

THE HIGH COURT OF THE WESTERN PACIFIC
(CRIMINAL JURISDICTION)

BEFORE: The Honourable Mr. Justice J. Bodilly
exercising jurisdiction under the
provisions of the Western Pacific
(Courts) Order in Council, 1961.

HOLDEN: At Auki in the British Solomon Islands
Protectorate on *Tuesday* the *30th*
day of *August*, 1966 at *0930*
o'clock in the *fore* noon.

REGINA

versus

ALABAETE'E

For the Crown: A. S. P. Morgan ~~xi~~ Auki Police

For the Accused: In Person

Interpreter: Nelson Filo (Quarai language)

Charge explained to the accused: In person

Accused when called upon to plead says: Guilty
States: I was going to give it back.

Court enters a plea of: ~~Guilty~~ Not Guilty.

Pros: states: The chief witness is a woman who gave
birth to a child this morning and is in no
state to come to court. I ask adjournment.

Order: Adjourn to 27.9.66.

Accused to remain on ~~baill~~ same bail.

Justice Bodilly

27th September 1966- hearing resumed.

Accused and prosecutor present as before.

Interpreter: Salana Ga'a Sworn on Bible.

Mr Morgan: I will call my evidence.

PWI Maefilia Riana'au

Fulisango Village.

Sworn on Bible.

(A watch shown to W:)

Ex: A.
That is my watch. I bought it from the Trade Scheme. I bought it last year. I paid £12. I remember 17.6.66. During the evening I was at home. My wife was there too. On that evening Accused took my watch (Ex A put in). The watch was in my bedroom. The Accused was in my house that day. I spoke with the Accused. I then went into the kitchen and lit a cigarette. The Accused remained in the sitting room. My wife was with him. After lighting my cigarette I left the house for a swim. I then came home again. I went to wind up my watch. I could not find it where I had put it. On 27.6.66 a policeman showed me Ex A. I identified it. It is mine.

XX by Acc:

I admit that the accused borrowed the watch before for one day. He asked me for it. The Acc has slept in my house also and used my bedroom. I used to keep my watch always in the bedroom.

No ReX.

By Court:

The Accused and I were friendly acquaintances.

John Bailey

PW2 Ma'au Riana'au

Complainant's wife.

Sworn on Bible.

I am PWI's wife. I live with him at Fulisango. I know the Accused also. I remember one day in June 66. I was at home. The accused and my husband were there too. My husband went out. My husband had put his watch in our bedroom. I saw him put it there. When PWI went out the Acc went to the bedroom, took the watch and sat down with it on a bed outside the house. I saw him take the watch. I did not say anything to him. I did not say anything because I thought he was only borrowing it and would bring it back.

(W shown Ex A.) That is the watch.

XX by Acc: Q. Why did ^{you} not stop me taking the watch?
(No reply)

No Re X

By Court: I knew the Acc: had borrowed the watch before.

Only - Boring

PW3 Lulutee

Aisisiki Village. Pagan. Sworn on devil Aridi Mai.

The Acc: is my son. Towards the end of June I had a talk with PW1. After that I met my son and asked him for the watch which I took from him. He was wearing it. I identify Ex A. The same day I gave it to a policeman.

No XX by Acc:

By Court: I did not know if the Acc had borrowed that watch before.

Only - Boring

PW4: Nufu

Police cinstable I30 Auki Police.

Sworn on Bible.

jb I remember June 21st 66. I went to Aisisi Village. I spoke with PW3. From him I received Ex A. (Identifies)

No XX.

Only - Boring

PW5: Malafoasi

I90 P.C. Auki Police.

Sworn on Bible.

I know the Acc; I arrested him on 21.6.66 at the market house in Auki. I took a cautioned statement. I took him to the police station. There I charged him. I wrote down charge and caution. He signed the caution. He then made a voluntary statement. I wrote it down. I read it back to Acc: and he signed it as correct.
(Acc: does not object to statement)

Ex B. }
Ex B' }

I also made a translation of it.

(Ex B original and B^I translation put in)

No XX by Acc:

Prosecution closed.

Procedure explained to Acc:

Elects to make statement from place.

Accused states:

I took the watch. I did not mean to steal it. I only meant to borrow it. I had borrowed it before and PWI had not objected. I was going to give it back but when PWI reported to the Police I was afraid so I gave it to my father. That is all I have to say.

I wish to call two witnesses.

Truly Believing

DWI: Saokwai

Fulisango Village.

Sworn on Bible.

I know the accused. I have seen Ex A before.

I saw the Acc: with the watch. He was wearing it quite openly on his wrist. That was on the 17.6.66.

The Acc: stayed with me in my house. I did not have any talk about the watch. I knew it belonged to PWI. I did not think Acc: had stolen it. I have seen him using the watch before.

XX by Pros:

On this occasion (17.6.66) he had the watch for about three days. Before this occasion I know I have seen him with the watch on a number of occasions. I cannot say exactly. I have never been present when Acc has actually borrowed it.

No Re X.

Truly Believing

DW2. Suakini.

Fulisango Village.

Sworn on Bible.

I know the accused. I know Ex A I have seen Acc: wearing it. He wore it at a singing party. I knew it belonged to PWI. The Acc: told me the time when we went to the singing. It was sharp 6 p.m. I did not ask him about the watch. I had seen him with it before.

No XX by Pros.

Truly Believing

Exhibit
B
January

I No., 190 Constable Malefoasi ~~do hereby charge you~~ of the Solomon Islands Police do hereby charge you Alabaete'e with the offence of Larceny in a Dwelling House, contrary to section 262(a) of the Penal Code, in that you Alabaete'e on the 17th of June 1966 at Fulisango village in the Malaita District of the Protectorate, did enter a dwelling house occupied by Maefilia and stole a wrist watch valued at ~~24~~ \$24-00 the property of the said Maefilia.

"Do you wish to say anything in answer to the charge? you are not obliged to say anything unless you wish to do so, but whatever you do say will be taken down in writing and may be given in evidence.

Sgd Alabaete'e

Having heard the charge and caution read over to him and having signed to show that he understood the charge and caution, Alabaete'e wishes to voluntarily state

When I came to Maefilia's house at Fulisango village, I then went inside and saw the wrist watch in a basket in the room. Maefilia, wife and children were present in the house when I took the wrist watch. When the singing band of this village went to Namosalabe village, I then accompanied them. When I was washing my hand in a river, then Maefilia saw me the wrist watch on my hand. After washing my hand I went ~~on with~~ on with the singing band. When the singing was over I came back home following a different road, and I had no chance of meeting Maefilia to give back his wrist watch. When I got home I took the hand watch from my pocket and gave it to my father to take care of it and gave it back to Maefilia. Supposing I steal ~~something~~ something I must hide it from the eye of many people but when the wrist watch was in my possession plenty of people saw it on my hand, and when they asked me whose watch it is I often tell them that it was Maefilia's.

Sgd Alabaete'e

I certify that the ~~above~~ above statement has been read over to the person making it and he agrees that it is a true record of what he said, and does not wish to make any corrections or alterations.

Sgd Malefoasi
190 PC Malefoasi

C.R.B. No. 53/66PAGE NO. 1

Statement

Aniki Police

STATION

Malaita

DIVISION

21st day of May

1966

NAME: Alabaatee (M)

(Age) 20

Years

ADDRESS:

Sisisiki village Malaita

OCCUPATION:

Peasant

NATIVE OF:

Sisisiki west Kuara'ae Malaita

* 1. No. 190. Constable Malefoasi long Solomon Island Police me charge me you Alabaatee for offence of Larceny in dwelling house long section 262 of Penal code. In that you Alabaatee long 17-June 1966 at Fulisango village in Malaita District long Protectorate, you steal the wrist watch valued \$124-00 Property belong Maefilia.

you want me say any something long me me no force me you or push me for take any something long me but any anything you say by me write me down long evidence and show me long court.

Alabaatee

The charge and the caution me read me long here, And here sign me for show me that here safe long charge and caution, Alabaatee want me tell me.

Time me come me reach long house belong mani ia maefilia long Fulisango. Me isitaku long house me lukin hand watch here isitaku long basket inside long room belong ologeta maefilia and wife wait me tifala bikinini stay long house no moa.

IF THE STATEMENT IS TAKEN UNDER CAUTION IT WILL COME AT* AS FOLLOWS-
HAVING BEEN TOLD THAT HE (SHE) IS NOT OBLIGED TO SAY ANYTHING UNLESS HE (SHE) WISHES TO DO SO BUT THAT WHATEVER HE (SHE) SAYS WILL BE TAKEN DOWN IN WRITING AND MAY BE GIVEN IN EVIDENCE, STATES IN (Language used) AS FOLLOWS:-

N.B.

nao me tekenu hand watch. Time ia
 Ologeta people long place belong ologeta
 go for Sing Sing long village Namosalake
 nao me go waitimu ologeta. me come
 long water for washimu hand belong me
 Maefilia hemu i lukimu hand watch
 long hand belong me. me washimu
 hand finish me go nao waitimu ologeta
 people for go sing sing. Time sing sing
 finish me falla come back long home
 me come long ~~sa~~ another road for place
 belong me, and ologeta people come long
 another road, nao me forget for giveimu
 back watch belong mani ia. Nao me
 o. Kasimu home nao me hole long
 trasisi belong me nao me holemu
 hand watch. me say oh watch belong
 mani ia. Nao this fala hand watch
 ia long father belong me. me suppose
 me steal something me no showmu
 long ologeta people. me suppose me steal
 something me hideimu touch from
 people for no lookim. Time me takeu
 watch ia more people nao lookim now
 me say watch belong maefilia time
 ologeta askimu me. me no say some
 thing me stealimu. me say some thing
 belong maefilia.

Alabaetic

The statement me read mu over long person
 hemu Makemu hemu say it is true record
 long something hemu say, ~~to~~ hemu no
 wantimu for makemu any correction.

Alabaetic

100 must Alabaetic

N.B.

ALL ALTERATIONS MUST BE INITIALED BY PERSON MAKING STATEMENT AND PERSON
 RECORDING IT.
 DO NOT LEAVE BLANK LINES OR BLANK SPACES ON LINES.
 EACH COMPLETE PAGE MUST BE SIGNED BY PERSON MAKING STATEMENT AND OFFICER
 RECORDING IT.

Acc: My defence is that I borrowed the watch and had no intention to steal it. I did not think PWI would mind.

Pros: Does not address the Court.

Benefit of doubt *as to intention to steal.*

Accused acquitted.

Louise Bradley