

**DECISION IN REGARD TO THE JURISDICTION OF THE CHARTER OF
THE CITY OF MONROVIA, ACCORDING TO THE THIRD SECTION
OF THE SAME.**

LRSC 1; 1 LLR 15 (1862) (1 January 1862)

[January Term, A. D. 1862.]

Constitutional Law—Municipal Ordinances.

The Corporation of the City of Monrovia is an authorized body politic to which is delegated the right to enact such laws and municipal ordinances as are necessary for its government, provided such laws and municipal ordinances do not conflict with the laws of the Republic. The charter of the corporation is a constituted power, organized within a power, and therefore cannot make laws to supersede or nullify the power by which it was created. No right can be constitutionally delegated to any corporation to give it exclusive jurisdiction over any statute act, unless the Legislature or sovereignty of Liberia will relinquish its political jurisdiction by an express repealing statute, which, however, would be very impolitic in any sovereign; accordingly those statutes which punish breach of the peace and other petit offences or simple misdemeanors are liable to be executed by any magistrate and the offender prosecuted accordingly, within the limits of any corporation, whenever such magistrate may find it necessary; and the proceeds arising upon any penalty or fine imposed upon any offender should be paid into the public treasury. Should the corporation have ordinances punishing the same offences, it also has a right to execute its laws or ordinances whenever opportunity is offered; and the proceeds arising upon the prosecution of offenders should be placed in the corporation treasury. Each power has a right to do the same thing, both having the same ends in view.

Therefore, it is the opinion of this court that the third section of the charter of the city of Monrovia does not exclude the political jurisdiction of the laws of the Republic or any part thereof, but said corporation simply has the right by virtue of said charter to exercise the same jurisdiction. And it is clearly evident that the amount of business done by the corporation or state will depend entirely upon the vigilance of the officers of the respective departments.
