

POLICE v. AHOKAVA

(Rehearing after dismissal of case by Magistrate. Skeen C. J.
Nuku'alofa, 30th January, 1912.)

Plea of guilty — Finding Not guilty — Section 524 — Difference between
English and Tongan version.

This was a rehearing of a case before the Magistrate in which the accused was charged with buying a horse; the sale not being on the town common between 9 and 10 a.m. (s. 524, 1903 Laws). The accused pleaded "Guilty" but the Magistrate dismissed the case holding that the section referred to the seller not the "buyer".

HELD. The Magistrate's decision was correct.
Minister of Police for Prosecution
Defendant in person.

SKEEN C. J. Can a man plead "guilty" and be found "Not guilty"? Yes under some circumstances Section 524 makes the "seller liable not the buyer". The court can not add to any section of the law or take away from it, it must read it as it stands.
Minister of Police: The Tongan version says "fakatau", which means and covers both seller and buyer.

SKEEN C. J. The English version controls: the law must be altered by Parliament. Judgment of the lower court upheld.
Case dismissed.