

Civl session of March 14th 1913.

Taviri, native of Malekula, claiming through M^r. Tacomb,
Plaintiff;

versus

Louis Gabriel Frowin, provisional administrator of the
Merceder estate, appearing in person, Defendant.

At 9 A.M. on March 14th 1913, the Joint Court composed
of the President, the Court Buena Esperanza; the French
Judge, Jean Colonna; the British Judge, T.E. Rosely;
in presence of the Public Prosecutor, Court-Hudius;
M^r. Bengel, Registrar, recording;
sitting in a civil case, as a Court of first & last instance,
after deliberation delivered the following judgment;

The Joint Court:

Having heard the claims of the Plaintiff, & the
explanations of the Defendant:

Having heard the Public Prosecutor in his charge;
Whereas Frowin has been summoned in his capacity of
provisional administrator of the Merceder estate
by the native Taviri to have himself condemned to
pay to him:

For the period of engagement from Nov. 3rd 1911 - Nov. 3rd 1912

90 fr

For the period from Nov. 3rd 1912 - Jan. 3rd 1913 the
sum of 27 francs calculated at the rate of 150 fr. per annum 27 fr

Passage-money from Vila to Malekula 25 fr

Damages for illegal detention from Nov. 3rd 1912 - Jan. 3rd 1913 50 fr

Embarkation ticket 1 fr 25

Indemnity for lodging from Jan. 3rd 1913 up to
the date when Taviri embarks on the steamer 50 fr

Total 243 fr 25

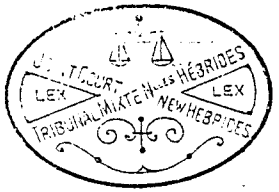
From this sum must be deducted advances
 admitted by Taoni 45/-
 Balance 188/- 25.

Whereas at the hearing From asked the Court to reserve
 its decision until the charge implied by the words
 'illegal detention' shall have been tried, which words
 appear upon the summons - & also to reserve its decision
 on the question of damages;
 Whereas the Public Prosecutor, being called upon,
 stated that he would take note of the impaction thus
 brought to the notice of the Court & would make all
 necessary enquiries with regard thereto;
 Whereas, under these circumstances, the Court, in virtue of
 the principle that a criminal charge takes precedence
 of a civil action, must reserve its decision as to the
 damages resulting from the illegal detention of the
 native Taoni, until the charge against the Defendant has
 been heard; but whereas the part of the summons
 relating to wages due constitutes a purely civil claim
 which the Court may hear at once;

For these reasons;

Reserves cognizance of the part of the summons relating to
 Damages until the breach charged against the Defendant
 shall have been tried; retains the part of the summons
 relating to wages claimed by the Plaintiff Taoni & orders
 that part of the case to proceed; reserves the question of costs
 until the end of the case.

Done, Judged & pronounced, the Day, month
 & year as aforesaid. By the Joint Court, the
 President, the French & British Judges
 who agreed with the Registrar.



The President: The French Judge: The British Judge:

Certified true translation of the original.
 Done April 28th 1913 R. H. H. H. Interpreter - Translation
 to the Joint Court

Audience civile du 14 Mars 1913.

ENTRE Kambelle et Taoui, indigenes, comparants par Mtre Jacomb, demandeurs;

ET L.G. Frouin, Administrateur provisoire de la succession Mercader, comparant en personne, defendeur;

L'an mil neuf cent treize et le quatorze Mars, a neuf heures du matin, le Tribunal Mixte compose de M.M. le Comte de Buena Esperanza, President; le Juge franais Jean Colonna; le Juge britannique T.E. Roseby;

En presence de M. le Procureur Comte d'Andino; M. Beugel, greffier, tenant la plume;

Statuant en matiere civile, en premier et dernier ressort, apres en avoir delibere, a rendu le jugement suivant:

Le Tribunal Mixte:

Oui les demandeurs en l'objet de leurs demandes;

Oui le defendeur en ses moyens de defense;

Oui le Ministere Public en ses requisitions;

Attendu que par exploit date du 4 Mars 1913 et par exploit date du 4 Mars 1913, Taoui et Kambelle ont respectivement assigne le sieur Frouin pris en sa qualite d'administrateur de la succession Marcader, le premier pour entendre condamner le defendeur a lui payer, a titre de reliquat de salaires, la somme de 45 fcs et le dernier, pour les memes causes, la somme de 45 fcs; s'entendre encore le sieur Frouin es-qualite condamner aux frais de l'instance;

Attendu que Mtre Jacomb, representant les deux demandeurs, a demande au Tribunal de joindre les deux instances et que le defendeur ne s'y est point oppose;

Attendu, au fond, que des livrets Nos 2061 et 2062 il resulte que les demandeurs Taoui et Kambelle ont ete regulierement payes de leurs salaires a la date du 30 Novembre 1912; qu'ainsi les

demandes ne sont point fondees;

Par ces motifs;

En la forme:

Joint les deux instances pour etre statue par un seul et meme jugement;

Au fond:

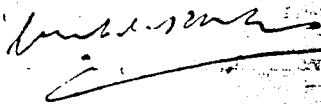
Dit les deux demandes non fondees;

Deboute, en consequence, les deux indigenes Taoui et Kambelle,

et les condamne, par moitie, aux frais et depens de l'instance.

Ainsi fait, juge et prononce, les jour
mois et an que dessus; Par le Tribunal Mixte
le President, les Juges francais, britannique
qui ont signe avec le Greffier.

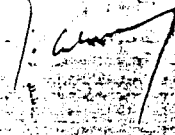
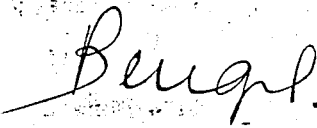
Le President:



Le Juge britannique:

Le Greffier:

Le Juge francais:



Civil session of March 14th 1913

Kambelle & Taoui, natives, claiming through M^r Jacomb,
Plaintiffs;

versus

L. G. Froin, promerul administrator of the Mercader
estate, appearing in person, defendant.

At 9 A.M. on March 14th 1913 at ~~the~~ the Joint Court
composed of the President, Count Buena Esperanza;
the French Judge, Jean Colonna; the British Judge, T. E.
Roseby;

In presence of the Public Prosecutor, Count Andino;

M^r Bengel, Registrar, recording;

Sitting in a civil case, as a Court of first & last
instance, after deliberation, delivered the following judgment:

The Joint Court

Having heard the claims of the plaintiffs;

Having heard the defendant;

Having heard the Public Prosecutor in his charge;

Whereas by writs dated March 16th 1913, Taoui &
Kambelle did respectively summon Froin in his capacity
of administrator of the Mercader estate, the former that
the defendant should be himself condemned to pay the
sum of 45 francs balance of wages, the latter that the
defendant should in like manner be himself condemned
to pay the sum of 45 francs also balance of wages due,
& that the said Froin should be likewise condemned to
pay costs;

Whereas M^r Jacomb, on behalf of the plaintiffs, has
asked the Court to unite the two costs, & the defendant
has made no objection;

Whereas, as to the case, from the tickets Nos 2061 &
2062 it appears that the plaintiffs Taoui & Kambelle
were duly paid all their wages on November 30th 1912;

Whereas, therefore, their claims are unfounded;
For these reasons;

As to the form:

Unites the two claims to be judged as one;

At the end:

Declares the claims unfounded;

Rejects the claim, in consequence, & orders the entire
Tavoni & Kambelle to pay ~~the~~ one half of the costs.

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

The President:

The French Judge: The Registrar: The British Judge:

Certified true translation of the original

R. H. Hetherington

Interpreter - Translator

to the Joint Court.

Vila - April 25th 1913.

