

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Akwesi Dobbins and others v. Bibiani, Limited (substituted for The Bibiani Goldfields, Limited), from the Supreme Court of Gold Coast Colony (P.C. Appeal No. 33 of 1911), delivered the 14th November 1912.*

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PRESENT AT THE HEARING :

LORD MACNAGHTEN.

LORD MERSEY.

LORD MOULTON.

[DELIVERED BY LORD MACNAGHTEN.]

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Their Lordships are of opinion that this case is perfectly clear. The Clause to be construed is this :—The parties agreed that in the event of the Court deciding in the action of *Taibill v. Tinneh*, in favour of Tinneh, the rent of 650*l.* should be reduced. That event has not happened. There is no ground therefore for reducing the rent. It was argued that the agreement involved an undertaking on the part of Taibill that he would prosecute the suit to the end. Their Lordships are unable to find any such undertaking, or any promise, or any warranty implied in the agreement.

Their Lordships will therefore humbly advise His Majesty that the Appeal ought to be allowed, and the Respondent will pay the costs.

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In the Privy Council.

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AKWESI DOBBIN AND OTHERS,

*v.*

BIBIANI LIMITED, (SUBSTITUTED FOR  
THE BIBIANI GOLDFIELDS, LIMITED).

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DELIVERED BY LORD MACNAGHTEN.

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