

Correctional hearing, 3<sup>rd</sup> October, 1912.

No. 95. Public Prosecution against Tomas alias Joseph Spheromanga accused of breaking and entering.

The year 1912, 3<sup>rd</sup> October, at a s<sup>es</sup>sion the Joint Court, composed of Jules de President, Amable Sureau, Gaperaus, the French judge, Jean Bolonna, the British judge, Schmitt Alexander; in the presence of the Public Prosecutor, Louis d'Audins; Mr. Benge, Registrar, New Caledonia, sitting in correctional jurisdiction, public hearing first and last resort, delivered the following judgment:

### The Joint Court.

Having heard the documents in the case read, the accused in his denials. Considering that from the debates and the witnesses heard under oath sufficient proof is established that Tomas alias Joseph, did during the night of the 21<sup>st</sup> to 22<sup>nd</sup> August, 1912, at Tapolé break and enter the habitation occupied by the native woman engaged in Mr. Bahium's service;

That this offence constitutes violation of domicile as provided for and specified by Article 194, al. 2, of the French Penal Code, as follows:

Art. 194, Al. 2: "Any person who will have entered by stealth or violence, in the domicile of a citizen shall be punishable with imprisonment of 6 days to 3 months and with a fine of 16 francs to 200 francs (12/10 to 4/5)." "

But considering that there is reason to give the accused the benefit of attenuating circumstances provided for by Article 463 of the Penal Code, as follows:

Art. 463: "The penalties provided by law against him or them of the accused found guilty, in favour of whom the jury found attenuating circumstances, will be reduced as follows:

They may also (Correctional Courts) inflict separately, one or other of these penalties, and even in case of repetition of an offence, substitute a fine in lieu of imprisonment without, in any case, being above the penalties in police cases."

For these reasons:

Condemns Tomas alias Joseph to six days imprisonment and all costs in the case.

Done, judged and delivered, the day, month and year as above by the Joint Court, the President, the French and British judges who have signed, with the Registrar.

M. H. B. C.  
Official translation  
This 5/10/12

