

Sitting in criminal jurisdiction, 23<sup>rd</sup> August 1912  
 Public Prosecutor against native woman Thouma of Torres, accused of  
attempted murder

Judgment

The year 1912, Friday, 23<sup>rd</sup> August,

The Court assembled in criminal jurisdiction and composed of the President, Count de Suesse Esperanche, the French judge Jean Bonnia, the British judge Sir John Alexander, the assessors, Messrs Jules Bourac, Louis Decarne, Joseph George Smith, Graham, Lemot, Arthur Kerr, who have taken the usual oath;

In the presence of the Public Prosecutor, Count d'Audino de Reigel, reports recording having heard the charge against the native woman Thouma of Pouka, Pouka, Torres, prosecuted for attempted murder of Miss Prunke George, at a place known as Touma on the 1<sup>st</sup> July 1912.

Having heard the accused in her examination; the witnesses Prosper de Reilau, M<sup>rs</sup> Coulon (witness), M<sup>rs</sup> Renner (witness), Jules Lambert, Louis Priente, the natives Tinara, Colie, the woman Leffe, previously sworn in their depositions of the one part and Messrs Jules Decarne, Lucien Colardeau, Federick Roger, previously sworn of the other part;

Having heard M<sup>r</sup> David Crombe in his sworn statement; the Public Prosecutor in his conclusions; advocate Barjessin in his defence of the woman Thouma; the latter in her remarks in conclusion;

After having deliberated unanimously with the provision of Article 2 of the Convention of 20<sup>th</sup> October 1905, sitting in public hearing after the hearing of all parties concerned, in full and last resort.

Considering that from the debates sufficient proof was not adduced a case against the woman Thouma of culpability of having on the 1<sup>st</sup> July 1912, at the place known as Touma, island of Torres, attempted to murder Miss Prunke George, or attempted to commit a violent homicide on the person of the latter.

That there is cause to set aside the charge on these two counts.

But, considering that from these same debates there is sufficient proof that at the place and date before mentioned, the native Thouma unlawfully wounded Miss George with the aggravating circumstance that the wounds have occasioned the loss of an eye;

That the offence so specified is provided for and punished by Article 309 of the

penal code as follows: " Any person who willfully wounds or strikes or commits any other violence . . . . . When such violence has resulted in the loss of an eye or other permanent infirmity, the culprit will be punished with imprisonment . . . . "

But considering that Mouna has never been condemned that there is no consequence, cause to give her the benefit of extenuating circumstances such as are provided for and specified by Article 463, of the Penal code as follows: " Punishment inflicted by the law upon <sup>persons</sup> ~~whom~~ <sup>persons</sup> ~~who~~ accused and found guilty, in favor of whom the jury will have found extenuating circumstances, will be modified as follows: "

If the punishment is imprisonment . . . the Court will apply the provisions of Article 461, without, however, having the power to reduce the length of the imprisonment below one year . . . "

Article 461: " . . . will be punished with imprisonment of one year at least and not more than five years . . . "

For these reasons:

Condemns Mouna to one year imprisonment and all costs and expenses, orders the restitution to their owners of all articles seized as exhibits

So decreed, judged and delivered the day month and year as above and signed by

The President, the French Judge, the British Judge and the Registrar of the Court.

The President

*Wm. A. M. M.*

The Judges:

*G. G. M. M.*

The Registrar

*B. M. M.*

