

**ROBERT R. JOHNSON, Appellant, 'vs. REPUBLIC OF LIBERIA, Appellee.**

**LRSC 9; 1 LLR 103 (1878)**

[January Term, A. D. 1878.]

*Appeal from the Court of Quarter Sessions and Common Pleas, Montserrado County.*

Damages.

This is an action of damages brought up on appeal from the Court of Quarter Sessions and Common Pleas, Montserrado County. The case depends entirely on the construction of the word "otherwise" in the 3d section, page 147, I. Lib. Stat., of the act showing in what cases suits may be brought against the government. To us the obvious meaning of that section is that whenever any person or persons shall receive any damage by the application of any part of his or their property by this Republic to its use, or by the application of this property otherwise, i. e., 'in a different manner," 'or in another way," than to its own use, so as to occasion any damage or loss, he or they shall on proof, etc., receive such compensation as the jury shall under the circumstances award. And the rights which it seems to be the spirit and intent of this law to guard are those guaranteed by the Constitution, which provides that "private property shall not be taken for public use without just compensation" (Const. p. 233, art. 1, sec. 13) ; but being an extension thereof, as it makes the government liable though the property is taken for use otherwise than public.

The present case is not one of those authorized by law to be brought against the government. The court therefore adjudges that the judgment of the lower court is affirmed, and the appellant ruled to pay costs.