

Memo

To: All Commissioners; All Program Officers; Director MacArthur PayBayee; Dr. Jeanette Carter, Dr. John Bruce; Guglielma da Passano; Dr. Mark Marquardt; Feston Zambezi

From: Caleb Stevens, Esq.

CC:

Date: 12/27/10

Re: The Definition of Public Land Under Liberian Law: 1824 to Present

I. Question

Has Liberian law ever provided a clear definition of public land?

II. Short Answer

No, Liberian law has never provided a clear definition of public land. Nowhere in the surveyed statutory or case law is public land clearly defined.

III. Methodology

This memorandum was prepared by examining cases and statutes related to public land from 1824 onward. Most of these laws were found in Cornell University's Liberian Law Collection, with the invaluable assistance of Thomas Mills, Archive Liberian at Cornell. Efforts were also made to find relevant laws at the University of Liberia's Main Library, the Arthur Grimes School of Law Library, the Liberian National Bar Association Library, and the Temple of Justice Library. Liberian Supreme Court cases up to 2007 were also searched using the following terms: "public land," "public domain," and "public property." These searches were performed in order to find any Supreme Court cases that might have defined public land. Although I cannot guarantee that all extant laws have been uncovered, the number of statutes and cases surveyed provide a reasonable basis for concluding that there has never been a clear definition of public land under Liberian law. A list of surveyed laws is in Section VI.

IV. Analysis

Mindful of the difficulty inherent in proving a negative, this memorandum aims to demonstrate that there has never been a clear definition of public land under Liberian law. At best, there are only ambiguous indications as to what constitutes public land.

A. The 1973 Public Lands Law, Registered Land Law, and Aborigines Law

Section 2 of the 1973 Public Lands Law empowers the Land Commissioner to issue a certificate to a prospective purchaser “if satisfied that public land about to be sold is not privately owned and is unencumbered.”¹ There is some uncertainty about whether or not this clearly defines public land. The Law Reform Commission’s draft report summarizing Supreme Court cases and laws related to land infers from Section 2 that, “A public land therefore may be described as a parcel of land that is not privately owned and is unencumbered.”² This inference would make sense if the passage required the Land Commissioner to be satisfied that the “land about to be sold is public land and therefore is neither privately owned nor encumbered.” This hypothetical language creates a clear logical relationship between private ownership and encumbrance and the land’s status as public land.

However, the language in Section 2 reads as if the land’s status as public land is a foregone conclusion and the Land Commissioner’s role is to determine *alienability* through a public land sale. The land has already been deemed to be public land; the question is whether the public land about to be sold can in fact be sold. If the public land is privately owned or encumbered then it cannot be sold, but it is still public land. According to this interpretation there is no question as to the status of the land, only its alienability. Admittedly, this creates a bizarre result whereby privately owned land can also be public land.

An alternative interpretation is that the privately owned part and the encumbered part touch on different types of obstacles to sale. If the land is found to be privately owned then the land that was thought to be public is not, and so it cannot be sold as public land. If the land is found to be encumbered then the land is still public but it cannot be sold. Such would be the case if, for example, a concession was granted covering the public land. The privately owned part is an obstacle based only on the *status* of the land as public land, while the encumbered part is an obstacle based only on the *alienability* of the public land.

Section 30 of the 1973 Public Lands Law does not clarify the definitional problem. While Section 2 refers to private ownership and encumbrances,³ Section 30 provides that prior to issuing a tribal certificate the District Commissioner (i.e. the Land Commissioner) must be satisfied that “the land in question is not a portion of the Tribal Reserve, and that it is not otherwise owned or occupied by another person.”⁴ Again this passage is ambiguous as to whether a Tribal Reserve, ownership, and occupation impact the land’s *status* as public land or only the public land’s *alienability* through a public land sale.

The paragraph addressing the sale of public land in the “County Area” provides that the Land Commissioner must be satisfied that “the land in question” is “not privately owned and is unencumbered” prior to issuing a certificate.⁵ The term “public land” is only mentioned in an

¹ Public Lands Law, Title 34, Section 2, Liberian Codes Revised (2004) [hereinafter “1973 Public Lands Law”].

² Land Reform Commission, Draft Report on Land Laws Desk Study (2010).

³ 1973 Public Lands Law, Section 2.

⁴ *Id.* at Section 30.

⁵ *Id.*

aspirational sense, “[a] citizen desiring to purchase public land.”⁶ As with the preceding paragraph, the use of the phrase “land in question” seems to undermine an interpretation based on alienability alone (i.e. whether the public land can be sold) and strengthen one based only on status (i.e. whether the land is public land). Not referring to the land as public land, but rather as “the land in question,” could mean its status as public land is not a foregone conclusion but hinges on whether the land is found to be privately owned or encumbered. But again the passage is ambiguous because the “land in question” phrase could mean it is not a foregone conclusion whether the *desire* to purchase the land can be realized, not whether the land is in fact public land. The privately owned obstacle and the encumbered obstacle could still relate to status and alienability respectively. In short, the passage brings us no closer to a clear definition of public land.

In addition, the 1974 Registered Land Law has this to say about public land:

The registration of land as public land, subject to any registered encumbrances, which shall include without limitation, interests in and rights over such land granted in concession and other agreements made under authority of law, and by way of delineation of Tribal Reserve areas and communal holdings, shall enable such land to be disposed of in accordance with the provisions relating thereto contained in the Public Lands Law and in any other law providing for dispositions of public lands, by a disposition registerable under the provisions of this chapter.⁷

The law seems to mean that land is still public even if held as a Tribal Reserve or communal holding. The passage that permits such “land to be disposed of in accordance with . . . the Public Lands Law” is confusing.⁸ Does it mean public land held as a Tribal Reserve or communal holding is not encumbered within the meaning of the Public Lands Law and can therefore be sold? Or does it merely mean that the land is public land and may be sold if at some point it ceases to be encumbered by a Tribal Reserve or communal holding? Again the status versus alienability issue is not resolved.

Another section of the Registered Land Law indicates that land held as Tribal Reserve or communal holding is still public land:

If [the Referee] is satisfied that a parcel of land is entirely free from any private rights, or that the rights existing in or over it would be insufficient to entitle a person to be registered as owner of the parcel under the provisions of this chapter, he shall record the parcel of land tentatively as public land. *If such land is part of a Tribal Reserve or communal holding, he shall further record the fact that such public land is subject thereto . . .*⁹

The last sentence indicates that Tribal Reserves and communal holdings are only encumbrances on what is public land. However, this is not a clear definition of public land, especially given

⁶ *Id.*

⁷ Property Law, Title 29, ch. 8, Section 8.123, Liberian Codes Revised (2004) [hereinafter “Registered Land Law”].

⁸ Registered Land Law, Section 8.123.

⁹ *Id.* at Section 8.52(d).

the ambiguities found in the other part of the Registered Land Law and the 1973 Public Lands Laws.

Finally, the Aborigines Law of 1956 states:

Each tribe is entitled to the use of as much of the public land in the area inhabited by it as is required for farming and other enterprises essential to tribal necessities. It shall have the right to the possession of such land as against any person whomsoever.¹⁰

This passage also does not clearly define public land. It is susceptible to two interpretations. The first is that all land inhabited by each tribe is public land. The second is that if a portion of land inhabited by each tribe is public land then the tribe has use and possession rights for the public land portion. In other words, if a tribe inhabits an area, some of it may be their land under customary tenure and some of it may be public land. Under this interpretation, the law is specifying that the tribe has use and possession rights over the public land portion which they happen to inhabit. The Liberian government has been acting as if the former interpretation is the correct one and not the latter. But the point is that the text of the law is susceptible to either interpretation and thus does not provide a clear definition of public land.

Many of the above arguments are not new and have been made elsewhere. The point of this discussion is to show that current law does not contain a clear definition of public land. The draft report by the Law Reform Commission provides only one of at least three possible interpretations of the 1973 Public Lands Law, and the weakest one at that. An examination of Supreme Court cases and previous laws relating to public land is therefore required to see if they put forth a clear definition of public land. Because the 1956 Public Lands Law uses nearly identical language to the 1973 Public Lands Law and likewise does not clearly define public land,¹¹ it is necessary to look at laws prior to 1956. The following section examines laws and cases from 1824 onward. As will be shown, these laws and cases do not provide a clear definition of public land.

But before proceeding, a brief history of the codification of Liberian laws may provide some useful background. Besides the compilations of Liberian statutory law in 2004, 1973, and 1956, there have been three others. These were: (1) the Statute Laws of the Republic of Liberia, printed in 1857 (“1857 Statute Laws”); (2) the Statute Laws of the Republic of Liberia, printed in 1879 (“1879 Statute Laws”); and (3) the Revised Statutes of the Republic of Liberia, compiled in 1911 and enacted in 1929 (“Revised Statutes”).¹² The 1857 and 1879 Statute Laws are referred to collectively as the Old Blue Book, abbreviated OBB.¹³ Cornell’s Liberian Law Collection holds the 1857 Statute Laws and the Revised Statutes. A digitized version of the 1879 Statute Laws was found with the help of librarians at Indiana University.

¹⁰ Aborigines Law, Title 1, Section 270 (Liberian Code of Laws (1956).

¹¹ Public Lands Law, Title 32, Liberian Code of Laws (1956) [hereinafter “1956 Public Lands Law”].

¹² Robert H. Culp, *Sources of Liberian Law*, 2 Liberian Law Journal 130, 134 (1966) (“Prior to 1956, there had been two compilations of Liberian laws: the Statute Laws printed in 1856 and 1879 (known as the Old Blue Book) and the Revised Statutes compiled in 1911 and adopted in 1929.”). Culp writes that the first Statute Laws was printed in 1856 but this is inconsistent with the digitized copy on Cornell University Library’s website, which plainly states on the cover page: “Liberian Statutes 1847 – 1857.”

¹³ *Id.*

B. Public Lands Laws Prior to 1956

Other than the 1956 and 1973 Public Lands Laws, there have been only two public lands laws in Liberian history, understood as a compilation of provisions regarding public land sale procedures, prices, and allotments, as well as miscellaneous issues (e.g. leases to foreign legations) concerning public land. These are the Public Domain Law and the 1904 Public Lands Law.¹⁴ This fact is confirmed by a prior legislation notation in the 1956 Public Lands Law, which references Sections 1285-86 of the Revised Statutes, which are the provisions of the 1904 Public Lands Law concerning the procedures for selling public land.¹⁵ The notation also references “OBB 139, Act regulating the sale of public lands, secs. 1-4.”¹⁶ This is a reference to the Public Domain Law in the 1857 and 1879 Statute Laws (i.e. Old Blue Book or OBB), page 139 (the page on which the article on public land begins), and sections 1-4 (which concern the procedures for selling public land).¹⁷ The Public Domain Law in the 1857 Statute Laws is the exact same law that appears in the 1879 Statute Laws. It even appears on the same page numbers in each compilation.¹⁸ This citation and the Public Domain Law in the 1857 and 1879 Statute Laws match perfectly.¹⁹ In other words, the OBB 139 citation in the prior legislation notation is referencing the article in the Public Domain Law concerning public land sales, found in both the 1857 and 1879 Statute Laws. This reading makes sense because if the Public Domain Law had appeared in only one of the Statute Laws, or there was a slight difference in the Law between the two compilations, then the prior legislation notation would have referenced the 1857 and 1879 Statute Laws individually, rather than citing the OBB which refers to both of them.

This is strong evidence that the 1904 Public Lands Law and Public Domain Law are the only two public lands laws preceding the 1956 Public Lands Law. If there had been other public lands laws then the 1956 prior legislation notation would have referenced them. Because there are no other references to past public lands laws, it is reasonable to conclude they do not exist.

The Public Domain Law, which is the first public lands law, appears to be a collection of individually passed laws. From the face of the Law it is not clear when it or its component laws were passed. One of its component laws is An Act Regulating the Sale of Public Lands (“Public Lands Act”).²⁰ Liz Wiley in her study on customary land tenure in Liberia indicates that the Public Domain Law was passed in 1848 and the Public Lands Act was passed in

¹⁴ Public Domain Law, p. 133, Statute Laws of the Republic of Liberia (1857) [hereinafter “Public Domain Law”]; Public Lands, ch. LXI, p. 149, Revised Statutes of the Republic of Liberia (1929) [hereinafter “1904 Public Lands Law”].

¹⁵ The prior legislation notation under the provision on the procedures for selling public land in the 1973 Public Lands is identical to that in the 1956 Public Lands Law.

¹⁶ 1956 Public Lands Law, Section 30.

¹⁷ Public Domain Law.

¹⁸ Compare Public Domain Law, p. 133, 1857 Statute Laws with Public Domain Law, p. 133, 1879 Statute Laws.

¹⁹ Compare Public Domain Law with 1956 Public Lands Law, Section 30.

²⁰ Public Domain Law, art. VI.

1850.²¹ This is consistent with the 1857 and 1879 publication dates for the respective Statute Laws.²²

Regardless of passage date, the important point is that nowhere in the Public Domain Law, which includes the Public Lands Act, is ‘public land’ defined.²³ The Public Domain Law consists of seven articles.²⁴ Article I concerns the territorial boundaries of Liberia.²⁵ The term ‘public land’ is not even mentioned.²⁶ Article II concerns the territorial boundaries of the counties, and again the term ‘public land’ is not mentioned.²⁷ Article III involves the administration of counties and towns and also does not reference ‘public land.’²⁸ Article IV concerns allotments of land to newly arrived settlers.²⁹ It seems to assume that the land is public land, for it does not mention the term ‘public land.’³⁰ Article V aims to regulate towns and villages.³¹ The article uses the term ‘public place’ (without a definition) but not ‘public land.’³² Article VI, however, is the Public Lands Act with five sections.³³ Sections 1 through 4 concern the procedures for selling public land, including the price of public land.³⁴ Section 5 authorizes the President to create an inventory of all public land “disposed of by the government.”³⁵ Public land is not defined, but Section 1 provides that public land reserved for public use may not be sold.³⁶ Article VII concerns the appointment of surveyors for each county, regulates their conduct, and sets forth their role in public land sales.³⁷ However, the term ‘public land’ is not defined.³⁸

The 1904 Public Lands Law is the other pre-1956 public lands law and is equally silent on the definition of public land. It contains more detailed provisions than the Public Domain Law.³⁹ It replaces the Public Domain Law’s article on allotments of public land to settlers with one concerning allotments to immigrants, adds provisions regulating land surveyors and concerning public land grants to Colonization Societies, as well as incorporating very similar procedures for public land sales found in the Public Domain Law.⁴⁰ Nowhere is public land defined.

²¹ Liz Wiley, *So Who Owns the Forest* 106 (2007).

²² *See supra* n.11.

²³ Public Domain Law, arts I to VII.

²⁴ *Id.*

²⁵ *Id.* at art. I.

²⁶ *Id.*

²⁷ *Id.* at art. II.

²⁸ *Id.* at art III.

²⁹ *Id.* at art IV.

³⁰ *Id.*

³¹ *Id.* at art V.

³² *Id.*

³³ *Id.* at art VI.

³⁴ *Id.* at Sections 1-4.

³⁵ *Id.* at Section 5.

³⁶ *Id.* at Section 1.

³⁷ *Id.* at art. VII.

³⁸ *Id.*

³⁹ 1904 Public Lands Law.

⁴⁰ *Id.*

As an aside, the language concerning the price of public land changes between the Public Lands Act (i.e. article VI of the Public Domain Law) and the 1904 Public Lands Law. In the Public Lands Act the price of public land is as follows:

All lands surveyed and offered at auction and not sold may be sold by the Land Commissioner at private sale, payment to be made the same as land sold at auction, provided it is not sold below the minimum prices of land.⁴¹

The provision goes on to list the same values for land that are contained in the 1956 and 1973 Public Lands Laws. This language strongly suggests that all public land was subject to the listed minimum prices, whether sold at public auction or private sale by the Land Commissioner. The rationale must have been to prevent a sham public auction whereby a bidder was able to corrupt the auction and obtain public land for a *de minimus* price. There was obviously an even greater risk of corruption in the case of private sale by the Land Commissioner.

What is interesting is that the language on price in the 1904 Public Lands Law is slightly but significantly different:

All lands surveyed and offered at auction and not sold may be sold by the Land Commissioner at private sale, payment to be made in the same manner as for land sold at auction; provided that the minimum price for⁴²

The provision goes on to list the minimum prices for land with the same values as in the Public Lands Act and the 1956 and 1973 Public Lands Laws. The phrase “minimum prices for land” is nowhere to be found. This strongly suggests that in 1904 minimum prices for public land were removed for public auction but retained for private sales by the Land Commissioner.

C. Other Statutes

Other than the public lands laws discussed above, there are many miscellaneous statutes which mention or touch upon public land. Not surprisingly, none of these laws define public land.

The Statute Laws of the Commonwealth of Liberia is a compilation of individual laws passed between 1824 and 1827.⁴³ Several of these laws relate to public land. For instance, one law passed on August 19, 1824 requires that one-third of all lots granted to settlers be reserved for “public uses.”⁴⁴ Other parts of the compilation are the first laws concerning allotments to newly arrived settlers, which also imposed upon them building and cultivation requirements to secure title.⁴⁵ The term ‘public land’ is not used in these laws, only the unmodified ‘land(s).’⁴⁶ However, one law passed on October 25, 1827 refers to a ‘public reserve ground’ but without

⁴¹ Public Domain Law, art. VI, Section 3.

⁴² 1904 Public Lands Law, Section 1285(4).

⁴³ Statute Laws of the Commonwealth of Liberia, 1824-1827.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

defining it.⁴⁷ From the context it appears that the public reserve ground was the land bordering a major waterway, such as the St. Paul River.⁴⁸

On April 22, 1830 the Board of the American Colonization Society met and adopted a *Report on the Public Lands*. This document lays out the early colony's public land policy. It specifies the acreage and building conditions of public land grants depending on where the land is located.⁴⁹ It also states that emigrants who are allotted public land are entitled to purchase additional acres at a fixed rate.⁵⁰ Finally, the report discusses in detail the rationale for exempting land from liability for debts.⁵¹ What is interesting is that the document never uses the term "public land." The assumption throughout is that all land which has not been allotted is public.

One of the first laws to refer to "public land" is the Constitution of the Commonwealth of Liberia of 1839.⁵² Article 12, entitled "Governor to control public lands," provided that "land owned by the [American Colonization] Society and all other public property belonging to the Society" was to be controlled exclusively by the Governor.⁵³ The discrepancy between the article title and its text, which does not use the term "public land" but only "public property," indicates that the two terms were regarded as interchangeable. The Plan of Civil Government for the Colony of Monrovia also used the term "public property."⁵⁴ It required the register to "record all documents and instruments relating to the security and title of public or individual property"⁵⁵ It does not define "public property."⁵⁶

Other laws concerning public land that were uncovered deal mainly with public land grants or allotments of one kind or another. Public land was allotted to colonization societies,⁵⁷

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Charles Henry Huberich, *The Political and Legislative History of Liberia*, p. 415-16, Vol. 1 (1947)

⁵⁰ *Id.* at 416.

⁵¹ *Id.* at 416-21.

⁵² Constitution of the Commonwealth of Liberia, art. 12 (1839).

⁵³ *Id.*

⁵⁴ Plan of Civil Government for the Colony of Monrovia, art. X, Apr. 1, 1841.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *E.g.* A Resolution Authorizing the President to Furnish the American Colonization Societies Premium Land for Emigrants, p. 221-22, art I, 1857 and 1879 Statute Laws.

indigenous persons⁵⁸ and tribes,⁵⁹ schools,⁶⁰ and former soldiers as compensation for their military service.⁶¹ None of these laws define public land.

Finally, several laws concerning public land were found in the Revised Statutes, other than the 1904 Public Lands Law. These concerned: claims for public land,⁶² public forests,⁶³ prohibition on purchasing land in fee simple from the “aborigines,”⁶⁴ the American Colonization Society ceding its “public lands” to the Liberian government,⁶⁵ eminent domain,⁶⁶ reversion to the government if lands leased for trading went unused,⁶⁷ and public land allotments to “aborigines.”⁶⁸ None of these laws define public land.

However, the section on public land allotments to “aborigines” adds to the definitional confusion. It authorizes the President to grant public land in “fee simple” to male members of the Cape Palmas tribe in ten acre parcels, provided they develop the land.⁶⁹ This is consistent with aboriginal land grants and fee simple holdings permitted to ‘civilized natives.’ The problem is that the section continues, “Said land shall be held subject to the provisions of the Chapter relating to Public Lands.” This is almost certainly referencing the chapter in the Revised Statutes concerning public land (i.e. the 1904 Public Lands Law). If the land is granted in fee simple how is it public land subject to the 1904 Public Lands Law? A previous version of the law passed during the 1895-95 Legislative Session provides that land grants to male members of the Cape Palmas Tribe were to be “subject to the provisions of the 5th Section of An ‘Act’ pertaining to the allotment and improvement of lands, first Liberia Statutes.”⁷⁰ This suggests that in referencing the 1904 Public Lands Law the intent was for only Sections 1273 and 1274 of this law, regarding allotments and improvements respectively, to apply to Cape Palmas Tribe land grants.

D. Supreme Court Case Law

⁵⁸ *E.g.* An Act Supplementary and Amendatory to an Act Regulating the Residence of Native Africans within this Republic, p. 3, Acts Passed by the Legislature 1886-87, Jan. 12, 1888; An Act Regulating the Residence of Native Africans within the Colony, Section 4, Acts of the Governor and Council, 1839-1847, in Charles Henry Huberich, *The Political and Legislative History of Liberia*, p. 1492, Vol. 2 (1947) (“That Liberated Africans incorporated in the Colony, and who shall be deemed capable of managing, shall receive small grants of land.”).

⁵⁹ *E.g.* Joint Resolution Granting 10 Acres of Land in Fee Simple to Each Male Member of the Cape Palmas Tribe in Maryland County, Acts Passed by the Legislature 1895-96 [hereinafter “Cape Palmas Tribe Law”].

⁶⁰ *E.g.* An Act to Grant Seventy Five Acres of Land for the Anna Morris School of Arthington, and to Incorporate the Same, p. 3, Acts Passed by the Legislature 1886-87, Jan. 6, 1887.

⁶¹ An Act Pertaining to Bounty Land, p. 215, 1879 Statute Laws (providing that those who “performed military service” during the Colony’s or Republic’s military campaigns “shall be entitled to Lands” in fee simple which were to be “surveyed from any Public Lands, not otherwise appropriated . . .”).

⁶² Disposal of Claims for Public Lands, p. 19, Section 1129, Revised Statutes.

⁶³ Public Forests, p. 63, Section 1197, Revised Statutes.

⁶⁴ No Purchase of Real Estate in Fee Simple from Aborigines, p. 137, Section 14, Revised Statutes.

⁶⁵ Articles of Agreement between the Republic of Liberia and the American Colonization Society, Entered into by the Directors of the Society and the Commissioners of the Republic, in the City of New York, on the 20th Day of July, in the Year of Our Lord, 1848, Article I, Concession of Lands, Revised Statutes.

⁶⁶ Special Proceedings, ch. LXXII, Section 1385, p. 239, Revised Statutes.

⁶⁷ Trade and Trading, ch. LXXV, Section 1421, p. 277, Revised Statutes.

⁶⁸ Aborigines, ch. L, Section 2, p. 298, Revised Statutes.

⁶⁹ *Id.*

⁷⁰ Cape Palmas Tribe Law, *supra* note 55.

None of the Supreme Court cases concerning public land clarify the statutory language of the public lands laws nor do they provide a definition of public land. They quote the relevant laws and then apply the law as if what constitutes public land does not require clarification.⁷¹ An exemplar of this is *Fallah v. Brown* (2005). *Fallah* concerned an ejectment action and a lower court order to conduct a survey of land the ownership of which was premised on a public land sale deed.⁷² The Court took judicial notice of Section 30 of the Public Lands Law⁷³ and then quoted it extensively.⁷⁴ There was no recognition of Section 30's ambiguity regarding the definition of public land.⁷⁵ One reason for this silence may be the unquestioned presupposition that if the land is not deeded then it is public land. But even if that presupposition were a correct statement of the law it is not clearly reflected in the 1973 Public Lands Law. It is therefore surprising that the Supreme Court never took care to ensure definitional clarity.

V. Conclusion

A survey of laws and cases from 1824 to the present shows there has never been a clear definition of public land. The closest the laws come to a definition is the 1973 Public Lands Law (and its nearly identical 1956 Public Lands Law) and the Registered Land Law, but the statutory language in these laws creates considerable ambiguity as to what actually constitutes public land. And laws concerning public land that pre-date 1956 and Supreme Court case law do not provide a definition of public land.

VI. Surveyed Laws

A. Statutes

Aborigines, ch. L, Section 2, p. 298, Revised Statutes.

An Act Authorizing the Settling of Land Difficulties in the Settlement of Caldwell and Survey of Lands In All the Settlements of the Republic Where Difficulties Exist, p. 172, 1879 Statute Laws.

An Act Chartering Mountain Mining Company, Sinoe County, p. 31, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1874-75.

An Act Creating and Defining the Duties of the Superintendents of the Several Counties, p. 24, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1857-1861.

⁷¹ E.g. *Johnson v. Beysolow*, 11 Liberian Law Reports 365 (1953); *Jarkonnio v. Akoi*, 36 Liberian Law Reports 384 (1989); *Fallah v. Brown*, 2004 Liberian Law Reports 162 (2005).

⁷² *Fallah*, 2004 Liberian Law Reports at 162-63.

⁷³ *Id.* at 167.

⁷⁴ *Id.* at 168.

⁷⁵ See *id.* at 169 ("We have mentioned the above quoted Section of the Public Land Law, which is still applicable in Liberia, to show that it is the clear intention of the Legislature that care must be taken by public officers not to execute any Public Land Sale Deed except upon prior investigation and confirmation by competent tribal and/or local authorities that the land to be sold (in the words of the statute just quoted) 'is not otherwise owned or occupied. . . and that it therefore may be deeded to the applicant;' consent of the tribal or local authorities to be firstly obtained in each such case.").

An Act Granting a Concession to Messrs Ellis Parr, Lathan Augustus Withall and Richard Pearson of London, England a Concession to Gather, Collect and Prepare Caoutchoue or Rubber and Gutta Percha within the Republic of Liberia and for Other Purposes, p. 15-16, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1889-90.

An Act Granting a Road Right or Right of Way and Other Lands to the American Colonization Society and the New York State Colonization Society, p. 17-18, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1895-96, passed Jan. 27, 1896.

An Act Granting Certain Lands in Grand Bassa County to the American Colonization Society, Acts Passed by the Legislature, Republic of Liberia, During the Sessions 1895-96, passed Jan. 27, 1896.

An Act Pertaining to Bounty Land, p. 215, 1879 Statute Laws.

An Act Providing for the Establishment of an Interior Settlement, p. 222, 1879 Statute Laws.

An Act Regulating the Residence of Native Africans within the Colony, Section 4, Acts of the Governor and Council, 1839-1847.

An Act Supplementary and Amendatory to an Act Regulating the Residence of Native Africans within this Republic, p. 3, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1887-88, passed Jan. 12, 1888.

An Act to Authorize the President of Liberia to Appoint a Commission to Revise the Land Laws of the Republic, approved Feb. 10, 1947.

An Act to Authorize the President of the Republic of Liberia to Lease Public Lands to Foreign Governments for Legation Purposes for a Period of Ninety-Nine Years, approved Jan. 12, 1949.

An Act to Encourage Interior Trade to Greenville by Use of the Sinoe River, p. 17, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1880-91.

An Act to Grant Concessions for the Charter and Construction of a System of Railroads in the Republic of Liberia, p. 7, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1889-90, passed Jan. 21, 1890.

An Act to Grant Seventy Five Acres of Land for the Anna Morris School of Arthington, and to Incorporate the Same, p. 3, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1886-87, passed Jan. 6, 1887.

An Act to Incorporate "The Liberian Saint Paul's River Steamboat and Tramway Company," for the Convenience and Facility of the Citizens Traveling and for the Interior Trade, p. 5, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1874-75, passed Jan. 18, 1875.

A Resolution Authorizing the President to Furnish the American Colonization Societies Premium Land for Emigrants, art. I, p. 221-22, 1857 and 1879 Statute Laws.

Articles of Agreement between the Republic of Liberia and the American Colonization Society, Entered into by the Directors of the Society and the Commissioners of the Republic, in the City of New York, on the 20th Day of July, in the Year of Our Lord, 1848, Article I, Concession of Lands, Revised Statutes.

Charles Henry Huberich, The Political and Legislative History of Liberia, Vols. 1 & 2 (1947).

Constitution of the Commonwealth of Liberia (1839)

Disposal of Claims for Public Land, Section 1129, p. 19, Revised Statutes.

Homestead Exception, ch. XLI, Sections 1095 & 1097, p. 889-90, Revised Statutes.

Joint Resolution Granting 10 Acres of Land in Fee Simple to Each Male Member of the Cape Palmas Tribe in Maryland County, Acts Passed by the Legislature, Republic of Liberia During the Sessions 1895-96.

No Purchase of Real Estate in Fee Simple from Aborigines, Section 14, p. 137, Revised Statutes.

Plan of Civil Government for the Colony of Liberia, Article X, Apr. 1, 1841.

Property Law, Title 29, ch. 8 (also referred to as the Registered Land Law).

Public Domain Law, p. 133-43, 1857 Statute Laws.

Public Forests, Section 1197, p. 63, Revised Statutes.

1904 Public Lands Law, Revised Statutes.

Public Lands Law, Title 32, Liberian Code of Laws (1956).

Public Lands Law, Title 34, Liberian Codes Revised (2004).

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