

JOINT COURT OF THE NEW HEBRIDES

CONDOLINIUM

v.

GEORGE MARAKIA SAUREI

JUDGMENT

The accused, GEORGE MARAKIA SAUREI, is charged that :

i) On a day unknown between the 3rd and 24th day of February, 1967 at Vila he stole a canoe valued at \$A.8, the property of KALTUTAK of Fila Island ; and

ii) On the 27th day of February, 1967 on the island of Efate he stole yams to the value of \$A.2:20 the property of KALOAT LAURU of Fila Island.

The accused pleaded not guilty to the first charge and guilty to the second.

The first witness, PANNI LEIKOL, told the Court that she met the accused one day in February last and asked him if he had a canoe to sell. He said he had plenty, and three days later he brought a canoe for which, the witness said, she paid \$A.8. She said that about a week later a woman whom she identified in Court (LEITONGA) came and took the canoe away. She said that on each occasion that she saw the accused he was drunk.

The witness, TOUCHICHI LEISOKA, told the Court that on the 3rd February last she left the canoe of her brother, KALTUTAK, on the grass off the beach along the Rue Higginson at about 5 p.m., which her mother was to collect later. She said it was on the grass, safe from the tide. She never saw it again.

LEITONGA, the mother of TOUCHICHI, said that on the 16th February, 1967 she went to recover the canoe of KALTUTAK, which TOUCHICHI had left for her, but it was missing. On the 25th February she saw the canoe with the first witness. She said she claimed the canoe and brought it back to Fila Island.

Formal evidence of ownership was given by KALTUTAK who said that he had not given any person other than his sister permission to take his canoe.

Inspector KALSAKAU produced a statement made by the accused in which he said that one night he found the canoe drifting and recovered it, after which he sold it.

The accused, having elected to give evidence, said that on the night of the 24th February, while fishing, he saw a canoe drifting very close to him. He said he towed it back to Tebakor ; it was damaged and leaked a bit. He told the Court that later he met the first witness who said she wanted to buy a canoe and that he fixed the one he had found and sold it to her. In answer to the Native Advocate he said that in native custom a drifting canoe still belongs to the person who owned it when it drifted off.

The accused in cross-examination said that he did not try to find the owner of the canoe and that when he sold it he was aware that he did not own it. He told the Court that he spent the money he received for the canoe on food for his children.

The Court having considered the facts finds the accused guilty as charged.

The Public Prosecutor outlined the facts of the second charge. He told the Court that one, KALUAT, went to his garden on the 28th March last and found some yams missing. After some enquiries, the accused admitted taking the yams the previous day and selling them for ~~A.~~2:20 to a Vietnamese storekeeper at Tagabe. The storekeeper returned the yams to the owner and was at the loss of the money.


The Public Prosecutor told the Court that the accused, who is a member of a highly respected Vila Island family, has been fined for threatening and abusive language and drunkenness and also sentenced to a week's imprisonment for drunkenness. In all he has five convictions dating from 1956, the latest being the 19th November last. He said the accused has had a good education, having trained at the Teacher Training Institute, but that he has done very little work since ; his wife, who is in employment, supporting him and his children. He said he has a bad reputation and is a heavy drinker.

In mitigation it was pleaded on behalf of the accused that he had offered to repay the money he received, but that Inspector Kalsakau had advised him to wait until the case came before the Court. He is still prepared to repay and has the money in Court to do so.

The Court convicts the accused on both counts and sentences him to two weeks' imprisonment on each ; the sentences to run concurrently.

The accused is remanded in custody pending the decision of Their Honours the Resident Commissioners. If their decision is not forthcoming within a period of two weeks from today's date the accused shall then be released and shall be deemed to have served the term imposed.

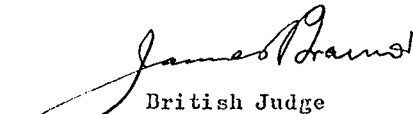
DATED at Vila the fourth day of April in the year 1967 ./.



French Judge



Registrar



British Judge

JOINT COURT OF THE NEW HEBRIDES

CRIMINAL JURISDICTION

CONDOMINIUM

v.

GEORGE MAJAKIA SAUREI

F E E S due to Mr. O. HONEGGER, Bailiff, residing at Vila.

SUMMONS TO ACCUSED :

Original	£S. 0. 4. 6
Copy	<u>0. 9</u>
	£S. 0. 5. 3

SUMMONS TO WITNESSES :

PANNI LEIKOL
KALTUTAK
TOUCHICHI LEISOKA
LEITONGA KALOTONGI
KALOAT LAUVU
VU QUANG TAM

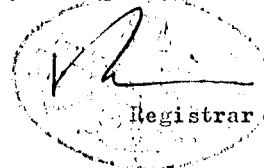
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Copies (6)	0. 4. 6
Transport	<u>0. 6. 0</u>

£S. 0.13. 6

TOTAL : £S.0.18. 9

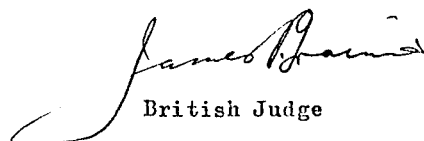
EIGHTEEN SHILLINGS AND NINE PENCE STERLING ./.

VILA, 4th April, 1967.



S E E N :


French Judge


British Judge