

**JOHN M. HARRIS (an Englishman), Appellant, VS. THE REPUBLIC OF
LIBERIA, Appellee.**

LRSC 1; 1 LLR 39 (1867)

[January Term, A. D. 1867.]

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

Admiralty—Libel.

1. Sovereignty is an essential constituent of an independent nation; where it exists, the provisions of international law become applicable.
2. The prominent principle in the laws of nations, which confers upon states the right of control over its domain, is that its laws are paramount within its territorial limits and must be obeyed alike by aliens as well as citizens within its territorial limits. .
3. Where the laws of a state have been duly published in accordance to the provisions relating thereto, the plea of ignorance of them by a foreigner is unavailable.

The Supreme Court has reviewed this case in all its bearings with as much scrutiny and care as the nature of the case seems to require. The court will observe that this matter in dispute has been argued in the court below, as well as in this, with great warmth and ardour. We infer from this that great importance is attached to this case by the claimant's counsel, as well as by the republic. The court will say in regard to this fact, that the law is so just, regular and unequivocal, that in order to award common justice the court has only to act in this case as it would in any other in which the cause of dispute might be of comparatively minor importance. It should therefore be the practice of every court of law or of equity to bring to bear the law points and the equitable subjects of every case. This being done, justice will be meted out in every case, however great and extensive its proportions may be on the one hand, or however small and insignificant on the other. It is to be admitted, however, that courts very often find difficulty in freeing cases from those misty intricacies into which they are sometimes taken by the astute lawyer. He, by his sagacity and skill, throws them into a labyrinth of almost inextricable mystery, from which it is sometimes hard to relieve them. This, however, is our duty, and we must perform it. Were it not for the fact that there is one grand principle running all through the law, and serving as its own interpreter, courts of law might well conclude that cases might be decided according to the strength of the argument. Therefore, it is the duty of the depositories of the law to acquaint themselves with these grand leading principles. These leading principles have attained to as great perfection, so far as their cultivation has gone, in international law, or the law of nations, as in common law. The distinctive titles of laws have been made to point out those several departments in the great laboratory of laws, to show their office and special design, while at the same time, as stated above, they are based on principles as grand and sublime as perfection itself. It is therefore the office of the law of nations to set forth in a clear light the duties of one nation to another, as well as the respective rights of each. It therefore descends into every minutia that can possibly have any bearing upon nations. Sovereignty is the first grand constituent of a nation, and whenever this appears international law is enthroned and its provisions and influences are as fully in force with reference to nations as a statute is in a nation.

Let it be remembered that there is one prominent principle in the law of nations which gives it efficacy and effect in every nation, and that is, that the subjects or citizens of one are bound to obey the laws of the other as soon as he enters its territory, and the nation into whose territory he enters is bound for his protection, unless the sovereign orders him to leave. Here the duties of nations and subjects or citizens are reciprocal. Here, then, is a principle. It is also a conceded right that a citizen or subject of one nation may be tried and punished for violating the laws of another nation, on condition that complete justice is awarded; no other condition is required. This being done, no dissatisfaction ought to or can be expressed by the nation whose subject or citizen has been punished.

This being a fact and a principle as pure as truth itself, it shows that the citizen or subject of any other nation should be very particular to acquaint himself with the local laws of the nation into which he goes, lest he might fall under the influences of these powerful principles,— an influence from which his own nation cannot extricate him, except by using might for right; in which case, that nation which seeks to avenge itself arrays all other nations against it. • But when the plea of ignorance is urged, that is, that the subject or citizen did not know the law, the law cannot admit such plea, neither by its own citizens or subjects, nor by foreigners. For if such pleas are allowed by law, who would be tried?

Having made the above brief allusions, the court proceeds to accommodate the various features in this case to those ruling principles, before going to the merits. The court announces that it will use equitable provisions where it appears necessary, and affirm or reverse the decree of the court below where it is needed.

The navigation, commerce and revenue laws of the Republic of Liberia are plain and intelligible. They have long since been published to the world. Added to this, it may be said that the body politic is regularly organized; no department is without a representative. The territorial boundaries of the country have been clearly defined, published and acknowledged. Therefore, so far as respecting these points, all nations must be satisfied, and whoever violates said laws by mistake or ignorance is liable to its penalties.

The court decides that the British schooner "Phebe Harris," her cargo, sails, rigging and tackle are de jure and de facto forfeited and confiscated to the government, and it is hereby decreed that the judgment or decree of the Admiralty Court be affirmed, especially so much as refers to the said schooner "Phebe Harris." Nevertheless, should it be of any convenience or advantage to the said John M. Harris to have back the said schooner "Thebe Harris," he shall be allowed the privilege of paying a fine of one thousand dollars and all costs and charges in any wise pertaining to the suit. He may give bail for the same to be approved by the Secretary of the Treasury, in which case the said schooner "Phebe Harris," her cargo, sails, rigging and tacklings shall be returned to him by the marshal. The court further decrees that the fine of one thousand dollars assessed against Henry Ireland, supercargo of the said schooner "Phebe Harris," be and the same is hereby reversed, and the fine of five hundred dollars against Capt. Joseph Smith be reduced to fifty dollars. He shall pay all costs and charges, and may give approvable bail for the payment of said fine, whereupon he shall be released from prison.

Key Description: Admiralty (Confiscation of foreign vessel for violation of Liberian law; plea of ignorance of laws relating to, by a foreigner)