

JOINT COURT OF THE NEW HEBRIDES

CONDOMINIUM

v.

THOMAS of Tongoa

JUDGMENT

The accused, THOMAS, was charged that on the 31st October, 1966 he stole three chickens the property of Robert Leong. When asked to plead to the charge the accused said he could not remember and a plea of not guilty was entered.

The first witness was the complainant. He told the Court that on the 31st October last he heard a noise in his yard about 11.30 p.m. and he went outside. He saw there, he said, the accused and a New Hebridean, and the accused was leaving the yard carrying two chickens. The witness asked the accused what he was doing and as he got no answer tried to take him to the Police Station. The witness said the accused tried to run away but the witness and a man named Fred caught him. They let him go when some of the accused's friends threatened them. He said three chickens were missing but they were recovered. One of them was dead.

In cross examination by Maître de Preville, who appeared for the accused, the witness said he knew the accused for some time : he was a customer in the witness's shop.

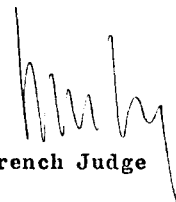
The second witness substantially corroborated the evidence of the first witness.

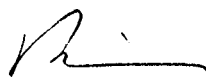
A police witness, Corporal Kalsao Avier produced a statement made by the accused. In it the accused said he left Cook's shop where he had drunk a lot of beer on the evening of the 31st October and that he was very drunk. He said "I think it is true that I stole a chicken own by Mr. George Leong but I can't realised it as I was blind drunk . . ."

This completed the evidence of the Prosecution and when asked by the Court if he wished to give evidence, make a statement or remain silent, the accused preferred to remain silent.

The evidence of the witnesses for the Prosecution is, in the opinion of the Court, reliable and overwhelming, and in the circumstances finds the accused guilty as charged. The accused has no previous convictions. The Court sentences the accused to seven (7) days imprisonment and orders that he be detained in custody pending receipt of the decision of Their Honours the Resident Commissioners on the penalty. Should such decision not be delivered before the expiration of seven (7) days from today then the accused shall be released and shall be deemed to have paid in full the penalty for his said offence.

DATED at Vila this eighth day of November, 1966 ./.


French Judge


Registrar


British Judge

