

**REPUBLIC OF LIBERIA**, Appellant, vs. **DONNER JUNGST**, Appellee.

Violation of Revenue Laws.

[January Term, A. D. 1907.]

**COURT'S RULING ON MOTION TO DISMISS APPEAL.**

At the call of this case for trial, the appellee submitted to this court a motion to dismiss the cause, because the appellant had failed to give bond in taking the appeal, as required by law. In this case the Republic of Liberia was the plaintiff below, prosecuting for an alleged violation of her revenue laws.

This motion has had the careful consideration of this court, and after carefully examining the principles involved, the court has come to the following conclusions : To require bond of the Republic, and on failure, to subject her to attachment, arrest, etc., as private individuals, would tend to endless confusion, first, because the Legislature has not as yet made any law requiring bail in such prosecutions, whether civil or criminal ; it has only provided for suits in actions of contract against the Government. For this reason the State is not bound by the rules of practice laid down for private prosecutors. Law is based upon reason, and the requirement of bail is to protect litigant parties against escape, etc. Governments can never escape, hence the reason of this law, to protect against escape, ceases to exist. Second, this court further says, the present laws requiring bail, and subjecting those neglecting to comply therewith, to arrest, execution, etc., in no way apply to the Government. The motion is therefore not sustained and this court orders that the trial proceed.