

JOINT COURT OF THE NEW HEBRIDES.

Criminal Jurisdiction.

JUDGMENT.

The eighteenth day of October in the year one thousand nine hundred and forty nine.

Before Their Honours:

Y. GESLIN, French Judge, President,
P. COLLEY, British Judge ad. hoc.

and Messrs S. DUBOIS, Public Prosecutor ad hoc.
R. CORNETTE, Registrar ad hoc.

Considering Judgment No. 123 given on 4th April 1949 by the Native Court, Southern District concerning the native NACE KASSE, accused of having at Tanna during the month of November 1948: -

- 10- That he did incite the native Lofmane to seize a dog belonging to the barracks, by sending him during the absence of the police into the French Delegation paddock situated behind the barracks, and after taking the animal into the bush having there killed it with blows from a stick; afterwards assisted by the natives Willy Iolu, Jack and Kapere, having skinned the animal and having with his accomplices, after cooking it on a fire, eaten it.
- 10- that he did with a cane strike the young natives Katakina and Malakale aged 7 and 8 years respectively, the said natives having been attracted by the cries of the dog and seeing what the natives were doing to the animal, threatened to go and tell their father all about the matter.
- 30- that he did spread false accusations against the French Police, accusing the latter of having stolen and killed the accused's pigs, with a view to eating them, saying that he had killed the dog to pay for his pigs.
- 40- that he did make false statements at the Native Court and attempted to make the natives Lofmane, Iolu, Jack and Kapere responsible for the theft.

Considering Joint Court decision dated 29th June 1949 declaring to be null and void judgment No. 123 and ordering the appearance of NACE KASSE, LOFMANE and WILLY IOLU before the Joint Court sitting at Vila.

The accused were heard in their defence as presented by themselves and by Mr. PUJOL, Native Advocate, with the assistance of M. PAGE, sworn interpreter for "pidgin" English.

Mr. DUBOIS, Public Prosecutor ad hoc addressed the Court and the Native Advocate having replied, the Court then considered its judgment.

FIRST COURT:

Whereas the charge against NACE KASSE is resolved into one

of theft to the latter of a dog, with the assistance of the natives Lofmane and Willy Iolu.

SECOND COURT.

Whereas the charge made by the Native Court is correct except that it should have been laid under paragraph 2 and not under paragraph 3 of Article 5 of the Native Court.

THIRD & FOURTH COURTS:

These charges cannot be sustained by the Joint Court; the acts as established by the Notes taken at the sitting and by the examination of the accused, do not constitute the offences recorded by the Native Court.

Whereas however ~~kixupzankk~~ it appears from the documents in the file and from the admission of the accused that there is sufficient proof that the accused did at Tanna during the month of November 1945.

NACE KASSE:

- a) feloniously steal a dog of an undetermined value from the owner, the French District Agent, Southern District,
- b) wilfully use violence on the native children Katahina and Malakaie by striking them with a cane.

LOFMANE AND WILLY IOU:

help and assist the said Nace Kasse in the acts which preceded and facilitated the above described theft, and in those which accomplished it.


Whereas these acts constitute breaches of Article 3,5 (2) and 16 of the Native Code.

ON THESE GROUNDS:

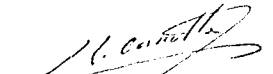
NACE KASSE is sentenced to three months imprisonment with hard labour for theft and three months imprisonment for assault.

LOFMANE & WILLY IOU each to one month imprisonment with hard labour for aiding and abetting in the crime of theft.

The time spent by the accused in prison at Tanna to be deducted from the above sentences.


French Judge.


British Judge ad hoc.


Registrar ad hoc.