

JOINT COURT OF THE NEW HEBRIDES

CONDOMINIUM

v.

SISIL KALTARIS of ERAKOR

The accused was charged that on the night of the 24th/25th June 1963 at Vila, Central District No. 1, he stole one suitcase, one man's two-piece suit, one bedspread and one towel, the property of Saneth Eru of Eratap.

The complainant, Saneth, told the Court that on the night of the 24th June at about 7 p.m. the accused came to her house and she told him to go away but that he refused and entered. She went off to the house of friends and on her return the following morning discovered that a suitcase with a suit in it, a towel and a bedspread which she had left in the house the previous evening were gone. She identified these articles in Court. She said she suspected the accused of having taken them and tried to get them back through a friend of hers, Tounar, without success. She said she had received the suit as a present from her employer, Mr. Cannon, for her brother. She said that the accused had not permission to take any of these articles. She denied in cross-examination by the accused that she had given these articles to him.

Tounar gave evidence of having been requested by the complainant to approach the accused and ask him to return the articles the subject of the charge. She did so, but the accused refused.

Evidence was given by a police witness of having recovered the articles produced in Court from the house in which the accused resided, and a statement made by the accused to Commandant Walford, in which he admitted taking the various articles but maintained that he had permission, was produced.

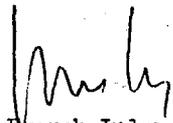
The accused told the Court that the complainant at the time of the complaint was under the influence of something she had drunk, which was given to her by another man. He said that she had told him that she had taken this liquid and that it was expected that she would do something detrimental to the accused. He added that the effect of the drink had worn off after three days, but in the meantime ~~that~~ she had reported the matter to the police and that she wanted to speak to him but that he would have nothing to do with her. He maintained that she had given him the clothing.

The Court recalled the complainant who confirmed that she had taken this drink and that it had affected her head, but she denied that she had said that she would do anything detrimental to the accused, or that she had ever given permission to him to take these articles.

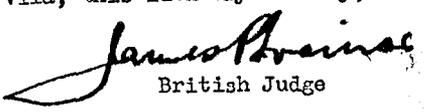
The Court retired to consider the evidence and after deliberation found the accused guilty.

The accused is convicted of the offences as charged and sentenced to one month's imprisonment to date from the 5rd July 1963, the date of his arrest since when he has been in custody, and to be detained in custody pending the decision of Their Honours the Resident Commissioners on the sentence and should such decision be not forthcoming before the expiration of the sentence, that the accused be then released.

Dated at Vila, this 12th day of July, 1963 ./.


French Judge


Registrar


British Judge