

Civil Sitting, Tuesday, 1st October 1912

The year 1912, Tuesday, 1st October, at 9 am, the Joint Court composed of Messrs the President, Count de Buena Esperanza, the French Judge, Jean Bolonna, the British Judge, Hilchirk Alexander; In the presence of the Public Prosecutor, Count Andino, W. Reigel, Registrar, recording;

Sitting in Civil jurisdiction, in first and last resort, delivered the following judgment:

No. 91. Between Kalbakau, Chief of the Tila tribe, the natives of Tila, plaintiffs and... Pierre Courtin, engineer, contractor, domiciled at Port Tila, defendant

Considering that, by a writ dated 14th August, 1912, M. Jacomb, acting on behalf of the natives of Tila island, Kalbakau and associates, Tila island, summoned before this Court M. Pierre Courtin to hear himself condemned to evacuate a piece of land situated at [redacted], occupied by the plaintiffs, by way of restoration; to hear himself further condemned to all costs and expenses;

Considering that M. Jacomb, for the plaintiffs, also asks the Court to permit him to prove, by witnesses, that his clients have been in possession of the land in litigation in question from a time immemorial;

Considering that, on his side, the defendant Courtin asks to produce a title in virtue of which the French New Hebrides Company had let him the land in question and, in addition, the authority by his lessors to submit to the Court the deeds of the property, in virtue of which he has acted;

Considering that from the preceding facts it results that the litigation brought before this Court concerns landed property and belongs to the category of those provided for by Article XII, Par. 1, A1. a, of the Convention of the 20th October 1906; and that Article XIII, Par. 1, A1. a, following this provision provides only for landed properties, the regulations to be followed by the Joint Court will be those specially indicated by the Convention;

Considering, nevertheless, that the plaintiff states that he does not act by virtue of the said regulations, but appeals, for his benefit, to the provisions of Articles 23 to 28 of the French Civil Code of procedure;

That therefore, as presented, the action entered in the name of the natives of Tila island, cannot be admitted;

For these reasons:

Without judging finally and judging as to the manner in which the suit is presented states that at present it is not admissible and charges the costs of the present proceedings to Kalbakau and the other natives of Tila island plaintiffs in the suit

Metropolitan

Official Kanak

Tila, 11/12

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

nowhere on his behalf; that it is therefore necessary, in consequence, to declare default
for failure to appear;

declares default against Leon Roux for failure to appear.

The case.

Considering that the native Jack has summoned, to establish date and place
of his engagement, also the default of payment by the defendant, M. Langlois,
Inspector of labor for the French Presidency;

Considering that the above-named witness, after having sworn to tell all
the truth, stated that tardily summoned, he could not furnish from memory
the information required; that he had to previously examine the engagement
registers of the French Presidency;

That the case was therefore adjourned to 2 p.m. this day;

Considering that on the case being called at the hour above indicated, the witness
Langlois made the following statement: "The Resident for France told me to
say to you that I am only his delegate and that the Resident for France will
willingly furnish the first part all the necessary information, if application is
made to himself."

Considering that, in these circumstances, the Court can only notify Jack,
represented by M. Jacout, his counsel, of the statements of the witness summoned
and to dismiss him to provide himself according to his rights:

For these reasons:

The Court notifies the plaintiff of the statement made to the Court by
the witness Langlois: "that The Resident for France told me to say to
you that I am only his delegate and that the Resident for France will
willingly furnish the first part all the necessary information, if
application is made to himself."

Dismisses him to provide himself according to his rights;

Commits the Bailiff of the Court to serve the present judgment
to the defendant, defendant, on the first occasion;

Condemns M. Roux to all costs in the suit.

Done, judged and delivered the day, month and
year as at head, in public hearing, By the
first part, the President, the French and
British Judges, the Registrar who have signed.

Mabrouk, official translator.

Vila 26/9/12