

Joint Court of the New Hebrides

Civil session of November 26th 1912

Between.

No 113

Charlie Larkisary & Kalwater, natives of Savona Havannah
Harbours, assisted by M^r Jacomb, plaintiffs
and Andre Tillet, labourer, farmer, Vila defendant

At 9 AM on November 26th 1912, the Joint Court composed of
The Court of Buena Esperanza, President; Jean Colonna,
French Judge; T. E. Roseby, British Judge;
(in presence of the Public Prosecutor, the Court-Attorneys;
M. Bengel, Registrar, recording;
Sitting in Civil jurisdiction, as a Court of first & last
instance, delivered the following judgment:

The Joint Court

Having heard the plaintiffs in their demands;
Having heard the defendant in his defence; the Public
Prosecutor in his charge;

Formally:

Whereas by separate writs dated October 15th 1912 the natives
Charlie Larkisary and Kalwater have cited before the Court,
Andre Tillet to have himself condemned to pay to the
first named native the sum of 62 francs 50 centimes the
value of a pig, to the second the sum of 150 francs the value of
a cow which the defendant had killed on Sept. 23rd 1912
in the jungle at the place called Havannah Harbours, Efate,
and all the costs

Whereas when the first of the two cases was called M^r Jacomb,
counsel for the plaintiffs, asked the Court to join the two cases
in one; & whereas the Court has so ordered, and authorised
the plaintiffs & defendant to prove by all legal means
the validity of their arguments both for & against;

The Case:

Whereas the sworn testimony brought forward by both parties
has successfully proved that Andre Tillet did on his own

Confession about two pigs & whereas the plaintiffs affirm that these pigs were domestic while the defendant claims that they were wild; But whereas the plaintiffs have been unable to prove that the pigs killed were the identical ones claimed by them;

Whereas then the Court is obliged to reject the claims made in the two aforesaid writs;

Concerning the Costs:

Whereas, however, if Andrei Fullei had answered the written demand for an explanation sent by Mr. Jacomb on behalf of his Clients on October 2nd 1912, the two cases would not have been brought before the Court, Andrei Fullei is alone to blame, and whereas then there should be resort to Rule No. 1 of the Civil Procedure dated December 2nd 1910;

For these reasons:

Declares invalid the claims put forward by the witnesses Lerdseyby and Kahuater, rejects them & orders each side to pay its own costs; makes into one sum the costs of the present judgment and orders each of the parties to pay one third.

Done, judged & pronounced the day written & year as is at head. By the Joint Court, the President, the French & British Judges & to have signed with the Registrar

The President:

The British Judge:

The Registrar:

The French Judge:

Certified true translation
of the Original

Vila Feb. 14th 1913
New Hebrides

[Signature]
Official Interpreter-Translator
to the Joint Court of the Condominium

