

Civil hearing Friday, 4th October, 1912

No 90 Between Neai (Tanna) through M. Jacoub, plaintiff
vs. G de Béchade, represented by M. Mij, defendant

The year 1912, Friday, 4th October, at 9 am, the joint Court composed of Messrs the President, Count de Buena Esperanza, the French judge, Jean Dolours, the British Judge, Hilchrist Alexander, in the presence of the Public Prosecutor, Count d'Audouin, Mr Mangel, Registrar, recording;

sitting in Civil jurisdiction, in first and last resort, delivered the following judgment:

The Joint Court:

Considering that by a writ dated 20th September, 1912, the native Neai, of the island of Tanna summoned before this Court M de Béchade, merchant in Noumea, and represented in Vila by M. Mij, to hear himself, condemned to pay him two thousand five hundred francs (2,500) damages and all costs;

Considering that the demand is based on the two following facts:-

1. namely: that the person named Yatche, wife of the plaintiff, was said to have been illegally recruited at Tanna, by the sailing vessel "Jean Baptiste Charcot" in August 1910, and sent to Noumea where she is said to have been engaged by M. de Béchade;
2. That, notwithstanding numerous protests, M de Béchade continued to retain illegally the woman engaged by him;

I. On the first point;

Considering that, from the admission of the plaintiff himself, it appears that the pretended illegal recruitment occurred in August, 1910, that is to say on a date that the joint Court had not yet entered into its functions;

That, as a fact, this jurisdiction only opened its doors officially on the 15th November, 1910, and that the articles reserved of the Convention were only promulgated on that date;

That following these considerations, the joint Court cannot, as it has already been decided by this jurisdiction, consider breaches of the Convention committed before the date of its opening;

II On the second point:

Considering that M. de Béchade, whose domicile is at Noumea, retains illegally the woman Yatche, it appertains to the plaintiff, that is to say to the husband to follow, in the matter, the French procedure in operation in that French colony;

That the competence of the joint Court does not extend beyond the Archipelago;

That in consequence it cannot adjudicate in cases appertaining to foreign jurisdictions whose seat is beyond the New Hebrides;

For these reasons:

Declares itself incompetent, dismisses the plaintiff to proceed as he may

think fit, charges him with all costs of the present suit.

Done, judged and delivered, the day, month and year
as at head; by the fore/jury, the President, the
French and British judges who have signed
with the Registrar.

Mebouker
Official Translator
Vila, 5/10/12.

