

THOMAS GEORGE, Appellant, vs. THE REPUBLIC OF LIBERIA, Appellee.

LRSC 2; 1 LLR 239 (1892)

[January Term, A. D. 1892.]

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

Murder.

Where a party unlawfully carries about a loaded gun and from carelessness and neglectfulness a human being is killed or injured, the act is not regarded in law as an accident and therefore excusable, but is punishable according to the magnitude of the offence.

The law forbids all persons from carrying about their bodies or persons any dangerous weapon whatever, to the terror of the good people of any community, and will not lend any aid to such a one. In this case the appellant pleads that the act of killing Bakoo was an accident, and that he took him for a monkey. But it must be remembered that accident is something over which a person has no control, as, for example, if the gun he had in his hand was loaded, but not cocked at all, and by some influence or power unknown to him, upon the gun, it fired off and killed the said Bakoo, it might more reasonably be regarded as an accident, and therefore excusable; but the act of having about us a loaded gun is a public offence in itself, and it is rendered more criminal when it is cocked, aimed and fired upon the body of a "reasonable being" who, from the force, contents and effect of such loaded gun, dies. Looking at the appellant's act from this standpoint, you will readily see that the deceased died from the appellant's voluntary and deliberate act, for it was he who cocked the gun, took the aim and fired the gun; it was therefore not an accident, hence the result of his act presents evidence of malice which the law implies. Now the jury, being the judges of the credibility of the evidence, they having the opportunity of noticing the manner in which the statements were given by the witness, were prepared to decide the facts in the case.

Notwithstanding some irregularities had been pointed out by appellant's attorney, yet the court below, in pursuing the course to justice, has been able to so instruct the jury as to enable them to come to a proper conclusion. Therefore, this court adjudges that the judgment of the court below is affirmed, and that the clerk of this court informs the court below of the doings of this court.