

MATTHEW D. WOLO, Informant, *v.*  
CHARLES H. D. SIMPSON, SR., Commissioner of  
Monthly and Probate Court, Montserrado County.

BILL OF INFORMATION FOR CITATION OF CONTEMPT OF COURT.

Argued April 16, 1970. Decided June 11, 1970.

1. A judge of an inferior court who disobeys the mandate of the Supreme Court, will be adjudged in contempt of the Supreme Court and punished accordingly, as in the instant case, where a \$50.00 fine was assessed.

A bill of information was filed against the respondent, Commissioner of the Monthly and Probate Court, Montserrado County, alleging he had not obeyed a mandate of the Supreme Court embodying a judgment it had rendered. The mandate remanding the case had directed the judge to dispose of the case, commencing by ruling on the issues of law already argued. It appeared that the judge had thereafter permitted a certificate to be put in the record and had ordered reargument on the issues of law. The respondent was *held in contempt* of the Supreme Court and fined \$50.00.

*M. D. Wolo* for informant. *Edward N. Woller* and *Judge Charles H. D. Simpson, Sr.*, for respondent and *pro se*.

MR. JUSTICE SIMPSON delivered the opinion of the Court.

On April 14, 1970, Matthew D. Wolo, of Monrovia filed in this Court a bill of information against Hon. Charles H. D. Simpson, Sr., Commissioner of Monthly and Probate Court, Montserrado County. The bill substantially alleged that during the October Term, 1959, of this Court, a judgment was rendered in the above-entitled

cause and in pursuance thereof a mandate was sent to the respondent judge.

The information continued by alleging that since the receipt of the mandate of this Court by Judge Simpson during January of 1970, he has never executed the judgment and obeyed the mandate by making his return in keeping with the instructions given him, but has instead postponed his ruling, by making assignments up to the filing of the information.

Count three of the bill stated that the Commissioner has permitted the objectors to file with his court a certificate that was not filed when pleadings rested; the informant further contended that this allegation could be proved, for the record as originally transmitted to this Court did not include the certificate, which the judge permitted to be filed after it had been predated.

After service of the information upon the respondent judge, he filed a two-count return in which he said,

"1. Respondent submits that count two of the information is false and says that he had ordered the mandate read to parties on a prior date, and subsequently heard reargument of the issues of law on which ruling is reserved. Said ruling was in preparation when this information was filed, as will more fully appear in the minutes of the court, made profert and exhibited to form part of these returns.

"2. And also because respondent denies the allegation contained in count three of the information and says that said count is not supported by a profert of the particular certificate referred to, which does not form part of the record. Respondent maintains that he has not permitted objectors to file any document which was not a part of the record, except a change of counsel notice, copy of which was regularly served on informant."

Inspection of the judgment of the court upon which the mandate was predicated shows the following:

“that the ruling of the court below is hereby set aside, and the request for remand granted, with instructions to the court below to proceed to dispose of said case *commencing at ruling on the issues of law already argued.*” (Emphasis ours.)

The mandate, dated February 3, 1970, commanded that the foregoing judgment be immediately executed.

We feel it unnecessary to say that it must be obvious that this Court intended for its mandate to be executed strictly in accordance with the terms thereof. The wording was plain and unambiguous. Irrespective of the fact, the Commissioner proceeded to order a reargument of the issues of law in total disregard of the plain wording of our mandate. Such an act savors of contempt and cannot be tolerated by us.

In the circumstances, the Commissioner of Probate, Charles H. D. Simpson, Sr., is hereby adjudged guilty of contempt and fined in the sum of \$50.00, to be paid within seventy-two hours of the time of rendition of this judgment. And it is hereby so ordered.

*Judgment of contempt.*