

152

IN THE SUPREME COURT )  
OF THE TERRITORY OF )  
PAPUA AND NEW GUINEA )

AMESS H.O.

Appellant

v.

BREMEN F.J.

Respondent

J U D G M E N T

Dealing with the evidence generally and more particularly:-

The Customs Department rubber-stamp on Appellant's passport is not a "Visa" as I understand the meaning of that term; either from the New Zealand Government, or from the British Government through the British Solomon Islands Protectorate, or from the Australian Government.

The appellant's boat cannot very well be described as what is known as "overseas vessels". At best it would come into the category of small "Owner Captain" boats cruising to different parts away from the owner's usual domicile; and on which, under normal circumstances, the provisions of the Immigration Ordinance would not be exercised against the "Owner Captain".

However, in this case I cannot find that the appellant is entitled to the leniency mentioned in the previous paragraph. On his own evidence on this appeal before me I must find, and I so find, that it was not his intention to pass through the Territory; but it was his intention to come to the Territory to explore the possibilities of entering into business; and after some investigation of the possibilities he did, and has entered, into business as a crocodile hunter.

Further, I quote from the evidence of the Respondent Bremen on the hearing of the charge against the appellant at Rabaul on 22nd May;

" At 10 am on Thursday, 21st May, I saw the defendant in my office and he said to me, 'I am not going to leave the Territory. When are you going to arrest me? I can be found at one of three places, on my boat, at the RSL Club or at the back of the Malaguna Technical Training School where I am building a dinghy.' I replied, 'Thanks for the information'. The defendant left the office."

That evidence by Bremen was not denied by Amess in the District Court at Rabaul or on the hearing in this Court.

The appeal is dismissed.

A. Kelly, J.