

**IN THE HONOURABLE SUPREME COURT OF REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A. D. 2018**

BEFORE HIS HONOR : FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
BEFORE HIS HONOR : KABINEH M. JA'NEH.....ASSOCIATE JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : PHILIP A. Z. BANKS, III.....ASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....ASSOCIATE JUSTICE

Musa B. Keita of the City of Monrovia, Republic of Liberia.....INFORMANT)

VERSUS)

**) ACTION:
) BILL OF
) INFORMATION**

Watamal, represented by any Legal Representative/Agent, and Oldman Kinnie, Boima Kannie, et al.....RESPONDENTS)

AND)

The Heirs and Beneficiaries of the late James Francis Cooper, represented by P. Evelina Cooper and Henry Reed Cooper, et al., of the City of Monrovia, Republic of Liberia.....RESPONDENTS)

GROWING OUT OF THE CASE:)

Watamal, represented by any Legal Representative/Agent, and Oldman Kinnie, Boima Kannie, et al..... APPELLANT)

AND)

The Heirs and Beneficiaries of the late James Francis Cooper, represented by P. Evelina Cooper and Henry Reed Cooper, et al., of the City of Monrovia, Republic of Liberia.....APPELLANTS)

Versus)

Musa B. Keita of the City of Monrovia, Republic of Liberia.....APPELLEES)

And)

Musa B. Keita and all persons occupying under his authority And also of the City of Monrovia.....APPELLEES)

GROWING OUT OF THE CASE:)

Musa B. Keita of the City of Monrovia.....PLAINTIFF)

Versus	)
Watamal represented by any legal rep/agent Oldman	)
Kinnie, Boima Kinnie et al.,.....DEFENDANT	)
	)
And	)
	)
The Heirs and Beneficiaries of the Late James	)
Francis Cooper, represented by Evelina Cooper	)
And Henry Reed Cooper, et al., of the City of	)
Monrovia.....DEFENDANTS	)
	)

Heard: May 17, 2016.

Decided: August 6, 2018

Counsellors Cllr. A. Kaine Wesso and James N. Kumeh of Torch Professional Consultancy Inc. appeared for the informant. Counsellor B. Mulbah Togbah of Cooper and Togbah Law Firm appeared for the respondents.

MR. JUSTICE BANKS delivered the Opinion of the Court.

The instant bill of information, filed before this Court on the 27th day of March, A. D. 2013, and amended on December 13, 2013, is the direct outgrowth of the execution of a mandate sent by the Supreme Court to the Circuit Court for the Sixth Judicial Circuit, Montserrado County, based upon an Opinion delivered and a Judgment entered by the Supreme Court on the 4th day of January, A. D. 2013, in an ejectment proceeding involving the same parties to the instant information proceedings for a parcel of land located on Mechlin Street, Waterside, Downtown Monrovia, Liberia. In the previous ejectment action, instituted by the informant herein, Musa B. Keita, against the respondents herein, principally Watamal and the Heirs and Beneficiaries of the late James Francis Cooper, the plaintiff therein [informant herein] claimed that he was the legitimate and lawful owner of 4.4 lots or 1.1 acres of land situated at Waterside, Monrovia, Liberia. In that action, the plaintiff exhibited a number of legal instruments, including title deeds, which he said authenticated his ownership and title to the said parcel of land. The respondents, for their part, and in like manner, exhibited deeds which they said showed that their decedent/ancestor was in fact the owner of the said property as his deeds and other legal instruments evidenced a superior title to the property as opposed to the instruments exhibited by the informant, plaintiff therein.

At the conclusion of the presentation of evidence, including the testimonies of witnesses for both parties to the dispute, the empaneled jury, believing that the plaintiff had met the burden of proof standard required in such cases and that he had shown by a preponderance of the evidence that his title was clear, genuine and superior title to that shown by the defendants (co-respondents herein) regarding the disputed property, returned a verdict in favour of the plaintiff, to the effect that he was entitled to possession of the disputed property and that the defendants, respondents herein, having failed to show by evidence a clear and genuine title to the property in question, and therefore not entitled to possession of the property, were liable to the plaintiff.

The trial court judge, being satisfied that the verdict of the empaneled jury was consistent with law and supported by the evidence adduced at the trial, denied the defendants' motion for a new trial, confirmed the jury's verdict, and entered judgment adjudging that the plaintiff was entitled to possession to the property, that the defendants and all person occupying the property on authority of the defendants should be ejected, evicted and ousted from the said property, and that the plaintiff should be placed in possession thereof. From that judgment the defendants, respondents herein, noted exceptions and announced an appeal to the Supreme Court.

The Supreme Court, having heard the appeal, delivered an Opinion and entered a Judgment reversing the verdict of the trial jury and the judgment of the lower court. In its Opinion and Judgment, the Supreme Court held that not only had the plaintiff not met the burden of proof standard of preponderance of the evidence set by law for recovery in such ejectment case, but also that the defendants, on the other hand, had met the evidentiary standard laid down by law. Hence, the Court held that the defendants, respondents herein, had valid title to the property and therefore were entitled to possession of the property in dispute. Accordingly, the Court, based on the conclusion mentioned herein, ordered the Clerk of Court to send a mandate to the lower court commanding the judge presiding therein to resume jurisdiction over the case and to proceed with the enforcement of the judgment of this Court, which in effect was that the plaintiff and all other persons occupying the property under authority of the plaintiff be ejected,

evicted and ousted from the property and that the defendants be placed in possession thereof. Here is how the Supreme Court, in the concluding paragraph of its Opinion, delivered on January 4, 2013, couched the order:

"Wherefore, and in view of the laws cited and relied upon and the facts and circumstances narrated above, we hold that the plaintiff/appellee failed to establish sufficiently title to the property in question, that the instrument of conveyance from the Republic to plaintiff grandfather showed serious flaws and inconsistencies as not to convey title, and that the attending circumstances of the case evidenced serious perpetration of fraud as to render the plaintiff's/appellee's title deed questionable and lacking the legal validity; and that the plaintiff, not having legal title to the property, was therefore not entitled to an award in his favour, given by the jury and confirmed by the trial judge.

Accordingly, we hold that the jury verdict was unwarranted and not supported by the evidence, and it should not have been confirmed by the trial court. The verdict is therefore reversed, the same as we herewith reverse the judgment of the trial court which confirmed the said verdict. We hold further that from the entire evidence produced by the parties in the trial court, the defendants/appellants showed a far superior title to the property, fully vested in them, by law and equity, and by deed and the statute of limitations, and are therefore entitled to the said property. Hence, they should be placed in full possession of the property and the plaintiff/appellee forthwith evicted and ejected therefrom."

For the purpose of emphasis and clarity, we quote also the relevant portion of the Supreme Court's Judgment, entered upon the Opinion referenced above, and handed down on the self-same day as the Opinion:

"That the verdict of liable brought against the defendants/appellants, the awarding of title, ownership and possession of the property in dispute as a result of the said verdict, and the trial court's judgment confirming the said verdict and award, not being supported by and in conformity with the evidence produced by the plaintiff/appellee at the trial and not being sanctioned by the laws controlling such matters, are hereby reversed. The defendants/ appellants having presented a sufficient preponderance of the evidence to establish title and ownership in them, and the statute of limitations governing adverse possession having been found to be applicable and met by the defendants/ appellants, this Court, under authority of the law to give such ruling and judgment as the trial court should have given or rendered, hereby holds that title and ownership to the property in dispute is legally vested in the said defendants/appellants and that they are entitled to the possession thereof. Judgment is therefore entered in favor of the defendants/appellants.

The Clerk of this Court is hereby ordered to send a mandate to the Civil Law Court, Sixth Judicial Circuit, Montserrado County, commanding the judge presiding therein to resume jurisdiction over the case, and to proceed to

enforce the judgment of this Court, doing so consistent with law."

The lower court, upon receipt of the Supreme Court's Opinion, Judgment and Mandate, cited the parties and read the Judgment and Mandate aforesaid to them. Thereafter, the lower court commenced execution of the orders contained in the said Judgment and Mandate. The plaintiff, appellee in the proceedings that were ordered enforced by the Supreme Court, and informant herein, believing that the Judgment and Mandate of the Supreme Court did not relate to certain property which the plaintiff/ appellee claimed belonged to him, filed a bill of information before the Circuit Court for the Sixth Judicial Circuit, Montserrado County, which court was carrying out the execution of the Supreme Court's Mandate. The circuit court, upon due examination of the bill of information and returns filed in response thereto, and having reviewed the evidence and the contentions of the parties, entered a ruling on September 18, 2013 denying the bill of information. The thrust of the court's rationale for denying the bill of information was that the property awarded by the Supreme Court to the respondents herein was properly demarcated by nature features such as the Mesurado River and that same did not need the aid of a surveyor in order to place the respondents in possession as mandated by the Supreme Court. We quote the judge's ruling verbatim so that full appreciation is accorded the rationale used by the judge for his denial of the bill of information:

COURT'S RULING ON BILL OF INFORMATION

The Supreme Court of Liberia handed down Opinion and rendered Judgment in the March Term of Court. A.D. 2019, in the case Watamal, represented by its legal Representative/Agents, *Oldman Kinnie, Boima Kinnie, et.al* and the Heirs and Beneficiaries of the late James Cooper, represented by *Evelina Cooper and Henry Reed Cooper, et al.*, versus *Musa B. Keita, of the City of Monrovia, Liberia, Musa D. Keita et al.*, persons occupied under the authority on the Coopers property, also of the City of Monrovia, Liberia, Appellees. Subsequently, a Mandate was sent down to this court ordering this court to put the appellants in possession of the land, subject of the appealed that was determined by the Honourable Supreme Court. The Mandate was read in keeping with notice of assignment which was issued by this court served and returned, accordingly a writ of possession and placed in the hands of the sheriff of this court to put the appellant named above in possession of the land subject of the appeal from the Honourable Supreme Court of Liberia. During the execution of the writ of possession, appellee, now informant, filed this bill of information. contending that the sheriff from this court was attempting to dispossess the informant of three (3) lots of land which was awarded the Appellee/Informant by the Honourable Supreme Court of Liberia, in 1999, this Bill of Information was countered by counsel for appellant/respondents who contending that the informant was declared by

the Honourable Supreme Court of Liberia as not legally owning land within the metes and bounds of appellant/respondents land.

Counsel for the appellant/respondents also averred that the so called 1.1 of land from Musa B. Keita to Saku Keita to Sangbala Keita is one tenth of an acre as indicated in the said deed from Saku Keita to Sangbala Keita and that Musa B. Keita is confused in his criminal act and there is placed of 1.1 acres or 4.4 lots which is not difficult to gentle mind to discovery, appellant's counsel contended that the fake 1912 deed and 1936 deed are not the same and different property as claimed by the informants. Respondent/appellant contended that a bill of information is the proper remedy to correct the proper enforcement of the Supreme Court's Mandate and said bill of intonation is only proper before the Supreme Court and not the before the circuit court because the circuit court cannot review the act of the Supreme Court of Liberia as a matter of land.

Arguments were entertained and heard on both sides and counsel for the appellant/respondents argued vehemently that the Honourable Supreme Court has declared all of Musa B. Keita's deed to be product of fraud and therefore Musa B. Keita, appellant/informant, cannot claim any land within the confines of appellant/respondents' land. Having entertained and heard arguments on both sides, the issue which is before this court, which this court finds to pass on the bill of information and the resistance thereto, is whether or not the property, subject of appeal before the Honourable Supreme Court of Liberia, in which the Supreme Court handed down Opinion and rendered judgment in favour of the appellant, now respondents in this bill of information, is so demarcated and alleviated by physical boundary of physical feature as not to require the aid of the surveyor to place the appellant/respondents in possession. And the court answering by says yes.

Perusal of the Opinion of the Supreme Court of Liberia, specifically pages 11, 12, 16, 31, 34, 43 and 58, this court is left with the conclusion that the land that the Honourable Supreme Court has mandated this court to place the appellant/respondents in possession of, is part and parcel of land that is booked by national future and land marks such as the Mesurado River and Mechlin Street. See Supreme Court's Opinion and the pages mentioned supra.

WHEREFORE AND IN VIEW OF THE FOREGOING this court has not undertaken the incorrect or improper execution of the mandate of the Honourable Supreme Court of Liberia, by undertaking to place the appellant/respondent in possession of the land subscribed to in the national future of Mesurado River and Mechlin Street in the Old Kru Town area. The bill of information is therefore denied and the sheriff of this court is ordered to resume the execution of the writ of possession by placing the appellants/respondents in and unrestricted possession of the land described in said writ of possession, that is to say Old Kru Town Road up Randall Street between Old Kru Town Road and the Mesurado River. The bill of costs in these proceedings, if not already satisfied by the informant/appellee, the clerk of this court is hereby ordered to issue a writ of execution to be served on the appellee/ informant to satisfy and/or show properties that can be auctioned and to raise money to satisfy such bill of costs. AND SO ORDERED.

GIVEN UNDER MY HAND AND SEAL OF THIS
COURT THIS 18TH OF SEPT., A. D. 2013.

J. Boima Kontoe

Assigned Circuit Judge Presiding, Sixth
Judicial Circuit

As much as we agree with the judge's decision denying the bill of information filed by the informant, which should not have been venued before that court in the first place, we do not agree with the rationale provided by him to the effect that since the property awarded by the Supreme Court to the appellants/respondents was properly demarcated by nature features such as the Mesurado River and that same did not need the aid of a surveyor in order to place the appellants in possession as mandated by the Supreme Court, there was no need for the bill of information. We ask why, if the property awarded by this Court was not properly demarcated as to be fully identified by boundary markings, the trial judge, for the purpose of ensuring that the Supreme Court's Mandate was fully carried out, could not have, in an appropriate situation, appointed a surveyor to demarcate the property? We do not go further into this point at this time since, in the mind of this Court, the informant's deed having been declared by this Court in its previous Opinion as not being valid, he is the improper party, lacks the legal standing to challenge on the ground set forth in the bill of information as he is no longer a party in or of interest in the case. As such, he is precluded from seeking any remedy in respect of how the judge proceeded with the execution of the Mandate of the Supreme Court.

The records reveal that although the informant excepted "with a very heavy heart" to the ruling made by the trial judge, he did not announce an appeal therefrom to the Supreme Court or take any of the steps required by law to perfect an appeal to the Supreme Court. Instead, his counsel recorded the following on the minutes of the lower court in reaction to the judge's denial of the bill of information: "Movant will take advantage of the law in such cases provided before the Honourable Supreme Court of Liberia." He took no further steps. Rather, the informant proceeded to this Court with a new bill of information, complaining that the judge of the lower court had erred in not granting the bill of information from whence no appeal was taken, that the Judgment of the Supreme Court which the lower court judge was executing did not relate to a certain parcel of land which the informant asserted the Supreme Court had awarded him in a prior suit, and that as the said parcel of land was not included in the land which the Supreme Court had entered the new Judgment against him on January 4, 2013, the co-

respondent judge should not have included that certain parcel of land in the land identified by the lower court for enforcement of the Supreme Court's Mandate since the said parcel of land had been given to him by the Supreme Court in a previous suit on the strength of the deed held by him but which had been invalidated by the Court in the subsequent ejectment action. He argued that in doing so, the judge had acted in error in his enforcement of the Supreme Court's Mandate, for which he said a bill of information will lie. He therefore prayed that the Supreme Court should "correct the ruling of His Honour Judge J. Boima Kontoe, Assigned Circuit Judge". We quote herewith verbatim the full text of the ten-count bill of information, as amended, dated November 27, 2013, and filed on December 13, 2013, as follows:

"AND NOW COMES INFORMANT in the above entitled cause of action praying Your Honours and the Honourable Supreme Court to bring this Information to your Honours attention for the following legal and factual reasons, as sheweth to wit:

1. Informant submits and says that during the March, A. D. 2012 term of Court he was the Appellee before Your Honours in the case: Watamal, by and thru its Agent, Oldman Kinnie, Boima Kinnie et al., Appellant, and the Heirs and Beneficiaries of the late James Francis Cooper, represented by P. Evelina Cooper and Henry Reed Cooper et al., in an action of ejectment on appeal from the Sixth Judicial Circuit Court, Montserrado County, for 4.4 lots or 1.1 acre of land. Attached hereto is informant's exhibit "I/1", a copy of the Judgment of the Honorable Supreme Court in the above captioned case.

2. Informant avers and says that in the court below, and during trial the informant/plaintiff claimed that he owns 1.1 acres or 4.4 lots of land lying and situated on Randall Street Monrovia with metes and bounds. "Commencing at the North western corner of the Old Kru Town Road and Randall street at Waterside, thence running north 54 degree west 242 feet parallel with the Old Kru Town road to a point thence North 36 degree East 198 feet to a point, thence running south 54 degree East 242 feet to a pint; thence running 36 degree west 198 feet parallel with Randall street to the place of commencement and containing 4.4 lots or 1.1 acres of land and no more" Attached hereto is informant exhibit "I/2 same being informant's title deed as presented during the trial in the court for Your Honours consideration.

3. Informant contends and says that on January 28, 2013, two writs of possessions were simultaneously issued by the Assistant Clerk of the Civil Law Court the first writ of possession contained one and one third acre of land and no more while the second writ of possession contained six and two third lots of land, Informant further says that the second writ of possession was contrary to the Supreme Court Judgment/Opinion of January 4, 2013, and that the appellant should have been placed in possession of 4.4 lots or 1.1 acres and not six and two third lot as indicated in the second writ of possession ordered issued by His Honour J. Boima Kontoe Assigned Circuit Judge. Attached hereto are the two writs of possession issued by the Assistant Clerk of the Civil Law Court, marked Exhibit "I/3" in bulk to form a cogent and integral part of this bill of information."

4. Informant begs leave of Your Honours and this Honourable court to inform

Your Honours that in its Opinion during October, A. D. 1999 Term of Court, the Supreme Court handed down Judgment in favor of Informant Musa B. Keita, plaintiff/appellee vs. Abraham Morris et al., defendant/appellant, growing out of an action of ejectment wherein Informant then plaintiff was awarded three (3) lots or $\frac{3}{4}$ acre of land and no more. Attached hereto is informant's exhibit "I/4" in bulk, same being a copy of the Supreme Court's Judgment dated December 16, 1999, a copy of the Mandate of the Honourable Supreme Court of Liberia, dated January 7, 2000 and a copy of the writ of possession in favor of informant dated December 28, 1999 as well as informant's title deed dated February 6th, 1963 and informant's mother deed date January 22, 1912 for Your Honour's perusal and consideration.

5. Informant maintains that of December 23th, 2008, His Honour Judge Yussif D. Kaba, resident circuit judge presiding over the Civil Law Court, Sixth Judicial Circuit, ruled in favor of informant in the present case awarding him 4.1 lots or 1.1 acre of land, from which ruling the respondents appealed to the Honourable Supreme Court, sitting in it's March Term, A. D. 2009.

6. Informant contends that the Honourable Supreme Court of Liberia mandated the presiding Judge His Honour J. Boima Kontoe to place the respondent in possession of the 4.4 lots or 1.1 acre which mandate was ignored by the trial judge when he ordered the issuance of two different writs of possession, the first containing one and one third ($1 \frac{1}{3}$) acres of land and no more and the other writ of possession containing six two third acre or two third ($\frac{6}{3}$) lot, and no more. Your Honours are requested to take judicial notice of Informant "I/3" above.

7. Further to count six (6) above, Informant maintains that the trial judge His Honour J. Boima Kontoe had earlier told the Informant and respondents that the respondents would have been placed in possession of the 4.4 lots of land with the aid of a Surveyor but that was not done, it was the sheriff who does not have technical knowledge who placed the respondent in possession, thus exceeding 4.4 lots and given the respondent six two third ($\frac{6}{3}$) lots which was not the mandate of the Supreme Court. Moreover, it is a settled principle of law which states that a party may claim possession to real property based on the strength of his title and not the weakness of his adversary.

8. Informant maintains that in 1999, Her Honour Chief Justice Gloria M. Musu Scott bench awarded informant three (3) lots of land and that opinion of the Supreme Court was never recalled; hence, respondents cannot claim the three 3 lots of land from the informant in the absent of the Supreme Court recalling the Scott's Bench Opinion, as doing so will be repugnant to the statute and laws controlling in this Republic.

9. Informant says and avers that in his complaint filed on February 6, 1997 with the Civil Law Court, Sixth Judicial Circuit, the informant was claiming 4.4, lots or 1.1 acres, and not 4.4 acres of land as was stated in the complaint. It was error on the part of the typist and that error was corrected in informant reply to the respondent's answer, and that respondents are aware that the informant sued for 4.4 lots or 1.1 acres and not 4.4 acres. This court should take judicial notice of informant's reply to respondent's answer. Attached hereto for Your Honours perusal is informant's reply, marked as exhibit "I/5" to form a part of this information.

10. Informant says and avers that on September 18, 2013 His Honour J. Boima Kontoe ruled on a bill of information filed by informant before the Civil Law Court in relation to the Supreme Court's mandate, which placed the respondents in possession of the 4.4 lots of land or 1.1 acres, but instead of Your Honour Judge Kontoe ordering a surveyor to aid the Sheriff to place the Respondents in possession in His September 18, 2013 ruling, he said that the

property (1.1 acres or 4.4 lots was demarcated physical boundary or physical feature as not to require the aid of a surveyor. His Honour Judge Kontoe further said that the parcel of land is booked by national feature and land marks such as the Mesurado River and Mechlin Street. Attached hereto are copies of His Honour Judge J. Boima Kontoe ruling on this bill of information marked as Exhibit "I/6" in bulk to form a part of this information.

Wherefore and in view of the foregoing facts and circumstances, informant brings this information, praying Your Honours to correct the ruling of His Honour Judge J. Boima Kontoe, Assigned Circuit Judge, for erroneously enforcing the Supreme Court Mandate, and that Your Honours order that the respondents be placed in possession of the 4.4 lots or 1.1 acres of land based on the mandate of the Honourable Supreme Court, rule unto informant any and all further relief that Your Honours and this Honourable Court may deem just and legal in this premises."

The respondents, having been served with the bill of information quoted above, filed a ten-count returns in response thereto. In order that the contentions raised in the returns are also fully captured and the issues raised therein comprehensively addressed, we similarly quote the returns verbatim in its entirety, as follows:

"AND NOW COME respondents, the heirs and beneficiaries of the late J. F. Cooper, etc., only, and beg the Court to deny all of the allegations in the bill of information and dismiss same for the following reasons [we believe that there is no more a WATAMAL and we do not know any old man Kinnie, Boima, Kannie et al., to wit:

1. Because respondents say and aver that even though informant instituted an action of ejectment against them as contained in count two (2) of the bill of information, respondents also instituted an action of ejectment against the informant in the same Civil Law Court claiming all the land in the area and submitted to court in connection therewith two deeds---the deed of exchange and a replacement deed and a lease agreement with CFAO hereto attached as "R/1" in bulk. Respondents say that at trial, both cases were consolidated as shown by a copy of the judge's charge to the jury, hereto attached as "R/2", to form an integral part of these replies.

2. Further to count one (1) above, respondents submitted as evidence their ownership and occupation of the property in question, a lease agreement they entered into with CFAO in 1916 long after they acquired the property. That lease agreement ran for sixty (60) years which ended 1996. A copy of said lease agreement is attached and marked "R/3" along with a letter from Counsellor Stephen B. Dunbar, Jr. releasing the property to respondents at the expiry of the said lease agreement. That lease agreement and the deeds submitted also covered all the land in the area owned by the Coopers. The court is asked to take note of the agreement.

3. As to count three (3) of the bill of information, while it is true that two writs of possessions were issued, it was a mistake by the clerk of the court not to have removed copy of the first writ of possession when he issued the second and correct writ of possession. The second writ of possession conforms [to] the description of the property covered by the two deeds and clearly agrees with the ruling of Judge J. Boima Kontoe hereto attached and marked.

4. Further to count three (3) above, the second writ of possession hereto attached and marked "R/4", agrees with the statement of the trial judge in his charge to the jury that respondents were claiming all the land in the area and the ruling of Judge Kontoe, same being respondents' Exhibit "R/4". The failure

of the clerk of court to have removed the first and wrong writ of possession from the file after issuing the second writ of possession was a mistake of the Clerk which should not affect the rights of any party.

5. As to count four (4) of the bill of information, respondents say and aver that the Opinion referred to in the *Keita vs. Morris* case specifically stated the heirs of James Francis Cooper were not affected by it. 39 LLR 710 (1999), text at 719. This statement was made because the Cooper Family motion to intervene was not heard by the court. Further, the issue here is whether the title documents informant relied on were legal enough to confer title on him. Therefore that judgment cannot affect the rights of respondents who were not party to the case. *Egbe vs. Cooper and Egbe*, 36 LLR 761 (1970), Syl. 3.

6. As for count five (5) of the bill of information, respondents say the judgment of the trial court was not final as implied in count 5 of the bill of information and deny that the Supreme Court specifically mandated Judge J. Boimah Kontoe to place respondents in possession of 4.4 lots or 1.1 acre of land. Nowhere in its Opinion did the Supreme Court limit respondents right to only 4.4 lots.

7. As to count seven (7) of the bill of information, respondents deny that the trial judge, J. Boima Kontoe, ever told the informant he would order a surveyor to demarcate 4.4 lots for respondents. Nowhere in the records is such statement made. Further, to do that would deny respondents their right to all the land for which they presented valid title deeds from the Republic of Liberia, and for which they instituted the ejectment action against informant and which action was tried jointly with informant's action.

8. Further to count seven (7) of the bill of information, respondents contend that they are not relying on the obvious weakness of informant's title, but they are relying on the strength of their own title, as found on pages 54 and 55, starting from the last paragraph on page 54 of the Opinion of the Supreme Court, hereto attached and marked "R/5". The Supreme Court unanimously found that [the] respondents' title deeds for land covered by the lease agreements and the two deeds are good and legal. More besides the Supreme Court concluded that respondents claim under the law of statute of limitation is complete and firmly supported by law.

9. As to count eight (8) of the bill of information, respondents say that the case between informant and Abraham Morris, as indicated above, could not affect respondents' interest, as specifically stated in that Opinion.

10. Respondents contend that they really do not understand the motive of this bill of information except to test the wisdom of the Supreme Court. The Supreme Court having unanimously found that the title documents relied on by the informant were all fraudulent, bogus and ineffective to pass or confer title, which very deeds attached to the bill of information without any change, there can be no other reason for this exercise, especially that the Informant has failed to state any error or mistake made by the Supreme Court. Additionally, since the Supreme Court unanimously found that respondents' title under the law of statute of limitation is vested, complete and supported by law, what the informant seeks since the Government cannot take property from one citizen to give to the other."

The foregoing is the background to the information proceedings currently before this Court. This Court notes that while it is taken aback by the informant filing a bill of information before the trial court relative to the manner in which the lower court was proceeding with the execution and

enforcement of the Mandate of the Supreme Court, we shall not delve into or comment thereon as there are other basis for denying and dismissing the bill of information filed before the Supreme Court. We therefore proceed specifically to address the bill of information filed before this Court.

We take keen note that the bill of information filed before this Court alleges that the trial court, in executing the Supreme Court's mandate, is encroaching on property adjudged by the Supreme Court to belong to the informant, rely on the very same deed which this Court in the more recent case declared invalid because same was tainted with fraud and irregularities in the conveyance process. This Court has held that where a deed relied upon by a party as a basis for asserting title to a parcel of land or seeking ejectment of another party has been declared by the Supreme Court as invalid, the claim based on said deed is completely destroyed by the Court's invalidation of the deed, and the claimant cannot rely on said deed. *The United Methodist Church and Consolidated African Trading Corporation v. Cooper et al.*, 40 LLR 449, 458 (2001); *Suah Belleh v. Oniyame*, Supreme Court Opinion, October Term, A. D. 2015. Hence, the informant in the instant case cannot assert any argument or claim that because the Supreme Court's Judgment related to only a certain parcel of land, the judge was in error in his enforcement of the Supreme Court's mandate by not undertaking a survey to demarcate the said parcel of land rather than just relying on what the judge believed was already marks of identification such as the Mesurado River. This Court holds that once the legality of the informant's deed, relied upon to claim title and ownership to the property in question, had been invalidated by the Court, the informant no longer had any interest in the property and cannot come before this Court on a bill of information in respect of the said property.

Further, information proceedings are intended to correct irregularities committed by judge or judicial officer in the execution of the mandate of the Supreme Court. *Jawhary v. Jones et al.*, 38 LLR 584 (1998); *The National Port Authority v. The Executive Committee of the Six Consolidated Groups of Retirees and Compulsory Employees of the National Port Authority*, 39 LLR 244 (1998); *Ali Saksouk Textile Center v. Cooper and First United American Bank*, 39 LLR 3 (1998); *Nyuman and Freeman v. Kontoe and Payne*, 40 LLR 14 (2000); *Jawhary v. Ja'neh and Hage et al.*, Supreme Court Opinion, October

Term, A.D. 2015. Thus, in information proceedings, the only question which the Court concerns itself with is whether the lower attempted or is attempting to execute its mandate in a manner and form contrary to what the Court has mandated. This requires the Court to first review its mandate and confirm what is contained therein and second, to review that manner in which the lower has executed same.

The records from the instance information proceeding before us show that the informant was a plaintiff in an ejectment action below in which he sued the defendants for a parcel of land constituting 1.1 acres or 4.4 lots, which land he averred the defendants/respondents were illegally occupying. At the conclusion of the trial, the jury found that indeed the informant/plaintiff was the legitimate owner of the parcel of land sued for and that the defendants were liable for their wrongful withholding of said land. The verdict of jury was subsequently confirmed by the trial who entered a final ruling ordering the defendants to be ousted, evicted and the informant/plaintiff be placed in possession of the disputed property.

On appeal to this Court, not only did the Supreme Court rule that the plaintiff/informant had not met the burden of proof standard by the required preponderance of the evidence set by law for recovery in such ejectment case, but also that the defendants had met the evidentiary standard laid down by law and hence held valid title to the property and were therefore entitled to possession of the said property. By that ruling, this Court held that the trial court should reverse its previous ruling granting the plaintiff/informant's complaint and instead deny said complaint and deny the entire ejectment action filed by the plaintiff/informant. This implies that the 1.1 acres or 4.4 lots of land claimed by the informant/plaintiff is unwarranted and has no foundation in law and facts as the title deeds proffered by him were found to be defective and fraudulent.

Ordinarily, had the Court stopped at this point, it would have meant that the defendants would remain possessed of the 1.1 acres or 4.4 lots of land which the plaintiff/informant sought to have them ousted and evicted from since, by the action of ejectment filed by the plaintiff, it implied that the defendants were already in possession of the said 1.1 acres or 4.4 lots of land. However, the Court went a step further and found that the defendants

were, in fact, in possession and did present valid title deeds to the property and that the deeds presented by the defendants were superior to those presented by the plaintiff/informant. This meant in effect that the plaintiff and all other persons occupying the property under authority of the plaintiff be ejected, evicted and ousted from the property and that the defendants be placed in possession thereof. Under the Opinion and Judgment of the Supreme Court and the Mandate issued growing therefrom, specifically with reference to the informant deed being invalid and he therefore having no right to the property or to be on the property, the informant and any persons relying on him as justification either in regard to title or possession of the property claimed by the respondents have no standing to challenge the manner in which the lower court is proceeding to execute or enforce the Mandate of the Supreme Court.

Hence, in the execution of the Court's mandate, the only instruments the trial court is expected to reference are those deeds presented by the defendants and not the claim of the informant/plaintiff. The trial court therefore correctly determined that, in consonance with their title deeds, the defendants/respondents are entitled to parcel of land that is booked by national future and land marks such as the Mesurado River and Mechlin Street which they already occupied.

A bill of information cannot be entertained in the absence of showing of irregularities in enforcement of Supreme Court mandate. *Kuyette and Kuyette v. Kandakai et al.*, 30 LLR 476 (1997); *Jawhary v. Ja'neh, Hage et al.*, Supreme Court Opinion, October Term, A. D. 2012. Information cannot lie where there is no obstruction in execution of Supreme Court's mandate or refusal to carry out its orders. *Nimely et al., v. Yancy et al.*, 30 LLR 403 (1982).

Indeed, in order for a bill of information to be granted, there must be an act to usurp the province of the Court; there must exist some irregularities or obstruction in the execution of the Supreme Court's mandate; or there must have been a refusal to carry out the Supreme Court's mandate. *Liberia Aggregate Corporation v. Taylor et al.*, 35 LLR 3, 8, (1988); *Massaquoi-Fahnbulleh v. Urey and Massaquoi*, 25 LLR, 432, 435-6 (1977); *Barbour-Tarpeh v. Dennis*, 25 LLR 468, 470 (1977); *Kromah v. Badio and Hill*, 34 LLR 85, 86 (1986); *Butler-Abdullah v. Pearson et al.*, 36 LLR 592, 597-8 (1989); *Jawhary v.*

Jones, 38 LLR 584, 593-4 (1998); *Sirleaf, III et al., v. Bim et al.*, Supreme Court Opinion, March Term, A.D. 2013; *Supreme Court Opinion, March Term, A. D. 2016*. The current records before us being void of any of the grounds stated herein, the informant's bill of information should and same is hereby denied.

In the instant case, it can only be that if the trial judge, in executing the Supreme Court's mandate infringed on the property or property rights of the informant, which is not the situation herein, could the informant resort to this Court on a bill of information to protect the property interest held by him. If the basis advanced by the informant had been other than reliance on the invalidated deed, perhaps the Court may have been persuaded to look differently on the bill of information. Accordingly, we hold that the bill of information filed before this Court by the informant is inappropriate and that under the facts and circumstances of this case, the informant lacks standing to bring the current information. We are therefore not prepared to reverse the ruling of the lower court, as we see no illegal, irregular or improper enforcement or execution of this Court's mandate.

Wherefore and in view of the foregoing, and there being no showing of irregular or improper enforcement of the Supreme Court's mandate, the bill of information is hereby denied and dismissed.

The Clerk of this Court is hereby ordered to send a mandate to the court below informing the judge presiding therein to proceed and enforce the mandate of this Court as contained in the ejectment action out of which this information grew and which mandate this Court believes was being properly executed by the lower court prior to the filing of said bill of information. Costs are ruled against the informant. AND IT IS HEREBY SO ORDERED.