

MAE CRUSOE-MARSH, sole heir of Rebecca V. Hensen-Crusoe, Informant, v. MARY MORGAN-BEDELL, by and through her husband, G. Earnest Bedell, M. E. MORGAN-EARLY, ROSE JAMES, J. H. MORGAN, and HENRIETTA MORGAN-DORLEY, by and through her husband, HENRY W. DORLEY, Respondents.

BILL OF INFORMATION TO ADJUDGE IN CONTEMPT OF COURT.

Argued April 20, 1971. Decided May 27, 1971.

1. A mandate to a lower court from the Supreme Court, when fully executed by the lower court, terminates the proceeding upon which it was predicated, and a subsequent act by an interested party can only constitute the basis for other proceedings and does not amount to a violation of the judgment which the mandate ordered enforced.
2. It is the position of the Supreme Court that by its conduct it will seek to preserve the harmonious balance of government existing among the various branches of government provided for by the Constitution.

In 1967, the Supreme Court sent a mandate to the lower court ordering it to enforce its judgment in an ejectment suit. A writ of possession put the successful plaintiff onto the land in dispute. Subsequently, the defendants in the ejectment suit, it would appear, took possession of the land again. In 1968, plaintiff sought assistance in the matter from the office of the President of Liberia, the results of which appear inconclusive in the record. In May, 1970, the plaintiff filed a bill of information seeking to have defendants adjudged in contempt of Court and the relief provided her by the judgment of the Court enforced. By virtue of the nature of the subsequent encroachment, a new matter had arisen, the Supreme Court maintained, not within the contemplation of its prior mandate, in addition, for the sake of harmony among the various branches of government, the informant

having previously sought Executive assistance, the bill of information was dismissed.

Richard A. Diggs for informant. *Tilman Dunbar* and *Steven B. Dunbar* for respondents.

MR. JUSTICE MITCHELL delivered the opinion of the Court.

In 1964, Rebecca V. Henson-Crusoe, sued in ejectment Mary Morgan-Bedell, et al. This action was filed in the Civil Law Court, Sixth Judicial Circuit, and her case was heard on October 19, 1965, with judgment resulting in favor of the plaintiff.

Defendants excepted to the verdict and judgment of the court below and announced intention to appeal to the Supreme Court.

The case having been placed on the docket of the Supreme Court, it was assigned and bulletined to be heard at the March Term, 1967. When called, the appellants did not appear and under the Rule of Court, the case was dismissed and the judgment of the lower court was ordered enforced by a mandate from this Court to the lower court.

The orders from this court, according to its mandate, were executed, and the appellee was placed in possession of the tract of land sued for on a writ of possession issued out of the court below, to which a return was made. This, in our opinion, closed the story as far as the orders from this Court were concerned.

Subsequently, it would appear from the submission filed by the informant, that the identical defendants who had vacated the premises which plaintiff had been possessed of, returned to the same premises and occupied or reoccupied the same tract of land.

On May 15, 1970, Mae Crusoe-Marsh, sole heir of Rebecca V. Hensen-Crusoe, who had been previously

possessed of the property according to judgment of the court below which had been ordered enforced as aforesaid, filed a submission in the office of the clerk of this Court substantially averring the facts set forth above and seeking further relief and the citation of defendants for contempt of Court.

Respondents appeared and filed their return, in which they averred that the informant had already complained in the same matter to the President of Liberia for his intervention in the aforesaid disputed matter, and in consideration of her complaint, the President had referred the matter to his Administrative Assistant for investigation, hence informant's submission, besides being mischievous, subjects her to be held in contempt of Court for attempting to mislead the Court *en banc*, especially since the informant had participated in the investigation before the Administrative Assistant to the President. Her filing this submission before the Supreme Court, therefore, is intended to initiate a clash between the Executive and the Judiciary branches of Government.

Further, they alleged that informant sought to have the Supreme Court exercise original jurisdiction over the matter, because the mandate from this Court had already been enforced, and the Supreme Court is not the proper forum for such complaint.

Accompanying their said return, they made profert of a letter under the signature of Thomas M. Teage, Administrative Assistant to the President.

"Dear Mrs. Early,

"On the 11th day of March 1968, we wrote you a letter asking you to call in our office on today, March 12, 1968, for an investigation of a matter the President of Liberia has referred to us for investigation reported to him by Mrs. Rebecca Hensen-Crusoe; we note you failed to show up.

"It is our further request that you will please call

at our office on Thursday, March 15, 1968, at ten A.M. for the investigation. Please fail not to appear.

“Faithfully yours,
THOMAS M. TEAGE,
*Administrative Assistant
to the President, R.L.*”

This letter, in itself, verifies the fact that informant was aware that the judgment of this Court had been completely enforced and there was nothing else to be done upon the reoccupation of the land by the defendants, and took her matter off the hands of the Court and referred it to the President. Moreover, her submission made to this Court was not filed until May 15, 1970, and the letter from Teague is dated March 12, 1968.

“The power of this government shall be divided into three distinct departments: Legislative, Executive, and Judicial; and no person belonging to one of these departments, shall exercise any of the powers belonging to either of the others.” Constitution of the Republic of Liberia, Article I, Section 14th.

This case had been before this Court and the judgment of the Court had been enforced. There was nothing left to be done in connection with the enforcement of the Court's judgment or mandate. If defendants had obstructed the mandate from this Court directing enforcement of the judgment of the lower court, then they would have been liable in contempt of Court, but after plaintiff had been possessed of the land upon a writ of possession, any further infringement on her rights was not conduct which rendered them liable in contempt.

When this case was called for hearing, informant's counsel said that he was unaware of his client having taken the matter before the President and if he had known that she had done so he would not have appealed to this Court, and knowing the provisions of the Constitution he wanted this Court to understand that he had no

idea of the circumstances as they had unfolded. Respondents' counsel maintained that the main intent of the informant was to deceive this Court and develop ill-will between the judiciary and executive branches of the Government and, therefore, she should be held to answer in contempt.

In fine, the reoccupation of the land in question was, indeed, a new matter, Mae Crusoe-Bedell, the only surviving heir of Rebecca V. Hensen-Crusoe knowing that the Court's jurisdiction had ceased over the matter, found her way to the President for his executive intervention. Since this was done without the knowledge and consent of her counsel, there seems to us to be no reason for contempt to be adjudged against him. However, since jurisdiction is not conferred by consent of parties, but rather by law, and the Constitution provides that the one branch of Government shall not interfere with the functions of another, this matter having already been referred to the President of Liberia before the submission was made to this Court, we are of the opinion that the submission is void of legal consideration and, therefore, is hereby dismissed with costs against the informant.

Information dismissed.