

THOMAS YOUNG, ARMLAHBAH and MESAR-  
MAH, Appellants, v. REVINGTON L. EMBREE,  
Representative of the Foreign Mission of the Methodist  
Episcopal Church, Appellee.

APPLICATION FOR SUSPENSION OF PROCEEDINGS ON APPEAL IN  
CONTEMPT PROCEEDINGS.

Stipulations filed April 26, 1935.

This is an appeal in contempt of court proceedings growing out of an action for an injunction. The parties have applied for a suspension of further proceedings pending the filing of stipulations. *Suspension granted.*

*Anthony Barclay* for appellants. *H. Lafayette Harmon* for appellee.

INTERLOCUTORY ORDER without opinion.

Pending the hearing and as a result of questions propounded to the parties from the Bench, it was made clear that the real kernel of the dispute was being lost sight of in the injunction proceedings and the contempt proceedings which grew thereout and were the special subject of this appeal. The parties at that stage applied for a suspension of further proceedings here so as to enable them to prepare and file stipulations that might put a final end to the dispute.

Said stipulations were duly filed in Court on the 26th day of April, 1935, and are as follow:

"1. That the services of a disinterested Surveyor, H. B. Duncan, or any other Surveyor, who has never been employed by either side for the survey of the said tract or tracts of land, be secured to go up to the spot and make an impartial survey.

"2. That for the purpose of the survey both parties

will surrender their title deeds to the Court which will supply authenticated copies thereof to the Surveyor chosen, to be returned by said Surveyor after the survey.

“3. That the survey is to be done from start to finish in the presence of the contending parties, or their representatives, and shall take place as early in May as possible, provided, however, that notice of at least four (4) days shall first have been given to all parties concerned, before the date for the commencement of the survey. The Surveyor shall immediately thereafter file his report in the Court.

“4. The Surveyor chosen shall be sworn in open Court and in the presence of the parties, to act justly and impartially; and during the period he is employed in carrying out the survey he shall not reside with either of the parties interested, but preferably on the other side of the river.

“5. That the costs of said survey shall be borne by both parties equally and shall be collected by the Court.”

The Court permits the said stipulations to be filed, and decides to suspend further proceedings in said cause pending the execution by the court below of the following order.

1. The Circuit Court of the First Judicial Circuit shall resume jurisdiction of this cause for the purpose of carrying out the intention of the parties as expressed in said stipulations.

2. That the said court shall consult the surveyor chosen and parties hereto, before fixing the date of the survey.

3. That the parties who have signed these stipulations will themselves be present on the scene at the time of the survey in order to personally participate therein.

4. That the said court will make a report to this

Court of all that shall have been done in the premises during our resumed sittings to commence May 20th proximo.

5. That the Clerk of this Court shall send a mandate to the court below with a copy of this interlocutory order for its information, guidance and direction.

Given under our hands and the Seal of  
Court this 26th day of April, A. D. 1935.

L. S. [Sgd.] L. A. GRIMES,  
*Chief Justice, Supreme Court of Liberia.*  
[Sgd.] SAMUEL J. GRIGSBY,  
*Associate Justice, Supreme Court of Liberia.*  
[Sgd.] R. EMMONS DIXON,  
*Associate Justice, Supreme Court of Liberia.\**

\* See note preceding the first case of this term, p. 359, *supra*.