

WM. M. ROBERTS, Appellant, vs. THE REPUBLIC OF LIBERIA, Appellee.

LRSC 1; 1 LLR 226

[January Term, A. D. 1890.]

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

Misdemeanor.

Postmaster—Revenue officer—Jurisdiction of the Court of Admiralty in suits against postmasters for

Fraud.

1. Indictment brought against a postmaster for fraud is Cognizable before a court of common law.
2. The selling of postal stamps by a postmaster for his own account is not in itself unlawful; there must be proof that they are the property of the Government to constitute fraud upon the revenue.

This cause came on for hearing upon an appeal from the Court of Common Pleas and Quarter Sessions of the County of Sinoe, and was argued by counsel. Upon inspection of the record it appears that appellant (prisoner below) motioned the court below to dismiss the cause for want of jurisdiction, alleging that he, being indicted as a revenue officer, should be held to answer in the Court of Admiralty and not at common law. The court below overruled the motion, giving as its opinion that under the Statute Laws of Liberia the postmaster is not a revenue officer. From this ruling and final judgment of the lower court the prisoner appealed.

We are of the opinion that the court erred in saying that under the Statute Laws of Liberia the postmaster is "not a revenue officer; "for the postmaster and post-office establishments were created by the statute for the purpose of revenue and public convenience. But he is not such an officer in the sense of the general acceptance of the term "revenue," so as to take him out of the jurisdiction of a court of common law in which cases of this kind are cognizable. It was alleged in the indictment in the court below, that "the prisoner sold Liberian postal stamps and unlawfully converted the proceeds to his own use," but it does not appear in the transcript of the record that those Liberian postal stamps were the property of the Government of Liberia, or any person or persons other than the prisoner who sold them.

The charge, of misdemeanor in the indictment is a grave one and was preferred by the State as a fact, and under the Statute Laws of Liberia the State was bound to prove the existence of that fact; but we cannot find upon the record sent here a single testimony tending to prove the allegation. Selling postal stamps is not unlawful, unless it can be proved that such stamps are not the property of the vendor, and that he, she or they are unlawfully in possession of such property; for stamps are often sold from the post-office to individuals in large quantities. It was the duty of the State in the court below, to prove that the postal stamps sold by Wm. M. Roberts, ex-postmaster for Sinoe, the proceeds of which he converted to his own use, were the property of the Republic of

Liberia, so as to establish the alleged misdemeanor. Considering the allegation and the evidence in the court below we are of the opinion that the charge was not sustained, and the prisoner should have been acquitted.

This court adjudges that the judgment of the court below is reversed. The clerk of this court is hereby commanded to send down to the Court of Common Pleas and Quarter Sessions for Sinoe County a mandate to this effect.