

Nº 54.

PLAINTIFF  
The Public Prosecutor

versus

DEFENDANT  
Leon Watt, Recruiter  
of Vila, and  
Leon Chauviere, Planter  
of Second Channel.

HEARING. The 6th June 1912.

CHARGED WITH. having committed a breach of Article  
XXXIII of the Convention of 1906.

J U D G M E N T .

The year one thousand nine hundred and twelve, and the sixth 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.K.Beugel, Registrar, holding the pen, sitting in police cases, pronounced the following judgment:-

T H E C O U R T ;

After having heard the reading of the documents in the file of the case, and after having heard the explanations of the accused Chauviere and Watt in defence both personally and through the intermediary of their advocate H. Mage, and having heard the summing up of the Public Prosecutor;

WHEREAS, on the 9th May 1912, the Public Prosecutor of the Joint Court summoned Watt and Chauviere to appear before this jurisdiction to be heard and condemned in accordance with the penalties provided in Article LVI of the Convention of the 20th October 1906, the first-named for having recruited, and the second-named for having engaged, in July last year, the native Melanie without the consent of her husband;

AND WHEREAS Article XXXIII (1) has been drawn up with a view of safeguarding the protectorship of the husband and the authority of the Chief of the tribe, according as the case may be, in regard to native women, and the foregoing in the interest of the order which should reign in the tribes or villages and in

the interest of the local customs which the Convention is anxious to respect and to have respected.

WHEREAS, in this case, it is a question of a married woman, that is to say, of a native who cannot, according to the terms of the Article above-mentioned, even for a moment alienate her liberty without her husband's authorisation; and that if this authorisation was not obtained at the very time of recruiting, for the circumstances related at the trial have not permitted it to be given.

BUT WHEREAS there is occasion to admit that, subsequently to this recruiting by Watt, and while Chauviere was occupied in regularly engaging the native Melanie, Augustino, her husband, presented himself freely and voluntarily at Chauviere's and asked, in his turn, to be engaged; that this fact is established by the letter, dated 18/1/1912, which Chauviere forwarded to the French Residency; and that, by another letter, dated 30/4/1912, it follows that Augustino died on the accused's property at Santo; that the fact of Augustino engaging himself with the planter at the place to which his wife had been brought and of having worked and died by her side constituted on his part a tacit authorisation, at the very least, of the engagement of his wife, and that consequently, the provisions of Article XXXIII (1) appear to have been respected;

AS TO THAT WHICH CONCERNS THE WITNESS MELANIE, who has not appeared in answer to a summons served by the Public Prosecutor of the Joint Court, and against whom the Public Prosecutor asks for a penalty for having committed a breach of Article 3 of Rules VII of the 7th December 1910;

WHEREAS before pronouncing judgment the Court wishes to know for what reasons the witness has not presented herself;

Therefore acquits Watt and Chauviere; orders the witness  
Melanie to produce justification, within two months, for her  
non-appearance before the Joint Court. The costs of the  
prosecution to be at the charge of the Condominium.

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

President.

*Count of Buena Esperanza*

French Judge.

*J. Colonna*

British Judge.

*G.G. Alexander*

Registrar.

*Beugel*

