

JOINT COURT OF THE NEW HEBRIDES.

CRIMINAL JURISDICTION.

JUDGMENT.

PUBLIC PROSECUTOR. V. Edouard LANGLOIS, French citizen, seaman, and NABEME, French dependent, storekeeper, both residing at Vila.

This twenty second day of November one thousand nine hundred and thirty two.

In the matter of a charge against Edouard Langlois, a French citizen, and Nabeme, a Japanese French dependent, both residing at Vila.

Whereas at the hearing and from the statements of the accused Langlois, it appears that in February 1932, or at some unspecified time before, he did, at Aneityum, New Hebrides, recruit two married women named Tysonoto and Masauli, without having obtained the consent of either of their husbands, as formally prescribed by Article 33 and 56 of the Convention of 6th August 1914 and the said Langlois has therefore committed two breaches for which he has to make amends.

Whereas Nabeme, employer of Langlois is the owner of the boat "Yamato Maru" aboard which the criminal acts took place. Moreover Langlois was recruiting on behalf of Nabeme, consequently it is necessary to consider and hold Nabeme as being civilly responsible for the said acts committed by his employee Langlois acting in his name and on his behalf.

Whereas the Court at the hearing of 15th November establishing the facts of civil responsibility against Nabeme asked the Public Prosecutor to reply on this point, who requested the Court to hold Nabeme civilly

responsible/

responsible, which the Court did and informed Nabeme to attend the hearing in a weeks time and to present his defence.

Whereas at the hearing of to-day's date the accused Langlois and Nabeme have been invited to present their defence, and they declared they had nothing further to add to their former declarations.

Now therefore it is this day adjudged:
The above named Langlois stands convicted before the Joint Court for that he did during the year 1932, at Aneityum, New Hebrides, illegally recruit two married native women Masauli and Tysonoto, in spite of the fact of the tribe to which they belonged having strongly shown their disapproval.

The accused Langlois has thus committed a breach of Article 33 and 56 of the Convention which articles are hereunder cited:-

Article 33. "Women shall only be engaged -

If they are married, with their husbands, regard being had to the customs existing in the Group, or in order to join their husbands, if the latter have been engaged previously".

Article 56. 1. "Any breach by non-natives of the provisions of the present Convention regarding the recruiting and engagement of native labourers shall be punishable by a fine of from 5 francs to 500 francs and by imprisonment of from one day to one month, or by either of the above penalties.....".

3. In cases of breaches of the provisions of the Convention relative to the engagement or recruitment of native labour, the Joint Court shall have the power to order the immediate return to his home, at the expense of the recruiter or employer, of any native who has been irregularly recruited or engaged....."

Thereupon the Joint Court sentences the said Langlois to pay a fine of 500 francs for the illegal recruitment of the woman Tysonoto and a fine of 500 francs for the illegal recruitment of the woman Masauli, and

15 days imprisonment and the costs of the proceedings.

But whereas the said Langlois has not had any previous convictions, he shall be allowed to take advantage of the law of "sursis" for a period of five years with regard to the penalty of imprisonment.

The said Nabeme is held civilly responsible for the payment of the fine and the costs given against his agent Langlois.

And in accordance with the terms of Article 56 paragraph 3 of the Convention, the Court orders that in the event of the Administrative Authority finding it opportune, the woman Masauli shall be returned to her tribe and the costs of her return shall be borne by the said Nabeme.

Saulnier

Acting President.

a. de J. Lang

British Judge.

[Signature]

French Judge.

[Signature]

Acting Registrar.