

BOIMA LARTEY, ALHAJI J. D. LANSANAH,
MUSA FONJEH, FRIMA KAMARA, TETEE OF
MANDO, et al., Surviving Heirs, Descendants, and
People of the Late CHIEF MURPHEY, and
VAI JOHN, Resident of Vai Town, Bushrod Island,
Monrovia, Appellants-Respondents, *v.*
ALHAJI VARMUYAH CORNEH, Attorney in Fact
for the People and Tribal Authority of Vai Town, and
SUNDIFOO SONI, Paramount Chief of Vai Town,
and All Other Persons Acting Directly or Indirectly on
behalf of the People and Tribal Authority of Vai Town,
Appellees-Movants.

MOTION TO DISMISS APPEAL FROM THE CIRCUIT COURT OF THE
SIXTH JUDICIAL CIRCUIT, MONTERRADO COUNTY.

Argued November 22, 1965. Decided January 21, 1966.

Where a counsellor at law with the connivance of clerical officers of a circuit court has tampered with court records for the purpose of deceiving and misleading the Supreme Court, the counsellor will be disciplined and the clerical officers punished.

On appeal from dismissal of an action of ejectment, a *motion* to dismiss the appeal was *denied*.

Laurence A. Morgan and *J. Dossen Richards* for appellants. *Joseph F. Dennis*, *O. Natty B. Davis*, and *Nete Sie Brounell* for appellees.

MR. JUSTICE WARDSWORTH delivered the opinion of the Court.

In the year 1931 while the late Edwin J. Barclay was President of Liberia, an aborigine's grant was issued to Chief Murphey and residents of an area in Monrovia known as Vai Town.

At the death of Chief Murphey the property allegedly descended to his heirs, the appellants in this case. A dispute arose between the parties herein which resulted in an action of ejectment against appellees to recover possession of the land in dispute. In ruling on the law issues presented in the pleadings *pro et con*, His Honor John A. Dennis, presiding over the Circuit Court of the Sixth Judicial Circuit, Montserrado County, in its March 1965 term, dismissed the said action, to which ruling appellants excepted and prayed an appeal to this Court of last resort for review.

The case having been duly assigned for hearing, appellees interposed a motion to dismiss the said appeal. This motion embraces five counts in which it is substantially averred *inter alia* that this Court lacks jurisdiction over the matter on appeal because:

(1) Although certified copies of the trial records have been transmitted, the original copy of the appeal bond has not.

(2) The copy of the notice of appeal does not show the date of issuance and does not show that it has been served and returned.

(3) The copy of the notice of appeal in the appeal returns differs from the copy secured from the circuit court clerk's office.

(4) It is grossly misleading, besides being in contravention of controlling procedure, for records to be forwarded to the Supreme Court as if they were certified copies of the existing originals in the clerk's office.

In resisting the motion to dismiss the appeal, appellants, on the basis of an affidavit sworn and subscribed to by Counsellor Jacob Ellis, charged Counsellor Joseph Dennis with having extracted the bill of exceptions, appeal bond, and notice of appeal from the files of the clerk of the Circuit Court of the Sixth Judicial Circuit, Montserrado County. We recite hereunder verbatim for the benefit of this opinion the said affidavit, as follows.

“AFFIDAVIT:

“Personally appeared before me, the undersigned, a duly qualified Justice of the Peace in and for Montserrado County, at my office in the City of Monrovia, Jacob H. Willis, Counsellor at Law, who upon oath, did solmenly swear as follows:

“That he was approached by Counsellor Joseph F. Dennis of the City of Monrovia, who requested him, the said Counsellor Jacob H. Willis, to extract from the files of the Morgan, Grimes and Harmon Law Firm the records in the case of Boima Lartey, et al. *versus* Alhaji Varmuyah Corneh et al. and deliver them to him, Counsellor Dennis, for which he would pay Counsellor Jacob H. Willis a fee.

“That he, Counsellor Jacob H. Willis, refused and later told Counsellor Lawrence A. Morgan, in the presence of Counsellor J. Dossen Richards, of the act of Counsellor Dennis.

“Wherefore, I, the undersigned, have issued this affidavit to avail when and where required.

“Sworn and subscribed to before me, this 22nd day of November 1965.

[Sgd.] “JOHNATHAN CAMPBELL,

“Justice of the Peace for Montserrado County, R.L.

[Revenue stamp affixed.]

“Issued at Monrovia this
22nd day of November 1965.

[Sgd] “JACOB H. WILLIS,

“Counsellor at Law.”

Despite these serious and grave charges hurled at Counsellor Dennis by appellants in his immediate presence based on the allegations set forth in their resistance, which undoubtedly were aimed not only to defeat his motion to dismiss the appeal under consideration but also to impugn his ethical and professional conduct, he elected not to ut-

ter a solitary expression in his defense. However, in the interim, and before arriving at a conclusion, the Court deemed it appropriate to refer the subject matter of appellants' resistance to the Grievance and Ethics Committee for investigation and findings.

The said Grievance and Ethics Committee, after having made its investigation, submitted its findings and recommendations. In respect of the charges made against Counsellor Joseph F. Dennis bearing on these proceedings, the Committee said, *inter alia*:

"Summing up, it is the opinion of the Committee in view of the surrounding circumstances and facts which emerged during the investigation of both cases that Counsellor Joseph F. Dennis did lend aid to and was responsible for the extraction of the documents hereinbefore mentioned from the files and is therefore guilty of unethical and unprofessional conduct, unbecoming a counsellor of the Honorable Supreme Court of Liberia."

It is observed that counsel for appellees, that is to say, Counsellor Joseph F. Dennis, strongly condemns the certified copies of the appeal records in this case because they were taken from the records of appellants' counsel, forgetting to realize that these records were the same documents he had endeavored to influence Counsellor Jacob H. Willis to extract from the files of the Morgan, Grimes and Harmon Law Firm. The correctness of the records was not assailed. They were attacked solely upon the ground that the procedure of having counsel scrutinize them in view of the missing originals was not utilized. There was therefore a tacit admission of the correctness of the record as sent to this Court; and in virtue of the extenuating circumstances attending this case, the records, including the bill of exceptions, appeal bond, and notice of appeal as forwarded to this Court, will be used in the determination of this case.

In face of the surrounding circumstances prevailing in

this case, the Court is left with no alternative but to approve the Committee's findings and/or recommendation.

Wherefore, in view of the foregoing, we are of the considered opinion that Counsellor Dennis did commit the acts charged against him, that is to say that to defeat the ends of justice in these proceedings, he did, in a clandestine manner, extract or cause to be extracted the documents enumerated in his motion to dismiss the appeal now under review, with the view of enjoying the benefits which might have accrued from these unprofessional acts of his.

The records of courts are always to be guarded with the utmost of sacrosanctity. This Court reviews matters solely upon the records transcribed and transmitted to us from courts of lesser jurisdiction, save in the few instances where we are by the Constitution duly authorized to invoke original jurisdiction. These records protect the lives, liberties, and properties of citizens and foreigners resident within our borders. Therefore, this Court abhors and deprecates the actions of any individual in an endeavor to clandestinely extract records from the files.

The facts in this case show conclusively that Counselor Joseph F. Dennis secured the tampering with the records in the lower courts, as can be seen from the motion to dismiss as filed by Counsellor Dennis. These illegal acts were designedly perpetrated for the sole purpose of preventing this Court from exercising appellate jurisdiction in this matter. Realizing the gravity of the complaint lodged against a counsellor of this bar by the Morgan, Harmon and Grimes Law Firm, this Court decided to have the matter referred to the Grievance and Ethics Committee of the Montserrado County Bar Association for an investigation into the authenticity of the allegations leveled against Counsellor Dennis. We have earlier in this opinion quoted the investigatory findings of the above named committee.

Turning to the clerks of the court, and paying special at-

tention to the clerk and assistant clerk of the Circuit Court of the Sixth Judicial Circuit, Montserrado County, who have sole custody of the records filed in that court, it is conclusively established that their complicity in the thwarting of justice was manifest. It was actually the assistant clerk of that court, Mr. Jonathan Campbell, whose action led to the extraction of the missing portion of the record. However, the ultimate responsibility for the safeguarding of these records always devolves upon the clerk and, therefore, he cannot be held blameless in the premises.

In view of the above cited irregularities, it is hereby recommended that the assistant clerk of the Circuit Court of the Sixth Judicial Circuit, Montserrado County, be dismissed and that the clerk of said court be suspended from office for a period of 3 months. It is further our determination that Counsellor Joseph F. Dennis be suspended from the practice of law either directly or indirectly within the Republic of Liberia for a period of 3 calendar years, commencing from the time of publication of this opinion.

The motion to dismiss the appeal in these proceedings is hereby denied and the case is to be kept on the docket for hearing on its merits. And it is hereby so ordered.

Motion denied.