

JOINT COURT OF THE NEW HEBRIDES

This fourth day of July, one thousand nine hundred and forty one :

Before :

J.L. TROGNON, French Judge, Président,

A.H. EGAN, British Judge,

M. MITRIDE, Assessor,

H. DAVID, Public Prosecutor "ad hoc",

assisted by M. BUTERI, acting Registrar.

JUDGMENT

Considering the action brought against :

- 1° - RICHARD Jacques, residing at Epi, employed at M. S. NATUREL's, for recruiting without a recruiting licence and illegal recruiting of a native woman.
- 2° - Sylvain NATUREL, planter, residing at Epi, for complicity of recruiting without a licence and complicity of illegal recruiting of a native woman.

RICHARD Jacques and Sylvain NATUREL do not appear and are not represented.

The Court having heard the arguments of M. DAVID, Public Prosecutor ad hoc.

and after deliberation.

Considering that Jacques RICHARD and Sylvain NATUREL duely summoned by the bailiff on the twenty sixth March and twenty seventh May, one thousand nine hundred and forty one, do not appear and are not represented.

Considering that sufficient proof is given by the documents and the hearing against the accused, Jacques RICHARD as principal offender and Sylvain NATUREL as accomplice.

10 - For having on the twentieth May, one thousand nine hundred and thirty seven, at Olal (AMBRYM) recruited the native woman YOKEM, unmarried, without the consent of the Head of the Tribe (Chief) or of the administrative District Agent.

20 - For having recruited without a licence.

Considering those acts are provided for and punishable in accordance with Articles 33, paragraph 1; 31 paragraph 1 and 56 paragraph 1 of the Convention of the 6th August 1914, as follow :

Article 33 - "1. Women shall only be engaged.-

".....

"if they are unmarried, with the consent of the Head of the Tribe, and of the Agent of the Administrative district, or, if there be no Agent, of the Inspector of Labour of the one or the other nationality, according to the law applicable to the recruiter."

Article 31 - "1. No vessel shall recruit native labourers in the New Hebrides, including the Banks and Torres Islands unless she sails under the flag of one of the two signatory Powers, and unless she is provided with a recruiting licence issued by the Resident Commissioner representing the signatory Power under whose flag the vessel is sailing."

Article 56 - "1. Any breach by non-natives of the present Convention regarding the recruiting and engagement of native labourers shall be punishable by a fine of from 4s. to 20l. and by imprisonment of from one day to one month, or by either of the above penalties, except that, in the case specified in paragraphs 5, 6, 7 and 9 of Article 31, the penalties fixed by those paragraphs shall be applicable."

ON THOSE GROUNDS, the Court finds Jacques RICHARD and Sylvain NATUREL in default and imposes on Jacques RICHARD A fine of one hundred francs for each of the offenses, and on Sylvain NATUREL a fine of two hundred francs for the first offence and one thousand francs fine for the second offence.

In application of Article 14 paragraph 5 of the Convention the Court prescribes a period of four days confinement for Jacques RICHARD and fifteen days confinement for Sylvain NATUREL, in default of payment of the above sums.

Orders them moreover, to pay the costs taxed at thirteen francs four centimes.

Order that this Judgment in default be served by request of the Public Prosecutor.

Pronounced in open Court on the date above mentioned.

A. H. Egan.
British Judge.

Jugum
French Judge


Assessor


Acting Registrar.