

JOINT COURT OF THE NEW HEBRIDES.

CRIMINAL JURISDICTION.

CONDOMINIUM v. SAILAS STEPHEN of PAAMA, residing at SEASIDE.

J U D G M E N T.

In this case the defendant was charged first that on the 14th. July 1965 he stole a car key the property of Mrs. George O'BRIEN, and secondly that on the night of 21st. July he was found by night in a building belonging to Mrs. O'BRIEN with intent to commit a felony. To both these charges he pleaded "NOT GUILTY".

Mrs. O'BRIEN said in evidence that on the 14th. July she left the car at approximately 10.30 p.m. in the garage adjoining her house and left the key in the ignition switch. The next morning she found that the key was missing. She made a thorough search of the car, the drive leading to the garage and the adjoining area, but was unable to find it.

On the night of the 15th., 16th., 19th., and 20th. July she heard noises emanating from the garage and as a result she complained to the police.

Recruit MILLER gave evidence that on the night of the 21st. July he and another police officer were posted to keep observation on Mrs. O'BRIEN's garage. At 11.20 p.m. they saw the defendant enter Mrs. O'BRIEN's drive and then go into the garage. Inside he switched on a torch and was seen to look inside the car. He was therefore arrested.

On the 22nd. July, the Court was told by Mrs. O'BRIEN, the key, to which a lock and piece of chain, which she did not recognize, had been attached, was found by Mrs. O'BRIEN's husband on the drive. This drive, which is of grass had been mown on the 15th. and 16th. July and no key had been seen. The Court, therefore, comes to the conclusion that it had not been lying there since the 14th. July.

Sub-Inspector KALSAKAU produced a statement made by the defendant under caution in which he said that on the 13th. July and on one other occasion he had got drunk and slept in Mrs. O'BRIEN's car in the garage, that he was intending to do this again, when he was arrested, that he had had no intention of stealing anything and that he had not stolen the key.

In his evidence he re-iterated this account of the affair.

The Court is satisfied that the defendant did get drunk, that he did sleep in Mrs. O'BRIEN's car and that he did not enter the garage with any intent to steal. On the other hand the Court is satisfied that he took the key in circumstances amounting to Larceny.

The defendant is, therefore, convicted on the first count in the indictment and fined £stg. 5. with seven days confinement in default, and acquitted on the second count.

The Court orders the key to be returned to Mrs. O'BRIEN.

MADE at VILA on the 12th. day of August, 1965.

FRENCH JUDGE.

BRITISH JUDGE.

acting Registrar.

A. A. A. A.

C. J. J.

JOINT COURT OF THE NEW HEBRIDES.

CRIMINAL JURISDICTION.

CONDOMINIUM v. SALLAS STEPHEN of PAAMA, residing at SEASIDE.

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

SUMMONS TO ACCUSED :

Original Estg.	0. 4. 6	
Copy	0. 0. 9	
Transport	<u>0. 6. 0</u> Estg. 0.11. 3

SUMMONS TO WITNESS:

Original Estg.	0. 3. 0	
Copy	<u>0. 0. 9</u> Estg. 0. 3. 9
		Estg. 0.15. 0
		=====

TAXED at FIFTEEN SHILLINGS STERLING.

VILA, the 12th. August, 1965.

[Signature]
acting Registrar.

S E E N :

FRENCH JUDGE.

BRITISH JUDGE.

[Signature]

[Signature]