

CORRECTED AND ADOPTED

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
MARCH TERM, A.D. 2017

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

WEDNESDAY, APRIL 26, 2017
6TH DAY’S SESSION

The Honorable Supreme Court of the Republic of Liberia, sitting in its March Term, A. D. 2017, met this morning at the hour of 10:00 a.m., for the transaction of business with Her Honor Jamesetta H. Wolokolie, Associate Justice, presiding.

Mr. Justice Kabineh M. Ja’neh did not sit.

OFFICERS OF COURT PRESENT.

COUNSELLORS PRESENT: Amara M. Sheriff, James E. Pierre, Milton D. Taylor, Momolu V. Sackor Sirleaf, Onesimus D. Barwon, Emmanuel B. James, Tiawan S. Gongloe and Philip Y. Gongloe.

Her Honor Jamesetta H. Wolokolie ordered and the Marshal cried the opening of the day’s session. Thereafter, the Court was led in devotion by Rev. J. Joel Gould, Chaplain, Supreme Court of Liberia.

At this stage, Her Honor Jamesetta H. Wolokolie, Associate Justice presiding, informed the Court that the Chief Justice would later join the other Justices in Court, after making a remark at a program in the Banquet Hall of the Temple of Justice.

A motion for the correction and adoption of the minutes of Thursday, April 20, 2017, 5th day’s session, was made by Counsellor Milton D. Taylor of Law Offices of Taylor & Associates, Inc., and seconded by Counsellor Amara M. Sheriff of J. Johnny Momoh & Associates Legal and Consultancy Chambers, Inc.

The following corrections were made to the minutes of Thursday, April 20, 2017, 5th day’s session, by the Bench and the Bar:

- Page 2: *“At this stage, the Chief Justice ascertained from the Marshal whether a copy of the notice of assignment was served on the appellant. The Marshal informed the Court that the appellant was personally served with a copy of the notice of assignment, and she is present in Court this morning.”*
- Page 4: *“Ques: Did the Church remove itself from the administration of the school?”*
- Page 6: *“At this stage, the Court ordered the counsels representing the parties to work together to make sure that the order of the Civil Law Court, that a management team be set up, is executed.”*

THE COURT: *“With the corrections made by the Bench and the Bar, the minutes of Thursday, April 20, 2017, 5th day’s session, are adopted.”*

THE CASE: HIS HONOR VARNIE D. COOPER, ASSIGNED JUDGE, SIXTH JUDICIAL CIRCUIT COURT, MONTSERRADO COUNTY, JOHNNY BLAIN, CLERK OF COURT, JIMMY GARLEY, SHERIFF AND BAILIFFS OF THE CIVIL LAW COURT, MONTSERRADO COUNTY, AND MOMOLU V. S. SIRLEAF, DUKULY-SIRLEAF ESTATE, REPRESENTED BY COUNSELLOR MOMOLU V. SACKOR SIRLEAF, MOVANTS, VERSUS STEPHEN A. TOLBERT, CARMENIA E. TOLBERT, VILLANCY REALTY INC., SWISS AFRICAN TRADING CORPORATION (SATCO), MONTRACO, MESURADO CORPORATION CONSOLIDATED (1966) & MESURADO GROUP OF COMPANIES THROUGH ITS PRESIDENT, JONATHAN SHIANCEO, RESPONDENTS, ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *“Movants are represented by Counsellor Momolu V. Sackor-Sirleaf. And respectfully submits.” “Co-Respondents, Swiss African Trading Corporation (SATCO), MONTRACO, Mesurado Corporation Consolidated (1966) & Mesurado Group Of Companies through its President, Jonathan Shianceo, are represented by Brumskine and Associates Law Offices, and present in Court are Counsellors D. Onesimus Barwon and James G. Innis, Jr. And respectfully submits.” “Co-Respondents, Carmenia E. Tolbert pro se, and as Managing Director of Villancy Realty Inc., and Stephen A. Tolbert, are represented by the Pierre, Tweh and Associates Law Offices, and present in Court is Counsellor James E. Pierre, who begs leave of Court to inform Your Honors that he has a submission to make after the notation of representations by Your Honors. And respectfully submits.”*

THE COURT: *“The representations of the parties are noted. Counsel for co-respondents, Carmenia E. Tolbert pro se, and as Managing Director of Villancy Realty Inc., and Stephen A. Tolbert, may proceed to make his submission/application as requested.”*

SUBMISSION: *“Counsel for co-respondents, Carmenia E. Tolbert pro se, and as Managing Director of Villancy Realty Inc., and Stephen A. Tolbert, most respectfully brings to Your Honors’ attention that a bill of information has been filed with the Court. The bill of information questions the legal parties to the proceedings in the trial court against whom the trial court’s judgment can legally be enforced. Counsel therefore requests Your Honors to have the bill of information heard and disposed of. And respectfully submits.”*

RESISTANCE: *“Counsel for movants most respectfully requests Your Honors for continuance to enable him file a formal returns to the bill of information which has just been received from counsel for informants/co-respondents. And respectfully submits.”*

THE COURT: *“The request made by counsel for co-respondents for the hearing and disposition of informants’ bill of information, and the subsequent response and request for continuance made by counsel for movants are noted. The Court will grant movants’ request for time to file a formal returns to the bill of information. The hearing of this case is hereby suspended to be reassigned on a date and time to be determined by the Court. And it is hereby so ordered. Matter suspended.”*

At this stage, the Chief Justice, His Honor Francis S. Korkpor, Sr., arrived and presided.

THE CASE: THE LIBERIA BAPTIST THEOLOGICAL SEMINARY, BY AND THRU ITS PRESIDENT, VICE PRESIDENT AND ALL AUTHORIZED OFFICERS, THE BOARD OF TRUSTEES OF THE LIBERIA BAPTIST THEOLOGICAL SEMINARY AND ALL AUTHORIZED OFFICERS OF THE CITY OF PAYNESVILLE, REPUBLIC OF LIBERIA, MOVANT, VERSUS LINCOLN S. BROWNELL, JR., OF THE CITY OF PAYNESVILLE, MONTSERRADO COUNTY, REPUBLIC OF LIBERIA, RESPONDENT, ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *“Movant is represented by the International Group of Legal Advocates and Consultants, Inc., and present in Court is Counsellor Emmanuel B. James. And respectfully submits.”*

No counsel appeared for respondent.

At this stage, the Chief Justice ascertained from the Marshal whether a copy of the notice of assignment was served on the respondent. The Marshal informed Court that the respondent was served through one Festus N. Kromah of the Tubman Law Firm. The Clerk of Court also informed the Court that on March 31, 2017, he received a letter under the signature of Counsellor Winston A. Tubman, in response to an earlier communication addressed to Mr. Lincoln S. Brownell, Jr., advising him (Lincoln S. Brownell, Jr.) to appoint another counsel of his choice to represent his interest, as his previous counsel had withdrawn his legal representation of him. The Clerk of Court was ordered to read the letter from Counsellor Tubman, which reads as follows:

“March 31, 2017

*Atty. Sam Mamulu
Actg. Clerk of Court
Supreme Court of Liberia*

Dear Atty. Mamulu,

*IN RE: The Liberia Baptist Theological Seminary, by and thru its
President, Vice President and all authorized Officers, the
Board of Trustees of the Liberia Baptist Theological
Seminary and all authorized Officers, of the City of
Paynesville, Republic of Liberia.....MOVANT*

VERSUS

*Lincoln S. Brownell, Jr. of the City of Paynesville,
Montserrado, Republic of Liberia.....RESPONDENT*

*MOTION TO DISMISS
APPEAL*

With regards to the above captioned case, Dr. Lincoln Brownell in response to your letter of March 21, 2017, addressed to him, has asked this Law Firm to inform you that because he has a pending case before the Grievance and Ethics Committee of the Supreme Court: Legal Malpractice of Cllr. Musa Dean and Cllr. Nicholas Edwards in a defamation case with the Liberia Baptist Theological Seminary, he has decided not to appoint another counsel to represent him in the above captioned case.

Best regards,

Very truly yours,

*Winston A. Tubman
Counsellor-At-Law*

Cc. Dr. Lincoln S. Brownell”

THE COURT: *“Mr. Clerk, you are hereby ordered to cite Counsellor Winston A. Tubman and Lincoln S. Brownell, Jr. to appear before the Supreme Court on Tuesday, May 2, 2017, at the hour of 10:00 a.m. in relation to this case. You will also have the case assigned for hearing on the same date and time. And so ordered. Matter suspended”*

THE CASE: MR. AND MRS. MUSA KONNEH OF SKD COMMUNITY, BUSHROD ISLAND, MONROVIA, REPUBLIC OF LIBERIA, APPELLANTS, VERSUS MOHAMMED KONNEH, BELLEH KONNEH, LAYEE KAMARA, ET AL, OF SKD COMMUNITY, BUSHROD ISLAND, MONROVIA, REPUBLIC OF LIBERIA, APPELLEES. ACTION: ACTION OF EJECTMENT IS CALLED FOR HEARING.

REPRESENTATIONS: *“Appellants are represented by the Law Offices of Taylor and Associates and present in Court is Counsellor Milton D. Taylor. And respectfully submits.”*
“Appellees are represented by Gongloe and Associates Law Offices, and present in Court are Counsellors Tiawan S. Gongloe and Philip Y. Gongloe. And respectfully submits.”

EACH SIDE WAS GIVEN 45 MINUTES TO ARGUE

Counsel for appellants argued as per their brief and presented the following issues for determination by the Bench:

- “1. *Whether from the circumstances of the facts as above indicated, the appellees/defendants’ allegation of fraud against the appellants /plaintiffs was ever proven to warrant a non-liable verdict in favor of the appellees/defendants?*
2. *Whether a mere conveyance of realty such as land by a thief/intruder can create a good title in a third person?*
3. *Whether a construction of a building upon private property by a trespasser/intruder can operate against a valid title holder who has a valid and good title to said property?*
4. *Whether the circuit judge’s charge to the jurors as indicated was prejudicial to the interest of the appellants/plaintiffs which culminated into a non-liable verdict in favor of the appellees/defendants by the jury?*
5. *Whether a mere possession (of real property) by a party amounts to a title?*
6. *Whether the appellants/plaintiffs by virtue of two deeds, one from the Republic of Liberia and a subsequent one from a private ownership create a valid chain of title as required by law which judgment ought to be rendered in favor of appellants/plaintiffs?*
7. *Whether a fraud can be imputed by a grantor of property such as administrators wherein, rather than conveying an administrator’s deed but conveyed a warranty deed?”*

The following questions were posed to counsel for the appellants by the Bench:

Ques: When it was established that the Mensah's estate was the owner of the land, did the appellants negotiate with the Mensah's estate to acquire the portion of land they were occupying?

Ans: Yes, Your Honors. The appellants negotiated and obtained deed from the Mensah's estate for the property they occupied.

Ques: So the appellants have two deeds for the said property?

Ans: Yes, Your Honors. One deed was obtained from the Republic and the other from the Mensah's estate.

Ques: You said that the co-appellant Musa Konneh was helped by his friend Sulehoe Konneh to build a house. Did Sulehoe Konneh anticipate consideration for his "help"?

Ans: I don't know, Your Honors.

Ques: How big is the disputed property (house)?

Ans: The house contains six (6) rooms, Your Honors.

Counsel for appellants rested on the opening argument.

Counsel for appellees argued as per his brief and presented the following issues for determination by the Bench:

- “1. *Whether in an action of ejectment it is the strength of the plaintiff's title and not the weakness of defendant's title that controls a determination in such matter?*
2. *Whether there was preponderance of evidence in support of the strength of the title of appellants in the court below?”*

The following questions were posed to counsel for the appellees by the Bench:

Ques: You said that Captain Tanpoyee purchased one acre of the land that he was advised by President Doe to take care of, since it was a private property. From whom did he purchase the land?

Ans: Captain Tanpoyee purchased one acre of the land from Edwin Walker representing the Mensah Estate.

Ques: When was Musa Konneh issued a deed from Edwin Walker for the property he was occupying?

Ans: He obtained the deed in 1995 from Edwin Walker.

Ques: Who built the house in dispute?

Ans: The house was built by the late Swaliho (Sulehoe) Konneh.

Ques: Where is the deed for the land that Tapoyee bought from Edwin Walker?

Ans: It is somewhere in the records, Your Honors. But I cannot find it now.

Counsel for appellees rested on the opening argument.

Counsel for appellee in closing, prayed the Honorable Supreme Court to confirm and affirm the ruling of the trial court, and grant all other relief as deemed just and legal. And respectfully submitted.

Counsel for appellants in closing, prayed the Honorable Supreme Court to reverse the decision of lower court, and grant all other relief as deemed just and legal. And respectfully submitted.

THE COURT: “RULING RESERVED. MATTER SUSPENDED.”

THE CASE: SIAFA KAMARA OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA, MOVANT, VERSUS CROSS ROAD ENTERPRISE OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA, RESPONDENT, ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: “*Movant is represented by J. Johnny Momoh & Associates Legal and Consultancy Chambers, and present in Court is Counsellor Amara M. Sheriff. And respectfully submits.*” “*Respondent is as of this moment being represented by Law Offices of Sayeh & Sayeh and present in Court is Counsellor G. Wiefueh Alfred Sayeh, who begs leave of Court to make a submission after the notation of representations by Your Honors. And respectfully submits.*”

THE COURT: *“The representations of the parties are noted. Counsel for respondent may now proceed to make his submission.”*

SUBMISSION: *“At this stage, counsel for respondent most respectfully requests Your Honors for continuance of the hearing of this case, as he has just been retained by respondent and needs time to peruse the case file so as to adequately represent the respondent in this case. and respectfully submits.”*

RESISTANCE: *“Counsel for movant interposes no objection. And respectfully submits.”*

THE COURT: *“The submission made by counsel for respondent is granted. The hearing of this case is hereby suspended to be re-assigned after two (2) weeks as of today’s date. And it is hereby so ordered. Matter suspended.”*

There being no other matters to claim the attention of the Court, His Honor Francis S. Korkpor, Sr., Chief Justice, ordered Rev. J. Joel Gould, Chaplain, Supreme Court of Liberia, to give the benediction. The Marshal was ordered to adjourn the Court to meet subject to call. And said order was carried out.

Respectfully Submitted:

Atty. Sam Mamulu
ACTING CLERK, SUPREME COURT, R.L.