

JOINT COURT OF THE NEW HEBRIDES

CONDOMINIUM

v.

GEORGE MARAKIA of FILA


JUDGMENT

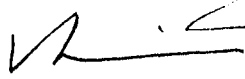
The accused was charged with having on the 21st September, 1967 on the island of Efate, stolen a canoe, the property of one Jeffery Gale. The only evidence against the accused was that of Sgt. Norman, who found the canoe in the accused's possession. From the beginning and throughout, the accused maintained that he found the canoe drifting at the edge of the sea at a place where he usually kept a canoe of his own, and that he salvaged it. He said that he took the canoe to go to Fila island on two occasions, but that it was his intention to bring it to the police. In fact, he said, on the morning that Sgt. Norman came to see him about the canoe he heard from his sister that a canoe was missing and was being sought and that he intended, at the time of Sgt. Norman's arrival, to bring the canoe to the police station. He emphasised that it was the arrival of the Sergeant that prevented him from fulfilling his intention.

No evidence was presented by the Prosecution that would compel the Court to the conclusion that the accused had removed the canoe from the place above the high-water mark where it had been left by Mr. Gale, and the story of the accused that he found the canoe and had the intention of handing it over to the police might well be true, even though the Court were reluctant to believe it. In these circumstances the prosecution has failed to establish beyond doubt the guilt of the accused, and accordingly he is acquitted.

DATED at Vila, the 24th day of November, 1967./.


French Judge


British Judge


Registrar

