

No 114

Between Bob, native of Torres, assisted by M<sup>r</sup> Jacoub,  
plainiff;

And Germain Vieux, proprietor, Tagahi, defendant.

At 9 o'clock A.M. on November 26<sup>th</sup> 1912. The Joint Court  
composed of The President, Comte Buena Esperanza,  
the British Judge, T.E. Roseby, The French Judge,  
Jean Colonna;

In presence of the Public Prosecutor, Comte Audin;

M<sup>r</sup> Blyth, Registrar, recording;

Sitting as a Court of first instance, in civil  
jurisdiction, after deliberation, delivered the following  
judgment:

The Joint Court:

Having heard the arguments of the plainiff; nothing  
for the defendant, who did not appear;

Having heard the charge of the Public Prosecutor;

Formally:

Whereas by writ dated November 13<sup>th</sup> 1912, the native  
Bob has cited before the Court Vieux as representing  
(Torres Vieux & Picot of Tagahi, Estate, to bear  
himself condemned to pay as arrears of salary  
the sum of 270 francs & the costs of the case;

Whereas when the case was called the defendant  
appeared neither personally nor by proxy;

Whereas there is occasion in consequence to give judgment  
by default;

The Case:

Whereas M<sup>r</sup> Jacoub, <sup>counsel for the plainiff,</sup> in his verbal explanation during  
the hearing stated that he understands by the words

'legal representative' found on the writ, that the  
defendant had assumed responsibility for the firm of  
Vieux & Picot both in regard to the latter's plantations &  
also for the natives engaged by it; and <sup>that</sup> Bob

was one of these engaged labourers, having been engaged by the firm of Vieux & Piret for two years on October 10<sup>th</sup> 1910; and that, because on October 10<sup>th</sup> 1912 the whole of his wages had not been paid to him, he had summoned his present master to him himself

condemned to settle the amount; whereas, however, from the arguments & from the engagement paper N<sup>o</sup> 1384 drawn up in the name of the Plaintiff Bol, it appears that this latter engaged by Vieux & Piret on October 10<sup>th</sup> 1910 for two years has here been regularly transferred, in accordance with Article 43 of the Convention of October 20<sup>th</sup> 1906, by the above mentioned partners to the defendant;

Whereas then it is not right nor reasonable that Vieux has been summoned alone and in the above stated capacity before the Court;

For these reasons:

Pronounces formally default against Vieux for non appearance; Declares the claim invalid, rejects it & orders the costs of the case & of the present judgment to be paid by the plaintiff;

Charges the bariff to make known in the Registrar's office the present judgment to the defaulting defendant.

Done judged & pronounced the day month & year as at head. By the Joint Court, the President, the British & French Judges who have signed with the Registrar.

The President:

The British Judge:

The Registrar:

The French Judge:



Certified true translation  
of the Original

Vila Feb 14<sup>th</sup> 1913 Official Interpreter-Translator  
New Hebrides to the Joint Court of the Condominium