

IN THE SUPREME COURT)
 OF THE TERRITORY OF)
 PAPUA AND NEW GUINEA)

GORE J.

12 & 16 Mar 48.

PT MORESBY.

THE KING v. LEWIS ROLAND WARING FLOOD

DECISION

In this case it appears to be clear that a quantity of timber, iron and guttering was delivered at Field's house from the Public Works Department's store at the 4-Mile, and this material has been put into a building now erected on Field's property. That material has not been paid for. The material delivered was put into the building by a carpenter who says that all the new material used had come from the Public Works Department store. The new timber in the building was measured up by an expert in such matters and such timber with the galvanised iron and guttering is valued at £50.15.6.

Nelson, the storeman in charge of the timber and iron section, says that two loads of timber and one load of iron and guttering were despatched from the store at the 4-Mile to Field's house and the order to despatch the materials on each occasion was given by accused but that there were no documents. Nelson says he was told by the accused that the documents, i.e. Requisition for Materials Vouchers, would be fixed up at the office. On the other hand, the accused denies that he ever gave Nelson any such orders. It then develops into a question of credibility. If it is shown that he did give the orders to Nelson then in my judgment the prosecution has established a case against the accused. The Crown does not have to show a motive nor that any benefit was derived by the accused. A piece of evidence given by Nelson is not contradicted by the accused, although he crossexamined Nelson about it. I refer to the conversation Nelson had with the accused at Konedobu. There were two others present but they were not called. One at least could have been called to deny the conversation. I take the conversation to be true and it shows that the accused knew all about the materials which went to Field's house and that he was implicated. I find that he gave the directions for the despatch of the materials. I find him guilty of the offence charged. Verdict: Guilty.