

**Myers Vs. United States**

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**Court :** US Supreme Court

**Decided On :** Feb-18-1924

**Appeal No. :** 264 U.S. 95

**Appellant :** Myers

**Respondent :** United States

**Judgement :**

Myers v. United States - 264 U.S. 95 (1924)

U.S. Supreme Court Myers v. United States, 264 U.S. 95 (1924)

**Myers v. United States**

**No. 158**

**Submitted January 11, 1924**

**Decided February 18, 1924**

**264 U.S. 95**

*ERROR TO THE DISTRICT COURT OF THE UNITED STATES*

*FOR THE WESTERN DISTRICT OF MISSOURI*

## SYLLABUS

1. The power to punish contempt to enforce obedience inheres in all courts, as essential to the performance of their functions. P. [264 U. S. 103](#) .
2. Contempt proceedings are *sui generis* -- neither civil actions nor criminal prosecutions, as ordinarily understood, nor criminal prosecutions within the Sixth Amendment. *Id.*
3. The contempts defined by 21 of the Clayton Act (October 15, 1914, c. 323, 38 Stat. 730) -- disobedience of a lawful writ, etc., by

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an act such as to constitute also a criminal offense -- are not by the Act declared criminal. P. [264 U. S. 104](#) .

4. Proceedings to punish such a contempt, committed by disobedience of an injunction, are within the jurisdiction of the district court in the division where the main cause is pending, although the contempt was committed in another division of the district. Jud.Code 51, 52, and 53, do not control the venue. *Id.*

Affirmed.

Error to an order of the district court sentencing the plaintiffs in error to fine and imprisonment for contumacious disobedience of an injunction.

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MR. JUSTICE Mc REYNOLDS delivered the opinion of the Court.

Plaintiffs in error challenged the jurisdiction of the court below -- United States District Court, Western Division of the Western District of Missouri -- to try and punish them for disobeying its order, upon the ground that the contumacious acts occurred in another division of the district. Only the question of jurisdiction is here.

An information charged that plaintiffs in error willfully disobeyed the injunction lawfully issued in equity cause, *St. Louis, San Francisco Railway Company, Complainant v. International Association of Machinists, et al.*, Defendants, pending in the Western Division of the Western District

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of Missouri, by attempting, within the Southwestern Division of the same district, to prevent certain railroad employees from continuing at work. The order ran against men on strike, and the cause is treated as one within the purview of the Clayton Act (October 15, 1914, c. 323, 38 Stat. 730). Sections 21, 22 24, and 25 of that act are set out below.   \*

of Missouri, by attempting, within the Southwestern Division of the same district, to prevent certain railroad employees from continuing at work. The order ran against men on strike, and the cause is treated as one within the purview of the Clayton Act (October 15, 1914, c. 323, 38 Stat. 730). Sections 21, 22 24, and 25 of that act Counsel for plaintiffs in error maintain that ordinary contempts punishable by courts of equity without trial by jury differ radically from the "statutory contempt" here disclosed, which, under the Clayton Act, must be dealt with as a criminal offense. And they insist that 51, 52,

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and 53, Judicial Code, control the venue when such "statutory contempt" is alleged.

Section 51 provides that, with certain exceptions: "No person shall be arrested in one district for trial in another, in any civil action before a district court."

Section 52:

"When a state contains more than one district, every suit not of a local nature, in the district court thereof, against a single defendant, inhabitant of such state, must be brought in the district where he resides; but if there are two or more defendants, residing in different districts of the state, it may be brought in either

district, and a duplicate writ may be issued against the defendants, directed to the marshal of any other district in which any defendant resides."

Section 53:

"When a district

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contains more than one division every suit not of a local nature against a single defendant must be brought in the division where he resides; but if there are two or more defendants residing in different divisions of the district, it may be brought in either division. . . . All prosecutions for crimes or offenses shall be had within the division of such districts where the same were committed, unless the court, or the judge thereof, upon the application of the defendant, shall order the cause to be transferred for prosecution to another division of the district."

None of the cited Code sections makes specific reference to contempt proceedings. These are *sui generis* -- neither civil actions nor prosecutions for offenses, within the ordinary meaning of those terms -- and exertions of the power inherent in all courts to enforce obedience, something they must possess in order properly to perform their functions. *Bessette v. W. B. Conkey Co.*, [194 U. S. 324](#) , [194 U. S. 326](#) .

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To disobey a judicial order is not declared criminal by the Clayton Act. It recognizes that such disobedience may be contempt, and, having prescribed limitations, leaves the court to deal with the offender. While it gives the right to trial by jury and restricts the punishment, it also clearly recognizes the distinction between "proceeding for contempt" and "criminal prosecution."

"No proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of, nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts."

25.

The Clayton Act says nothing about venue in contempt proceedings -- leaves it as theretofore. The power of the court below to issue the enjoining order is not questioned. By disobeying the order, plaintiffs in error defied an authority which that tribunal was required to vindicate. It followed established practice, as modified by the statute, and we think the objections to its jurisdiction are unsubstantial.

The following cases are in point: *Eilenbecker v. District Court of Plymouth County*, [134 U. S. 31](#) , [134 U. S. 35](#) *et seq.*; *Interstate Commerce Commission v. Brimson*, [154 U. S. 447](#) , [154 U. S. 489](#) ; *In re Debs*, [158 U. S. 564](#) , [158 U. S. 594](#) -596, [158 U. S. 599](#) ; *Bessette v. W. B. Conkey Co.*, *supra*, pp. [194 U. S. 326](#) -327; *Gompers v. Buck's Stove & Range Co.*, [221 U. S. 418](#) , [221 U. S. 441](#) , [221 U. S. 450](#) ; *Binkley v. United States*, 282 F. 244; *McGibbony v. Lancaster*, 286 F. 129; *Dunham v. United States*, 289 F. 376; *McCourtney v. United States*, 291 F. 497.

*Gompers v. United States*, [233 U. S. 604](#) , does not support the claim that the challenged contempt proceedings amounted to prosecution for a criminal offense within the intendment of 53, Judicial Code. While contempt may be an offense against the law and subject to appropriate punishment, certain it is that, since the foundation of our government, proceedings to punish such offenses have been

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regarded as *sui generis*, and not "criminal prosecutions" within the Sixth Amendment or common understanding.

*The judgment below must be affirmed.*

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"Sec. 21. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such

character as to constitute also a criminal offense under any statute of the United States, or under the laws of any state in which the act was committed, shall be proceeded against for his said contempt as hereinafter provided."

"Sec. 22. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged, with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: Provided, however, that, if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and, in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer."

"In all cases within the purview of this act, such trial may be by the court, or, upon demand of the accused, by a jury, in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial at which time a jury shall be selected and impaneled as upon a trial for misdemeanor, and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information."

"If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of \$1,000, nor shall such imprisonment exceed the term of six months: Provided, that in any case the court or a judge thereof may, for good cause shown, by affidavit or proof taken in open court or before such judge and filed with the papers in the case, dispense with the rule to show cause, and may issue an attachment for the arrest of the person charged with contempt; in which event such person, when arrested, shall be brought before such court or a judge thereof without unnecessary delay and shall be admitted to bail in a reasonable penalty for his appearance to answer to the charge or for trial for the contempt, and thereafter the proceedings shall be the same as provided herein in case the rule had issued in the first instance."

"Sec. 24. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced within twenty-one of this act, may be punished in conformity to the usages at law and in equity now prevailing."

"Sec. 25. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of, nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts, but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this Act."

