

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2025

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: CEAINEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Irwin Coleman, Samuel Dennis, Esther Dennis, Rebecca Dennis, et.al)
of the City of Monrovia, Liberia.....Appellants)

Versus) APPEAL

The Intestate Estate of the Late Emmanuel R. Gibson, by and thru its)
Administrators, J. Robert Gibson and Varney Flomo of Monrovia,)
Liberia.....Appellee)

GROWING OUT OF THE CASE:

The Intestate Estate of the Late Emmanuel R. Gibson, by and thru its)
Administrators, J. Robert Gibson and Varney Flomo of Monrovia,)
Liberia.....Plaintiff)

Versus) ACTION OF
EJECTMENT

Irwin Coleman, Samuel Dennis, Esther Dennis, Rebecca Dennis, et.al)
of the City of Monrovia, Liberia.....Defendants)

Heard: November 20, 2025

Decided: February 13, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

This case presents for our review an appeal taken from the final judgment of the Sixth Judicial Circuit, Civil Law Court, Montserrado County, in an action of ejectment wherein the trial judge, sitting as both judge and jury, entered judgment in favor of the Intestate Estate of Emmanuel R. Gibson by and thru its administrators, J. Robert Gibson and Varney Flomo, Appellee herein against Irwin O. Coleman, Samuel Gibson, Esther Dennis et al., Appellants herein. The appellants contend that the lower court committed several reversible errors, including: failure to properly evaluate the authenticity and legal sufficiency of the appellee’s title deed; reliance on an Investigative Survey that did not comply with the mandate of the court; denial of due process when appellants’ counsel was not served notice of assignment for the reading of the Investigative Survey Report; and improper removal of the case from the province of a jury despite the presence of mixed issues of law and fact, including allegations of fraud.

Before we make a determination, it is prudent that we recount the salient facts underlying this case.

The records certified to this Court revealed that the appellee, the Intestate Estate of Emmanuel R. Gibson by and thru its administrators, instituted an action of ejectment against the appellants on April 27, 2018, before the Sixth Judicial Circuit Civil Law Court, alleging that they are the administrators of the Intestate Estate of Emmanuel R. Gibson who legitimately acquired 164 acres of land lying and situated in Bernard Farm, Paynesville, Montserrado County and that the appellants were illegally occupying said property and that all efforts to have the appellants leave the property has proven futile and that an action of ejectment will lie to oust and evict the appellants from its land.

The appellants, in their answer, denied the allegations and asserted ownership of 400 acres of land acquired by the late John C. A. Gibson in 1949 through honorable purchase and was issued a public land sale deed by the Government of Liberia lying and situated in Paynesville City, Montserrado County and that the said deed was registered and probated according to law; that the deed the appellee proffered to substantiate its claim to the property was signed on the 20th day of August 1896, by President William D. Coleman; that according to Wikipedia, President Joseph James Cheeseman served as president from January 4, 1892, until the death November 12, 1896, and upon President Cheeseman's death on November 12, 1896, William D. Coleman was sworn in as President on November 12, 1896, and by parity of reasoning, it is therefore impossible for President William D. Coleman to have signed on the appellee's deed on the 20th of August in 1896, therefore the said complaint should be denied.

The appellee filed its reply asserting that, co-appellant, the Letters of Administration that co-appellant Irwin Coleman pleaded which was obtained May 3, 2018, lacked tracking number as required by the National Archives, hence the authenticity of the Letters of Administration is questionable; that the appellant's assertion that its (appellee) deed was signed by William D. Coleman when he was not president is misleading as William D. Coleman was president at the time that he signed its deed, and that the appellant attaching Wikipedia as evidence is not recognized under our laws.

The appellee then filed a motion for investigative survey to which motion the appellant conceded and the said motion was granted by the court. The survey was conducted and the report was read in open court, but the appellants asserts that they were never served notice of assignment for the reading of the investigative survey report and therefore, could not object, cross-examine the surveyors, or challenge the methodology employed.

Later the appellee filed for bench trial and on May 16, 2023, the records show that the appellant did not file any objection to the said motion for bench trial. The trial judge ruled granting a bench trial the same was granted by the court on grounds that the 10th day statutory time had elapsed and the appellant had failed to file an objection to the motion for bench trial filed by the appellee. After the said bench trial was conducted.

During the trial, the appellee produced two direct witnesses. Appellee first witness Varney Flomo testified that the late Emmanuel R. Gibson is the owner of the subject property, and that he is confident of this, because he (Varney Flomo) was conceived on the said property and has seen the deed of the property; he further testified that he is one of the administrators of the intestate estate of Emmanuel R. Gibson. He testified to the letter of administration, the decree of sale, and a public land sale deed and also testified to the investigative survey report. Appellee's second witness, Madam Rose Gibson, testified substantially that the late Emmanuel R. Gibson was her grandfather; that her father Cepheus Gibson was the one that brought his friend Flomo onto the land. She also testified that Flomo and Cepheus Gibson planted rubber on the land and were also involved with palm wine production and rubber planting on the land; she further testified that Flomo had his grandson Varney Flomo on the land and later Varney Flomo was given to Robert Gibson to raise him and that the said Flomo lived on the land up to and including the 1990 war when everyone ran away.

After the appellee rested with the production of oral and written evidence, the appellant commenced parading its witnesses in defense of its case. The appellant produced two witnesses. The appellant's first witness, Prince Sirleaf testified that the subject property belong to the late John C.A. Gibson and contains 400 acres of land and that the property is administered by Irwin Coleman who is the grandson of the late John C. A. Gibson. He further testified that the property has a deed issued to John C. A. Gibson by the Republic of Liberia.

Appellant's second witness, Esther Joe testified that it was her father that took her on the property, and that the said property is owned by grandfather, the late John C A Gibson. According to the witness, the place was a forest but her father was maintaining it while living there, she further testified that the administrator Irwin Coleman left them on the land to live there up to and including the 1990 war and that she later went to Ghana for medical treatment and was told that someone was claiming the land when she return she notice that the land was being sold including where her father and husband's graves were.

After the production of both oral and documentary evidence by both parties, the trial court, after analyzing the evidence and witnesses testimonies, ruled adjudging the appellant liable to the appellee in ejectment and ordered the appellant ousted and evicted from the said property.

The appellant, totally dissatisfied with the ruling of the trial judge, excepted and announced an appeal to this Court. The appellant filed a six-count bill of exceptions where it primarily averred that:

that the trial judge erred when he granted the appellee's motion for bench trial when fraud was alleged and as such, only the jurors could legally determine the fraud that was alleged; that the trial judge failed to take into consideration the salient historical facts raised by the them (appellants) that the appellee's title deed was signed by President William David Coleman on August 20, 1896, when he was still vice-president to President Joseph James Cheeseman and that the said act shows that the appellee's deed is fraudulent.

After scrutinizing the facts and evidence herein, we will now proceed to make a determination.

We now move to determine if the trial judge erred when he granted a bench trial in an ejectment action. The records show that the appellee filed a motion for bench trial and the same was granted by the trial judge on grounds that the appellant failed to file a resistance against the said motion, and because the ten (10) days statutory period allowed for filing a resistance had elapsed.

The appellant has argued that because fraud was raised, the trial judge was duty bound to empanel a jury to hear the said fraud as required by law.

However, upon proper inquiry into our jurisprudence, it is evident that a judge sitting alone lacks jurisdiction to hear and decide the issue of title without the aid of jury, except he was so expressly requested by the parties who must expressly waive jury trial. *Wulah v. Wright and The Church of the Living God*, 37 LLR 271 (1993). So, by the appellant not resisting the said motion for bench trial, he acquiesced to the said trial, and the trial judge did not err in granting the bench trial.

The appellant has also argued that the trial judge erred when he failed to take into consideration the salient historical facts raised by that the appellee's title deed was signed by President William David Coleman on August 20, 1896, when he was still Vice-President to President Joseph James Cheeseman and that the said act shows that the appellee's deed is fraudulent.

Our laws in this jurisdiction are clear that: a 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". Civil Procedure Law, Rev. Code 1:25.2; *The Intestate Estate of Gaye v Eurobank*; 37 LLR 592.

This issue, as raised by the appellant, if found to be true could change the entire course of this case; therefore, it was only proper for the trial judge to empanel a jury to hear and determine this grave allegation as per our jurisprudence.

The trial court, however, placed undue reliance on the age of the appellee's deed and the surveyors' conclusion that the deed "conformed to the ground location," without first determining whether the appellee's deed itself was legally valid as the appellant raised a substantive historical challenge to the authenticity of the appellee's deed, namely, that the deed was purportedly signed by President William D. Coleman at a time when he was not yet President. This allegation, if proven, would render the deed void ab initio. The trial court, however, did not address this challenge. Instead, it treated the deed as presumptively valid and shifted the burden to the appellants to disprove it. This approach is inconsistent with our jurisprudence and constitutes reversible error.

A review of historical records shows that President William D. Coleman was sworn in as President of Liberia on November 12, 1896, upon the death of President Joseph James Cheeseman, this historical facts makes it impossible for the appellee's deed to have been signed by William D. Coleman as President on August 20, 1896, as he was not president then and could not have signed public land sale deed.

This shows and proves that the appellee has a fraudulent deed and therefore cannot use the said deed to possess title in the said property and the appellant must be put in possession of the said property.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the Sixth Judicial Circuit, Civil Law Court, Montserrado County, is hereby reversed and the appellee is hereby adjudged liable in ejectment and is hereby ordered ousted and evicted from the said property. Costs are ruled against the appellee. IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR WILLIE D. BARCLAY APPEARED FOR THE APPELLANT. COUNSELLOR TOMMY N. DOUGBA APPEARED FOR THE APPELLEE.

Reversed.