

Civil hearing, 8th October, 1912

No. 101. Between the native Lacon, aided by Mr. Jacoub, Vica, plaintiff, and
Mr. Boaran, trader, Vica, defendant.

The year 1912, 8th October, at 9 am, the Tribunal composed of Messrs. the President,
Comte de Buena Esperanza; the French judge, Jean Colonna; the British judge, Fitchett-Alexander;
In the presence of the Public Prosecutor, Comte d'Audino; Mr. Neufel, Registrar, recording,
sitting in Civil jurisdiction, in public hearing, in first and last resort, delivered the following
judgment:

The Joint Court

Having heard the plaintiff in the recital of his claim, the defendant in her explanations and
conclusions; the Public Prosecutor in his requisitions;

Considering that by will dated 17th September, 1912, the native Lacon, late indentured
laborer of Mr. Boaran, summoned the latter before this Court to hear herself
condemned to pay fr 52.50 (fr 52.50) representing three years salary and all costs;

Considering that Mr. Boaran, in reply, claims to have paid the plaintiff the sum of
two hundred and five francs (fr 205) as per the advances entered in the engaged's book,
No. 424, produced by her at the hearing;

Considering that Mr. Jacoub in reply, representing the native Lacon, only acknowledges having
received from the defendant an advance of thirty five francs (fr 35) to be deducted from
the principal amount of fr 452.50 (fr 452.50) entered on the will in the case;

Considering that in the face of the adverse claims between the plaintiff and defendant the
Joint Court must have recourse to the provisions of the Convention of 20th October, 1906;

word deleted
723.

Now, considering that, first of all, that according to Article 41, the engaged laborer can
only claim the wages mentioned as per contract in his engagement book; that if the said
book is examined, it is found that Lacon was recruited the 22nd June 1909 for a

words deleted
726.

period of three years engaged the 19th July, 1909, for a period of three years for a total
sum of fr 300 (fr 300); that on the 19th July, 1912, date of the termination of the
engagement of the plaintiff, the sum above mentioned was only due; that Lacon
having acknowledged to have received as an advance and during that interval, a
sum of thirty five francs (fr 35) he can therefore only lay claim to two hundred
and fifty francs (fr 205);

Considering, nevertheless, that Mr. Boaran claims to have paid the sum of two hundred
and five francs (fr 205); but that it is incumbent to consider that no one in authority
has supervised these advances; that this supervision is prescribed by Article 46 of the
Convention; that failing this prescribed visa in the terms of the said Article all advances
must be considered as null and void;

For these reasons:

"Condemns M^r Boaran to pay the plaintiff Lacou the sum of Two hundred and fifty-five francs (fr 10. 15.-); Rejects, as unjustifiable, the amount constituting the surplus of the claim, and now suits the defendant in her explanations and conclusions; Condemns M^r Boaran to all costs in the suit"

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

W. E. W. W.
Official translation to the Court
Vila, 9 October, 1912.

