

JOHN BEAVANS, Agent for ELDER DEMPSTER
& CO., LTD., Plaintiff-in-Error, v. H. JURIS, Agent for
LAFRANS & CO., Defendant-in-Error.

WRIT OF ERROR TO THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, GRAND BASSA COUNTY.

Decided February 3, 1928.

1. A lease held by aliens in treaty stipulations with the Government of Liberia extends to a mere chattel right; they cannot hold land in fee.
2. It is not unconstitutional, however, for a tenant having possessory title to bring an action of ejectment.

On writ of error from this Court, judgment below that an alien tenant may not bring an action of ejectment, *reversed*.

C. B. Reeves for plaintiff-in-error. *D. B. Worrell* for defendant-in-error.

MR. JUSTICE KARNGA delivered the opinion of the Court.

This is a case brought before this Court on a writ of error to the Circuit Court of the Second Judicial Circuit for Grand Bassa County by the plaintiff-in-error on the ground that it is unconstitutional for a tenant who is a foreigner to bring an action of ejectment to recover possession of his leasehold. The case of *Bingham v. Oliver*, 1 L.L.R. 47, decided in the January term, 1870, was cited in support of their contention.

It is admitted that an alien cannot hold land in this Republic in fee; he may lease property from the Government or a citizen of Liberia, and such a lease extends to mere chattel right. However, a tenant having possessory title has the right to bring an action of ejectment, although an alien, and when such action is brought it is not

unconstitutional. To uphold a contrary view would be to place a check upon the economic development of the country. Large amounts of capital are being invested by aliens in the Republic; the interest of the investor must be safeguarded and his investment secured.

It is therefore the opinion of this Court that the judgment of the court below be reversed and the case remanded for a trial upon its merits; costs to be paid upon final determination of the case. And the Clerk of this Court shall notify the court below to the effect of this judgment; and it is so ordered.

Reversed.