

v. 33 and 34

Civil Sittings, 21st September, 1912

The year 1912, 21st September, at 9 a.m., the Court composed of Messrs: The President, Count de Neuva Esperanza; the French Judge, Jean Colonna; the British Judge, G. H. Alexander; In presence of the Public Prosecutor, Count d'Andrieu; Mr. Mangel, Registrar, recording;

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

1. Between Willy Nonjulia and Leon Rouf, mariner, living at Vila.
Considering that, by a writ dated 11 September, 1912, Willy Nonjulia, native of the Solomon Islands, summoned Mr. Rouf before this Court to hear himself condemned to pay him the amount of his wages, namely, 525.00 (£21) and all costs;

Considering that when the case was called, Rouf, though duly summoned, did not appear and no one on his behalf; and that in consequence it was necessary to pronounce default against the defendant for failure to appear;

Considering, nevertheless, that the plaintiff, states he is a native of the Solomons and in every way a native of the New Hebrides;

That, in these circumstances and according to the provisions of Articles 5, par. 1 + 2; 12, Par 1, of the Constitution of the 20th October, 1906, the competency of the Court only extends to suits between New Hebridean natives and non-natives;

That it is necessary therefore to declare itself incompetent;

For these reasons:

Finds default against Mr. Rouf for failure to appear; declares incompetent; sends the plaintiff to the proper jurisdiction; commits the Bailiff to serve the present judgment on the defendant, defaulter, on the first occasion; charges all costs in the suit to the plaintiff.

Done, judged, delivered, the day, month and year as above in public hearing. By the Court; the President; the British and French Judges who have

Members Official translation signed with the Registrar

St. 31. Between Jack (of Paama) and Mr Leon Rouf, defendant

Considering that, by a writ dated 13th September, 1912, Jack, of the island of Paama (New Hebrides) summoned before the Court Mr Leon Rouf to hear himself condemned to pay him the sum of 571.95 (£22.17.5), amount of wages said to be due from the 10th May, 1909, date of his engagement before the Resident Commissioner for France and all costs of the suit;

Considering that the defendant does not appear though duly summoned;

P. K. O.