

## R. v. VILIAME OLENI

(Criminal Court with Jury. Skeen C. J. Nuku'alofa, 8th November, 1911).

Defaming the King — Section 672 (1903 Laws) — Definition of Defamation 5. 670 — Freedom of Speech Clause 7 Constitution.

The accused was charged that he did at Lapaha on 20th August, 1911 defame the King of Tonga (Tupou II) by saying that the King was a liar and on account of his lie the German Government and American Government had broken off their treaties with Tonga; that the King lied about Popua and Talau to the British Government and he lied at other times to the British Government and that was the reason the British Government were trying to annex Tonga; they were tired of his lies.

Plea Not guilty.

VAEA (Assistant Minister of Police) and Inspector Euila for the Prosecution.

The accused in person.

SKEEN C. J. said in the course of his summing up to the Jury : "The accused admits most of the words charged against him; two witnesses support the police. The accused says the words escaped him when hot, he forgot the goodness of the King etc. — he admits the words but did not mean to defame. Well, everyone must be judged by his actions, the words are defamatory and hold the King up to contempt (the C. J. then read S. 670 which defines Defamation and continued). Accused heard this (i.e. the words he was alleged to have repeated) well he should not repeat it. In the police court he claims that he was an "ignorant Tongan"; he does not appear so, but appears to be a Tongan well informed indeed. The Treaties have not been broken as Oleni states; those statements are false. The British Government are not trying to annex Tonga on account of the King's lies. If they wish to annex they have might and can do so. The defaming was to a policeman who was reproving him on account of his conduct and in the presence of others. All can speak freely in the proper time and place, provided what they say is true. Oleni admits publication, but what he published was false and also defamatory. You must go by the evidence and find him guilty."

The jury returned a verdict of Guilty.

Sentence : Fine \$ 200, in default 4 years hard labour.

(The maximum : S. 672).

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