

DAVID D. FREEMAN, Appellant, vs. THE REPUBLIC OF LIBERIA, Appellee.

LRSC 7; 1 LLR 306

[January Term, A. D. 1897.]

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

Stealing Money from Post Letter Bag.

1. The statute relating to the responsibility and punishment of postmasters for neglect of duty and breach of trust comprehends carriers in the postal service as well; a common carrier in the postal service is answerable to the State for any unfaithful performance of the trust imposed in him.
2. Flight is in itself an offence against the law and carries with it great presumption of guilt; it will subject a party to forfeiture even where the accusation which produced it is not proven and the party not condemned.

In this case this court finds a labored effort put forward in an endeavor to show that neither the statute law nor the notes in Blackstone's Commentaries apply to govern us in this country. It is maintained that the Liberian statute law on page 164, section 9, is only applicable to offences committed by postmasters. It has also been asserted with great earnestness that the witness, Mrs. D. E. Sherman, said that she knew nothing about posting a certain letter and registering same on or about the 2nd of March last. But by reference to the record this court finds that the witness D. E. Sherman, in answering a question of the county attorney, gives this statement: "I did send such a letter to the post-office March 2nd, of which I hold a copy." Ques.—"Was said letter posted?" Ans.—"It was." "Did you get a receipt for same?" "I did." "Was the letter registered?" "It was."

This court does not find it necessary to give any expression on the notes in Blackstone's Commentaries at this time in addition to what was said by this court in the case of Sarah Ann Roberts against Jane Rose Roberts (ejectment) in January, 1878. The statute laws of Liberia furnish sufficient data and authority for the elucidation and final disposing of this case. It would be absurdity for this court to think or believe that the Legislature intended to punish the postmaster only for betraying his trust by breaking the seal or making away with any letter, paper or package addressed to another person.

The appellant seems to have been employed as a common carrier, connected to and with the post-office, and as such he is answerable to the State for any unfaithful performance of the trust imposed upon him. If that is not the meaning of the law then any member of this community could secretly purloin a letter or even a paper or package from the post-

office, and should he be detected, *flagrante debito*, yet the postmaster alone would be responsible.

The motive of the State in allowing this case to occupy so much of the court's time, thought and study, is an enigma up to the present. Mr. Blackstone in his fourth book, page 387, uses the very striking words: "For flight also on an accusation of treason, felony, or even petit larceny, whether the person be found guilty or acquitted, if the jury find flight the party shall forfeit his goods and chattels." The very flight is an offence carrying with it strong presumption of guilt and is at least an endeavor to elude and stifle the course prescribed by the law.

From the authority of the Liberian Statutes and the legal principle to be deduced, this court decides that the prisoner David D. Freeman has been rightly convicted, from the statement of facts in this case, and that the judge below did not err in refusing to grant a new trial. Further, the clerk of this court is required to make known the judgment of this court to the court below; and appellant is ordered to pay all costs.