

JOSHUA S. L. PRATT, Plaintiff-in-Error, v. JEAN
HENRIETTA HAZELEY and LANUEL J.
HAZELEY, Defendants-in-Error.

WRIT OF ERROR FROM THE CIRCUIT COURT OF THE FOURTH JUDICIAL
CIRCUIT, MARYLAND COUNTY.

Decided May 8, 1929.

1. The Supreme Court is not inclined to look favorably upon technical points which do not affect the merits of the controversy. The court of last resort should deal with the principles underlying every issue brought before it.
2. Where a need for a revenue stamp arises and there shall be no more on hand available, an instrument is properly stamped if it has affixed thereto any government stamp of the value required by the Stamp Act.
3. In civil suits it is proper to join husband and wife either as co-plaintiffs or co-defendants.

Action for damages for defamation of character was dismissed in Circuit Court on ground that complaint was not properly stamped. On writ of error, this Court *reversed*.

Nugent H. Gibson for plaintiff-in-error. *W. V. S. Tubman* for defendants-in-error.

MR. JUSTICE GRIGSBY delivered the opinion of the Court.

The history of this case may be briefly stated thus: July 14, 1928, plaintiff-in-error filed in the court below an action of damages against defendants-in-error for the following reasons:

That plaintiff-in-error, a regular employed catechist and teacher in the Protestant Episcopal Mission of America in Liberia at Picaini-Cess obtained permission of Bishop T. H. Gardiner of the District to go to Monrovia, Sierra Leone, and other places to raise monies for the completion of a church and to build a school house at the said place.

Arriving at Sierra Leone he met Mrs. Jane Henrietta Hazeley, one of the defendants-in-error, who subsequently returned to Harper, Cape Palmas, leaving him there.

On his arrival at Cape Palmas later, to his surprise and astonishment the said defendant-in-error had wickedly circulated a false and defamatory statement to the effect that he, plaintiff-in-error, was at Sierra Leone collecting money under false pretense and that he was imprisoned at that place.

On the 25th of September, 1929, notice was served on plaintiff to the effect that the pleadings in said case having been completed, the court would proceed to hear and determine the law issues raised in the case.

The court convened on the following day and after hearing the arguments *pro et con* dismissed the case. Plaintiff-in-error, being dissatisfied with the ruling of the court, has brought this before this Court upon a writ of error.

It appears from a perusal of the records that at the institution of this case revenue stamps were not obtainable in Maryland County and the plaintiff in the court below was compelled to use postage stamps on his complaint.

In *Page v. Jackson*, 1 L.L.R. 47, Lib. Ann. Ser. 22 (1911), this Court held that it was

“not inclined to look favorably upon technical points, which do not go to the merits of the controversy. A court of last resort should deal with the principles underlying every issue brought before it.

“It cannot be reasonably contended, that if at some point remote from the central postal office there should arise a need for a revenue stamp, and there shall be none on hand for sale by any stamp agent, that an instrument would have to be executed and delivered without a stamp. This would be contrary to the spirit of the law, which is intended to increase the revenue; and an instrument ‘is properly stamped’ if

it has affixed thereto any government stamp of the amount required by the Stamp Act.”

The judge therefore erred in dismissing the case on that point. As to the second point, the judge committed no error in this case on account of the joinder of the husband of Jane Henrietta Hazeley as co-defendant in the action. In civil suits it is proper to join husband and wife either as co-plaintiffs or co-defendants.

This Court adjudges that the judgment of the court below be reversed and the case remanded to be tried upon its merits, cost to follow final determination of the case. And it is hereby so ordered.

Reversed.