

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

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

Hannah Saba Gardiner of the USA, by and thru her	)	
Attorney-in-fact, Counsellor Charles H. Gibson of	)	
Monrovia, Liberia APPELLANT	)	
	)	
VERSUS	)	APPEAL
	)	
Esther Pyne James of the USA, by and thru her	)	
Attorney-in- fact, Counsellor M. Wilkins Wright	)	
Of Monrovia, Liberia APPELLEE	)	
	)	
<u>GROWING OUT OF THE CASE:</u>	)	
Hannah Saba Gardiner of the USA, by and thru her	)	
Attorney-in-fact, Counsellor Charles H. Gibson of	)	
Monrovia, Liberia PLAINTIFF	)	
	)	
VERSUS	)	EJECTMENT
	)	
Esther Pyne James of the USA, by and thru her	)	
Attorney-in- fact, Counsellor M. Wilkins Wright	)	
Of Monrovia, Liberia DEFENDANT	)	

Heard: January 5, 2026	Decided: May 20, 2026
------------------------	-----------------------

MR. JUSTICE KABA DELIVERED THE OPINION OF THE COURT.

This is the second time we have been called upon to decide this case on appeal. On the first occasion, we were confronted with the issue of whether the trial judge’s ruling affirming the Board of Arbitration’s report, which awarded the disputed property to the appellee herein, the defendant in the main suit, Esther Pyne James, should not be disturbed. After a careful review of the certified record, the bill of exceptions, and the parties’ briefs, and after hearing the parties’ arguments, we concluded that the Board of Arbitration, as set up, was not an arbitration board as contemplated under Chapter 64 of our Civil Procedure Law. We held that the trial judge committed reversible error in affirming the award arising from the arbitral report. We therefore reversed the trial judge’s final ruling and remanded the case to the trial court with the following instruction: 1. That the judge orders an investigative survey requiring the surveyors to use the parties’ deeds and the aid of the government’s adjudication map at the Ministry of Lands, Mines and Energy to determine the location of the land and the ownership

thereof, and 2. That the court, with the aid of the jury, makes a determination as to the party legally entitled to the said property.

Following the Supreme Court's opinion and in obedience to our Mandate, the trial court resumed jurisdiction over the case and ordered an investigative survey by surveyor Morris Kenneh. The surveyor conducted the survey and reported that, based on the findings and observations, it is clear that the appellee's metes and bounds came very close to the existing metes and bounds of the disputed parcel of land. The report further states that, in general, one would not expect a survey conducted 65 years ago to have the same bearing today. The report also states that the construction of Tubman Boulevard has contributed to the shortage in the meets and bounds.

The trial judge ruled that, because factual issues were raised in the objection, the objection shall be tried along with the other issues already ruled for trial during the disposition of the law issues. The trial court commenced the trial after empaneling a jury on the 30th day of March 2021. During the trial, the appellant produced three regular witnesses and one rebuttal witness. The appellant testified first on her own behalf. She told the court that she acquired her title to the disputed property from Geneva Johnson Duff, as evidenced by a 1975 warranty deed issued to her. She further testified that her title derives from a 1952 quitclaim deed from the estate of Elijah Johnson to her grantor and from a 1839 public land sale deed from the Commonwealth of Liberia, signed by Governor Thomas Buchanan, to Elijah Johnson. She also testified that her claim is supported by the Monrovia adjudication map.

Appellant's second witness, Mr. Joseph Burgess of the Commission of Land Registration at the Liberia Land Authority, presented the government-adjudicated map of Sinkor and located the Monrovia Country Club. Appellant's third witness, Moses J. E. D. Mapleh, who served as appellant's representative during the investigative survey, testified that the investigative survey report was erroneous, inaccurate, and unprofessional. He questioned the report's conclusion, stating that the appellant's deed commences at the northeast point of the Purser's property toward Tubman

Boulevard, while the appellee's deed commences at the southwestern point of the Monrovia Country Club. He further testified that the appellee's property exists but is located elsewhere. With these testimonies, appellant rested, having produced evidence, and gave notice to produce rebuttal.

Thereafter, the appellee took the stand and produced three witnesses. Appellee's first witness, Emmanuel T. Davies, testified that the property at issue was originally owned by his grandfather, K. Nimely Pyne, who died and left a will. He said his father, Albert C. Davis, and his uncle, Gbaflen Davies, were the executors of his grandfather's will and that they divided the property between his mother, Rose Pyne Davies, and her sister, Esther Pyne James. He further testified that Esther Pyne James took the portion of the property on the roadside, while his mother took the portion at the back. The appellee's second witness, Vincent Francis, testified that he knew the appellee as Ma Esther, who has since died. The witness stated that his father was a tenant of the appellee, that following the appellee's death and his father's death, he paid rent to the James family, and that he produced receipts to that effect. The appellee's third witness, Morris Kenneh, the surveyor who conducted the investigative survey, testified that he prepared, signed, and submitted the report. He disagreed with his colleague, Moses Maplah, regarding his testimony. With the above testimonies, appellee rested its evidence, and, in accordance with appellant's early notice, surveyor Moses Mapleh returned to the witness stand as a rebuttal witness to address a specific question posed to Morris Kenneh. Thereafter, appellant rested its evidence in toto, and both sides submitted their cases for argument.

The trial court summarized the parties' testimony and, at the parties' request, charged the jury after legal argument. The jury retired to the deliberation room and returned with a unanimous verdict finding the appellee not liable. After hearing a motion for a new trial, the trial judge denied the motion, affirmed the verdict, and thereafter adjudged the appellee not liable. Subsequently, the appellant filed a motion for a new trial, contending that the verdict was contrary to the weight of the evidence adduced at trial and, therefore, prayed that the court grant a new trial. The appellee, on the other hand, filed a resistance to the said motion. The court denied and dismissed the motion and sustained the resistance thereto. To

this ruling, the appellant entered an exception, announced an appeal to the Supreme Court, and subsequently filed a seven-count bill of exceptions.

Substantially, the appellant alleged in her bill of exceptions that the trial judge erred when he denied her motion for a new trial in the face of the clear variance between the evidence adduced at trial and the verdict returned by the jury; that the judge erred when he affirmed the jury's verdict, which was clearly contrary to the evidence; that the judge committed a reversible error when he ignored and proceeded contrary to the clear mandate of the Supreme Court to "determine the location of the land and ownership thereof ..."; that the judge erred when he failed to consider appellant's objection to the investigative survey; that the trial judge erred when he failed to consider plaintiff's objection to the unprofessional premise and conclusions of the investigative survey, which also included a map illogically and unprofessionally depicting the superimposition of two title deeds with different metes and bounds, containing different commencement points in different directions that will never intersect, and with two different commencement points attached to different, separate adjoining properties that exist on the Government of Liberia's Sinkor Adjudication map and were presented by an official of the Liberia Land Authority during the trial of the case. The appellant further alleged that the judge's final ruling ignored and failed to comply with the Honorable Supreme Court's orders to decide this dispute, also using the Sinkor Adjudication map of the Government of Liberia; that the trial judge committed a reversible error when he gave weight to a self-serving receipt introduced by defendant's witness, which was not pleaded and not traversed to prove defendant's title, despite defendant's failure to produce the parent deed to support the purported Executor Deed; nor did the appellee plead and testify to a Court Decree, Letters Testamentary, or a Will to support the Executor Deed; that the trial judge erred when he declared that appellant failed to prove her title in the face of a deed from her grantor, a quitclaim deed to her grantor, and a public land sale deed from the Republic of Liberia to Elijah Johnson, whose heir(s) transferred title to her; and that the trial judge committed a reversible error when he declared that appellant failed to prove her title in the face of a deed from her grantor.

Given due consideration to the pleadings, the evidence adduced during the hearing, the verdict returned by the trial jury, the trial judge's final ruling, the appellant's bill of exceptions, the briefs filed by the parties, and the argument presented to this Court, the determinative issues that claim the attention of this Court are:

1. Considering that the appellant pleaded a chain of title from 1839, tracing his title to the Republic of Liberia, and that the appellee pleaded only a single deed from his grantor without pleading any chain of title, and further considering that the disputed property is located in an adjudicated area, was it proper for the investigative surveyor to ignore the appellant's parent deeds, the location of landmarks such as the Monrovia Country Club, and the Adjudication map during the investigative survey?
2. Given the evidence presented at trial, is the verdict returned by the jury consistent with the weight of the evidence?

We shall address these issues in the order they are presented.

With regard to the first issue, it is the law, hoary with age in this jurisdiction, that ejectment is a possessory action in which a plaintiff must recover on the strength of her own title, not on the weakness of the defendant's. *Bingham v. Oliver*, 1 LLR 47, 49 (1870), *Tower of Faith v. Intestate Estate of the Late Whea gar Blaygbor*, LRSC 28 (2010), *Caine et al. V. Fahnfulleh et al.*, 31 LLR 235 (1983). The primary objective in suits of ejectment is to test the strength of the parties' titles and to award possession of the property in dispute to the party whose chain of title is so strong as to effectively negate the adversary's right of recovery. In all such cases, the plaintiff's right of possession must not depend upon the insufficiency or inadequacy of his adversary's claim; he must be entitled to possession of the property upon legal foundations so firm as to admit of no doubt of his ownership of the particular tract of land in dispute.

In the case under review, the appellant, the plaintiff in the court below, pleaded a chain of title traceable to the Republic, while the appellee produced a single deed from his grantor, the Testate Estate of K. Nimely Pyne, by and thru the Executors Albert C. Davis and Gbaflen Davies. That deed was not supported by a grantor's deed and was not traced to the

Republic. Liberian jurisprudence is settled that a deed does not exist in isolation. A party asserting ownership must demonstrate how the title lawfully passed to the grantor. In such cases, the chain of title, the seniority of deeds, and conformity with the disputed property's ground location are decisive. Where one party traces title to the Republic and the other does not, the evidentiary balance tilts decisively. *Nyepan et al. v. Jarteh*, LRSC 24 (2010), *Abojula et al. v. Massoud*, LRSC 26 (2009), *Mananaai v. Momo*, LRSC 3 (2012)

It is noteworthy, however, that neither party in this case challenged the other's title. The issue apparent from the parties' pleadings is that the deeds pleaded call for different locations. Consequently, where both parties produce deeds and neither challenges the legality or authenticity of the other's instrument, the controversy narrows to determining the ground location of the land described in the competing deeds. In recognition of this fundamental principle of our law, this Court, after its initial hearing of this matter, mandated that the trial court have this matter subjected to an investigative survey to determine the conformity of the respective title to the ground location of the disputed property.

This brings us to the issue of the Investigative Survey. According to the appellant's technical observer of the Investigative Survey, the Investigative Survey Report was erroneous, inaccurate, and unprofessional. He questioned the report's conclusion, stating that the appellant's deed commences at the northeast point of the Purser's property toward Tubman Boulevard, while the appellee's deed commences at the southwestern point of the Monrovia Country Club. He further testified that the appellee's property exists but is located elsewhere. Mr. Joseph Burgess of the Commission of Land Registration at the Liberia Land Authority also presented the government-adjudicated map of Sinkor, further supporting Mr. Marpleh's position. On the other hand, aside from Mr. Anderson's statement disputing Mr. Marpleh's rebuttal assertion, the appellee did not produce evidence to address the challenges to the Investigative Survey Report raised by both Mr. Marpleh and Mr. Burgess.

This Court has held that a judicially ordered investigative survey is a judicial instrument and not a discretionary exercise; therefore, the surveyor must

examine all title instruments pleaded, including mother deeds, with the government adjudication map, and locate recognized landmarks referenced in the deeds, to produce a legally coherent report enabling the court and jury to determine ground location. A survey that fails in these respects is fatally defective. *Williams v. Johnson*, 44 LLR 145 (2008).

It is clear from the deeds offered by the parties that the appellant's deed commences at the northeast point of the Purser's property toward Tubman Boulevard, while the appellee's deed commences at the southwestern point of the Monrovia Country Club. These are landmark locations clearly spelled out in the parties' deeds. How, then, could the investigative surveyor not first locate those areas in his effort to locate the respective properties of the parties? As set forth in the deeds, these two properties should not be located in the same place. Had the surveyor followed the Supreme Court's prescription outlined hereinabove, the determination of which of the deeds calls for the disputed property would have been made logically.

Moreover, the disputed property is located in an adjudicated area. An adjudicated area is one in which the Government of Liberia has formally surveyed, reconciled, and recorded land claims. The resulting adjudication map constitutes prima facie and authoritative evidence of boundaries, parcel identity, and landmark locations. *Kamara v. Kamara*, 38 LLR 317 (1996). This Court has repeatedly held that private surveys conducted within adjudicated areas must strictly conform to adjudication maps. A surveyor has no discretion to disregard adjudicated boundaries or commencement points. *Massaquoi v. Republic*, 40 LLR 236 (2000). In the instant case, neither parties having interposed a challenge to the title of the other and the disputed property is located in an adjudicated area with the titles of the parties making reference to recognized landmarks, the court appointed surveyor was in error when he ignored the adjudicated map, the chain of title pleaded by the parties and the landmarks referred to in the parties deed during the conduct of the court authorized survey. This is almost equivalent to resurrecting a settled matter. It was also an error on the part of the trial judge not to have taken judicial cognizance of the fact that the disputed property was in an adjudicated area, as testified to by Mr. Burgess, and that the investigative surveyor ignored this fact when he

denied the appellant's motion for a new trial and affirmed the verdict of the trial jury.

While jury verdicts are entitled to deference, the Civil Procedure Law, Rev. Code 1:26.4, however, provides that a verdict may be set aside and a new trial granted where the verdict is contrary to the weight of the evidence or where the interest of justice so requires. The Supreme Court reaffirmed this statutory standard in *Insurance Co. of Africa et al. v. Fantastic Store*, 32 LLR 366(1984). This Court has also reversed judgments confirming verdicts that are not supported by legally sufficient proof of title in land disputes. See *Reynolds v. Garfuah*, 41 LLR 362 (2003). In the case under review, the appellant produced a continuous chain of title dating back to 1839, originating with the Republic of Liberia. The appellee relied on a single deed, unsupported by parent instruments or legal explanation. Moreover, in an adjudicated area such as Sinkor, the investigative surveyor was legally bound to prioritize the appellant's parent deeds, the commencement points of the deeds, and the Sinkor Adjudication Map and recognized landmarks, including the Monrovia Country Club. Instead, the surveyor discounted these controlling materials and attributed the discrepancies in his measurement to the age of the deeds and road construction factors that cannot displace adjudicated boundaries without lawful re-adjudication. This approach directly contravenes settled law. Accordingly, the survey was legally deficient and incapable of supporting a verdict.

Additionally, the appellee's claimed source of title was asserted to be an executor conveyance; yet the appellee produced no probated will, no letters testamentary, no decree of court, and no parent deed establishing that the alleged executor had legal authority to convey or that the grantor held title to convey. The authority of an executor/administrator is not presumed; it is proven by the issuance of letters testamentary (or letters of administration). *Anderson v. McGill*, 1 LLR 46 (1868); *Estate of Cooper v. Kaba et al.*, LRSC 34 (2006) (executor is one to whom letters testamentary have been issued).

Mere oral narration of family succession, unaccompanied by the legally required probate instruments and parent deed(s), 'cannot displace the

obligation to prove title through the best documentary evidence available. In re Gibson v. Dennis, 40 LLR 698 (2001). The appellee's reliance on oral testimony of inheritance and executor conveyance, without producing the parent deed, will, letters testamentary, or a court decree, is legally insufficient. Where one party traces title to the Republic, the adverse party's failure to do likewise creates a fatal evidentiary imbalance. Davis v. Richards, supra. The trial court erred by allowing such testimony to stand on equal footing with the documented title.

Given the defective survey and appellee's failure to establish a lawful title, the jury's verdict is clearly against the weight of the evidence. The trial court compounded this error by affirming the verdict and denying the motion for a new trial, in direct disregard of this Court's mandate.

In order to do justice in this matter, it is only prudent that this matter be remanded to the court below with a clear mandate that an investigative survey be recommissioned in this matter, that all of the deeds pleaded by the parties be considered, that the Monrovia adjudicative map be considered, and that all landmarks named in the parties' title instruments be identified, and thereafter that the matter proceed in accordance with the law.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the ruling of the trial judge adjudging the appellant liable is reversed, and the case remanded. The trial court is ordered to appoint a new surveyor to conduct a comprehensive investigative survey considering all deeds, to include the appellant's parent deed pleaded, and the adjudicated map of Sinkor, and identified landmarks named in the parties' title. The Clerk of this Court is hereby ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to the Judgment of this Opinion. Costs to abide the final determination. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLORS GLORIA MUSU SCOTT, THOMPSON JARGBA AND CHARLES GIBSON APPEARED FOR THE APPELLANT. COUNSELLOR EMMANUEL R. JAMES APPEARED FOR THE APPELLEE.