ACTS

OF THE

GOVERNOR AND COUNCIL OF LIBERIA

IN LEGISLATURE ASSEMBLED,

PASSED AT THEIR SIXTH SESSION

MARCH, ANNO DOMINI, 1844.

(Printed by Authority.)

AT THE HERALD OFFICE, MONROVIA.

HILARY TEAGE—PRINTER.
An Act to amend An Act, supplementary to An Act, entitled "An Act to provide and regulate common schools."

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That the sum of eight hundred dollars per annum be added to the "school fund of the Counties of Monsterra and Grand Bassa." Said amount to be paid from the Commonwealth Treasury, out of any monies not otherwise appropriated, and to be apportioned among the different settlements according to the number of inhabitants in each.

An Act to provide a set time or day on which the annual election of members of the Colonial Council shall take place.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That the election of members of the Colonial Council shall take place on the last Tuesday in November of each year.

Sec. 2. Be it further Enacted,—That the Colonial Legislature shall meet annually in Monrovia on the first Monday in January.

An Act to amend the 9th section of the 9th, Chapter of the "Abstract of Legal Principles and Rules."

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That from and after the passage of this Act, the 9th section of the IX Chapter on page 22 of the "Abstract of Legal Principles and Rules," be so altered as to read, every jurymen must be 21 years of age, and of good moral character.
An Act to repeal that part of the 11th section of the Judiciary Act passed 1839, giving the Supreme Court original jurisdiction.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That so much of the 11th section of the Judiciary Act, passed 1839, as gives to the Supreme Court original jurisdiction be, and the same is hereby repealed.

An Act authorizing the Executive to call extra sessions of the Colonial Council.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That whenever, in the opinion of the chief Executive officer of this Commonwealth, the public interests require a convocation of the Legislature, said chief Executive officer shall have power, and he is hereby invested with authority to convene the legislature in such cases of emergency.

An Act Supplementary to An Act on Elections.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That for elections for Lieutenant Governor and members of the Colonial Council there shall be appointed for each settlement or place in which the election may be held, three persons who shall be styled Judges of the election: One of whom shall be President of the board. It shall be the duty of this board to take the supervision of the election—to receive and count the tickets, and to see that they are properly registered, and that the election is conducted according to the provisions of the law in the case. There shall also be two Clerks appointed for each of the settlements or places as aforesaid—whose duty it shall be to register the votes under the direction of the board of Judges herein appointed.

Sec. 2. Be it further Enacted,—That the sheriff or his deputy shall organize the election by administering the oath usually taken on the like occasions to the president of said election, and that the said president be thereby fully authorized to administer the usual oath to the other judges and clerks:—And should any judge or clerk so appointed, fail in his or their attendance at the time and place, at which such election is to be held, that it shall be lawful for the judges then present to nominate and appoint any one or more respectable citizens as the case may be, to act in case of such vacancies, as fully and lawfully as if the appointment had been originally made by the court.

Sec. 3. And be it further Enacted,—That the election be held but one day, and that the polls be opened at 9 o'clock A. M. and closed at 6 o'clock P. M.

An Act to regulate the sales of Commission Merchants.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That from and after the passage of this Act, all goods, wares and merchandise, brought into this
Commonwealth for sale on commission, shall be exhibited on a list with prices annexed in some conspicuous place, so as to give to all who may wish it an opportunity to inspect it:—And no sales of said goods shall be made until the expiration of one half hour after said list shall have been so exhibited. The Collector shall determine the time of the exhibition of the list.

Sec. 2. Be it further Enacted,—That no commission merchant or merchants, shall make sales of any goods, wares, or merchandise, he or they may receive to sell on commission, at any other place but at that place where he or they may be authorized by his or their license to make commission sales.

Sec. 3. And be it further Enacted,—That no person or persons shall take from any commission merchant or merchants, under any pretence whatever, goods, wares or merchandise for sale on account of captains or supercargoes without having first obtained a license to do commission business, to be entitled commission license. Any person or persons violating this Act, will be subject to the penalty imposed by law for violations of the Act regulating revenue and commerce.

An Act to make an additional Marshall and Notary Public.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That from and after the passage of this Act, the 11th section of an Act incorporating, bouding and regulating counties and towns, appointing “one Marshall, and one Notary Public,” be so altered as to read, two Notaries Public and two Marshals:—One of each to be appointed for the County of Monsterrado, and one for the County of Grand Bassa, any law to the contrary notwithstanding.

An Act to put the settlement of “Greenville” Sinoe, in a state of defence.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That the sum of three hundred dollars be, and the same is hereby appropriated out of any money belonging to the Commonwealth, deposited in the treasury at Greenville, Sinoe, not otherwise appropriated, to put said settlement in a state of defence.

An Act incorporating the inhabitants of the town of Monrovia into a Body Politic.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That the inhabitants of the town of Monrovia be, and the same are hereby constituted a body politic and corporate, by the name and style of Selectmen: and by their corporate name, may sue and be sued, implead and be impleaded, and grant and do all other acts as are usually done by such corporate bodies, for the exclusive benefit of the said town, and may have and use a town seal, which may be broken or altered at pleasure.

Sec. 2. Be it further Enacted,—That the town Council or Selectmen shall consist of seven members, residents of the town of Monrovia, to constitute a bo.
dy politic; one of whom shall be president of the board:—They shall have power to take and hold real and personal property for the benefit of the town, make and fulfil contracts, and levy all such taxes as may be necessary for town purposes.

Sec. 3. Be it further Enacted.—That the corporation aforesaid shall have full power and authority to pass all necessary municipal laws and ordinances for said body politic, they shall have the power to settle their rules of proceedings, to appoint their own officers, to regulate their respective fees, and to remove them at pleasure for disorderly behaviour, or mal-conduct in office. Nevertheless no laws or regulations shall be made incompatible with the general laws of the Commonwealth.

Sec. 4. Be it further Enacted.—That the ordinances and acts passed by the said body corporate, shall be subject to the approval of the president, and when approved by him, shall have the force of law: But should the president refuse his assent, he shall within three days, state to the selectmen in writing, the reason for his objections. Then, should the board of selectmen, or three fourths of them present at a meeting, concur in the passage of the ordinance, the same shall have all the force and validity as it would have with the assent of the president. Provided, however, the council shall not prevent its return by the term of their adjournment.

Sec. 5. Be it further Enacted.—That the first election of members of the town council, shall be held on the 3rd Monday in April next, and in every year thereafter at such place as the judges of the election may prescribe.

Sec. 6. Be it further Enacted.—That the selectmen shall be elected annually by ballot on a general ticket, by the male adults who reside in said town. The justices of the county of Monsterrado, resident in the town of Monrovia, or any three of them to preside as judges of the election, with such associates as the council may from time to time appoint.

Sec. 7. And be it further Enacted.—That all laws, regulations and ordinances, relating to towns and villages, town-commissioners, as regards the town of Monrovia be, and the same are hereby repealed, except such laws or ordinances as provide for common schools, and the appointment of civil officers.

An Act authorizing the Executive to purchase a set of books for public records, and to have such of the records as require it transcribed.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled and it is hereby enacted by the authority of the same:—That His Excellency the Governor be, and he is hereby fully authorized to procure, or cause to be procured a set of suitable books in which the said records may be transcribed.

Sec. 2. And be it further Enacted.—That His Excellency draw on the Commonwealth Treasury for the amount required to pay for the books which he may procure for the aforesaid purposes:—And that he further draw on the Commonwealth Treasury for the sum of one hundred dollars to defray the expenses of transcribing the said records, should he deem it necessary to have said records transcribed.
An Act regulating the Collectors fees.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That from and after the passage of this Act, the Collectors of Customs, shall be allowed a commission of only eight per centum on the revenue collected by them.—Any law or usage heretofore existing to the contrary notwithstanding.

An Act authorizing commissioners to have a canal cut near the Cape to run from the Monsterrado River into the sea.

Whereas it is deemed highly expedient—as well as that it would be greatly conducive to the public interest to have a canal for boats and small crafts to connect the Messurado River and the ocean between Binc-town and the Cape—and whereas a survey has been made of the route, and a plan with an estimate of the probable cost, has been laid before the Governor, by Mr. D. B. Warner—therefore:

Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That two Commissioners be appointed by the Governor and Council, to contract with Mr. D. B. Warner or some other person or persons, to cut and secure a water passage of six or more feet wide, to admit vessels drawing at least five feet water, agreeable to Mr. Warner’s survey; and that the sum of eight hundred dollars be, and the same is hereby appropriated to be paid out of any moneys in the Commonwealth Treasury not otherwise appropriated, for the construction and completion of said canal.

An Act to amend the 4th section of An Act entitled An Act regulating towns and villages.

Section 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted the authority of the same:—That from and after the passage of this Act, so much of the 4th section of An Act regulating towns and villages, as subjects the inhabitants to work on roads and streets twelve days annually, be so altered as to read eight days in each year.

The town of New Georgia shall be excepted from this rule. The number of days the inhabitants of New Georgia shall be required to work on their streets and roads, and all other regulations necessary to secure this object, shall be determined by their town meeting to be held annually on the first Tuesday in October.

An Act providing ways and means to put the Townships of Bexley, Basse Cove and Edina in a state of defence.

Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That the sum of five hundred dollars be, and the same is hereby appropriated to put the Guns and Gun-carriages in order, and to purchase ammunition and other munitions of war for the settlements aforesaid, and that the same be paid from the Commonwealth Treasury in Grand Bassa, out of any monies not otherwise appropriated.
An Act repealing an Act establishing a Committee of Finance.

Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That the Act establishing a Committee of Finance, be and the same is hereby repealed.

An Act Supplementary to an Act on Commerce and Revenue.

Sec. 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That from and after the passage of this Act, there be appointed at each port of entry an officer of Customs to be denominated Wharfinger. It shall be the duty of said Wharfingers to be in attendance upon—and superintend the landing of all goods, wares, and merchandize, at any Wharf or place where said goods, wares, or merchandize may be landed—to note the marks, number, weight or measure as the case may be, of all casks, bales, bundles, crates or other packages in a book to be furnished for the purpose. Said book kept as aforesaid to be delivered to the Governor for his inspection immediately after the close of the sales or the departure of any vessel or vessels which shall have landed goods.

Sec. 2. And be it further Enacted,—That each of said officers or wharfinger shall be allowed, as compensation for his services so rendered, two per centum on the amount of revenue accruing at the port where his services are rendered.

An Act repealing a part of the 4th Sec. of an Act entitled Judiciary Act.

Sec. 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That so much of the fourth section of the judiciary act as allows the chairman of the court of common pleas and quarter sessions only twenty dollars per annum be, and the same is hereby repealed, and that the said Officer be allowed thirty dollars per annum for his services.

An Act to repeal an Act entitled Limitation Act passed in 1841.

Sec. 1. Be it Enacted by the Governor and Council in Legislature Assembled, and it is hereby enacted by the authority of the same:—That the Act of the Legislature annulling the statute of limitation in bar of recovery of claims in this Commonwealth—and forbidding any such law, statute or ordinance to be enforced previously to the year 1850 be, and the same is hereby repealed.

(The following Act was omitted in the last compilation of the laws.)

Be it Enacted by the Agent and Council,—That in two years from and after this date all open accounts shall be closed by note or otherwise, and that all accounts originating from and after this date shall be closed by note or otherwise in two years from the date of the creation of the account—otherwise said accounts shall be invalid in law. Passed at Monrovia, January 13 1885.

An Act Creating an Agency in the County of Grand Bassa.

Sec. 1. Be it Enacted by the Governor and Council in Legislature Assembled
And it is hereby enacted by the Authority of the same;—That His Excellency the Governor be, and he is hereby authorized to appoint a superintendent in and for the County of Grand Bassa, under the control, and during the pleasure of His Excellency the Gov. of this Commonwealth. Said officer to be allowed as a compensation for services, at the rate of one hundred dollars annually to be paid out of the Commonwealth Treasury in the County in which said services may be rendered. The duties of the superintendent, shall be to audit all public accounts, superintend the public works, and attend to such other matters relating to the Commonwealth as the Governor may assign to him.

An Act for the Establishment of a Court of Admiralty.

Sec. 1. Be it Enacted by the Board of Directors of the American Colonization Society:—That there shall be and the same is hereby constituted a Court of Admiralty in the Commonwealth of Liberia, which shall have, possess, and exercise jurisdiction over all piracies as so declared by and existing at this time under the laws of nations, or which are declared and held to be piracies under the constitution and laws of the United States.

Sec. 2. The said court shall be constituted in manner following, that is to say,—The Governor of said Commonwealth or whoever, for the time being shall be in the lawful Exercise of the Supreme executive power, shall be President of said Court, and the Judges, or one of the Judges if both do not attend, shall be his associates, who shall appoint the times and place or places for holding the same, and shall appoint such officer or officers as may be necessary to discharge the duties required by said court, and the fees of said officers and pay of Jurors shall be the same as allowed by law in the District Courts of the United States.

Sec. 3. The proceedings in said court for the trial of all such offenders found or brought within the limits of said Commonwealth of Liberia, and all other proceedings shall be in accordance with the laws and practice of the District Courts of the United States, having and exercising similar jurisdiction—an excellent summary of said practice and forms of proceedings in said court may be found in Dunlap's Admiralty practice.

Sec. 4. That upon the conviction of any citizen or resident inhabitant of said Commonwealth of Liberia for any said offence of piracy the offender shall suffer the punishment of death, or imprisonment at hard labour for life at the discretion of the court, and the punishment of all other persons so convicted as aforesaid shall be by a fine not exceeding five thousand dollars and imprisonment at hard labour not exceeding five years, at the discretion of the court.

Sec. 5. In all cases of piracy aforesaid, the said court shall have jurisdiction to award process against the vessels, apparel, furniture and cargo, and to award sentence of condemnation of the same.—Distribution to be made of the proceeds of said condemnation as is provided by and under the existing laws of the United States of America, and in cases where seizures aforesaid shall be made by persons not entitled under such laws to any distributive share, the said court shall have power in its discretion to award such share or proportion as may be deemed proper to such person or persons making such seizure—Provided that in such distribution the Commonwealth of Liberia shall be
entitled to such share as is by said laws awarded to the United States, and provided further that in no case whatever, shall the Judges of said court be entitled to any share of such prize money.

Sec. 6. The jurisdiction of said court shall be, and the same is hereby extended to all cases of fraud or attempts at fraud upon the Revenue laws of said Commonwealth, and shall decree such penalties, forfeitures or confiscations as are provided in the several acts of congress of the United States of America, concerning the revenue thereof.

Sec. 7. The said court shall have exclusive cognizance of all civil causes of Admiralty and maritime jurisdiction, including all seizures under the laws of impost, navigation or trade of said Commonwealth where the seizures are made on tide waters; which are navigable from the sea by vessels of ten or more tons burthen within the said Commonwealth, as well as upon the high sea—saving to suitors in all cases the right of a common law remedy where the common law is competent to give it—and shall also have exclusive original cognizance of all seizures on land or other waters than as aforesaid made, and of all suits for penalties and forfeitures incurred under the laws of said Commonwealth.

Sec. 8. Said court shall have power from time to time to alter and amend said rules of practice as may be proper for the orderly transaction of its business.

Attest.  

SAMUEL WILKESON,  
President of the Board of Directors,  
Of American Cal. Society and  
Chairman Ex. Committee.

Passed by the Board of Directors of the Am: Cal.: Society, in 1841.