

ANTHONY WILLIAMS, Appellant, v. REPUBLIC  
OF LIBERIA, Appellee.

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

Decided January 22, 1937.

When the trial of a case has been regularly and properly conducted, and the evidence is cogent and unimpeached, the judgment will be affirmed.

Appellant was convicted of petit larceny in the municipal court and appealed to the Circuit Court of Grand Bassa County, which affirmed. On appeal to this Court, *judgment affirmed* and *sentence modified* to impose full punishment ordered by the court of original jurisdiction.

No appearance for appellant. *R. F. D. Smallwood*, County Attorney for Montserrado County, by appointment, for appellee.

MR. JUSTICE DOSSEN delivered the opinion of the Court.

This originated in the Municipal Court of the Commonwealth District of Buchanan, Grand Bassa County, Republic of Liberia. On the 25th day of March, 1935, one Anthony Williams was arrested, tried and convicted for feloniously stealing, taking and carrying away one demijohn containing paint oil and varnish to the value of one pound sterling, being the property of one Napoleon B. Logan, and converting the same to his own use.

Among the witnesses who testified was Napoleon B. Logan himself who, when on the stand, stated substantially:

"In the month of February I went to Sinoe. I had a demijohn in my pantry containing varnish and paint oil in it. The varnish had become stiff being there

so long; I put the two bottles of paint oil in it so it could become liquid. There is a hole in the pantry where the demijohn was sitting. I was away for two days and on the third day I returned. The next morning I went in the pantry. I did not see the demijohn that I left there; then I called my wife's attention and asked her who had moved the demijohn? She became annoyed and asked the children who moved the demijohn out of the pantry? I then said to her that the demijohn has been moved by somebody who is acquainted with the yard, and I will find out who it is. She asked me in what way would I find out? I said all right leave it to me. I began to put out spies. Whenever the crowd met at my place to have their fine time with sunshine I would bring up the demijohn subject; one crowd came in and one Mr. Teage was in the crowd when I brought up the subject again informing them that someone has taken away my demijohn out of my pantry through the hole. Teage then asked me what kind of grease was in the demijohn? I said no grease, but varnish and paint oil. He asked me as to whether I could describe the demijohn? I said yes, I told him it was a demijohn holding about a gallon with a fancy bottom and a long neck. He said yes, if I put you on your track of it you must not call my name, not until you have traced everything straight. He then said that Mr. Anthony Williams carried a demijohn of the same type with something looking like cold grease but it smelt like paint oil, and he said that he gave him a bottle of it and gave Mr. Mack some of it and wasted the balance, and he cleaned the demijohn and sold it to Honorable Greaves. So one morning I got up, put on my clothes to go up town to see Williams; just in the time Williams happened up, I then said 'Hello, I just was coming up to your place; come in, I want to see you.' He then walked in the yard, I said to

him, 'Come and let us go to Honorable Greaves, I have a little business I want us to arrange.' Both of us went to Greaves and went upstairs. I then said, 'Good-morning, Tommy.' He replied. I said, 'I came to see you about a demijohn Mr. Williams sold you, did he sell one to you?' He then looked at Williams and at me and laughed. He then asked me what size of demijohn? I told him a demijohn with a fancy bottom and a long neck with varnish and paint oil. He said 'Yes, Williams sold me a demijohn, a demijohn had something looking like varnish and paint oil, and he asked Williams how would he get it cleaned, Williams told him to use hot water in it.' I then said to Greaves 'The demijohn is mine and that it was stolen out of my yard by Mr. Williams.' Greaves then asked me, 'Where was the demijohn?' I told him in my pantry by a hole. Then Greaves said to Williams, 'Look here, I don't like this kind of thing, for a man to go into another man's place and steal something and bring to me to buy.' "

Witness Thomas H. Greaves said on oath:

"I cannot remember the month, but sometime this year, defendant Williams sold me an empty demijohn and it had some paint oil and varnish in it. I sent it out to my cane farm and told them to keep it until I come. A few weeks after I bought this demijohn from Williams, Mr. Logan came and asked me whether I had bought a demijohn from anyone? I told him yes, and he asked me from Williams? I said yes. He then asked me did it have any varnish and paint oil in it, and was it a small demijohn? I told him yes, after this defendant Williams and Mr. Logan met at my place, then Logan asked Williams about this demijohn, he said that he left it in the corner of the house, and he went to Sinoe, and that Williams had taken the demijohn from his house and sold some of the paint oil and varnish to one Mr.

Teage, and sold me the empty demijohn, and that he wanted the demijohn with the paint oil and varnish; Mr. Williams said that he did not take the demijohn from Logan's place, he said one boy sold it to him. Logan then asked him where was the boy? Williams said the boy was out of town. I then asked defendant Williams could he find the boy, he then said to me he don't know where the boy was; Logan then said to him, 'Well, you and I are going until you give me my demijohn with my paint oil and varnish.' I then asked Logan what is the value of the varnish and paint oil because I don't believe Williams will be able to find the boy; so to keep from going to court, we can settle the matter here. 'Ques: Mr. Witness, when you bought this demijohn did it have anything in it, or was it empty?' 'Ans: It was practically empty, with a little varnish and paint oil in it, which I asked Williams how could I manage to clean it? If my memory serves me right, he told me that I could clean it with benzene.' "

After a very careful inspection of the records sent up to this Court in this case, we find that the trial below in the municipal court was regularly and legally conducted; and the defendant's guilt clearly and legally made out against him by the corroboration of unimpeached testimony; therefore the trial judge of the municipal court did not err in his judgment as rendered on the 29th day of August, 1935. (See final judgment.)

Appellant not being satisfied with the several rulings and final judgment rendered against him by the said municipal court, appealed to the Circuit Court of the Second Judicial Circuit, Grand Bassa County, for review. The said appellate court, after going very carefully into the records and weighing the evidence from the trial court below, affirmed the judgment of said court, to which the said appellant excepted and prayed an appeal to this Court of last resort, upon a bill of exceptions,

which contains only two points for the consideration of this Court, which we shall now proceed to consider.

By an inspection of the records and the points raised in said motion to discharge the defendant, we are of the opinion that the court below did not err in affirming the judgment of the court of original jurisdiction, for the records show that from its incipiency, the trial of this cause was regularly and legally conducted, and the guilt of the appellant clearly proven by unimpeached testimony.

This Court has repeatedly held that when the trial is regular and the evidence is clear, the judgment of the lower court will not be disturbed. *Armena Moulton v. Republic*, 2 L.L.R. 47 (1911); *Phillips v. Republic*, 4 L.L.R. 11 (1934).

Therefore this Court is of the opinion that the judgment of the court below should be so amended as to include the lashes ordered by the police magistrate who originally tried the case, and should in all other respects be affirmed; and it is hereby so ordered.

*Affirmed.*