

THOMAS REUBEN HILL, Appellant, v.
REPUBLIC OF LIBERIA, Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
GRAND BASSA COUNTY.

Decided May 8, 1929.

In order that crime may be punished through the judicial process, it is necessary first that the court itself should have jurisdiction over the crime.

Appellant was convicted of embezzlement in the Circuit Court. On appeal to this Court, *affirmed*.

R. Emmons Dixon for appellant. *The Attorney General and Solicitor General* for appellee.

PER CURIAM.

This case was brought to the Supreme Court from the Second Judicial Circuit, Grand Bassa County. During the year 1925 and divers other times after said year, appellant by virtue of his official position as Clerk to the Superintendent of Grand Bassa County, received into his custody and possession certain denominations of revenue stamps of the Republic of Liberia to sell and deposit the revenue from such sale of stamps to the account of the Republic of Liberia; this he proceeded to do but apparently in the year 1928. when the stock of stamps was taken, prisoner was found to be short in the amount of five hundred eighty-two dollars for which he could not account, wherefore he was indicted, tried and convicted of the crime of embezzlement in the Circuit Court, Second Judicial Circuit, Grand Bassa County, from which judgment he appeals to this Court.

1. In order that crime may be punished through judicial proceedings, it is necessary first that the court itself should have jurisdiction over the crime; that is, to deal

with it judicially; secondly, that proceedings should be instituted in a court designated competent and with power to deal with the crime; thirdly, that they should be instituted in the proper place or that the venue should be correctly laid.

2. Crime is a violation or neglect of legal duty of so much public importance that the law, either common or statute, takes notice of and punishes the same.

3. In this case the court was competent and the judicial proceedings were according to the laws of Liberia. At the trial it was proved that the prisoner confessed before several witnesses the shortage and that up to the time of his arrest he was not able to account for it.

4. To prove the prisoner's criminal intent after embezzling the account, knowing that he was liable to an action on his bond, he surreptitiously stole his bond from the files of the Superintendent's office. (See statement of witness J. Z. Smith; 1 B.L.D., "Fraud.")

5. To convict the prisoner it must be proven in the crime of embezzlement that he was employed as clerk, servant to the employer. Second, the proof of his unlawful appropriation must be clear upon the records of the trial. Upon careful inspection of the records we find that all of these facts and evidences are cogently against the prisoner. In reviewing the defense, there is nothing in the testimony and the documents to warrant a reversal of judgment in this case.

6. The prisoner was indicted at the May term, 1928, of the court but not tried until the following November term, which was a sufficient time for the prisoner to have procured witnesses in his defense from any part of Liberia, had the machinery of the court been put in motion. B.L.D., "Laches."

7. In reviewing count 2 of the bill of exceptions, we say that it is not material to the issue, for, supposing the evidence of the Fante witnesses was deleted on the grounds that they, not being Christians, should not have been

sworn on the Holy Bible, there would still be sufficient evidence to convict prisoner.

Therefore after the consideration and thorough examination of the case, this Court is of the opinion and adjudges that the judgment of the court below be affirmed to the effect that prisoner be imprisoned for six calendar months, pay the amount of \$100.00 fine and make restitution of \$582.00 making a total of \$682.00 and, on failure to pay this amount of \$682.00 on or before serving his prison term of six months, he is to remain in the common jail until said amount is liquidated at the rate of \$12.00 per month. And it is hereby so ordered.

Affirmed.