

THE HIGH COURT OF THE WESTERN PACIFIC

(CRIMINAL JURISDICTION)

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

HOLDEN: At Gizo in the British Solomon Islands
Protectorate on ~~thursday~~ **the eleventh**
day of **August**, 1966 at 0900
o'clock in the **fore** noon.

REGINA

versus

JOHN KEREI

Sub
For the Crown: ~~Inspector~~ **Inspector** Gordon Beti, Gizo Police.

For the Accused: **In person**

Interpreter: **Stanley Pio** (Ranoga language)

Charge explained to the accused: **by Judge**

Accused when called upon to plead says:

~~Ist Count: Guilty~~
~~2nd Count: Guilty~~ JB

Court enters a plea of:

~~Ist Count: Guilty~~

~~2nd Count: Guilty.~~ LB.

Inspector states facts:

The girl Naeir was born on 11.1.1953. On 12.6.1965 her father brought the girl to the Suavo village school. The accused is the teacher. The father told the accused the child's age and the accused wrote it down in the school record. On 27.12.1965 at Suava the accused had intercourse with this girl in his house. The circumstances were that the child brought food in the evening to the teacher in his house. This was a present of food from the parents to the teacher. The accused caught hold of her hands and drew her onto his bed and there had intercourse with her. She did not resist but was seen to be kissing the accused by another child. The accused had intercourse with Naeiri several times after this until the last occasion was on the 2.3.1966. The intercourse was always in his house.

The rumour of this intercourse reached the Headman who reported the matter to the father of the child. After this the Accused approached the father and offered him \$ 14 as a bride price for the girl. The father rejected the offer and reported to the PPolice.

(Accused states facts correct.)

Inspector cont: Accused has no p.c.s. He is 18 years old. He was educated at the central school ~~Koriorogax~~ Koriobuku in 1961 and then at the local methodist school for one year. Total two years schooling. On leaving the methodist school he became the village school master.

Mitigation:

Accused: I have nothing to say.
I have no witnesses.

~~Sentence:~~

Order: Accused remanded in custody for medical examination as to his age and for Police to produce any other evidence as to his true age. He appears to the Court to be fully mature and considerably in excess of 18 years old.

Touhy-Bodley
11.8.66

15.8.1966 at 0900.

Hearing resumed . Prosecutor and accused present as before.

Prosecutor calls for Court.

Dr. Henry Metata.

A.M.O. Gizo Hospital.

Sworn on Bible.

On 12.8.1966 I examined the accused.

He told me that he was born on September 1948. I then

examined him medically regarding his age and I would assess it at about 18 years.

No XX by accused.

John B. Quero

John Quero
of Ranoga
Cultivator.

Sworn on Bible

The accused is my son. He was born on 23.9.1944. I know the date. I wrote it down at the time. I wrote it in my note book. I have not brought the book with me. I do not know where it is. I have in all 8 children. I do not remember the ages of all of them since I lost my little book. I remember the accused age as I have said.

XX by Accused:

Q: Did you not tell ^{me} that you did not know my age?

A: Yes I did say that but later I learned what it was from the teacher. I went to the teacher because when the accused was born I reported to the teacher who wrote it down in his book and I wrote it in mine which I have now lost.

Q: Do you know if my grandmother told me my age?

A: I don't know about that.

John B. Quero

Sentence: Two years imprisonment.

Reason for sentence:

The evidence of the Accused's father satisfies me that the accused is over 18. He is 22. But even if he were 18 I do not think in the circumstances of this case that any sentence less than that which I have passed would be appropriate. The accused was the school master of this child. The parents trusted her in his care. It is of the utmost importance ~~that~~ in any place, and more especially in a primitive and remote place, that parents may entrust their children to the care of teachers ~~wh~~ without fear that the relationship be abused in this manner. Leniency in this case would be gravely misplaced.

J.B.

Accused is informed of his right to appeal against sentence.

J.B.