

148. Every one is liable to imprisonment for two years who rescues any person from lawful custody, whether in a prison or elsewhere, or who assists any person to escape from such custody.

Rescue.

149. (1.) Every one who publishes a defamatory libel is liable to six months' imprisonment.

Defamatory libel.

(2.) To publish a defamatory libel means to do any act which confers upon the person defamed a right of action for damages for libel.

(3.) In a prosecution under this clause the burden of proof shall be determined by the same rules as in an action for damages for libel.

(4.) In a prosecution under this clause it shall be no defence that the libel is true unless the publication thereof was for the public benefit.

150. Every person who uses threatening, abusive, or insulting words or behaviour towards or in respect of any officer of the Samoan Public Service or any member of the Legislative Council shall be liable to a fine of fifty pounds or to imprisonment for three months.

Threatening, abusive, or insulting words or behaviour towards or in respect of officials.

151. (1.) Every one who commits theft is liable—

Punishment of theft.

(a.) To three months' imprisonment if the value of the property stolen does not exceed two pounds :

(b.) To one year's imprisonment if the value of the property stolen exceeds two pounds but does not exceed fifty pounds :

(c.) To five year's imprisonment if the value of the property stolen exceeds fifty pounds.

(2.) In computing for the purposes of this clause the value of the property stolen, where several thefts are charged in the same information against the same person, the aggregate value of all such property shall be computed, and the sentence shall be determined accordingly, and cumulative sentences in respect of the several thefts so charged shall not be imposed.

(3.) For the purposes of this clause a valuable security shall be deemed to be of the same value as the property or proprietary right to which it relates, and postage stamps or revenue stamps shall be deemed to be of a value equal to the denomination thereof.

(4.) Here and elsewhere in this Order the term " valuable security " means any document which constitutes a title to or is evidence of title to any property or proprietary right of any kind whatever.

152. (1.) Theft or stealing is the act of fraudulently or dishonestly taking, or converting to the use of any person, or misappropriating, or disposing of, or dealing in any other manner with, anything capable of being stolen, with intent to deprive the owner or any person having any property or interest therein of such thing or of such property or interest, whether permanently or temporarily, or with intent to defraud or injure the owner or any such other person in any other manner.

Definition of theft

(2.) Every animate or inanimate thing whatever which is the property of any person, and is movable, is capable of being stolen.

(3.) Every thing whatever which is the property of any person and is capable of being made movable is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

153. Without in any way limiting the generality of the foregoing definition of theft, a person shall be deemed guilty of theft notwithstanding the fact—

Ineffectual defences to charge of theft.

(a.) That at the time of the theft he was in lawful possession of the property stolen ; or

(b.) That he had himself a lawful interest in the property stolen, whether as a partner, co-owner, bailee, bailor, mortgagee, mortgagor, or otherwise howsoever ; or

(c.) That he was a trustee of the property stolen ; or

(d.) That the property stolen was vested in him as an executor or administrator.

154. Without in any way limiting the generality of the foregoing definition of theft, every person shall be deemed guilty of theft who holds, receives, or obtains any money, valuable security, or other thing whatsoever capable of being stolen, subject to any obligation (whether arising from an express or implied trust, or from an express or implied contract, or from any other source whatsoever) to deal with

Extended definition of theft.