

N<sup>o</sup> 53.

PLAINTIFF

DEFENDANTS

The Public Prosecutor

versus

Raphael Galmes and Augustin Costant.

HEARING. The 5th June 1912.

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

J U D G M E N T .

The year one thousand nine hundred and twelve, and the fifth day of June, the Joint Court composed of the Count of Buena Esperanza, President; G.G.Alexander, British Judge; J. Colonna, French Judge; In the presence of the Count of Andino, Public Prosecutor; C.W.M.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 the explanations of the accused, and the evidence of witnesses duly sworn; and after having heard the summing up of the Public Prosecutor and of M. Mage, advocate for the defense;

WHEREAS the complaint of Chantreux charging Galmes and Costant with having committed acts of illegal recruitment has been received by the French Resident Commissioner on the 12th September 1911, and transmitted by this high official to the Public Prosecutor of the Joint Court to be further dealt with;

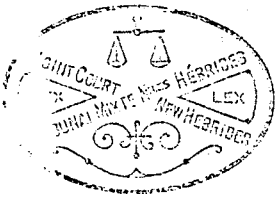
AND AS the proceedings taken as well as the evidence of sworn witnesses at the trial show that the native girls, LAINANI & TABOUSELLE recruited by Galmes, and the native girl LOBOUBONE, recruited by Costant were embarked against their will and without the authorization of persons designated in Article XXXIII of the Convention of 20 th October 1906, the text of which is as follows:-

Art. 33 (1). Women shall only be engaged:- If they are married, with the consent of their husbands; If they are unmarried, with the consent of the Head of the tribe. (2). Children shall only be engaged if they are of a certain minimum height, to be fixed by the Resident Commissioners jointly.

AND AS the two essential conditions of validity in all contracts of this description, such as the consent, and where women are concerned and the specified authorisation, have not been observed by the two above-named professional recruiters;

AND AS Costant and Galmes, not having observed the provisions of Article XXXVIII cited above, from that time come under the provisions of Article LVI of the Convention of the 20th October 1906, the text of which is as follows:- Penalties. (1). Any infringement by non-natives of the terms of the present Convention regarding the recruiting and engagement of native labourers shall be punishable by a fine of from 4/- to £20 and by imprisonment of from one day to one month or by either of the above penalties. (2). Damages may also be awarded to labourers for any injury suffered by them. (3). The Joint Court shall inflict the penalties and assess the damages. (4). In the event of conviction on a serious charge, or for a second offence, the recruiting license, as well as the right of engaging labourers, may be withdrawn for a period not exceeding two years by the High Commissioner for the country to which the recruiter or employer belongs.

Therefore sentences Raphael Galmes to a fine of twenty pounds (£20) and to a months' imprisonment; and sentences Augustin Costant to a fine of ten pounds (£10) and to fifteen days' imprisonment,; and sentences them, jointly and severally, to pay all the costs of the prosecution.



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

*C. W. M. Beugel*

President.

*J. Colonna*  
French Judge

*G. G. Alexander*  
British Judge.

*Beugel*  
Registrar.

