

N: 53.

PLAINTIFF
The Public Prosecutor

versus

DEFENDANT
Raphael Galmes, Recruiter
and
Augustin Costant,
Recruiter.

HEARING. The 4th June 1912.

CHARGED WITH having committed abreach of
Article XXXIII of the Convention of the 20th October 1906.

The year one thousand nine hundred and twelve, and the fourth day of June, the Joint Court composed of the Count of Buena Esperanza, President; G.G.Alexander, British Judge and J. Colonna, French Judge.

In the presence of the Count of Andino, Public Prosecutor; C.W.H.Beugel, Registrar, holding the pen,

Sitting in correctional cases, pronounced the following judgment without appeal of incompetency:

THE JOINT COURT

After having heard the rading of the documents in the file of the case, and after having heard the defence of the accused through the intermediary of M. Page, their advocate, denying the jurisdiction of the Joint Court in regard to the deeds with which they are charged;

whereas owing to the proceedings of the Public Prosecutor of the Joint Court, Raphael Galmes and Augustin Costant have been brought before this jurisdiction for havin gillegally recruited at Saramet, Malekula (New Hebrides) the said recruiting having been carried out on the 16th August 1911;

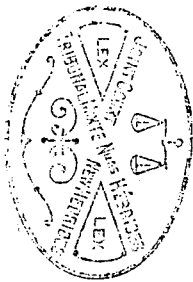
Whereas, ~~ix~~ however, from the trial, and the evidence of the witnesses for the prosecution it follows that the recruiting in question was carried out by means of threats under conditions and as the signatures, crosses or finger-prints, affixed by the natives thus recruited, were obtained by the above-named recruiters by the aid of pressure, statements or lying promises, and as the Joint Court thus finds itself, in this case, which is submitted to it for judgment, in the presence of criminal deeds which do not constitute ordinary infractions of the Convention and consequently the parties in the suit come within the national jurisdiction; and therefore ~~thereix~~ is occasion at the request of Galmes, Costant, and of their advocate, for the Court to decline jurisdiction in regard to these deeds and to refer the parties to the jurisdiction able to deal with them;

Whereas, however, Galmes and Costant have been charged with an infraction, the formér with having recruited the native girls Lainini and Tabouselle, and the latter with having recruited the native girl Lonbonboue, in both cases without the authorisation of the persons designated in Article XXXIII of the Convention,

And whereas this infraction cannot, according to the provisions of Article XII (3) of the Convention be brought before the national jurisdiction, it should be judged by the Joint Court.

Therefore decides upon the plea raised and of its own accord:

that it is not within its jurisdiction to deal with the matter of threats under conditions and the extortion of crosses, signatures, or finger-prints with which Galmes and Costant are charged or which are raised against them; refers them on these points to the national jurisdiction; retains the deed of illegal recruiting, by Galmes, of the two natives Lainini and Tabouselle, and by Costant of the native Lomboboue; and that upon this last head, the trial shall continue at once, so that the Public Prosecutor may state his claim and so that the defendants may state theirs'; Costs reserved.



Thus made, judged, and pronounced in open Court without appeal, the day, month, and year above-mentioned, and signed by the Count of Buena Esperanza, President; G.G.Alexander, British Judge; J. Colonna, French Judge; C.W.M.Beugel, Registrar.

President.

Count of Buena Esperanza

French Judge.

J. Colonna

British Judge.

G. G. Alexander

Registrar.

Beugel