

REPUBLIC OF LIBERIA, Informant, v. DAWODA
HARMON, Respondent.

CONTEMPT PROCEEDINGS.

Argued October 27, 1976. Decided November 19, 1976.*

1. A person who prevents enforcement of a court mandate by instituting proceedings in another branch of Government is guilty of contempt.

A decree of the Supreme Court issued at a previous term cancelled a public land sale deed to the respondent. To obstruct enforcement of the mandate, respondent sent a telegram to the President of Liberia claiming that the Court had wrongfully deprived him of his title. Enforcement of the judgment was stayed while the Ministry of Justice, on instructions of the President, investigated the matter. The President, on recommendation of the Ministry following the investigation, approved the decision of the Court, but respondent still refused to surrender the deed or vacate the premises. This was a proceeding in contempt charging respondent with interference with enforcement of the mandate of the Court.

M. Fahnbulleh Jones for informant. *Stephen B. Dunbar* for respondent.

MR. JUSTICE HENRIES delivered the opinion of the Court.

Having decided this case during the March 1975 Term of this Court by affirming the decree of the lower court which cancelled and made null and void a public land sale deed issued in favor of the respondent by the late

* Mr. Chief Justice Pierre did not participate in this decision.

President W. V. S. Tubman for fifteen acres of land located in Fanima Town, Bushrod Island, Monrovia, it was quite a surprise to discover that the matter had come before us again, and that our mandate had not been enforced.

At the hearing of this matter, the informant alleged that in an attempt to obstruct the enforcement of the mandate of this Court, the respondent sent a telegram to the President of Liberia stating that this Court, contrary to law, had deprived him of his legitimate right and title to land purchased from the Government of Liberia; that the President instructed the Ministry of Justice to investigate the truthfulness of this information; that the Minister of Justice wrote the President informing him of the correctness of this Court's decision; that a memorandum to the President from Honorable Richard A. Diggs, Assistant Minister of State for Presidential Affairs, "recommended that Mr. Harmon be informed that the Supreme Court having decided this matter, there is nothing that you can do about it, and that he abide by the decision of the Court"; and that notwithstanding that this suggestion was communicated to the respondent, he has refused to surrender his deed and vacate the premises, thus defying the power and authority of this Court.

The respondent in his returns does not deny that he sent a telegram to the President on this matter, but contends that the informant is relying on hearsay information or he should have proferted the telegram. He also contends that he has not vacated the premises because he is occupying the premises not on the strength of his own title, but because he is a relative of the residents of Fanima Town, and was invited to reside there since he is of the lineage of the founder of the town. He denied any intent of disrespect to this Court, and alleged that his deed to the fifteen acres is in the lower court where it was admitted into evidence during the trial.

Because of the denials made by the respondent in his

returns, we quote hereunder the memorandum referred to above, which was proferted by the informant.

"The Executive Mansion

"Ministry of State for Presidential Affairs,

"Monrovia, Liberia.

"Memorandum

"TO: The President of Liberia

"FROM: Assistant Minister Diggs

"Subj: Case of Dawoda Harmon of Fanima

"DATE: September 15, 1976

"From the records in our office, it is observed that by letter dated April 10, 1973, based on an investigation conducted by Former Attorney General James A. A. Pierre, you ordered that Mr. Harmon's deed be cancelled. This instruction was carried out and Mr. Harmon appealed the case to the Supreme Court, and the judgment was affirmed by said Court during its March 1975 Term, cancelling said deed. It was from the enforcement of this judgment that Mr. Harmon sent you a telegram dated April 10, 1975, and you instructed the Minister of Justice by letter of May 10, 1975, to look into this matter. This also stopped the enforcement of the Supreme Court's mandate, and the matter has remained so up to the present.

"On August 2, 1976, the Minister of Justice in his letter opined that the decision of the Honorable Supreme Court is proper and correct in keeping with the laws of the Republic.

"It is respectfully recommended that Mr. Harmon be informed that the Supreme Court having decided this matter, there is nothing that you can do about it, and that he abide by the decision of the Court.

"Approved: W.R.T."

It is clear that the respondent has not told the whole truth about the telegram, and this leads us to wonder whether the rest of his returns can be accepted as true, and whether

the maxim *falsus in uno, falsus in omnibus* is not applicable here.

In any event it has been established that the respondent instituted proceedings in another branch of Government which had the effect of stopping this Court's mandate, thus delaying and impeding the administration of justice. In *Richard v. Republic*, 12 LLR 161 (1954), we held that such an act is contemptuous. "Any act which tends to belittle, degrade, obstruct, interrupt, prevent, or embarrass the court in the administration of justice is contemptuous." *In re Cassell*, 10 LLR 17, 28 (1948). The reason given by respondent for his remaining on the premises is unacceptable. It is our belief that he has not vacated the premises because he had hoped that these extrajudicial proceedings might have some effect on our decision.

In view of the foregoing, the respondent is hereby adjudged guilty of contempt of this Court and he is hereby fined the sum of \$500 to be paid within forty-eight hours and a flag receipt indicating payment exhibited to the Marshal of the Supreme Court. Upon failure to pay the fine within the time allowed, respondent shall be incarcerated in the Central Prison until the fine is paid. Costs against respondent. And it is hereby so ordered.

Respondent adjudged guilty of contempt.