IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2026

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR........................CHIEF JUSTICE
BEFORE HER HONOR : JAMESETTA H. WOLOKOLIE................ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA...................................ASSOCIATE JUSTICE
BEFORE HER HONOR : CEAINEH D. CLINTON-JOHNSON............ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH...............................ASSOCIATE JUSTICE

Precious Cooper, Elise Cooper, Majorie Cooper & Others)
to be Identified, of the City of Paynesville, Montserrado)
County, Republic of Liberia .... Appellants)
)
Versus) APPEAL
)
The Intestate Estate of Madam Kema Kpene Kamara, by)
& thru its Administrators, Mohammed F. Golafale,)
Thomas Andrew Fahn, Momodu K. Metzger & Moses)
Dukpo, also of the City of Paynesville Montserrado)
County, Republic of Liberia ....Appellee)
)
GROWING OUT OF THE CASE:)
)
The Intestate Estate of Madam Kema Kpene Kamara, by)
& thru its Administrators, Mohammed F. Golafale,)
Thomas Andrew Fahn, Momodu K. Metzger & Moses)
Dukpo, also of the City of Paynesville Montserrado)
County, Republic of Liberia ....Plaintiff)
)
Versus) ACTION OF EJECTMENT
)
Precious Cooper, Elise Cooper, Majorie Cooper & Others)
to be Identified, of the City of Paynesville, Montserrado)
County, Republic of Liberia .... Defendants)

Heard: March 17, 2026 Decided: May 21, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

The Intestate Estate of Madam Kema Kpene Kamara, the appellee herein, instituted an action of ejectment before the Sixth Judicial Circuit, Civil Law Court, Montserrado County, against Precious Cooper et. al, the appellants herein. After pleadings rested, a jury trial was held, following which the jury returned a unanimous verdict in favor of the appellee. Thereafter, the appellants filed a motion for new trial, which was resisted to by the appellee, heard by the trial court, and subsequently denied. The trial court entered final ruling in favor of the appellee, which final ruling the appellants noted exceptions and announced an appeal to the Supreme Court, thus culminating into the matter before this Court.

The pertinent facts as culled from the records reveal that on December 1, 2021, the appellee instituted a five-count action of ejectment against the appellants, alleging therein that the Intestate Estate of Madam Kema Kpene Kamara, is the bonafide and legal owner of seventy-four (74) acres of land lying and situated in Paynesville, Montserrado County; that the said seventy-four (74) acres of land were obtained through legitimate purchase from the Republic of Liberia; that the appellants without any color of right illegally entered upon the subject property and have constructed structures thereon; that despite repeated warnings and attempts to have the appellants vacate the said property, the appellants have continued their unwarranted and illegal occupancy of the appellee's property to the detriment of the appellee. Hence, the appellee prayed the trial court to eject the appellant from the subject property and grant the appellee general damages commensurate with the appellants' illegal withholding of same.

On August 12, 2022, the appellants, in response to the complaint, filed a twenty-count amended answer denying therein all the allegations contained in the appellee's complaint, but alleged further that their ownership to the disputed property can be traced to Mr. John L. Morris who obtained same via a government grant deed from the Republic of Liberia in 1850; that following the purchase from the Republic, Mr. Morris conveyed One Hundred Eighty-Seven (187) of his Four Hundred (400) acres to Emmett and Roland Cooper in 1926; that subsequent to the deaths of Emmett and Roland Cooper, the property subject of the present dispute, lawfully passed unto the present appellants who have been in open and exclusive possession for more than two (2) decades without any interference from anyone to include the appellee; that assuming the appellee holds superior title to the disputed property, they (appellants) will still prevail under the doctrine of adverse possession as they have occupied the subject property for decades; that throughout their occupation of the disputed property, at no time did they receive warnings, either directly or indirectly from the appellee to vacate the disputed property; and that they (appellants) being the legitimate owners of the subject property, the appellee's request for damages cannot lie against them.

On August 25, 2022, the appellee filed seventeen-count amended reply and therein denied the appellants' amended answer in its entirety. The appellee further asserted that its seventy-four (74) acres of land is separate and distinct from the appellants' one hundred eighty-seven (187) acres; hence, the conduct of an investigative survey was necessary to determine ownership of the disputed property. As to the appellants' claim of adverse possession, the appellee asserts that adverse possession cannot lie because appellants are relying on title instruments and that it was only in 2021 that the appellee discovered the illegal withholding of their property by the appellants.

Subsequently, the trial court ordered the conduct of an investigative survey based on the request of both parties and considering the fact that it is in the best interest of the contending parties to conduct an investigative survey to determine the legitimate owners of the disputed property. The parties having interposed no objection to the said motion, the trial judge ordered the clerk of court to request the Liberia Land Authority to submit the name of a licensed and qualified surveyor to lead the Investigative Survey Team and further ordered the appellee and the appellants to submit the names of their respective surveyors for the conduct of the investigative survey. Surveyor Moses J.E.D. Marpleh represented the appellee; surveyor Lawrence Herines represented the appellants; while surveyor Samuel W. Danuway, Jr. of the Liberia Land Authority served as the head of the Investigative Survey Team. The investigative survey team subsequently issued a survey notice on May 3, 2022 informing the parties and the adjacent landowners about the conduct of the survey on Wednesday, May 11, 2022 at the precise hour of 9: 00 A.M. The survey was conducted on the said date in the presence of the representatives of the disputing parties and the adjacent landowners.

On September 9, 2022, the investigative survey team through its head, Samuel W. Danuway, Jr. filed its report with the trial court, which was read in open court by the trial judge and a copy served on each of the contesting parties on different dates. We quote herein below the pertinent portion of the investigative survey report as follows, to wit:

"Findings

OBSERVATIONS:

May it please your Honor, the following points were observed during the implementation of the Investigative Survey exercise.

1. It is observed that the plaintiff (Kema Kpane Kamara), first presented documents to court for ownerships but on the date of the actual field survey exercise, the defendants' lawyer filed documents for his clients.

2. It is observed that the plaintiff purchased her property on March 13, 1905 from the Republic of Liberia, signed by President Arthur Barclay, and probated on April 10, 1905 A.D (Public Land sale Deed);
3. It is observed that the plaintiff deed contains (74) acres of land and no more while the points shown during the field survey exercise by her Administrators measured 90.9 acres of land;
4. It is observed that the defendants showed points during the field survey exercise measuring (134) acres of land while the mother deed from the Republic of Liberia contains (400) acres of land and no more; (A government Grant)
5. It is observed that both parties (plaintiff and defendants) claimed properties are overlapped and the portion overlapped is about (29) acres of land of which the plaintiff is claiming (13) acres of land;
6. It is observed that the points shown by the defendants' administrators during the field survey exercise clearly proved that the plaintiff's claim is real and true that is the portion of land claimed by the plaintiff belongs to the plaintiff (Kema Kpane Kamara);
7. It is observed that about 80 – 85% of the parcel of land under investigation is occupied with houses/buildings owned by different individuals or group of individuals;
8. It is observed that the defendants four hundred (400) acres deed presented to court had some technical fraud meaning 100 chains by 80 chains gives you 800 acres of land and not 400 acres of land as contained in the Government Grant to James J. Morris;
9. It is observed that the purchased fees for 400 acres, of land should be 200.00 dollars instead of $240.00 mentioned in the Defendants' (400) four hundred acres of land deed;
10. It is observed that the first grantor of land (Republic of Liberia) could not have done a double sale of a parcel of land to two of its citizens as in this case; whereas the Republic of Liberia sold

74 acres of land to Kema Kpane Kamara on March 13, 1905 and again sold portion of that land to James J. Morris in 1924 interestingly one President signed the two deeds (Arthur Barclay);

11. It is observed that the defendants had not made any payment of the cost analysis sent to the court, yet they took part in the field survey exercise and were represented by their surveyor.

FINDINGS

Your Honor, after a careful conduct of an Investigative Survey, all data collected had been plotted and deeds super-imposed on the map; the following points are considered the findings:

1. That the area bordered Red and labeled (A, B, C, D – A) represents 90.9 acres of land claimed by the plaintiff (Kema Kpane Kamara) according to ground points shown during the field survey exercise;
2. That the area bordered Green and labeled (E, F, G, D – E) represents seventy-four (74) acres of land owned by the plaintiff (Kema Kpane Kamara) according to deed information;
3. That the area bordered Black and labeled (G, H, J, K – G) (C1 D1 D4 – D1) represents (134) acres of land claimed by the Defendants according to ground points shown during the field survey exercise by the defendants Administrators;
4. That the area bordered Purple and labeled (D1, 1, 2, 3 – D1) represent four hundred acres of land owned by the Defendants according deed information.

PROFESSIONAL OPINION

May it please Your Honor, at the end of the Investigative survey conducted for all the parties involved, the following points are made as a professional opinion:

1. That the plaintiff Kema Kpane Kamara purchased her land from the Republic of Liberia on March 13, 1905 signed by President Arthur Barclay and probated same on April 10, 1905 A.D, while

the defendants' mother deed of 400 acres of land was also purchased in 1924 signed by the same President Arthur Barclay and probated same on June 6, 1924.

2. That the two parties claimed lands have an overlap of 29.3 acres of land which the plaintiff is claiming 13 acres of land the balance of 16 acres goes to the Defendant as they claimed.

3. That the Defendants four hundred (400) acres deed has some technical errors such as: 100 chains by 80 chains contains (800) acres instead of 400 acres and as such double the contained quality of land.

4. That since the two parties acquired their land from the same grantor (The Republic of Liberia) and their deeds signed by the same (President Arthur Barclay), the first and older genuine deed may be given much and more attention.

RECOMMENDATIONS

May it please your Honor, after the conduct of a careful Investigative Survey; the survey team is pleased to recommend the following points:

1. That the plaintiff may be able to re-demarcate her property according to deed information so that her administrators may really know the limit of the land;

2. That the overlap of the entire land is (29.4) acres of which the plaintiff is claiming 13 acres of that land, during the re-demarcation survey of the plaintiff's property, the surveyor may add that portion of land to the plaintiff's property."

At the close of the evidence, the trial judge forwarded the matter to the jury for their determination. Following deliberation, the jury returned a unanimous verdict of in favor of the appellee. The appellant thereafter filed a motion for new trial and same was resisted by the appellee, heard and denied by the trial court. The court entered a final ruling affirming the jury's unanimous verdict.

We also quote herein below excerpts from the trial court's final ruling as follows, to wit:

"The following issues are considered in determining these proceedings:

Whether or not the plaintiff has standing to institute an action of ejectment against the defendants who were earlier ruled not liable to another party by the Supreme Court in another matter touching on the same property?

Plaintiff alleged that Madam Kamara is her grandmother who died ceased of several properties to include 74 acres of land situated in Paynesville, Montserrado County. According to Plaintiff, Madam Kamara purchased the said parcel of land from the Republic of Liberia on March 5, 1905, issued a Public Land Sale deed, which was signed by President Arthur Barclay and probated on April 10, 1905. Plaintiff alleged that they came to note Defendants' encroachment on portion of their land by Defendants therein, in 2021. Actions of ejectment may be brought against any person holding property by possession adverse to the interest of party plaintiff. *Couwenhoven vs. Beck et al.*, 2 LLR 364 (1920). The Statute also provides that a person rightfully entitled to the possession of a real property may bring an action of ejectment without prior notice to vacate when a) there is unlawful dispossession, ouster, trespass, or tortuous entry by a tenant at sufferance only or by a mere occupant without color of right or title after the expiration of the term of a lease or of rightful or permanent possession, or b) There is a wrongful entry or possession of a mere trespasser or intruder. Section 62.2, Civil Procedure Law. Defendants contend that the action will not lie against them because they were party before court and if the defendant had interest in the same property, they ought to have intervened. The failure of a party to intervene in a case does not serve as a bar to said party instituting an independent suit in their own name. A person entitled to intervene in an action for the protection of his rights may elect to institute his own action in lieu thereof. *Cooper v Judge Swope*, 38 LLR 000 (1998).

In an action of ejectment, the plaintiff must recover only on the strength of his own title and not on the weakness of the title of his adversary. *Dasusea et al v Coleman,* 36LLR 102 (1989). When the Plaintiff proves that he or she has a valid and legal title to the disputed property, he or she is legally entitled to recover the said property upon the strength of that title. *Tulay vs. Salvation Army (Lib) Inc,* 41LLR262 (2002). The Plaintiff in both his pleadings and during trial endeavoured to establish by clear, cogent, and convincing evidence that she is the legitimate and bonafide owner of the 74 acres of land lying and situated in Paynesville, Montserrado County, portion of which the defendants herein encroached upon, occupied and sold as evidenced by the findings of the court's ordered Investigative Survey, conducted by the Liberia Land Authority. Plaintiff is entitled to recover for damages due to defendants illegally withholding her property thereby denying her of the right to usage and quiet enjoyment. Damages in action of ejectment is not based on specific damages, rather it is contingent upon general damages.

Whether or not adverse possession can lie to bar the Plaintiff from taking possession of their legal property? Defendants pleaded adverse possession in their answer while at the same time pleading title deed claimed to have been acquired from the Republic of Liberia in 1926. The Supreme Court of Liberia, in the case *Morris et al vs. Keita*, 39 LLR 710 (1999) opined that a plea of adverse possession is an affirmative plea or defense in our jurisdiction. A party pleading an adverse possession must therefore admit that plaintiff has a color of title and a cause of action against the defendant party, but that the plaintiff failed and neglected to take any step to protect his own interest within twenty (20) years as provided by statute. The Court further held that a claim of legal title in a third party and a claim of title through adverse possession contradict one another as the proof of one disproves or extinguishes the other. In the instant case, the defendants are not admitting that Plaintiff have right to the property but instead claiming ownership of the disputed property, relying upon their title deed believed to have been conveyed to them by the Republic in 1926 while at the same time claiming that if their title does not survive, adverse possession will surpass.

In this jurisdiction, prior to now, every public land sale deed was required by law to be signed by the president. Defendant represented to this court in both their pleading and evidence that they acquired 120 acres of land from the Republic of Liberia in 1926 and were given a Public Land Sale Deed, which Deed was signed by the late President Arthur Barclay. Similarly, Plaintiff also represented to this court in her pleading as well as evidence produced during trial that she acquired from the Republic of Liberia 74 acres of land in 1905 and it is 13.5 acres of the said 74 acres of land that the Defendants are encroaching upon, occupying and selling against her will. Plaintiff's Deed of 1905 was also signed by the late President Arthur Barclay. Section 25.2, Civil Procedure Law provides that, "the judge shall of his own motion take judicial notice of public historical facts that are so well known as not to be the subject of reasonable dispute".

According to the history of Liberia, President Arthur Barclay ruled Liberia as President between 1904 to 1912 and no more. Therefore, it is not possible for him to have signed a Public Land Sale Deed of 1926 as President of Liberia. Plaintiff in her reply to Defendants answer alleged that the Public Land Deed pleaded in their answer was a product of fraud. Despite the Plaintiff allegation, Defendant failed, refused and neglected to refute or argue same during trial. It is a settled law that, "upon allegation that a party has committed fraud, every species of evidence tending to establish said allegation must be adduced at the trial". *Henrichsen vs Moore*, 5 LLR 60, (1963). The Supreme Court, in the case *Harmon vs. Republic of Liberia*, 24 LLR 176 (1980) defined fraud as any false representation, deceit, devises, or artifice used by one person with the intent or for purpose of deceiving or misleading another to injury.

Wherefore and in view of the foregoing, the verdict of the jury is confirmed and affirmed. The defendants are hereby adjudged liable to plaintiff in the Action of Ejectment and are ordered evicted, ousted and ejected from the plaintiff's property. Defendants are ordered to pay US$750,000.00 as General Damages."

The appellants noted exceptions to this ruling of the trial judge by filing a six-count bill of exceptions. We have determined from our review of the bill of exceptions that the relevant issues raised by the appellants are: 1) The alleged misrepresentation of the facts by the trial judge as regards the dates the appellants' grantor obtained the disputed property from the Republic of Liberia and conveyed same to the appellants 2) The arbitrary denial of the appellants' adverse possession claim by the trial judge.

Our decision to limit our review to the above-stated contentions of the appellants is in consonance with the law that "the Supreme Court is not bound to pass on all of the issues raised in the counts in the bill of exceptions but only those it finds pertinent to the disposition of the case." *CBL v. TRADEVCO*, Supreme Court Opinion, October Term 2012; *Knuckles v. TRADEVCO*, 40 LLR 49, 53 (2002); *Vargas v. Morns*, 39 LLR 18, 24; *Rizzo et. al v. Metzger et. al*, 38 LLR 476, 478 (1997); *Transport of Belgium v. Family Textile Center*, 38 LLR 49, 52 (1995).

Before turning to the merit of this case, we deem it necessary to state that the investigative survey report indicated that the appellants' deed contained fraud. In a litany of cases, this Court espoused the following:

"An investigative survey is one requested or directed by the court as a means of assisting in the resolution of certain technical aspects of a case, thereby aiding the court in determining a factual issue. The surveyor appointed by the court is placed on the stand to testify to the report, which is subsequently submitted to the jury for consideration." *Abraham K. Wales et al. v. The Intestate Estate of Arthur and Ruben Hart*, Supreme Court Opinion, March Term, 2025. From the case cited, we see that an investigative survey is mainly for the purpose of establishing which of the deeds presented by the disputing parties corresponds with the ground location. In the instant case, the head of the investigative survey team proceeded beyond the scope of his authority when he determined that the deed of the appellants was a product of fraud.

It is the law that when fraud is alleged, a jury must pass upon the evidence in support of the allegations. *The Intestate Estate of Benjamin Franklin v. CICO*, Supreme Court Opinion, March Term 2024; *Jallah v. Jallah*, Supreme Court Opinion, October Term, 2015; *National Elections Commission v. Liberty Party*, Supreme Court Opinion, Special Session 2011.

We now turn to the trial records to determine whether the evidence in this case supports the assertions of the appellants to the effect that the trial judge misrepresented the facts as regards the dates the appellants' grantor obtained the disputed property from the Republic of Liberia and conveyed same to the appellants and the arbitrary denial of the appellants' adverse possession claim by the trial judge.

Our review of the trial records reveals glaring missteps by the trial judge both as to the facts and the application of the law. Firstly, the trial judge in his final ruling incorrectly stated that both the pleadings of the appellants and the evidence proffered established that the appellants in 1926 obtained a public land sale deed from the Republic of Liberia, signed by President Arthur Barclay. This assertion of the trial judge is a complete distortion of the trial records. To prove this, we take judicial cognizance of count four (4) of the appellants' amended answer and count five (5) of the bill of exceptions wherein the appellants clearly narrated that their mother deed revealed that Mr. James L. Morris obtained four hundred acres of land from the Republic via a public land sale deed in 1850 and subsequently conveyed one hundred eighty-seven acres of the said four hundred acres of land to the appellants' grantor through an executor's deed. Based on the undisputed trial records, we find it difficult to detect the reasons for the trial judge placing 1926 as the year the appellants' grantor obtained the subject property from the Republic instead of 1850 as the appellants articulated in their amended answer and bill of exceptions. This giant-sized misrepresentation of the trial records took the trial judge off the path of justice. The trial judge began to improperly take judicial notice of facts that were not introduced in the records and concluded that it was impossible for President Arthur Barclay to have signed a public land sale deed as President in 1926 when his tenure lasted from 1904 to 1912. Additionally, these factual missteps by the trial judge ran afoul to the investigative survey report which proved that the appellants' government grant deed from the Republic contained no date, month, and year; however, same was signed by President Arthur Barclay. The investigative survey report further mentioned an executor's deed dated January 5, 1926 from John L. Morris to Emmett Cooper and Roland Cooper.

As indicated herein above, the investigative survey report stated in clear terms that the appellants' government grant deed carried no date, month and year. Hence, we are baffled as to how the trial judge reached the conclusion that appellants' government grant deed carried the year 1926. To make matter worse, the investigative survey report further established 1926 as the year the appellants were issued an executor's deed from John L. Morris to Emmett Cooper and Roland Cooper contrary to the improper assertion of the trial judge that the appellants obtained the subject property from the Republic in 1926. These factual and legal errors by the trial judge culminated into the catastrophic results obtained in this case.

This Court agrees with the trial judge that our statute and decisional laws indeed mandate judges to take judicial notice of public historical facts; however, it cautions judges that the said facts judicially noticed must be so well known as not to be the subject of reasonable dispute". Civil Procedure Law, Rev. Code 1:25.2; *The Intestate Estate of Gaye v Eurobank*; 37 LLR 592. Hence, we hold that considering the misrepresentation of the facts by the trial judge, the doctrine of judicial notice is inapplicable to the trial records inaccurately cited by him.

Moreover, this Court has cautioned lower courts to handle property matter with every available care and objectivity; and that judges who handle matters of real property are to afford all parties every chance and patience to appear and defend their cause by all mean accorded them by law. *William v Tah et al.,* Supreme Court Opinion, October Term A.D 2010; *Teah v Andrews et al.*, 39 LLR 493, 504 (1999); *Kennedy et al v Goodridge et al.,* 33 LLR 398, 405 (1985); *Sarah C. Kennedy et al. v. His Honor Eugene L. Hilton*, 33 LLR 398, 405 (1985); *Teah v His Honor Judge Andrews et al.* 39 LLR 493, 503 (1999). Therefore, the failure of the trial judge to properly review the trial records and apply the relevant statute and case laws constitutes a reversible error.

As to the appellants' allegation of the denial of their adverse possession plea by the trial judge, we observed that the trial judge relied on the case *Morris et al vs. Keita* 39LLR 710, 714 (1999), in which the Supreme Court opined that "a plea of adverse possession is an affirmative plea or defense in our jurisdiction. A party pleading an adverse possession must therefore admit that plaintiff has a color of title and a cause of action against the defendant party, but that the plaintiff failed and neglected to take any step to protect his own interest within twenty (20) years as provided by statute. The Court further held that a claim of legal title in a third party and a claim of title through adverse possession contradict one another as the proof of one disproves or extinguishes the other." It is based on the holding in this case that the trial judge seems to suggest in his ruling that the appellants could not alternatively plead adverse possession. We disagree.

The Supreme Court has on numerous occasions encouraged judges to familiarize themselves with Opinions of this Court to avoid miscarriage of justice.

In the case, *The Intestate Estate of Fatima Massaquoi Fahnbulleh vs. The Management of LEC*, Supreme Court Opinion, October Term 2021, this Court opined thus:

> "The purpose of the statute of limitation is to discourage and avoid still claims. When still claims are filed, the likelihood is that parties may have died, memories faded and documents lost, defaced or destroyed, thereby making it difficult, if not impossible, for courts of law to obtain cogent evidence on which cases can be fairly decided.
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> The statute of limitation is recognized and adhered to under Liberian law. Section 2.2,1LCLR, Civil Procedure Law states that "The failure to commence an action within the time limited therefor shall constitute a defense to the action, which shall be pleaded affirmatively in the answer or reply..." In specific reference to real property, our statute provides at Section 2.12(2), 1LCLR, Civil Procedure Law that "An action to recover real property or its possession shall be barred if the defendant or his privy has held the property adversely for a period of not less than twenty years."
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> In numerous cases, the Supreme Court has consistently recognized the efficacy of the principle of the statute of limitation. In Caine, Freeman et al. v. Fahnbulleh, Freeman et al.[1983] LRSC 71;, 31 LLR 235 (1983), this Court, speaking through Mr. Justice Smith, said: "The right to recover real property, or its possession, shall be forfeited or barred if the defendant or his privy has held the property adversely for a period of not less than twenty years." This position adopted in

the Caine case was reiterated in the case: Badia, AmmonsWebster et al v. Cole Larison and Walker[1985] LRSC 23;, 33 LLR 125 (1985), wherein this Court, speaking through Mr. Justice Morris stated: "An action to recover real property or its possession shall be barred if the defendant or his privy has held the property adversely for a period of not less than twenty years." And in two early cases: Thorne et al v. Thompson, 3 LLR193 (1930) and Morris v. Kieta, 39 LLR710 (1999) the Supreme Court said the following:

"Title to land by adverse possession owes its origin to and is predicated upon the statute of limitations, and although the state does not profess to take an estate from one man and give it to another, it extinguishes the claim of the former owner and quits the possession of the actual occupant who proves that he has actually occupied the premises peaceably and quietly for the period prescribed by law."

Under the Land Rights Act enacted on September 19, 2018, and published on October 10, 2018, the Legislature, while maintaining the efficacy of the statute of limitation, however reduced the time within which the statute shall apply in respect of real property from twenty (20) years to fifteen (15) years. So, based on the doctrine of the law of recency, we take due note that the period within which the statute of limitation will apply in real property cases is no longer twenty years and above as provided for under 2.12(2), 1LCLR, Civil Procedure Law. Rather, it is now fifteen (15) years in keeping with the Land Rights Act; Article 22 of the Land Rights Act (Acquisition of Private Land by Adverse Possession) provides:

1. A person acquires ownership of private land by Adverse Possession where: i) He or she occupies the said piece of private land under an asserted claim of right but without valid title where the use or occupancy is open, exclusive, notorious continuous period and hostile to the rights of the owner(s) for a period of fifteen (15) or more years without any legal objections from the owner(s) or ii) where he or she occupies the said piece

of private land under an alleged color of title, which is not recognized by the owner(s) and remains in open, notorious, continuous possession of the aforesaid private land for a period of fifteen (15) or more years without any legal objections from the owner(s).

2. For the purpose of Adverse Possession, a "claim of right" shall mean any asserted ownership of private land whether supported by a document of title or not, while a "color of title" shall mean any claim of ownership of private land founded on a written instrument such as deed, a will or a judgment that is for some reason defective or invalid.

3. In addition to the requirement of Article 22(1), to constitute the defense of Adverse Possession, one claiming private land must present evidence or proof of regular payment of taxes for the entire period of fifteen (15) years along with any of the following:

I. Where the land has been usually cultivated or verifiably improved by the claimant.

II. Where the land has been protected by a fence or some substantiated enclosure; and

Ill. Where the land, although not enclosed, has been used by the claimant for the ordinary need or use by the claimant.

4. A defendant in an action to recover real property may assert the defenses of ownership of the property under a claim of right and color of title and such plea shall not be considered inconsistent or contradictory under any rule of pleading.

5. For purpose of computing the period required under Article 22, the period of possession of the person's predecessor-in-interest shall be considered or included in the calculation and determination of the period of the Adverse Possession.

6. Adverse Possession is inapplicable to Customary Land, Government Land or Public Land, and no person may claim any

Customary land, Government Land or Public Land by Adverse Possession."

From the case cited herein above, it is clear that adverse possession can be pleaded affirmatively contrary to the ruling of the trial judge. However, considering that the investigative survey report indicated that both parties have properties in the area covered by the said investigative survey and that both parties purchased the disputed property from the Republic at different times, the 29.3 acres of land which overlaps legitimately belongs to the party with the older title deed.

This Court has opined in a litany of Opinions that while it favors the speedy disposition of cases; however, it frowns on any method that ignores the rights of party litigants. Speedy trial means responsible and cautious speed, avoiding the deprivation of the parties' rights. Speedy trial as guaranteed under the Constitution is no license or excuse for a judge to hastily dispose of a matter if by doing so would be prejudicial to the interest of the parties such as was done in this case. Those who are charged with the duty of dispensing justice must do so in the spirit of cool neutrality, and the court must always rule with a mind void of partiality; our courts must be free from reproach or suspicion of unfairness, as the Judiciary should enjoy an elevated rank in the estimation of mankind. *The Corporation of IBN v. Pearson and Sirleaf*, 31 LLR 72, 75 (1983).

The judgeship is an honorable position. One who occupies it must behave honorably. Judges should not allow themselves to be put in positions of great embarrassment or to compromise the cool neutrality which at all times should be exhibited by them. *Lone Star Insurance Co. v. Cooper et. al*, 40 LLR 549, 552 (2001).

It is trite law, practice and procedure in this jurisdiction that a verdict presented by the petit jurors may be set aside, where the verdict is contrary to the weight of the evidence or in the interest of justice. *Embassy Suites Corporation v. The Management of Ecobank*, Supreme Court Opinion, March Term 2023; *Ketter v. Jones et al.* 41LLR 81, 85 (2002); Civil Procedure Law, Rev. Code 1: 26.4.

Hence, the records having established that the appellant's grantor obtained the property from the Republic in 1850, and the appellee having acquired title from the Republic also in 1905, the 29.3 acres of land which overlaps according to the investigative survey report, rightly belong to the appellant whose grantor has the older title deed.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the ruling of the trial judge confirming the verdict of the jury is hereby reversed. The Clerk of this Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. Costs shall abide final determination. AND IT IS HEREBY SO ORDERED.

When this case was called for hearing, Counsellor Jerome G. Korkoya appeared for the appellants. Counsellors Jonathan T. Massaquoi and J. Quiwoe Dennis of the International Law Group appeared for the Appellee.