

WILLIAM M. COLEMAN, Appellant, vs. **REPUBLIC OF LIBERIA**, Appellee.

LRSC 1; 1 LLR 320

[January Term, A. D. 1898.]

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

Rape.

The common law definition of the term "rape," in the absence of a special statute defining the crime, prevails in Liberia by force of the Act of 1869, adopting the common law of England and America; the act becomes complete where penetration is proved, though there be no proof of emission. Rape may be committed upon a young as well as matured female; the evidence of the female ravished supported by circumstantial or presumptive proof is sufficient to warrant a conviction for rape.

Several exceptions filed to the ruling of the court below are presented to this tribunal for its consideration. The points submitted in the bill of exceptions have had the careful attention of the court, and several therein raised are of great importance to the decision of the case. We have no statute defining rape, or the necessary evidence to support the charge, and what shall constitute the offence; hence, under the authority of an Act of the Legislature of the Republic of Liberia, passed and approved in 1869, we have the common law of England and America for our guide, by which rape is defined to be the carnal knowledge of a woman by a man forcibly and unlawfully against her will. "Much difficulty has arisen," says the learned Judge Bouvier, "in defining the meaning of carnal knowledge." Some judges hold to the opinion that both penetration and emission are required. In England carnal knowledge is completely proved by proof of penetration. This, in our opinion, is a definition more in keeping with reason, when we survey animal nature. If emission must necessarily be proved, many offenders could and would escape the punishment such a crime deserves, and many helpless women of virtue might be insulted and the offender escape punishment. The bill of exceptions filed in this case has had no little attention of the court, and from the law and testimony we are led to the following conclusions:

As to the first exception in the bill of exceptions, this court is of opinion that the court below did not err in ruling out the question therein referred to, because it might have been answered either in the affirmative or negative without effecting the charge.

As to the second exception, we are of opinion that the statement of the year in which the witness was born had no tendency to establish the allegations set forth in the indictment. It should be remembered that rape may be committed upon a very young or old woman, hence in this the court below did not err.

This court sustains the ruling of the court below on the third exception, since the question, "How do you know that you are fourteen years old?" had no tendency to prove or to disprove the charge.

As to the fourth exception, we are of opinion that the jury is judge of the credibility and effect of all testimony submitted to it, and that in a trial for rape the testimony of the woman ravished, corroborated by signs of violence on her parts, her cry of alarm, and her publicly accusing her assailant, is sufficient proof to warrant a verdict of guilt, and judgment thereon.

It was strongly urged by the learned counsel conducting the defence that it would be dangerous to allow a conviction for rape, supported only by the testimony of a single woman or witness. To this the court says it would be alarmingly dangerous for courts of law, in such a heinous crime as rape, which is among the lowest and most debased crimes one can be guilty of, to require evidence to convict the offender beyond the testimony of the woman ravished and such corroborating evidence as the circumstances surrounding the case permit of ; and if from fear growing out of threats she fails to make an alarm, or to expose her assailant immediately, to a great extent the law will excuse her failure to do so. This court does not see why a new trial should have been granted, and viewing the case in all its features we are led to the following conclusion:

This court adjudges that the judgment of the court below rendered in this case be and is hereby confirmed, and that the appeal be dismissed; and further, the clerk of this court is hereby ordered to notify the court below to the effect of this judgment.