

IN THE JOINT COURT OF THE NEW HEBRIDES

This twenty third day of May, one thousand nine hundred and forty one :

Before :

J.L. TROGNON, French Judge,

A.H. EGAN, British Judge,

L. DESMOULIERES, Assessor,

H. DAVID, Public Prosecutor ad hoc

assisted by M. BUTERI, Acting Registrar.

J U D G M E N T

Considering the charge made against BOUTEILLER, French Citizen, plantation manager, residing at Santo (New Hebrides), for breach of the provisions of the Convention regarding the recruitment of natives.

The accused not appearing or represented.

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

And after deliberation.

Considering that Bouteiller duely summonsed by the Bailiff on the sixth March, one thousand nine hundred and forty one, does not appear and is not represented.

Considering that sufficient proof is given by the documents and the hearing against the accused, for :
1°- having at Santo, recruited and engaged natives by taking advantage of their weakness; - 2°- to have opposed the order to send back a native irregularly engaged - breaches provided for and punishable in accordance with Article 31, paragraphs 5 and 7 of the Protocol of the 6th August 1914, as follow :

"5.- Any recruitment of natives by means of fraud or "personation or false assertion of official authority, or "by means of immoral inducements, or by the abuse of the

"needs, weakness, or passions of the natives, or by the
"offer of alcoholic liquors or of prohibited arms or ammu-
"nition, shall be punishable by imprisonment from one day
"to three months, and by a fine of from 10d. (tenpence) to 4
"40 s., or by either of these penalties."

"7.4... Should the Agent consider that all the necessary
"conditions have not been fulfilled in the case of any native
"recruited, he shall order any such native to be repatriated
"at the expense of the master or owner of the recruiting ves-
"sel, or of the person on whose behalf the recruitment has
"been effected ; any recruiter opposing, hindering, or
"preventing the execution of such order shall be liable
"to imprisonment of from one day to three months, and a
"fine of from 10d. (tenpence) to 40 s. or to either of the
"above penalties...."

On these grounds the Court finds BOUTEILLER in
default, and imposes on him a fine of Five hundred francs
for each of these offences.

And in application of Article 14 paragraph 5, of
the Protocol, the Court prescribes a period of fifteen days
in default of payment of the above sums.

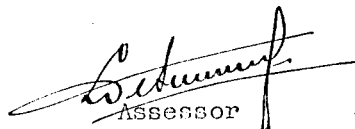
Orders him moreover to pay the costs taxed at
Seventy six francs twelve centimes.

Orders that this Judgment in default be served
by request of the Public Prosecutor "ad-hoc" of the
Joint Court.

Pronounced in open Court on the date above
mentioned.

A. H. Egan.
British Judge.

J. G. G. G.
French Judge.


Assessor


Acting Registrar.