

JOINT COURT OF THE NEW HEBRIDES

CONDOMINIUM

v.

ALVEN of MALEKULA

JUDGMENT

ALVEN of Malekula is charged with having on the night of 14th May, 1966 at Luganville on the island of Espiritu Santo, on a ship named the Hip Chow, ~~stolen~~ two thousand nine hundred and twenty Pacific francs and seven pounds, fourteen shillings and six pence in Australian currency the property of Fung Kwan Chee to which charge he pleaded guilty.

Commandant Walford, Public Prosecutor ad hoc, outlining the facts told the Court that the accused had recently been discharged from the Hip Chow by reason of unsatisfactory work. He told the Court that on the night of the 14th May, 1966 all personnel save two had left the ship. About midnight one of those who had remained on board, Fred, woke up and went on deck. He noticed that a window of the ship's store was open and that someone was inside. It was the accused and Fred pulled him out through the window and seized a bundle which he was carrying. When he asked the accused what he was doing he said "me steal". According to Fred the accused offered him half of the contents of the bundle which subsequently was found to be the money set out in the charge. Fred retained the money and left the ship to report to the owner and on his return found the accused had departed in the dinghy of another ship. The accused was later found and taken to the Police Station. When interviewed by Commandant Walford the accused admitted the facts.

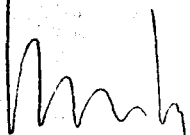
The accused, according to the Public Prosecutor, is aged 19 and has no similar convictions.

Maitre de Preville, the acting Native Advocate, in mitigation stressed the youth of the accused and that he had not been in similar trouble before. He told the Court that the accused had seen many persons thieving before and as a result of bad example had succumbed to temptation.

The Court convicts the accused and while taking into consideration what has been said by the Native Advocate must also bear in mind that this was a calculated theft to effect which the accused had with some effort to make his way to this boat which was lying off Santo; it must also consider that on the accused's statement through his Counsel it is obvious that this is a common offence for which punishment which will be a deterrent to others must be imposed.

The accused is sentenced to six months imprisonment and he is remanded in custody pending the decision of Their Honours the Resident Commissioners. If such decision is not forthcoming before the expiration of six months calculated from the 15th day of May, 1966 the accused is to be released as having served his sentence.

DATED at Vila, the twentythird day of May, 1966 ./.

  
French Judge

  
British Judge

Registrar