



CIV.APP. 28/2016

IN THE COURT OF APPEAL OF SIERRA LEONE
(LAND & PROPERTY DIVISION)

BETWEEN:

**SORROW DIXON
JOHN DIXON
46 ROBERTS STREET
FREETOWN**

— **APPELLANTS**

AND

**SONNY WILLIAMS
Administrator of the Estate of
JOHN WILLIAMS – Deceased Intestate)
4 LEWIS STREET
FREETOWN**

— **RESPONDENT**

CORAM:

M.F. DEEN-TARAWALLY, JSC
A.B.T. HALLOWAY, JSC
KOMBA KAMANDA, JA

REPRESENTATIVES:

ALHAJI M. KAMARA ESQ., COUNSEL FOR THE APPELLANTS

B.E.T. CUMMINGS (MS) COUNSEL FOR THE RESPONDENTS

JUDGEMENT DELIVERED THIS 12th DAY OF Feb 2020.

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JUDGEMENT

The matter before this court is a Civil appeal from a decision of the High Court delivered by Her Ladyship Honourable Mrs. Justice M.D. Kamara, Justice of the High Court dated 6th day of May, 2016 and now Justice of the Court of Appeal.

The background to this matter is that SONNY WILLIAMS – Plaintiff now Respondent in this matter, as administrator of the Estate of JOHN WILLIAMS (Deceased) Intestate took out a civil suit against the Defendants/Appellant SORROW DIXON and JOHN DIXON in respect of property situate at No. 46 Robert Street, Freetown. SORROW DIXON and JOHN DIXON are the current occupants of the said premises. The said action was for –

1. A declaration that the property known as 46 Robert Street, Freetown is part of the Estate of JOHN WILLIAMS (deceased) Intestate.
2. A declaration that the Plaintiff/Respondent is the lawful Administrator of the Estate of JOHN WILLIAMS
3. Immediate possession of premises situate and known as 46 Robert Street, Freetown.
4. Costs.

The said writ was filed on behalf of the Plaintiff/Respondent by his solicitors MONORMA, FYNN & CO of Harmony chambers, 24 Ecowas Street, Freetown.

The Defendants/Appellants Sorrow Dixon and John Dixon entered an Appearance through their solicitors BREWAH & CO of No.2 Siaka Stevens Street, Freetown on the 21st day of January, 2009. The said solicitors of the Defendants/Appellants filed in defence to the action, denying each and every allegation contained in all the paragraphs 1-6 of the particulars of claim.

According to the evidence before the High Court. The disputed property as undisputedly owned by one JOHN WILLIAMS (Deceased) Intestate by virtue of Conveyance dated the 18th day of June, 1952 and registered at page 408, Vol.170 of the Books of Conveyances kept in the office of the Registrar-General in Freetown.

In 1958 according to the evidence JOHN WILLIAMS devised this property to his male issue DANIEL CYPHUS WILLIAMS by Will dated 27th March, 1958. In an action intituled: **CC.521/58** cancelled and expunged the said Will and testament by a lawful Court Order. The said action was instituted by the same JOHN WILLIAMS

DANIEL CYPHUS WILLIAMS then died subsequently thereafter. According to the Plaintiff/Respondent SONNLY WILLIAMS, his father was Charlie Williams son the John Williams (deceased) Intestate, who was his grandfather. According to him Charlie Williams died on the 6th of November, 1994 whilst residing on the disputed property with his wife Mrs. Elizabeth Porter (nee Williams).

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In 1993 when his father Charlie Williams was ill, he had to ask one Mrs. Zorju Tomah Dixon and her son Rev. Nathaniel Dixon (father of 2nd Defendant) to take care of the property and take instructions from his Aunt Mrs. Elizabeth Porter (nee Williams). On the 2nd day of July, 2004, he was then granted Letters of Administration by the High Court of Sierra Leone to administer the Estate of his late grandfather John Williams. During the proceeding as proof of his relationship to owner of the property he tendered in evidence a copy of the Birth Certificate of his deceased father Charlie Williams (delayed Birth Certificate) dated 1st day of September, 2010, the death certificate of Charlie Williams dated 21st May, 2004, the death certificate of John Williams dated 25th May, 2004, his own (Sonny Williams) birth certificate dated 2nd August, 2001. The marriage certificate of his deceased grandfather John Williams and wife Beatrice Williams (nee Johnson).

The Defendants/Respondents Sorrow Dixon and John Dixon of No.46 Roberts Street, Freetown, are now the present occupants of the disputed property at No. 46 Robert Street, Freetown.

They are claiming through the Rev. Nathaniel Dixon (deceased) as their husband and father respectively. According to their account and evidence, John Williams was the fee simple owner of the disputed property. He died intestate in 1958 bequeathing the disputed property, by a will and testamentary disposition to his son Daniel Cyphus Williams. In the same year 1958 he revoked the said will and testamentary disposition of the said property made to his son Daniel Cyprus Williams. According to the account and evidence of 2nd Defendant/Respondent John Dixon, Daniel Cyprus Williams handed over the disputed property to his father in 1958 to be care of the property. His father was the Reverend Nathaniel Dixon (deceased). Daniel Cyprus Williams then subsequently thereafter left for Liberia where he lived for most of his life. The said Daniel then returned to Sierra Leone at the outbreak of the civil war in 1990. On the 26th of March, 1990 Daniel Cyphus died at Gondama Refugee camp in the same year 1990. On 18th of June, 2008 his father Nathaniel Dixon died whilst residing on the said property at No.47 Robert Street, Freetown. They then with some other family members continued to reside on the said property on to the time of litigation before the High court in Freetown.

The matter then came before the High Court for hearing by Hon. M.D. Kamara J (as she then was). Two witness testified in favour of the Plaintiff/Respondent case. They were Plaintiff himself Sonny Williams as administrator of the Estate of John Williams (deceased) Intestate of NO. 4 Lewis Street, Freetown and one Ekundayo Pratt a formal witness from the Administrator and Registrar-General's Department. The said Department deals with the Registration of instruments to land and Probate in Sierra Leone. The 2nd Defendants/Appellants John Dixon was the only witness called for the Defendants/Appellants. Both sides testified and tendered several exhibits. Counsels at the end of the hearing then addressed the court to substantiate their respective claims to the disputed property. Hon. Mrs. Jutice M.D. Kamara, J (as then was) on the 25th

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day of April, 2016 delivered judgment in favour of Sonny Williams the plaintiff/Respondent in this matter.

Now aggrieved by the decision of M.D. Kamara, J (as then was) the Defendants/Appellants on the 6th day of May 2016 appealed the decision of the High to the Court of Appeal.

GROUND OFS OF APPEAL:

- i. That the Learned trial Judge acted on the wrong principles of law in arriving at a decision.

PARTICULARS OF ERROR:

- "Having established that JOHN WILLIAMS died Intestate leaving property situate at No. 46 Robert Street, Freetown his Will invariably form part of his estate. And Sonny Williams having established his pedigree that on the balance of probability there exist a nexus between his parenthood (his father to be precise) to JOHN WILLIAMS and his wife BEATRICE JOHNSON though the documents were delayed certificates – they were uncontested
- ii. The learned trial Judge failed to consider adequately or at all the position of the law, when she failed to give weight to the fact that the Plaintiff could not establish his father's inability to take out letters of administration when arriving at her decision.

PARTICULARS OF ERROR:

- "He also exhibited delayed birth certificate of his father and himself including a delayed death certificate of his grandfather. Thus apart from a general denial that he is not the grandson of John Williams much was not said in that regard. No issue was raised with regard whether his father was the son of the late John Williams, rather his father's inability to have taken out letters of administration was raised.
- iii. The learned trial Judge misdirected herself by arriving at a decision based on delayed birth certificate.
 - iv. The said judgment is against the weight of evidence.

RELIEF SOUGHT:

1. The judgment of Hon. M.D. Kamara, J (as then was) dated the 25th April, 2016 be set aside
2. That the matter be retried by the High Court.
3. Any further order as this Honourable Court may deem fit and just in the circumstances.

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ARGUMENTS BY COUNSELS REPRESENTING BOTH PARTIES.

Arguments by Defendants/Appellants Counsel Alhaji M. Kamara.

The arguments of counsel for the Defendants/Appellants were as follows:-

1. That Rev. Nathaniel Dixon the husband and father of the Defendants/Appellants had lived on the disputed property for well over thirty years.
2. That it was after his death, in 2004 when the Plaintiff/Appellant came up to challenge his status for the property at No. 46 Robert Street, Freetown. That the Respondent had to wait for over ten years before challenging the title of the Appellants.
3. That the Plaintiff/Respondent Sonny Williams has no relationship with the original owner of the property John Williams who died in 1958 and was survived by only one son who happens to be Daniel Cyprus Williams. That Daniel Cyprus Williams died intestate. That there is no evidence before the court that Plaintiff/Respondent's father Charlie Williams (deceased) was the son of John Williams (deceased) intestate. That Daniel Cyprus died without an issue. That the Plaintiff/Respondent tendered a Sierra Leonean birth certificate though he is a Liberian.

ARGUMENTS BY COUNSEL FOR THE RESPONDENTS BETTY CUMMINGS.

1. According to Counsel B.E.T Cummings it was not in dispute that John Williams (deceased) intestate was the fee simple owner of property situate at No. 46 Robert Street, Freetown. What was in dispute is who is entailed to possession of the property. The issue of delayed birth certificates of the Respondent was not contested before the High Court and was never an issue. That John Williams died intestate and the will relied on by the Defendants/Appellants was cancelled by a court order dated 6th November, 1958 in an action intitled: CC.521/58. Daniel Cyprus Williams died intestate. Nathaniel Dixon took out Letters of Administration in respect of the Estate of Daniel Cyprus Williams as his lawful brother and next of kin. The Defendant/Appellants did not take out letters of administration after the death of Nathaniel Dixon.
2. That the estate of John Williams (deceased) intestate vests in Plaintiff/Respondents pursuant to Section 9 sub section (1) of the administration of Estates Acts, chapter 45 of the Laws of Sierra Leone 1960 as amended by act No. 29 of 1972. He been the lawful grandson and surviving next of kin of the John Williams (deceased) intestate.
3. That the Respondent is Liberian born in Freetown, Sierra Leone. He is a qualified citizen of the Republic of Sierra Leone pursuant to Section 10 of the Sierra Leone citizenship Amendment Act No.11 2006. That the law also makes provision for delayed birth certificate pursuant to births and deaths Act 1983. That the birth certificate is regular based on the principle of

presumption of regularity and the said document was never challenged before the lower court.

4. She submitted furthermore that Reverend Nathaniel Dixon relied on by the Defendants/Appellants did not take out letters of administration to administer the Estate of John Williams intestate. The Will of 1958 which was heavily relied on by the Defendants/Appellants had been cancelled and expunged by a High Court order in 1958. So in essence the late Daniel Cyphus Williams did not pass on any proprietary rights in respect of the said property to the Defendant/Appellants to be relied upon for their case neither support it.
5. Finally, B.E.T. Cummings, Counsel for the Plaintiff/Respondent asked this court to dismiss the appeal based on her submissions.

AUTHORITIES RELIED ON:

Mellow's "The Law of Succession" 2nd Edition.

Administration of Estates Acts, chapter 45 of the Laws of Sierra Leone 1960.

Birth and Deaths Registration (Act No.11) 1983

DECIDED CASES:

- Mohamed Bundu and Another and Philip Manly-Spain 2013 (unreported) Judgment of the Court of Appeal.
- Dr. Nathaniel Koto Eleady Cole and Another and Rose Marie Marke and others 2012 (unreported) judgment of the court of Appeal.
- Alhaji Samuel Sam Sumana and Attorney-General and Minister of Justice and Another 2015 (unreported) Judgment of the Supreme Court.
- Alhaji M. Kamara counsel for the Appellant relied only on the case of Dumbuya Fallah and Moseray Kamara – Civ.App. 73/81, 1984 (unreported)

EXAMINATION OF GROUNDS OF APPEAL:

The first ground of appeal was that the Learned Trial Judge acted on the wrong principles of law in arriving at a decision. The Learned counsel Alhaji M. Kamara singled out as particulars of error in the judgment of Hon. M.D. Kamara, J (as she then was) the following:-

"Having established that John Williams (deceased) died intestate leaving the property situate at No.46 Robert Street, this will invariably form part of his estate. And Sonny Williams having established his pedigree that on the balance of probability there exist a nexus between his parenthood (his father to be precise) to John Williams and his wife Beatrice Johnson though the documents were delayed certificates were not contested".

Now retrospectively we have to look at the cause of action and statement of claim of the Plaintiff/Respondent case. They were outlined as follows:-

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1. A declaration that the property known as 46 Robert street, Freetown is part of the estate of John Williams (deceased) intestate.
 2. A declaration that the plaintiff is the lawful administrator of the estate of John Williams.
 3. Immediate possession of premises situate and known as No.46 Robert Street, Freetown.

Having said that, the onus is now on the Plaintiff/Respondent to prove his case on the balance of probability as the law demands. The plaintiff has to establish that as administrator of the estate of who so ever his is claiming through, he is entitled to the property at No.46 Robert Street, Freetown. He has to prove his connection, nexus or proximity with the said estate of John Williams (deceased) owner of the disputed property at 46 Robert Street, Freetown. To this end he tendered the following documents to corroborate and support his testimony.

- A. Conveyance dated 18th day of June, 1952 expressed to be made between Joseph Christopher Johnson and John Williams.
- B. Letters of administration under seal dated 2nd July, 2004.
- C. Death Certificate of John Williams dated 25th May, 2004.
- D. Death Certificate of Charlie Williams dated 21st May, 2004.
- E. Birth Certificate of Sonny Williams dated 2nd August, 2001
- F. Marriage Certificate of John Williams and Beatrice Johnson
- G. Letter dated 16th July, 2008

The Defendants/Appellants on the other hand in support of their defence to the property at No.

46 Robert Street, Freetown, tendered the following documents.

- A. Birth Certificate of Sonny Williams the plaintiff.
- B. Death Certificate of John Williams
- C. Indenture of Joseph Christopher Johnson dated 24th June, 1947
- D. Indenture of John Williams (deceased) dated 18th June, 1952
- E. Last Will and Testament of John Williams made 27th March, 1958
- F. Letters of Administration of the Estate Daniel Cyprus Williams dated 15th March, 2005.

According to the evidence before the High Court. Plaintiff/Respondent Sonny Williams told the court that his father was one Charlie Williams (late). The said Charlie was the biological son on John Williams owner of the property who died intestate in 1958. That his late father on to his death in 1994 was residing on the said property. His father then left the property in care of one Zorju Torma Dixon and Reverend Nathaniel Dixon (father of 2nd Defendant). They were to take instructions from plaintiff's aunt Elizabeth Porter (Nee Williams) deceased.

He Plaintiff/Respondent later on returned home from Liberia after the death of his father in 1993. On the 2nd of July, 2004 he was granted Probate and letters of Administration as next of kin, of the said property at 46 Robert street, Freetown, being the only lawful grandson and surviving next of kin of the estate of John Williams (deceased) grandfather. After the demise of Nathaniel Dixon he left behind his wife Sorrow Dixon and son John Dixon who are still occupying the property.

The defendants conversely are claiming their rights to the said property through their late father Reverend Nathaniel Dixon. According to their own account and evidence, John Williams deceased (intestate) was survived by only one son who was Daniel Cyprus Williams (deceased). That Reverend Nathaniel Dixon who was their late father and husband respectively was the brother of Daniel Cyprus Williams.

In March, 1958 John Williams (deceased) willed the property at No.46 Robert Street, to his son Daniel Cyprus Williams. Rev. Nathaniel Dixon then took out letters of administration of the Estate of Daniel Cyprus Williams (deceased).

I should make it abundantly clear that Defendants/Appellants were not before the High Court to prove their nexus and good root of title to the said property. The onus was on the plaintiff/Respondent to do so.

The outstanding feature of this matter is that the ownership of John Williams is not in dispute by the parties. What is in dispute is who directly has authority or lawful heir to the estate of John Williams (deceased) intestate.

The plaintiff/Respondent as administrator is claiming the right to the property through his father Charlie Williams (deceased) and ultimately John Williams the grandfather (deceased) intestate.

The Defendants/Appellants are claiming through their father and husband Rev. Nathaniel Dixon (deceased) and his brother Daniel Cyprus Williams (deceased). According to the Defendants/Appellants, John Williams (deceased) intestate made a will on the 27th day of March, 1958, bequeathing the said property to their uncle Daniel Cyprus Williams. Nevertheless according to the Plaintiff/Respondent Sonny Williams, his Will was cancelled by the High Court on court order file No. CC.527/58 dated 6th November, 1958 and was tendered before the High Court as part of the evidence. So looking at cancellation of the said will by John Williams deceased testator. It is clear that he died intestate and did not Will any property to Daniel Cyprus Williams as asserted by the Defendants/Appellants. It is apparent that the estate of JOHN WILLIAMS (Deceased) intestate was directly administered by the Plaintiff/Respondent SONNY WILLIAMS in the year 2004, in satisfaction of Section 9(1) of our Administration of estate Act chapter 45 of the laws of Sierra Leone 196 as amended by act No.25 of 1972 which provides as follows:-

"The estate of every person dying intestate after the date of the operation of this ordinance shall devolve upon the official administration provided that, upon the grant of letters of administration under the provisions of this ordinance, the estate shall be diverted from the official administrator and be vested in the person or persons to whom letters of administration have been granted as aforesaid".

In a claim for declaration of title whether as a fee simple owner, Administrator of Estate, devisee of a Deed of Gift or the Beneficiary of a will. The claimant has to prove a stronger title to corroborate the claim of right to the property. That explains the principle of a good root of title to property of a real estate, which entitles the claimant to possession. The Plaintiff/Respondent SONNY WILLIAMS must show ownership of his whole legal and equitable interest of the property in dispute at 46 Robert Street, Freetown. It must contain a recognizable description of the property and nothing to contain any thing that casts doubts on his title.

This is a long established principle of law that a plaintiff can succeed on the strength of his title and not on that of the defendants weakness of title. This whole scenario depicts the legal principle of good root of title. I wholly and solely agree with B.E.T. Cummings for relying the local case of SEYMOR WILSON VS. MUSA ABESS 1981 (unreported). Judgment of the Supreme Court and SORIE TARAWALIE VS. SORIE KOROMA 2007 (unreported) also judgment of the Supreme Court.

There is now the question as to whether at law any proprietary interest in respect of the estate at 46 Robert Street was passed on to the Defendants/Appellants. The simple answer is no, not at all. The history and profile of the estate is that it was an intestate estate left behind by owner of property JOHN WILLIAMS (late). He did not pass on the property to any of his survivors in the family. He had made a will which he cancelled in November, 1958 before his demise. Plaintiff/Respondent SONNY WILLIAMS was granted letters of Administration long after the death of JOHN WILLIAMS (intestate) in 2005. The Defendant/Appellants SORROW DIXON and JOHN DIXON are claiming through their late husband and father respectively the Rev. Nathaniel Dixon. The Reverend Nathaniel Dixon according to the evidence claimed through DANIEL CYPRUS WILLIAMS the biological son of the late JOHN WILLIAMS. The late JOHN WILLIAMS did not pass any property to DANIEL CYPRUS WILLIAMS as he had cancelled the entire will he had made in 1958. DANIEL CYPRUS WILLIAMS died intestate without administering the said estate. So invariably to lay a claim on the said property through the late DANIEL CYPRUS WILLIAMS was inconceivable and baseless at law.

The law is that **"NO MAN CAN GIVE WHAT HE DOES NOT HAVE"**.

The latin maxim is **"NOMO DAT QUO NON HABET"**. It can't be said that the Rev. Nathaniel Dixon had the right to pass on the estate of the late JOHN WILLIAMS to the

Defendants/Appellants SORROW DIXON and JOHN DIXON according to the afore mentioned principles of law.

The second ground of appeal by the Defendant/Appellants solicitor A. M. Kamara Esq., was and I quote –

"that the learned trial judge failed to consider adequately or at all the position of law when she failed to give weight to the fact that the plaintiff could not establish his father's inability to take out letters of administration when arriving at her decision".

Particulars of error.

"He also exhibited delayed birth certificates of his father and himself including a delayed death certificate of his grandfather. Thus apart from the general denial that he is not the grandson of JOHN WILLIAMS (deceased intestate) much was not said in that regard. No issue was raised with regard whether his father was the son of the late JOHN WILLIAMS deceased intestate, rather his father's inability to have taken out letters of administration was raised".

Now was the learned trial judge of the High Court bound to give weight to the fact that the Plaintiff/Respondent could not establish his father's inability to take out letters of administration when in arriving at her decision. The simple answer is no. the administration of estates cap 45 of the laws of Sierra Leone 1960 as amended clearly exonerate or vindicate the courts in that regard. As long as a party or plaintiff can prove that they were granted letters of administration to administer an estate is enough.

When the owner of an estate dies intestate, the intestate estate by our laws automatically devolves on the official administrator who is the administer-general. So it is left with whosoever to apply for a grant to administer the said estate which is always granted by the High Court of Sierra Leone in its Probate Division. So if a party feels strongly that the person who has been granted the said letters of administration is ineligible, they at liberty to apply to the High Court to set it aside. Section 9(1) of the Administration of Estate Act Cap 45 clearly spelt it out.

Lastly, is the issue raised by the Defendant/Appellants of a delayed death certificate of JOHN WILLIAMS deceased (intestate), the delayed birth certificate of Plaintiff/Respondent SONNY WILLIAMS and that he was not the biological grandson of JOHN WILLIAMS (deceased) intestate. That by reason of that he was totally unconnected to the property.

Now regarding the point of birth certificates and death certificates. Section 18 (2) of the Birth and Deaths Act 1983 clearly makes provision for delayed Birth and Death

certificates. In order to achieve it the applicant must show through a sworn affidavit from a justice of the peace or commissioner for oaths through a letter to justify the issuance to them of such certificate. They had to go through a process of interview etc. to be entailed as such. It incumbent on this court to state that in so far as official documents are concerned, there is the presumption of regularity that they are authentic or credible as long as it is from a government institution or department. In any event, this presumption was not rebutted before the lower court by the defendants/Appellants SORROW DIXON and JOHN DIXON. The Defendants/Appellants did not present any evidence to challenge the certificate tendered before the High Court.

In the law of evidence generally, presumption of a particular fact without the aid of proof in some situations, the invocation of a presumption shifts the burden of proof from one party to the opposing party in a court trial. There are two types of presumptions. The rebuttable presumption and irrebuttable or conclusive presumption.

Finally the general rule is that he who asserts must prove. The Defendants/Appellants had appealed to this honourable court on the grounds that the Plaintiff/Respondent SONNY WILLIAMS is not a Sierra Leonean but a Liberian and is not the biological grandson of the late JOHN WILLIAMS deceased (intestate). This ground was not raised before the lower court and deemed to be an admission of the facts of this case before the High Court. But that notwithstanding it is trite law that he who alleges must prove. It is in evidence before the High court that the Plaintiff/Respondent SONNY WILLIAMS is a Liberian born in Freetown. It was also submitted by counsel for the Plaintiff/Respondent B.E.T. Cummings that the citizenship (Amendment) Act No.11 of 2006, section 10 makes provision for dual citizenship under which the Plaintiff/Respondent falls. The Respondent during the trial had tendered a copy of his delayed birth certificate and no objection was taken by the counsel for the Defendants/Appellants as to its authenticity. The Plaintiff/Respondent also testified that his late father was one CHARLIE WILLIAMS, son of JOHN WILLIAMS late (intestate) who was his grandfather. That he has a direct blood relationship with CHARLIE WILLIAMS and JOHN WILLIAMS respectively. That he was born at PCMH Hospital on the 10th of September, 1972. There was no evidence from the Defendants/Respondents SORROW DIXON and JOHN DIXON to rebut all these pieces of evidence by Plaintiff/Respondent before the High Court and even before this Honourable Court. That should have taken the form of oral testimonies from relatives, DNA tests etc etc. But there was nothing of the sort to that effect.

It is settled law that he who asserts must prove. In other words, the burden of proof is not static as it shifts from side to side. In a Nigerian case decided by the Supreme Court of Nigeria intitled: AMINU VS. HASSAN (2014)5 NLWLR (PT 1400/287 @316 the honourable Justice Per Peter Odu, JSC held –

“That the burden of proof rests upon the party who substantially asserts the affirmative before the evidence had gone into. The position is that the burden of

proof lies on the person who fail, assuming no evidence had been adduced on either side. Also in respect of particular facts, the burden rest on the party against whom judgment would be given if no evidence were produced in respect of those facts. Once the party produces the evidence that would satisfy the court then the burden shifts on the party against whom judgment would be given if no more evidence were adduced."

Now generally in Civil matters, proof is based on the preponderance of evidence adduced at the trial. See the Nigerian cases of DUTOLA VS. AILYELERU (1985) 1 NWLR (P711) 92 and OSUJI VS. EKEOCHA (2009) 16 NWLR (PT 7166).

In the instant case the burden of proof lies on the Defendants/appellants to prove that the Plaintiff/Respondent was not a Sierra Leonean by birth and had no blood ties with the owner of the intestate estate, who was JOHN WILLIAMS. This they have failed to discharge as the onus was on them to do so.

In conclusion, in the light of the comprehensive nature of legal anomalies in all the grounds of Appeal, I am of the strongest opinion that all the grounds of appeal are very weak and unable to succeed.

I HEREBY DISMISS THIS APPEAL AND UPHOLD THE JUDGMENT and all subsequent orders of the High Court delivered by the Hon. Mrs. Justice M.D. Kamara, J (as then was) on the 25th of April, 2016.

It is hereby order that the Defendants/Appellants pay cost of **Le 30,000,000/00** (Thirty Million Leones) to the Plaintiff/Respondent jointly and severally as the cost of this appeal.

HON. MR. JUSTICE M.F. DEEN-TARAWALLY, JSC 

HON. MR. JUSTICE A.B.T. HALLOWAY, JSC

HON. MR. JUSTICE KOMBA KAMANDA, JA 