

CLUB BONG RANGE, Informant, v.  
NAPOLEON B. THORPE, et al., Respondents.

JUDGMENT WITHOUT OPINION.\*

Decided April 23, 1976.

In preliminary injunction proceedings, the President of the Club Bong Range filed an information in the Supreme Court, alleging illegal, arbitrary, and questionable acts of the respondent judge in enforcing an appealed ruling dissolving an injunction which had closed down the aforesaid Club. Although an appeal had been taken from the said ruling ordering the Club reopened, and although the judge granted the appeal to the October 1976 Term of the Supreme Court, yet the Judge arbitrarily proceeded to ignore the appeal which he had granted, and ordered the Club reopened immediately, contrary to law. Rev. Code I :51.20.

It is elementary that after granting an appeal to the Supreme Court the matter in which appeal is taken remains in *status quo* for at least ten days to afford the appealing party time to file his bill of exceptions. In *Obeidi v. Simpson*, 17 LLR 606 (1966), this Court said: "When a trial court has dissolved an injunction and the matter has been appealed, the appeal operates as supersedeas and divests the trial court of jurisdiction except as ordered by the appellate court."

It is contemptuous for any person, a judge included, to interfere in any manner with a matter appealed to the Supreme Court before the Court has given some order in respect of the said matter. In *In re Smallwood*, 8 LLR 3 (1942), this Court held that it is a contempt of court where an appeal serves as a supersedeas and any person interferes with or adversely affects it.

\* Mr. Justice Wardsworth did not participate in the decision.

When the case was called, Counsellor *J. Dossen Richards* appeared for informant, and Counsellor *Henry Reed Cooper* of the Simpson, Bright and Cooper law firm appeared for respondents. After studying the record and hearing arguments on both sides, it is adjudged that the act of the respondent judge in ordering the re-opening of the Club which had been closed by injunction after the appeal from his ruling dissolving the writ of injunction, is contemptuous, and to purge himself of contempt he is hereby ordered to pay into the Bureau of Revenues a fine of \$50 within forty-eight hours of this judgment. And the Clerk of this Court is ordered to send a mandate to the trial court in Bong County, commanding the judge assigned therein to resume jurisdiction over the case of injunction and close the Club, until the Supreme Court can hear the appeal taken from the ruling dissolving the writ of injunction. It is also our order that returns as to how this judgment has been obeyed shall be made the subject of special returns, filed in the office of the Clerk of the Supreme Court. Costs are ruled against the respondents. And it is so ordered.