

NEW HEBRIDES

JOINT COURT

Condominium v. Alick Amos.

Judgment

The accused Alick Amos was charged before the Joint Court for that he :-

On the 30th October 1963 at Vila on the island of Efate at about 3.30 p.m. stole twenty seven Pounds in Australian currency, the property of Jimmy Sikiea of Tanna. To this charge he pleaded not guilty. The accused was represented by the Native Advocate and the prosecution by Commandant Walford.

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Jimmy Sikiea gave evidence to the effect that on the 30th October he left the room in which he lived to go down to the town ~~and~~ leaving the accused and one Siri in the room. He said that he arrived at a store about 4 p.m. and returned home about 4.30 p.m. On his return he found that £A.27 was missing from a portmanteau in his room. The witness said that the accused was present when he put £A.20 into the portmanteau in which there was already £A.7. On the witness's return the accused had departed but Siri was on the road outside the house in which the witness's room was. Another witness, Joseph of Saama, told the Court that at about 3.30 p.m. on the day in question he saw a person sitting at a window with his legs hanging outside. He did not know who lived in the room but from his description of the house it was either the room of the house where the complainant lived or one close by. This witness drove around town on the 13th November with Corporal Keith Wegs and pointed out the accused as the person he had seen. The accused was arrested and a statement was obtained from him on the 15th November by Sub Inspector Kalsakau who was in charge of the investigation in the case. Inspector Kalsakau told the Court that he had questioned a number of people including Siri ~~and~~ Cherry who had been in complainant's room. In the statement the accused admitted taking the money and described how he had opened the portmanteau to do so. 101-11

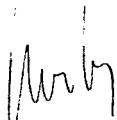
The accused elected to make an unsworn statement in which he denied the truth of the statement and said that he only said what he did because the Inspector told him he would be charged with the offence and sent to prison unless he admitted taking the money. He told the Court he saw Siri take the money during the time he was sitting in the window but did not tell anyone.

The Court recalled the Inspector who denied what the accused had said. He told the Court that he had examined the contents of the case when he first commenced his investigations but had not examined the lock. He next saw the case when the complainant handed it over. (The complainant had already said he had handed it over to the police on the day of the hearing).

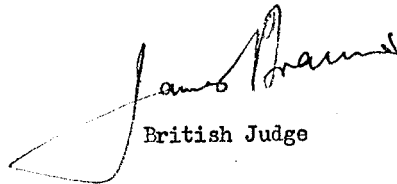
The Court pointed out to the accused that his statement contained a description of the lock of the portmanteau how, it was opened with a nail which was in the lock and pointed out that the Inspector, if his evidence was true, could not have known this. The Court asked the accused if he wished to say anything on this pointing out at the same time that this was a matter in the accused's discretion. The accused said that he had given the description to the Inspector but only because of what the Inspector said to him. 1/17

The Court after deliberation found the accused guilty as charged and sentenced him to eight months imprisonment and ordered him to pay the costs of the trial. It further ordered that the money found on the accused, £A,19, be returned to the complainant.

The Court ordered that the accused be remanded in custody pending the decision of the Resident Commissioners on the sentence imposed and if such decision be not forthcoming before the expiration of eight months calculated from the date of conviction that the accused be released.



French Judge



British Judge



Registrar