

SAMUEL FORD DENNIS, MABEL DENNIS-MANN, JEANETTE DENNIS-PRATT, and ESTELLA LOUISE DENNIS, surviving heirs of Wilmot F. Dennis, Informants, *v.* HON. JOHN A. DENNIS, presiding judge for the Sixth Judicial Circuit, June Term, 1970, ANGELA DENNIS-BROWN, LOUISE DENNIS-ALSTON, HENRY DENNIS, and THELMA T. REEVES, legal representatives of the heirs of Gabriel L. Dennis, and C. C. DENNIS, SR., and LOUISE RICKS-SAMUELS, surviving heirs of Georgianna Dennis-Railey, Respondents.

BILL OF INFORMATION IN CONTEMPT PROCEEDINGS.

Argued March 24, 1971. Decided May 27, 1971.

1. When a suit is begun with veiled intent to frustrate a mandate of the Supreme Court in another proceeding, counsel involved will be adjudged in contempt of the Supreme Court and punished accordingly.

An appeal brought by the defendants in cancellation proceedings had been dismissed by the Supreme Court. Thereafter, the defendants therein brought a suit in injunction, involving one of three blocks in the cancellation proceedings, predicated upon a copy of the same deed, otherwise identical in description except for bearing a different block number. Counsel for respondents in the information proceedings to punish for contempt, could not account for the obvious duplication of description and admitted the description covered the same parcel. The Supreme Court held that a design had been evinced to frustrate its mandate in the cancellation suit, *adjudged* counsel *in contempt* for such tactics, and ordered the

lower court to enforce the order served upon it in the cancellation suit.

Macdonald Acolatse, for informants. *Momolu Perry* and *Joseph F. Dennis* for respondents.

MR. JUSTICE SIMPSON delivered the opinion of the Court.

During the March Term, 1970, of this Court, a motion to dismiss the appeal was entered on our docket in a case involving *Angela Dennis-Brown et al.*, appellants, v. *Samuel Ford Dennis et al*, appellees, arising from a bill in equity brought for the cancellation of a warranty deed because of fraud. The motion to dismiss the appeal was granted, with an order concurrently to the Clerk of the Supreme Court ordering that the lower court be informed of this Court's judgment and that it resume jurisdiction and proceed immediately to enforce its judgment.

Thereafter, on June 11, 1970, a mandate was sent to Hon. John A. Dennis, assigned circuit judge presiding over the Sixth Judicial Circuit Court, commanding him to immediately execute the aforementioned judgment and file a return to the mandate as to how the same had been executed by him.

Subsequent to receipt of the mandate of this Court, an action of injunction was filed in the same circuit court during its June Term, in which the defendants in the injunction proceedings, and informants at this bar, were enjoined, prohibited and restrained from further entering upon and in any way interfering with one hundred acres of land, being block three, until a certain basic suit had been determined.

Upon the issuance of the preliminary injunction, plaintiffs in the lower court, in the cancellation proceedings, found that they were unable to have the mandate of this Court enforced, for the reason that the initial cancellation

proceedings had included three blocks of land, meaning thereby, blocks one, two and four. The cancellation decree they sought to enforce made no mention of block three, however. Upon close scrutiny, it was discovered that the area described in block one was the identical area described in block three. Additionally, the original deed for block one was produced, whereas the deed to block three was but a certified copy of a deed, and there was a variation between the certified and the original copy. In the circumstances this Court was left with no alternative but to hold the original genuine and refrain from giving legal credence to the certified document.

We should observe here that during argument before this bar, counsel for respondents was pointedly asked whether there existed any variation in the property described in blocks one and three, and he had to admit that there was no variation and that they were identical.

With this admission on the part of counsellor Joseph F. Dennis, counsel for respondents, the veil was lifted and it was clearly seen that the filing of the injunction suit in the lower court was designedly for the purpose of thwarting the enforcement of the mandate of this Court. This is precisely the point, since by restraining informants from entering upon the area described in block three they were at once and the same time precluded from entering upon the area described in block one which had been decreed as their property and ordered enforced by the mandate of this Court. We find ourselves unable to characterize the position of Counsellor Joseph F. Dennis as the sort of ethical behavior that is required of counsellors practicing before this, or other courts, in this land. In the circumstances, counsellor Dennis is hereby adjudged guilty of contempt and fined in the amount of \$200.00 to be paid to the Marshal of this Court within seventy-two hours of the time of rendition of this judgment. And the Clerk of this Court is hereby ordered to

send a mandate to the court below commanding the assigned judge to immediately proceed with the execution of our mandate. Costs are ruled against respondents.

*Contempt of Court adjudged;
enforcement of decree ordered.*