

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 Friday the ~~30th~~ 29th
day of September ^{after} 1966 at ~~Aukixxxxx~~ 1800
o'clock in the ~~xxxxx~~ noon.

REGINA

versus

JOSEPH GARA

For the Crown: A.S.P. Morgan, Auki Police.

For the Accused: In person

Interpreter: Nelson Filu Sworn on Bible. (*Pidgin*)

Charge explained to the accused: By Judge.

Accused when called upon to plead says: I received the
money but it was stolen from me.

Court enters a plea of: Not Guilty.

Court adjourns for hearing to 8.30 a.m. 30th September.

Bail is extended.

0830 30.9.66 Court Reassembles.
Parties as before.

Mr. Morgan. I will proceed directly with evidence.

PWI; Ragosa Tuhaika

P.C. 69, Police Auki. Sworn on Bible.

In 1965 I received an advance from Govt to buy a bicycle. I got it 23.7.65. It was \$40. I was going to get the bike from Chan Wing Store in Honiara.

I know the Acc: In July/August Acc: was employed by Marine Department. He was in the LAMOA. On 30.7.65 I spoke with Acc: This was at the wharf in Auki. I asked him to bring me a bicycle from Honiara. He agreed. I then gave him £17.10.0. That was the cost of a bicycle. Constable Baeloa was present. I told Acc: where I wanted him to buy the bicycle. He said he would buy the bicycle and pay for it and bring it back in two weeks. The Acc: did not return in two weeks time and I did not get the bicycle. His ship did not come back. On 24.8.65 I received a letter from Acc: (W: shown letter) That is the letter.

(Acc: admits the letter)

Ex A

(Better put in Ex A)

I still have not received the bicycle or the money.
I have had to refund the advance to the Govt.

XX by Acc:

I agree I suspected that you had used the money for yourself

No Re X

By Court: I have not seen the Acc since I received Ex A. I just handed the matter to the police and the rest followed. I did think of a civil suit but did not institute it.

Isabel Botley

PW2: Paelua

P.C.184 Police Auki. Sworn on Bible.

I know the Acc: I know PWI also. On 30.7.65 I was present when PWI asked Acc: to buy the bicycle. This took place on the wharf at Auki. PWI also gave Acc: some money. It was £17.10.0. Acc: agreed to buy the

bicycle and said that he would put the bicycle in the Central Police station Honiara until there was a ship for Auki. I know that PWI has not yet had the bicycle.

No XX

Tracy Butler

PW3 Gabriel Kelamae

Fote Village.

Sworn on Oath.

In 1965 I was in Marine Depart. I was serving in the LAUMUA. About 1st August 1965 LAUMUA was in Honiara. I know the Acc: He used to serve in the same ship.

About 1st August Acc: went ashore and went to the town. It was a Sunday morning. About two hours later he returned to the ship drunk. It was about 0730 when he went ashore and he came back about 0930. The LAUMUA was at Honiara half a day. The ship sailed about midday that day. We sailed for Gizo. Acc: was on board. When the ship sailed Acc: did not do any work. He went to sleep on the deck. The following morning we reached Gizo. At Gizo we tied up at the wharf. Acc: went ashore and came back with a lot of bread, cake and sugar and he brought many friends with him. He brought more than five people on board. Acc: did not usually do this when we were in port.

The Ship left Auki midnight, reached Honiara early morning and sailed for Gizo midday and reached Gizo the following morning.

XX by Acc:

I confirm we arrived on Sunday morning in Honiara. When we arrived at Honiara I unloaded the boat. Acc: did not help. The cargo was general cargo. The labourers were PWD. It took 1½ hours to discharge. The crew of the ship all went off. We carried a crew of 8. I was the 2nd mate and I gave the permission for the crew to go ashore. I ordered the crew to be back two hours before sailing time. You did not say you were going to buy a bicycle. I cannot say if a bicycle shop was open on a Sunday. I say you were drunk when you came back to the ship because you said so and went and lay down. I cannot say what you did with the ~~xxxx~~ money. I did not know you had it. At Gizo I do not know how ^{much} money you spent on bread etc. That was the ~~xxxx~~ first time I have seen you bring friends on board. You have not done it often. We had been paid in Honiara on the 31st July before the ship went to Auki and back. I cannot say how long it was after we were paid that the ship sailed. The Acc: was on £8 per month. I am sure you were paid before going over to Auki. I am not ^{really} sure whether pay was given before or after the trip to Auki.

No Re X.

PW 4 John Dow

Station Sergeant ~~Auki~~ Police. Honiara.

I know the Acc: On 22 9 65 I interviewed the Acc:
I cautioned him. I wrote it down. He signed it.
He made a voluntary statement in Pidgin. I wrote it
down. I read it back to him. He signed it as correct.
I also signed it.

(Acc: does not object to statement)

(Statement put in Ex B).

Ex. B.

No XX

John Dow

Mr Morgan: That closes my case.

JB

Rights as to evidence explained to Acc:

Acc: elects to say nothing at all.

Acc: I have no ~~Ws~~ to call.

Finding: Guilty as charged.

Reason for finding delivered.

I have no reason to doubt but that, as the Acc:
indicated in the statement which he made to the police,
he went ashore in Honiara with the rest of the crew
and got drunk in the Mendana Hotel Bar. In the course
of that party he had in his trousers pocket not only
his own pay but also the money given him by PWI
with which to buy the bicycle. He woke up next morning
in the Kukum labour lines and found his money finished.
The only point in this case is the timing. This incident
occurred many months ago. Reading the Acc: statement
(and the evidence) to the police, it is clear that the ship on its return
from Auki ~~spent~~ on the early morning of Saturday stayed
in Honiara overnight till Sunday midday. ~~For~~ The crew
was paid on the Saturday morning which was the last
day of the month and they sailed again the following day.
Of course the crew went ashore on Saturday night and
drank their wages and in the case of the Accused that
included PWIs money.

John Dow

~~CS~~
A

RCS Lau Mua
Coburne Dept
Honiara

12/8/65

Dear Tuhika

Very Indeed to say
Sorry to you friend. your money
then are you give me to pay
the Bascol I lost it when I
drank and your complain about
it many I receive it. today and
one ASP and some of the Police
they ask me and so say to them
yes from I ~~let~~ take the money and
I am not think too use but by
mistake so I promise to the Police at
Honiara and ASP he said to me
you must have to write a letter
to Tuhika and tell him because
you promise to Chang Back all
the money. so I indeed to promise
you to Chang Back your money
on end of this month. so I

want to ask you can you
give a time ~~one~~ on this month
How ever you agree to me But
Plead five me. a time ~~for~~ this
month. Before you want ^{to} do
something be about me before you
can do something so I Promise you
Because ASP he said to me
told your friend that something
he happen between you and
P.C. Tuhika that's the way and
asking you. Because I true
promise to you you are the
Police man so I am not changing
the money ~~for~~ well you can do
something about my mistake
That's all I think you very
much for this letter

Please reply as you can

Good Night
Good Bye and
from yours Sincerely
Joseph Gosa

C.R.B. No. 238/65PAGE NO. 1

Statement

6.45pm

Marine Base

STAT

Central

DIVIS

22nd day of September 1965NAME: Joseph Gara (Age) 22 YearsADDRESS: cf M.V. RaunataOCCUPATION: Crew.NATIVE OF: Tavara, Santa Cruz Island,

* You are not obliged to say anything unless you wish to do so but that whatever you may say will be taken down in writing and may be given in evidence. Joseph Gara

Me savey long month of July 1965. Me no savey date long that month but me remembered that long that month me crew long M.V. Raunata and long that unknown day and date me on boat long this jalla said ship is and me jalla docked long wharf long Buki Malaita, and that time at about 8 pm Ragoso & one jalla move Constable from Reef Island me no savey good name belong him. Two jalla come long me long ship and gaven me the sum of \$17.00. Two jalla take me for payen Bicycle for this jalla money is. First time me fall. Two jalla that me no see for Keesa.

AS FOLLOWS:-
WHATEVER HE (SHE) SAYS WILL BE TAKEN DOWN IN WRITING
GIVEN IN EVIDENCE, STATES IN (Language used) AS FOLLOWS:-

ANCE AT*
ANYTHING UNLES
BE TAKEN DOWN IN
used) AS FOLLOWS:-

NATIVE OF:

* You are not wish
unless you may wish
ever down in writing Chara
evidence. Joseph

Mr. Savvy long month the
no Savvy date long
remembered that long
long day M.V. Lamma and
long day M.V. Lamma and
now long day M.V. Lamma and
this falla and ship he
docked long wharf at long
and that time Constable
me falla move good name
me no Savvy long ship
a come long me long ship
the sum of £17-10/6 two
payen of £17-10/6 two
first time me for
geten any for
me to-are
2

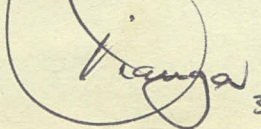
You catchem Namara, you go payen straight away nomore. This jalla bicycle is and go putem long Central Police Station. Me taken this jalla \$12.10/- from two jalla is and keepem long pocket shorts belong me nomore. Alright long midnight me jalla² losen Nuke to Namara me jalla catchem Namara long 9 am long following day. There long Namara me jalla unloadem cargoes from Nuke then me jalla loadem back more some jalla cargoes. Long 12 mid-day long that day me gelong Chang Wing Store, but altogether fallum me that bicycle finish now so wait for another trip belong Tulagi, so me come back long my ship. Then long evening long that day me go waitem some jalla more boys me jalla go long Hotel Mandana. This jalla money is them long pocket shorts belong me nomore. That time me drink waitem plenty boys. go me drunk now, but me no usem this jalla money is me usem my own money. Alright time me drunk to-much now me no sure but me think that me usem this jalla money is because me drunk to-much that night. Alright long next morning me wake up long Port Authority Married Quarters and me check up my pocket shorts but money is hea nomore now. Me sorry to-much then me think for changem this jalla money is long Regoso. alright ~~and~~ this month now my my me given back money belong hea

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.

Me taken this Jalla \$17.10 from two
Jalla is and keepen long pocket shorts
belong me nomore. Alright long midnight
me Jalla "losem" Nuke to Honara me Jalla
catchen Honara long 9 am long following
day. There long Honara me Jalla unladen
cargoes from Nuke then me Jalla loaden
back more some Jalla cargoes. Long 12 mid-
day long that day me go along Chang Wing
Store, but altogether fallen me that bicycle
finish now so wait for another trip
belong Tulagi, so me come back long my
ship. Then long evening long that day me
go waiten some Jalla more ways me Jalla
go long Hotel Mandana. This Jalla money
is them long pocket shorts belong me nomore.
That time me drink waiten plenty boys.
go me drunk now, but me no usem this
Jalla money is me usem my own money for.
Alright time me drunk to-much now me no
sure but me think that me usem this Jalla
money is because me drunk to-much that
night. Alright long next morning me wake up
long Port Authority Married Quarters and me
check up my pocket short but money is
them nomore now. Me sorry to-much then
me think for changen this Jalla money is
long Ragosa. alright ~~and~~ this month now
my by me given back money be long them
than now are to finish.
Statement read over to me and it is true
to correct.

Joseph Green



39 Sgt.

N.B.

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RECORDING IT.
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RECORDING IT.

Mitigation:

Accused states : I have nothing to say.

Mr. Morgan.

Acc was born in 1943. He is married. Up till March 66 I know he had no children. I cannot say if he has one now. He was at SU school and reached standard VI. Since 1958 he has been employed as a sailor by the Evangelical Mission. He has also been a carpenter and then ^{as a carpenter} by the Marine Depart. At the present time he is unemployed.

Hexhaxxruexxx@nxxfxxfxixixx

Acc: admits one p.c. for criminal trespass in Kira
Kira in 1964 and sentence of four months imprisonment.

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Sentence:

Fine of \$35 to be paid within 2 months from this date.
In default 2 months imprisonment.

Order. If fine is paid, money to be paid over to Ragosa in compensation.

July 13th 1892
C. J.

Acc informed of his right to appeal.

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