

N^o. 57.

Hearing of 23rd June 1912

Public Prosecutor against Gabriel Trouin, better, Nili, accused of infringing Article 55 of the Convention of 1906.

The year 1912, 23rd June, at 4 pm, the Joint Court composed of Court Buena Esperanza, President, Jean Colonna, French judge, Hilchrist-Alexander, British judge;

In the presence of the Public Prosecutor, Comod' Audius, M. Cousin, acting registrar, recording;

Having in first and last resort, in simple police jurisdiction, delivered the following judgment:

The Joint Court:

1. On the public action

Having heard the documents in the case read; the accused in his explanations and means of defence; the witnesses, sworn depositions; Having heard the Public Prosecutor in his conclusions, M. Mage, counsel for the defence in his pleadings;

Whereas from the debates and the hearing, under oath, of the witnesses summoned, notably, Messrs Junqua, Inspector of Labor and Rouquet, surnamed Fourcade, representing the President of Commission for France, it results that the two natives, Cairanis and Tabouelle, not engaged by Trouin, were only detained on the latter's plantation until it was arranged, between the two local administrations, that a special regulation fixing the status of native recruits as per Article 33 of the Convention, was arrived at;

That moreover, either by letters, or verbally, Trouin inquired of his administrative acts whether this regulation had been made, in order to be certain as to the case and fate of the above-named natives, and that the accused was invariably told that the question would be decided from one day to the other; that under these circumstances and, in these premises, Trouin could not be considered as having infringed Article 55 of the Convention of 20th October, 1906;

2. On the civil action:

Whereas if the two natives above named have worked on Trovius plantation, no evidence was forthcoming that the work done by them was hard, that in allowing these two natives, considering their youths and the small amount of work they did a remuneration of seventy five francs per annum, Trovius made a just estimate of the value of the services he had received, besides, if an indemnity or damages could be claimed by either the advocates for the natives or through the Public Prosecutor it could not be from the accused; that in consequence the request on these premises, must be considered by the Court as unjustified;

On these grounds:

acting in public hearing, contradictorily, in first and last resort, dismisses Trovius from the case without costs, declares that the request for an indemnity made by the advocates for the natives and the public prosecutor cannot be granted, and the costs in the case to be borne by the Condominium Treasury.

So determined, judged and delivered, the day month and year as above in public hearing and last resort, signed by the
Bouet de Biena-Imperauya, President;
Jean Bolonna, French judge; Lilewille
Alejander, British judge; M. Cournois,
acting registrar

The Judges

The President

G. G. M. - du. / .

[Signature]

acting Registrar

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