case had mandatorily demanded of us, it is our candid and considered opinion that the information be and same is hereby granted. The Clerk of this Court is hereby ordered to send a mandate to the presiding judge of the Eighth Judicial Circuit Court commanding him to resume jurisdiction over the case and to (1) place Musa Karneh in effective possession of the two lots as ruled by Judge Draper with the aid of a surveyor; (2) to treat as the law demands, any obstruction in the execution of this mandate that will adversely affect this judgment; (3) to file his returns as to the effective execution of this mandate not later than August 3, 1982. The respondents are ruled to all costs. And it is hereby so ordered.

Information denied.