

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

AARON VUEKA

For the Crown: **Sub Inspector Gordon Beti**

For the Accused: **In person**

Interpreter: **Joseph Douglas Martin (Vela La Vela language)**

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

Accused when called upon to plead says: **Guilty.**

Court enters a plea of: **Guilty.**

Prosecutor states facts:

The accused is the father of Ivy Anidulu who takes care of the child Alison, the complainant in this case. They all live at Varese village. The child complainant was one year old when Ivy took charge of her .

The reason for this was that the child was the illegitimate baby of one of the ^{accused's} wife's relatives. From that time on until the present time the accused knew the child, as she lived in his own house in the care of his daughter Ivy. The child was born on the 23.II. 1953. When the child was about 10 years old the accused began to take the child for walks in the bush. The accused ~~started~~ ^{developed} the habit on these walks of taking the child aside and rubbing her private parts with his finger and sometimes with his penis. From 6.II.65 until 30.4.66 he commenced having full intercourse with the child. No one knew about this until the accused told his daughter Ivy. The reason why the accused confessed to Ivy was the customary fear that as he had done something wrong it might affect the birth of Ivy's child, ^{who} ~~she~~ was about to give birth. When Ivy heard this ~~xxxxx~~ she reported to the head man. The headman reported to the Police. I would estimate the accused's age at about fifty. He does not know his age and we have no evidence.

(Accused states the facts are correct.)

Pros: cont: The accused has no p.cs. He lives at Varese village. He owns coconuts and gardens. He exports a certain amount of copra. He is the village preacher. He is a Christian. He is ^a methodist lay preacher. He is a widower and has two grown up children.

Mitigation:

Accused states: I deny taking the child into the bush after she was 10 years old. As far as I know I have done no damage to the girl. She was ten years old. I admit the intercourse but I thought she was old enough for it. It was on Sept.6th last year that the child was bathing in the sea and I was at my copra drier. She came to me and asked me for intercourse. I had never had intercourse before that ^{with her} I do not know how many years she had been with Ivy. I deny that I used to play with the child's private parts before she was 10 years ~~old~~ old. I have never done that. When she asked me for intercourse I felt only human and went down to the beach and had the intercourse. She lived in my daughter's house but used to ~~xxx~~ visit me. Before Ivy got married she lived all the time in my house but after that she lived apart and visited me. I did not want to do it but when she asked I did.

I am not the only person who has had intercourse with the child. Another man called Ata has had intercourse with her. I know of ~~xxxxx~~ no one else except Ata. Ata told me himself. He told me that on October 11th last year.

~~I~~ ^{Incorrect} what I said before. I did take the child for walks after she was ten but not before.

That is all I have to say.

I have no witnesses to character.

Joubert Botilly.

Sentence: Two years imprisonment from the date hereof.

Fouly Bodily
11th August, 1966.

Reasons for sentence:

I regard this as a serious case of its kind. The child Alison had been living with the accused, in the charge of his own daughter practically all her life. I have no doubt that the accused actually stood in loco parentis the child. This position he abused. He was also a methodist lay preacher in the village. I do not believe him when he said in mitigation that he thought the child was old enough. Nor do I believe him when he says that it was she who asked him for the intercourse. I have seen the child. It is not conceivable. The accused is about 50 years old.

Fouly Bodily

Accused informed of his right to appeal against sentence.

J.B.