GEWRON KOLLEH, *alias* **MONEY SWEET WEARNEH**, *alias* **TWO CENTS**, **SUAH GAWELAY**, and **KONEH**, for Themselves and for the Inhabitants of the Town of Gewron, all Heads of Families, and **ROSS WILSON**, General Manager, Firestone Plantations Company, Appellants, v. **SANGAY GRAY**, **SCHEAFA GRAY**, **SCHEAFA MORRIS**, **BORKAI GRAY**, and **OSCAR GRAY**, Appellees.

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

Argued October 2, 1954. Decided December 10, 1954.

Where the evidence establishes that the terms of a writ of injunction issued by the court below were violated, a judgment of contempt of court for such violation will be sustained.

On appeal from judgment of contempt of court for violation of terms of an injunction, *judgment affirmed. William Ross* for appellants. *Nete Sie Brownell* for appellees.

MR. JUSTICE HARRIS delivered the opinion of the Court.

An action of ejectment was instituted by the petitioners, now appellees, against the respondents, now appellants, in the Circuit Court of the Sixth Judicial Circuit, Montserrado County, for the recovery of a rubber plantation comprising three hundred acres of farm land situated in the settlement of Johnsonville. Petitioners also filed an action of injunction seeking to restrain and enjoin the respondents from entering upon said land or tapping any rubber pending the determination of the ejectment suit.

It appears that, after the service of the writ of injunction upon the respondents, now appellants, they continued to tap the rubber in violation of the writ of injunction, whereupon the petitioners filed an information with the court below praying issuance of a writ of arrest against the respondents so that they might be brought before the court to show cause why they should not be held in contempt of court and fined for violating the writ of injunction. The writ of arrest was accordingly issued and served. Respondents-appellants appeared and moved the court to deny the information, which was denied and the case taken upon its merits. Witnesses for both parties testified. The court proceeded to render a decree to the effect that the respondents-appellants were in contempt, and fined them twenty-five dollars. To this the respondents-appellants excepted and brought the matter before this Court for

review and final adjudication upon a bill of exceptions containing seven counts.

Count "1" of the bill of exceptions reads in part as follows:

"That he who pleads equity must do equity; that although petitioners have been served with an injunction on March 29, 1949, yet said petitioners have constantly disobeyed said injunction, and up to December 14, 1951, petitioners have violated said injunction; that Your Honor did not sustain the plea entered by defendants, to which defendants excepted."

The issue involved is : Did the respondents-appellants tap rubber on lands upon which they were enjoined not to tap? This Court is of the opinion that the foregoing plea tends to justify or avoid without first confessing; and that the trial Judge did not err when he overruled the said plea.

Count "3" of the bill of exceptions reads as follows : "And also because, when witness Spencer Gray was under cross-examination, defendant put this question to him : 'Is it true that the Sangay Gray folks were also tapping rubber up and including December 14, 1950. Plaintiff's counsel objected to said question, and Your Honor sustained said objection ; to which defendants objected."

The said Sangay Gray and his people not being on trial for the disobedience of any writ of injunction relating to the tapping of rubber, this Court is of the opinion that the question was irrelevant, and that the Judge correctly sustained the objections of the plaintiffs thereto. Count "3" of the bill of exceptions is therefore not sustained.

Count "4" of the said bill reads as follows:

"And also because when witness Scheafa Gray was under cross-examination, defendants questioned him: `Are you the Scheafa Gray who challenged the court and in the presence of the sheriff said that you would not obey an injunction of the court and for that reason you were arrested and brought down to Monrovia?' Counsel for plaintiffs objected to said question, and said objections were sustained by Your Honor, to which defendants excepted."

This Court is of the opinion that the question was irrelevant, since the said Scheafa Gray was not on trial for contempt or violation of an injunction ; hence the trial Judge rightly overruled the said objections. Count "4" of the bill of exceptions is therefore not sustained.

Count "7" of the bill of exceptions reads as follows :

"And also because Your Honor did give a decree ordering the defendants to pay a fine of twenty-five dollars and all costs of court, to which defendants excepted."

Before we can rule on Count "7" of the bill of exceptions we shall have to have recourse to the evidence adduced at the trial. 'Witness Spencer Gray whilst on the stand in behalf of the petitioners-appellees, testified, *inter alia,* as follows:

"That he (Spencer Gray) had informed his counsel, Counsellor Brownell, that the respondents were still tapping rubber. That his counsel asked him if the sheriff had not served a writ on the respondents on December 12, 1951, which writ Mr. Kolleh said he did not care to obey, since his counsel, Counsellor Ross, had told him to tap. That, on the Friday after service of the writ of injunction, the respondents tapped the rubber; that the sheriff returned to Johnsonville and met the respondents tapping the rubber, after service of the injunction; and that, at this time, the sheriff arrested the other respondents."

On cross-examination the witness was asked the following question:

"Q. I suggest to you that the respondents did not tap rubber after the service of the writ of injunction.

"A. They did tap."

Another witness, Scheaf a Gray, testified :

"Momolu Gray, my uncle, owned three hundred acres of land in Johnsonville. This court served an injunction on the respondents to stop tapping the rubber, but they disobeyed and continued to tap. . . . I saw Gewron Kolleh, tapping the rubber after the service of the injunction."

Gewron Kolleh, the only witness for the appellants, testified as follows:

"Q. Since you received this injuction did you tap any more rubber?

"A. No.

"Q. Do you have witnesses to prove that you did not tap?

"A. Yes, since I saw the paper I never tapped again, and I have witnesses to prove it."

Notwithstanding Gewron Kolleh's testimony that he had witnesses to prove that he did not tap any rubber after the service of the writ of injunction, the appellants rested their case for the court's decision without calling a single such witness. The evidence offered by appellees at the trial conclusively proved that the appellants did tap rubber after the service of the writ of injunction upon them, thereby disobeying the said writ. Count "7" of the bill of exceptions is therefore overruled and the decree of the court below affirmed with costs against appellants. And it is hereby so ordered.

Affirmed.