

**REPUBLIC OF LIBERIA, Appellant, vs. JOHN SMITH or J. HARRIS,  
Appellee.**

**LRSC 6; 1 LLR 13 (1861) (1 January 1861)**

[January Term, A. D. 1861.]

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

*Violation of Revenue Laws.*

It is presumed that the law is consistent and that the lawmakers understand what they created. The law fixes boundary, and establishes limits into which all parts of government are to revolve. To go beyond or even to derogate, would be discovering a want of obedience to the sovereign who are the people. The case before the court, Republic, appellant, vs. John Smith, appellee, is apparently clear, and as the particular law governing the discharge of vessel's cargo has been submitted to our consideration, to ascertain if a court can use discretion in the fine imposed, if a master is found guilty of violation of the particular requirements of said law, this court is of opinion that if the parties are found guilty, a fine shall be one thousand dollars. The law does not allow or give discretionary power here to the court; it is only to know parties are guilty, and the law applies fully, and must be in all similar cases. In all admiralty cases, the Court of Admiralty ought to be convened by the judge in admiralty at any time when the circumstances demand it, without waiting for the quarterly term. It is the opinion and judgment of this court that the decision of the court in the case of Schr. "Phebe" be reversed, and instead of one hundred dollars, the same shall be one thousand dollars, payable by the appellee with costs in this suit.