

Publication.

THE Third Circuit Court of Appeals has issued an ex-parte writ of mandamus to former Judge Lucius J. M. Malmin directing him to return to the District Court of the Virgin Islands. The writ of mandamus is not directed to the Government of the Virgin Islands. The Governor, having due regard for the orderly administration of justice, has issued the following orders which are released for the information of the public:

GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED
STATES ST. THOMAS.

ORDER

WHEREAS, a Writ of Mandamus has lately been issued to one Lucius J. M. Malmin, formerly a judge of the District Court of the Virgin Islands, by the Third Circuit Court of Appeals, requiring him to return to the District Court of the Virgin Islands;

AND WHEREAS, amongst other things, the opinion of the Court states, that, "In thus finding in the United States a right to a Writ of Mandamus on the facts shown—the main question in the case as we regard it—we wish to make it clear that the scope of our decision is no broader than the facts on which it is based. People vs. Gilmer, 10 Ill. 242. It is conclusive only of the Government's right to ask us to compel its servant, under his prima facie title, to return to his jurisdiction and to perform the duties of his office. It is not conclusive of subsequent proceedings, if any be had, on different fact to test the title to the office. State vs. Oates, 86 Wis. 634, 57 N. W. 296. Nor does it determine any question of the tenure of the respondent's office, the power thereafter to remove him and appoint another, or where such power, if any, resides."

AND WHEREAS, it is the opinion of the Governor of the Virgin Islands of the United States, that, in addition to other reasons, the facts in the case as they actually exist are at such variance with those contained in said opinion as to warrant and command the Executive authority of the Government of the Virgin Islands, he having due regard for the orderly administration of justice in said Islands, to issue an executive order or decree prohibiting and enjoining all persons, and particularly the said Lucius J. M. Malmin, from in anywise interfering with or molesting the administration of the Courts, or justice, or with the person or persons now, this 18th day of May, 1921, in charge of the Courts and the other departments of justice in the said Virgin Islands;

AND WHEREAS by an Act of the

Congress of the United States, 3 March, 1917, "all military, civil and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a Governor and in such persons as the President may appoint, and shall be exercised in such manner as the President shall direct until Congress shall provide for the Government of such islands."

NOW I HEREOF, I Sumner E. W. Kittelle, Governor of the Virgin Islands of the United States of America, do hereby warn and adjure all persons, and particularly the said Lucius J. M. Malmin, to refrain and desist from in anywise interfering with or molesting the administration of the Courts, or justice, or any department thereof, of the said Virgin Islands of the United States of America, as actually administered on this 18th day of May, 1921, and they are hereby enjoined and prohibited from so doing.

And it is hereby further proclaimed that any one disregarding this order will do so at his peril, that is to say, that he will be prosecuted in accordance with the law in such cases made and provided.

WITNESS my Hand and the Seal of the Government of the Virgin Islands of the United States this 18th day of May, 1921.

SUMNER E. W. KITTELLE,
Governor.
(Seal).

GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED
STATES ST. THOMAS.

From: Governor.

To: Frederick G. McKean, Jr. Judge
of the District Court of the
Virgin Islands,
Christiansted, St. Croix.

The Governor directs that you, the legally appointed Judge of the District Court of the Virgin Islands of the United States, continue to administer the court and that you not surrender, in any particular whatever, the functions of your office to anyone without definite instructions from the Governor, or upon the receipt of a proper writ directed to you from a court having jurisdiction.

SUMNER E. W. KITTELLE,
Governor.

GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED
STATES ST. THOMAS.

19 May 1921.

From: Governor.

To: Geo. A. Keyser, Government
Attorney, Municipality of St.
Croix, Christiansted, St. Croix.

It is hereby ordered and directed that, in the event anyone should interfere or attempt to interfere with the orderly administration of the Courts of the Virgin Islands of the United States, you shall immediately institute the necessary proceedings in the District

Court of the Virgin Islands against such offender.

SUMNER E. W. KITTELLE,
Governor.

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