

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 Honiara in the British Solomon  
Islands Protectorate on Wednesday  
the 5th day of October  
1966 at 10.00 o'clock in the  
fore noon.

REGINA

versus

MARITINO MATEKIKI MARE

For the Crown: *Asst. S. Huidhaugh*  
*In person unrepresented*  
For the Accused: (1) *Timotheus Govasin (Poleo/Sari language)*  
(2) *Anthony Maelasin (Kwara'ae language)*  
Interpreter:

Charge explained to the accused: by Registrar

Accused when called upon to plead says: Guilty

Court enters a plea of: Guilty.

Mr. Hindhaugh states facts:

The accused lives in his wife's village on the weather coast. It is only a family hamlet. As a stranger he has no right to land but may only work it with permission from his "in laws". ~~In August this year~~ He was already working a garden with such permission. In August this year he wanted to start a new garden for yams. His wife's family did not want him to open up the land which he had chosen and his sister in law was sent by the head of the family to tell him to stop. The accused demanded his in laws reasons and this gave rise to an argument outside Chamola's (Complainant's) house. Chamola is Acc's father in law. The argument became hot and acc: was ordered to go away. He picked up an ax which belonged to Chamola and began to run away with it. Chamola ran after him and called to him to give back the ax. Chamola's father and cousin also ran after the acc: The Acc: stopped and as Chamola approached him he swung the ax at Chamola and hit him behind the left ear. He was knocked unconscious. The acc: ran away/persued by his in laws. He went to his home, a days journey away, and there gave himself up to the district headman. He said he had killed a man and wanted to be taken to the police. Chamola got over it and all he suffered was a 1½ inch cut to the bone. The bone was not damaged. The medical evidence indicates that the blow was a glancing one. The accused admitted the matter on caution.

( Axe put in - Long handled forest axe).

( Acc: admits the facts)

Hindhaugh Cont: Acc: has no p.c.s He is about 30 years old. His home is weather coast. Married with a 3 year old son and twin daughters of 9 months. His family live on ~~subsistence~~ subsistence cultivation. He has had two years education at a mission school where he reached standard III. There has never been any trouble before between the Acc: and his ~~family~~ wife's family. In acc:s favour I would like to say he came clean and gave every assistance.

Mitigation:

Acc: states: I knew that I could not cultivate that land but my wife who is of the family told me I could. I thought I was right. I picked up the axe because three of them ran after me. Chamola had also damaged my house He chopped my house with the axe. That made me very angry. First Chamola had waved the axe at me and then put it down so I took it up because he was threatening me with a stick. Chamola's father had a cheri knife and threatened to cut me with that. A man called Selwyn also threatened to throw a stone at me. They made me very angry.

I have no witnesses to character.

Sentence: Six months imprisonment.

Order: return axe to owner.

*Joseph Bodilly*

Chief Justice.

5.10.66

Accused informed of right to appeal.

*J.B.*