

This seventh day of January one thousand nine hundred and sixteen ;

WHEREAS the natives Jack Alla, Macmor and Tavanatz have been charged before this Court with having on or about the 20th. day of December 1913 at Tavanamara, Santo, unlawfully and maliciously damaged a store and certain goods the property of Peter Lindsay Bain the damage being to an amount exceeding five pounds (£5);

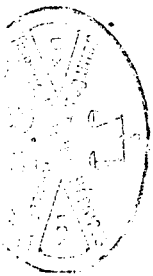
WHEREAS the Court finds that the fact of the said damage by the accused has been established by the evidence;

WHEREAS nevertheless it appears to the Court to be also established by the evidence that the accused carried out the acts complained of in discharge of the directions of their master James Elkyn Fysh who assured them of his legal right to destroy the store in question, and told them that he assumed full responsibility for their actions;

WHEREAS it appears that the accused acted bona fide in obedience to these orders which they felt themselves bound to obey, and which they believed to be lawful, and acted, moreover, under the direction of M. Chevillard a friend of their master Mr Fysh who brought them in his cutter from Fysh's house to the store which was destroyed;

AND WHEREAS it has not been established beyond reasonable doubt that the damage done by the natives was other than the natural and necessary result of the orders given by their master Mr Fysh;

AND WHEREAS, under these circumstances, the rules of English law appear to the Court to relieve the accused of criminal responsibility; for these reasons the Court acquits the accused. Costs at the charge of the Condominium.



C. Aubrey

French Judge.

Deleener

Registrar.

Conrad A. German
President.

J. J. J.

British Judge.