

N° 278.

ROYAUME-UNI
DE GRANDE-BRETAGNE ET
D'IRLANDE ET FRANCE

Protocole concernant les Nouvelles
Hébrides, signé à Londres le
6 août 1914.

UNITED KINGDOM
OF GREAT BRITAIN AND
IRELAND AND FRANCE

Protocol respecting the New He-
brides, signed at London, August
6, 1914.

No. 278. — PROTOCOL¹ RESPECTING THE NEW HEBRIDES SIGNED AT LONDON, AUGUST 6, 1914, BY REPRESENTATIVES OF THE BRITISH AND FRENCH GOVERNMENTS.

English and French official texts communicated by His Britannic Majesty's Foreign Office. The registration of this Protocol took place July 10, 1922.

PROTOCOL.

The Undersigned :

Alfred, Baron EMMOTT, Parliamentary Under-Secretary of State for the Colonies, a Member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George ;

Rowland Arthur Charles SPERLING, a Senior Clerk in the Office of His Majesty's Principal Secretary of State for Foreign Affairs ;

Edouard PICANON, Inspector-General of the Colonies of the First Class, Director of Control at the Ministry of the Colonies, Officer of the Legion of Honour, Officer of the Order of Public Instruction ;

Fernand TESSERON, Assistant Director at the Ministry of the Colonies, Officer of the Legion of Honour, Officer of the Order of Public Instruction,

delegated respectively by the GOVERNMENT OF HIS BRITANNIC MAJESTY and by the GOVERNMENT OF THE FRENCH REPUBLIC,

in order to draw up an arrangement to be substituted for the Convention² signed at London on October 20, 1906, concerning the New Hebrides, have agreed to the following provisions, which they have resolved to submit for the approval of their respective Governments :

PREAMBLE.

The GOVERNMENT OF HIS BRITANNIC MAJESTY and the GOVERNMENT OF THE FRENCH REPUBLIC, being desirous of modifying, as far as the New Hebrides are concerned, the Convention signed at London on October 20, 1906, have agreed on the following Articles :

GENERAL PROVISIONS.

Article I.

JOINT SYSTEM.

(1) The Group of the New Hebrides, including the Banks and Torres Islands, shall form a region of joint influence, in which the subjects and citizens of the two Signatory Powers shall

¹ Ratifications exchanged at London, March 18, 1922.

² British and Foreign State Papers, vol. 99, page 229.

enjoy equal rights of residence, personal protection, and trade, each of the two Powers retaining sovereignty over its nationals and over corporations legally constituted according to its law for the purpose of carrying on agricultural, industrial, commercial or other enterprises, and neither exercising a separate authority over the Group.

(2) The subjects or citizens of other Powers shall enjoy the same rights and shall be subject to the same obligations as British subjects or French citizens. They must opt within one month, by means of a declaration made either verbally or by letter to the Resident Commissioner concerned or his delegate, for the legal system applicable to the subjects or citizens of one or other of the two Powers. Such option shall, moreover, be compulsory even before the expiration of the above period, if the person concerned has committed any action involving the application of the laws of one or other of the two Powers or of the joint regulations in force in the Group. Failing such option, or in the case of death before option, the Resident Commissioners acting jointly shall decide under which system the persons concerned shall be placed. Foreign labourers introduced into the Group by or with the authority of one or other of the two Governments shall be regarded during the whole period of their residence in the Group as dependents of the Power whose Government is concerned.

(3) The two Signatory Powers mutually undertake not to erect fortifications in the Group and not to establish penal settlements of any kind.

Article 2.

LOCAL AUTHORITIES. — POLICE.

(1) Two High Commissioners, appointed, one by His Britannic Majesty's Government, the other by the Government of the French Republic, shall represent the Signatory Powers in the Group.

(2) Each High Commissioner shall be assisted by a Resident Commissioner, to whom he shall delegate his authority, so far as he considers expedient, and who shall represent him in the Group during his absence.

(3) Administrative districts shall be created by joint decisions of the two High Commissioners or Resident Commissioners.

A. Each of these districts shall have at its head two Agents, one British and one French, who shall exercise over their respective dependents, and over the natives, the powers conferred upon them by the regulations and instructions agreed upon by the High Commissioners or Resident Commissioners to secure the due execution of the present Convention, and shall perform the duties, of whatsoever kind, defined by such regulations or instructions. In particular, they shall be competent to execute letters of request.

B. The two Agents for each district shall together make periodical tours of inspection in the district, and shall co-operate with one another in collecting from the dependents of both Powers, without regard to nationality, all information relating to the general application of the provisions of the present Convention and of the joint Regulations, especially in matters concerning the recruitment and treatment of native labour. They shall make these tours in accordance with the instructions of the High Commissioners or the Resident Commissioners as often as may be necessary, and at least three times a year. Every dependent of the two Powers who employs natives in any capacity shall be visited at least once in the course of each year.

C. In the course of the said tours the Agent of the Power of which the employer or recruiter concerned is a dependent shall alone have power to intervene, the Agent of the other Power limiting himself to listening to the requests for explanations and the replies to such requests and to being present at any enquiry held.

D. At the close of every inspection the two Agents shall embody all the results of their enquiries in detailed reports, which they shall communicate to each other, and shall forward, with the least possible delay, to their respective Resident Commissioners.

(4) The High Commissioners or Resident Commissioners shall be provided with a police force of sufficient strength to guarantee effectively the protection of life and property.

(5) The force shall be divided into two corps of equal strength. Each of the two corps shall be under the orders of one of the two Resident Commissioners, and shall in no case be employed otherwise than in conformity with the principles laid down by the present Convention.

(6) When it is necessary to employ a part or the whole of both corps together, the force shall be under the joint direction of the High Commissioners or Resident Commissioners.

Article 3.

SEAT OF GOVERNMENT.

(1) The headquarters of each Government in the Group and of the Joint Court provided for in Article 10 of the present Convention shall be at Vila, in the island of Efate.

(2) The two Signatory Powers undertake respectively to provide their representatives with houses, and jointly to erect quarters for the members of the Joint Court, together with a court-house, and offices for the joint services.

(3) The land required for these buildings shall be acquired by the two Powers jointly, either by agreement or, if necessary, compulsorily.

Article 4.

JOINT SERVICES.

(1) The following shall be considered as joint services : posts and telegraphs, public works, including in particular the construction and maintenance of roads and bridges, ports and harbours, buoys and lights, public health, the Joint Court, the Courts of First Instance, Native Courts, joint native prisons, finance, the Land Registry, the service of the administrative districts, the department of survey, the *Official Gazette*, the police force when the two corps of police are acting jointly, and all other services which the High Commissioners or Resident Commissioners shall by joint decision add to the list of joint services.

(2) The joint services shall be organised and directed by the High Commissioners and the Resident Commissioners jointly.

(3) Special postage stamps shall be issued for the New Hebrides, in conformity with the International Postal Conventions.

(4) English and French money and bank-notes authorised by either Power shall be legal tender in the Group.

Article 5.

FINANCIAL PROVISIONS.

(1) Each of the two Signatory Powers shall defray the expenses of its own administration in the Group.

(2) The expenses of the joint services, with the exception of the expenses of the police force and the personal emoluments of the service of the administrative districts, shall be defrayed out of local taxes, to be imposed by the High Commissioners jointly, the receipts from fines and from the postal service, and all other revenue of a joint character.

(3) In the event of the revenue from the above proving insufficient, the two Signatory Powers shall each pay one-half of the deficit.

(4) Provisions for the auditing of the accounts of the joint administration shall be drawn up by the two Governments in consultation.

Article 6.

JOINT NAVAL COMMISSION.

(1) The Joint Naval Commission established by Article 2 of the Convention of November 16, 1887, shall continue to co-operate in maintaining order in the Group, but it shall exercise no judicial powers.

(2) Except in case of urgency, it shall only act on the joint request of the two High Commissioners or Resident Commissioners.

(3) The provisions of the Convention of November 16, 1887, and of the Declaration signed in Paris on January 26, 1888, between the British and French Governments, and the Regulations adopted on the same day by the two Governments as instructions for the Joint Naval Commission, shall remain in force, except where contrary to the present Convention.

(4) The Joint Naval Commission shall send copies of the reports on its operations to each of the two High Commissioners and to each of the two Resident Commissioners.

If, in case of urgency, action has been taken by one ship otherwise than on joint request, copies of the report on such action shall be immediately addressed by the commanding officer of the ship to the High Commissioners and the Resident Commissioners.

Article 7.

LEGISLATION. — REGULATIONS.

The High Commissioners shall have power to issue jointly, for the maintenance of order and for the good government of the Group, and for carrying the present Convention into effect, local regulations binding on all the inhabitants of the Group without exception, and to enforce such regulations by penalties not exceeding one month's confinement or a fine of 20*l.*

Article 8.

NATIVE ADMINISTRATION. — NATIVE COURTS.

(1) In the present Convention "native" means any person of the aboriginal races of the Pacific who is not a citizen or subject or under the protection of either of the two Signatory Powers.

(2) No native, as defined above, shall acquire in the Group the status of subject or citizen or be under the protection of either of the two Signatory Powers.

(3) The High Commissioners and Resident Commissioners shall have authority over the native Chiefs. They shall have power to make administrative and police regulations binding on the tribes, and to provide for their enforcement.

(4) The High Commissioners and Resident Commissioners shall cause a collection of native laws and customs to be made, and these, where not contrary to the dictates of humanity and the maintenance of order, shall be utilised for the preparation of a code of native law, both civil and penal. This code, in which the High Commissioners and Resident Commissioners may subsequently introduce, by joint decisions, such modifications as they may consider necessary, shall fix the penalties to be applied in cases not specified in the present Convention and shall distinguish between matters exclusively subject to the administrative authority of the High Commissioners and Resident Commissioners, and matters coming within the jurisdiction of the Native Courts to be set up under paragraph 5 of the present Article. The code of native law shall be put into force successively in one region after another. For this purpose the High Commissioners or Resident Commissioners shall issue joint Regulations defining the area in which the code of native law is to be applied and the dates on which it is to be put into force.

(5) When the code of native law is recognised as being applicable in whole or in part to an area, the High Commissioners or Resident Commissioners may institute Native Courts in that area, and determine the territorial jurisdiction of such Courts by special joint regulations.

(6) Each of the Native Courts instituted shall be composed of one of the two Agents of the administrative district in which it is situated, who shall act as President, and of two native assessors, who shall be appointed annually by joint decision of the two Resident Commissioners and may be reappointed. A sufficient number of supplementary native assessors shall be appointed in the same manner.

If only one Native Court is established in a district, each of the two Agents of the district shall act in turn as President of the Court for a period of thirty days. It shall be decided by lot which of the two Agents shall first act as President.

If it is judged necessary to establish two Native Courts in one district, the Resident Commissioners shall, by joint decision, appoint one of the two Agents of the district to be President of each Court.

If either of the two Agents is absent or is prevented from acting, his place may be taken by the other. If both the Agents are at the same time absent or prevented from acting, the two Resident Commissioners shall, by joint decision, provide for their being temporarily replaced by such person or persons as they may consider qualified to preside.

The members of the Native Courts may not be challenged. When the President of the Court is informed that there are reasons why an assessor should not act, he shall decide whether such assessor shall act or not, and his decision shall be final.

The assessors shall have only a consultative voice. Consultation of the assessors shall be obligatory. The fact that they have been consulted shall be mentioned in the judgment.

(7) The Native Courts shall have jurisdiction throughout their respective districts :

A. In civil (including commercial) cases subject to the provisions of Articles 12 and 21 of the present Convention, and subject to the right of appeal to the Joint Court within the limits laid down in paragraph 10 of this Article, over all cases in which natives alone are concerned. The question of jurisdiction shall be determined by the place of residence of the defendant. The Court before which a case is brought shall determine the place of residence, and that decision shall be final. In the event of conflicting determinations by two Native Courts, the question shall be decided by the Joint Court.

B. In penal matters :

(a) Over all offences peculiar to natives, constituted and penalised by the administrative and police regulations and by the code of native law ;

(b) Over offences or crimes committed by natives against natives, subject to the provisions of Articles 12 and 20.

(8) In civil (including commercial) cases, proceedings shall be commenced by an application addressed verbally or in writing either to the President of the Court, or at the sitting of the Court to the Court itself. The application shall be made by the plaintiff in person or, if he is prevented from attending, by any near relative of his, or, failing such relative, by a native agent, who must satisfy the Court of his authority to make the application. The Court shall decide all questions concerning the grounds for non-appearance and the qualifications of representatives, and there shall be no appeal from its decision. The Court shall in every case attempt in the first instance to bring the parties to an agreement. Unless they have some good reason for non-appearance, the parties shall attend in person. When it is necessary to hear witnesses, they may be examined by the President and the assessors at a private hearing in the presence of the parties.

In penal cases, the Native Courts shall themselves take cognisance of all cases within their jurisdiction, and the Presidents shall proceed to make the preliminary examination of their own motion. They shall try cases without the intervention of a Public Prosecutor or the assistance of a Registrar; they may, however, be assisted by a Secretary, to be appointed by the President, such Secretary to commit to writing the judgments of the Court, keep the registers and the notes of the hearings, and furnish copies of the same. The Courts shall sit as often as shall be necessary, and may make circuits of their districts.

Native witnesses may be allowed to give evidence without taking an oath; in such case they shall be warned by the President that they must tell the whole truth, and that if they give false evidence they will be liable to the penalties provided for such an offence in the code of native law.

(9) The Presidents of Native Courts and the Courts themselves shall be respectively invested with the powers set out in paragraphs 5, 6, and 7 of Article 12 of the present Convention, and the Courts may impose the penalties laid down in paragraphs 6 and 7 of the said Article in the cases stated in those paragraphs.

(10) In civil (including commercial) cases there shall be an appeal to the Joint Court from the judgments of the Native Courts when the matter in dispute exceeds a capital value of 40*l.*, or an annual value of 2*l.*

(11) Subject to the provisions of this Article, the Joint Court shall, within one year from the date when the present Convention comes into operation, make rules, which shall be published in the Group, regulating the procedure to be observed before Native Courts.

Until such rules are made, and so far as such rules shall not extend, the Native Courts shall follow as far as possible the procedure laid down for the Joint Court.

(12) Every decision of a Native Court involving a sentence more severe than confinement for one year shall be submitted for revision before execution to the Joint Court, which shall either confirm it or vary it.

(13) Execution of the judgments of Native Courts, including reduction, remission, and commutation of sentences, shall be carried out by the same authorities and in the same manner as is laid down by Article 19 of the present Convention in the case of judgments of the Joint Court affecting natives.

(14) The High Commissioners or Resident Commissioners shall, except in regard to matters concerning procedure and subject to the provisions of the present Convention, determine by joint regulations all details of the organisation and working of the Native Courts.

Article 9.

CIVIL STATUS OF THE NATIVES.

(1) The High Commissioners or Resident Commissioners, acting in agreement, shall appoint from among the officials or leading dependents of both Powers persons qualified to receive from

natives any declarations which they may desire to make for the purpose of acquiring civil status (*e.g.*, declarations of births, marriages, and deaths), and shall define the district in which each person so appointed shall have exclusive competence.

The declarations shall be recorded in registers, each page of which shall be numbered and initialed by both Resident Commissioners. The registers shall be kept in duplicate and shall be renewed annually.

A certified copy of the said declarations shall be sent, at the first opportunity, to the President of the Joint Court, to whom the duplicate of each register shall also be sent at the beginning of every year.

The copies of the declarations and the duplicate of the registers shall be kept in the registry of the Joint Court.

Certified copies of the declarations may, with the authorisation of the President of the Joint Court, be delivered to any interested party by the Registrar.

JOINT COURT.

Article 10.

COMPOSITION OF THE JOINT COURT.

(1) A Joint Court shall be established consisting of three Judges, of whom one shall be President. A fourth officer shall act as Public Prosecutor, and shall at the same time perform the duties of an Examining Magistrate.

The Court shall be assisted by a Registrar and the requisite staff.

(2) Each of the two Governments shall appoint one Judge.

His Majesty the King of Spain shall be invited to appoint the third, who shall be President of the Court. The Public Prosecutor shall be appointed in the same manner. Neither of these two officers shall be a British subject or a French citizen.

The Registrar and the staff shall be appointed by the President.

(3) If either of the two Governments considers that it has a cause of complaint against the President of the Joint Court or the Public Prosecutor, it shall inform the other Government.

If both Governments agree, they shall request His Majesty the King of Spain to appoint another person to fill the post.

If they disagree, His Majesty the King of Spain shall determine whether the complaint is justified and whether the officer complained of shall be retained or superseded.

(4) The arrangements as to salaries, travelling allowances, leave, acting appointments, and, in general, all matters relating to the working of the Joint Court, shall be settled by common agreement between the two Governments.

Article 11.

ASSESSORS.

(1) In the trial of criminal cases, the Joint Court shall be assisted by four Assessors, taken from the leading non-native inhabitants of the Group.

(2) These Assessors shall be chosen by lot from two separate lists drawn up jointly by the High Commissioners or Resident Commissioners at the beginning of each year, and containing respectively the names of the leading dependents of either Power. If one of the leading inhabitants thus chosen is absent from Efate when the case is ready for trial, he shall be replaced by a leading

dependent of the same Power who is in Efate and has been chosen by lot from one of the two lists drawn up.

(3) The Assessors shall have a vote in deciding the question of the guilt of the accused, but a consultative voice only in deciding the sentence.

(4) The Public Prosecutor and each accused person may challenge peremptorily two of the Assessors.

Article 12.

JURISDICTION.

The Joint Court shall have jurisdiction :

(1) In civil (including commercial) cases throughout the Group :

A. Over all proceedings in respect of rights over immovable property :

(a) In regard to all immovables which are by the provisions of the present Convention made subject to the system of registration of title, and not yet registered : over every action irrespective of the nationality of the parties ;

(b) In regard to immovable property which has been registered, over all actions between non-natives and natives or between natives only ;

B. In regard to proceedings concerning movable property, connected with proceedings in respect of rights over immovable property such as are brought within the jurisdiction of the Joint Court by the preceding provisions.

C. When the same case concerns both registered immovable property and immovable property subject to registration but not yet registered, the Joint Court shall have jurisdiction over all the proceedings whether concerning immovable or movable property connected with or involved in the case.

(2) In police and criminal cases :

A. Over every offence or crime committed by natives against non-natives.

B. Over every offence or crime committed by natives against natives in the central islands, as far north as and including Paama, which involves a heavier penalty than one year's confinement in accordance with the code of native law mentioned in Article 8 of the present Convention.

C. Over every offence or crime committed in the Group by natives against natives in connection with the recruitment or engagement of native labourers.

Jurisdiction in cases of complicity with non-natives is regulated by the provisions of Article 20.

(3) Over the particular offences constituted by the present Convention or by the regulations framed for carrying it into effect, when such offences are connected with the recruitment and engagement of native labourers. Pending the constitution of the Courts of First Instance established by Article 21 of the present Convention, the Joint Court shall have full jurisdiction over offences of all kinds constituted by the present Convention and the regulations for carrying it into effect, in all districts where such Courts of First Instance have not yet been established.

(4) The Joint Court shall have power to confirm or vary the judgments of the native courts and to hear appeals from such courts under the conditions specified in Article 8, paragraph 10, of the present Convention. It shall also have power to hear appeals from the Courts of First Instance, and to call before it for retrial cases tried by those courts in the conditions specified in Article 21.

(5) In all circumstances and in all cases the President of the Joint Court shall have power to repress disorder in court. Consequently, the President shall cause to be expelled from the Court

any person or persons who shall publicly express approval or disapproval or cause a disturbance by any means whatever ; should any such person or persons resist the execution of the President's order or return to the court, the President shall order him or them to be arrested and taken to a place of confinement ; such order shall be recorded, and, on production of such record to the person in charge of the place of confinement, the person or persons concerned shall be detained there for twenty-four hours.

(6) The Joint Court shall have jurisdiction over all contempts committed against itself, whether in the face of or outside the court, and over all contempts and acts of interference committed in any circumstances whatever against any of the following persons when acting in the exercise or on the occasion of the exercise by him or them, of the duties of his or their office, namely, the members, officers, and agents of the Court, any assessor or witness and any officer or agent of the joint services. The offences mentioned in this paragraph shall be punished by imprisonment from one day to one month and by a fine of from 10*d.* (tenpence) to 20*l.*, or by one of these penalties only. In cases of offences committed in the face of the Court the President may order the immediate arrest of the offender. Similarly where a crime or offence justiciable by one of the National Courts is committed in the face of the Joint Court, the President, after causing the delinquent to be arrested and drawing up a record of the facts, shall remit the documents and the accused person to the competent Court.

(7) The Joint Court shall have power to impose a fine of from 10*d.* (tenpence) to 20*l.* on any assessor or witness who fails to appear at the proper time after being duly summoned, or to produce a satisfactory excuse for his failure to appear, and on any person who shall by any means whatsoever wilfully prevent any witness from fulfilling his duty and, particularly, from appearing before the Court at the proper time.

Article 13.

LAW APPLICABLE.

The law applied shall be :

(1) In civil (including commercial) cases ;

A. In actions concerning immovable property irrespective of the nationality of the parties : the principles laid down by the present Convention :

B. In actions between non-natives where proceedings in respect of movable property are connected with proceedings in respect of rights over immovable property : the principles laid down by the present Convention for actions between non-natives concerning immovable property.

C. For other suits, the law of the country to which the non-native party belongs or the legal system made applicable to him.

D. In appeals from judgments of the native courts, the principles laid down in paragraph 2 *B.* of the present Article.

(2) In police and criminal cases :

A. In cases of crimes or offences against a non-native, the law applicable to such non-native.

B. In cases of crimes or offences committed by natives against natives under the conditions contemplated in Article 12 of the present Convention, the Joint Court shall decide according to substantial justice and the general principles of law, except in cases where the code of native law contemplated in Article 8, paragraph 4, of the present Convention may be applicable.

(3) In the case of breaches of the Convention and Joint Regulations, contempts and acts of interference committed in the conditions specified in Article 12, paragraph 6, or when assessors or

witnesses fail to appear, or are prevented from appearing at the proper time, as laid down in paragraph 7 of that Article :

The principles laid down by the present Convention, or by the regulations framed for the purpose of carrying it out.

Article 14.

PROCEDURE.

(1) Subject to the various special provisions of the present Convention, particularly those contained in paragraph 2 of this Article and in Article 19, the procedure before the Joint Court shall be based on the following rules :—

A. In civil (including commercial) cases the procedure followed : In England, in county courts ; before in France, “justices de paix” ;

B. In police cases, the procedure employed : In England, in courts of summary jurisdiction ; in France, in police courts ;

C. In criminal cases, the procedure employed : In England, in courts of quarter sessions ; in France, in correctional courts.

(2) The Joint Court shall itself determine and settle by an order which shall be published in the Group the modifications in these rules which may be necessitated, either by local circumstances and the differences between the two systems of law, or by the provisions of the present Convention.

(3) The High Commissioner or Resident Commissioner of each of the two Powers shall be bound immediately to bring to the knowledge of the High Commissioner or Resident Commissioner of the other Power, and of the Public Prosecutor, all facts alleged against any dependent of the latter Power which may come to his knowledge and appear to him to be justiciable by the Joint Court. The High Commissioner or Resident Commissioner thus informed shall be bound to inform the High Commissioner or Resident Commissioner of the other Power of the action taken in the matter.

(4) In cases of breaches of the Convention or Regulations within the jurisdiction of the Joint Court, other than those mentioned in Articles 59 and 60 of the present Convention respecting the sale of alcoholic liquors to natives, all charges against non-natives received by the Public Prosecutor shall be at once communicated by him to the Resident Commissioner of the Power of which the person charged is a dependent. The Resident Commissioner or his delegate shall without delay hold an enquiry into the facts reported in accordance with the terms of Article 54, paragraph 1, and, on completion of the enquiry, shall forthwith return the charge, together with a detailed report supported by copies of all the documents, to the Public Prosecutor, who shall then take such action as may be required.

The same procedure shall be followed if the Public Prosecutor shall become aware of the facts which, without having given rise to any charge, shall appear to him of such a nature as to constitute, in accordance with the terms of the preceding paragraph, a breach of the present Convention or of the regulations framed for the purpose of carrying it into effect.

The Public Prosecutor shall have power to take action in a case without further formality if the detailed report and documents relating to the enquiry shall not have been returned to him by the Resident Commissioner or his delegate within one month, three months, or six months, according as the enquiry (*a*) relates to the island of Efate alone, or (*b*) extends to the central islands other than Efate as far north as Paama inclusive, or to the southern islands, or (*c*) extends to the northern islands.

If the Public Prosecutor considers, on inspection of the documents relating to the enquiry or at any time during the preliminary examination, that any of the actions connected with the breach constitute an offence or crime justiciable by one of the National Courts, he shall defer or suspend the examination and shall give the Joint Court cognisance of the case. If at any stage of

a case the Joint Court shall decide that an offence or crime justiciable by one of the National Courts has been committed, it shall communicate its decision that it has no jurisdiction in the matter of the offence or crime to the Public Prosecutor, who shall bring it to the knowledge of both Resident Commissioners. All the documents relating to the case shall at once be forwarded by the Public Prosecutor to the Resident Commissioner of the Power of which the accused is a dependent. Within three days, counting from and not including the day of receipt of the decision and documents, the said Resident Commissioner shall bring the case and documents to the cognisance of the National Court and shall inform the other Resident Commissioner of his action. After the case has been heard by the National Court, the documents shall be returned to the Joint Court in order that the latter may, if necessary, try the breach which is within its jurisdiction.

(5) In any sentence imposing a fine the Joint Court may in addition prescribe a period of confinement in default of payment. Such period of confinement shall be calculated at the rate of one day's imprisonment for every 4s. of the fine, but shall in no case exceed fifteen days. The sentence of confinement shall only be executed at the end of a period calculated according to the place of residence of the person fined, namely: (a) two months for the island of Efate; (b) three months for the central islands other than Efate as far north as Paama inclusive and the southern islands; and (c) six months for the northern islands, counting in each case from and not including the day on which the sentence becomes definitive. The fine shall continue to be payable notwithstanding the execution of the sentence of confinement.

(6) If any person shall be accused of any of the offences contemplated in paragraphs 5 and 6 of Article 31 of the present Convention, or of having refused to obey an order to repatriate a native in the circumstances mentioned in paragraph 7 of the said Article, or having hindered or prevented the execution of any such order, the Joint Court may, if as the result of the preliminary examination the accused has been committed for trial before the said Court, order the issue of a warrant of arrest. In such circumstances the case shall be heard at the next sitting.

Article 15.

FINALITY OF JUDGMENTS.

The judgments of the Joint Court shall be final.

Article 16.

FEES AND COSTS.

(1) The Court shall prescribe a table of fees to be taken in cases with which it deals, and for the registration of titles to land.

(2) It shall tax these fees, and, at the request of the parties, counsel's fees.

Article 17.

COUNSEL.

(1) A party may appear before the Joint Court by counsel.

(2) With the exception specified in paragraph 3 below, every counsel must be first approved by the Court. The Court shall be empowered to suspend or withdraw the right of pleading.

(3) The High Commissioners or the Resident Commissioners shall jointly appoint an official advocate, who shall be bound to assist and represent before the Joint Court any native engaged in any suit or charged in a police or criminal case.

The salary of the official advocate shall be included in the joint budget, and the High Commissioners or Resident Commissioners shall jointly take all proper measures for assisting him in the exercise of his duties.

When circumstances require it, and when the Joint Court is not sitting, the official advocate may, with the approval of the President of that Court, visit different parts of the Group in order to collect such information respecting the habits and customs of the natives as will enable him fully to carry out his duties.

The expenses of these visits shall be included in the joint budget up to a sum to be fixed annually by the High Commissioners or Resident Commissioners acting jointly.

(4) When the case is of sufficient importance a native may further be authorised by the two Resident Commissioners acting jointly or, if they disagree, by the President of the Joint Court, to employ any other advocate whom he may select, the latter to act as junior to the official advocate.

(5) In cases in which the National Courts have jurisdiction over natives and in cases where the native is the injured party and in a position to claim damages before the National Courts, the natives concerned may be represented by the official advocate before those Courts.

Article 18.

OFFICIAL LANGUAGES.

The languages officially employed in proceedings before the Joint Court shall be the English and French languages. In suits between British dependents and French dependents the proceedings shall be interpreted and the judgments shall be drawn up in both languages. The same rules shall apply, irrespective of the nationality of the parties, in the case of proceedings concerning immovable property or requests for registration of title. The registers of the Court shall be kept in both languages.

Article 19.

EXECUTION OF THE JUDGMENTS OF THE JOINT COURT.

(1) In accordance with the general rules of procedure specified in Article 14 of the present Convention, the judgments of the Joint Court shall be executed in the territories and possessions of the two Powers in the same manner as the judgments of the National Courts of the Power concerned. For execution on French citizens the Joint Court shall append to its judgments the executory formula specified in the decree of the President of the French Republic of September 2, 1871.

(2) The execution of judgments shall be carried out in the following manner :

A. In the case of suits concerning immovables and in civil (including commercial) cases :

In suits between dependents of the same Power, by the High Commissioner or Resident Commissioner of that Power ;

In suits between dependents of one Power and dependents of the other Power, or in suits between natives and non-natives, by the High Commissioners or Resident Commissioners acting jointly.

B. In police or criminal cases and in cases of breaches of the present Convention or of the Regulations framed for the purpose of carrying it into effect, by the two High Commissioners or Resident Commissioners acting jointly, or by the persons jointly appointed by them for this purpose.

(3)—*A.* In order to ensure the application of the provisions of paragraph 2 of this Article, the Registrar of the Joint Court shall, immediately after the pronouncement of a judgment by the Joint Court in a police or criminal case, or in the case of a breach of the Convention or Regulations, send to each of the Resident Commissioners a copy of the judgment.

The Resident Commissioners shall both endorse each copy and shall, in the case of a fine or sentence of imprisonment, consider in consultation whether they should proceed at once to execute the judgment or whether, having regard to the circumstances of the case, they should temporarily postpone execution, such postponement, however, not in any case to exceed :

(a) In the case of a fine, the periods specified in paragraph 5 of Article 14 of the present Convention respecting confinement in default of payment of fines ;

(b) In the case of imprisonment, six months at most, counting from and not including the day on which judgment is pronounced.

If the Resident Commissioners are in agreement, the necessary steps for execution shall be taken within the period upon which they have jointly decided.

If the Resident Commissioners are unable to agree upon a date for the execution of a penalty, the latter shall be executed :

When the penalty is a fine, even if the Joint Court has not fixed the period after which confinement in default of payment shall be inflicted, at the latest within the appropriate period specified in paragraph 5 of Article 14.

When the sentence is one of imprisonment, within a period equal to the mean of the two periods proposed.

Except in cases of reduction, remission or commutation, in accordance with the provisions of paragraph 4 of this Article, all penalties more severe than fine or imprisonment imposed by the Joint Court shall be executed immediately in accordance with the form and tenor of the judgment.

B. The two Resident Commissioners shall on every occasion draw up in common and sign there and then a record of the proceedings at their meeting. In the case of each judgment they shall show on the record the measures decided upon by them or, in case of disagreement, the measures consequent upon the application of the above provisions.

G. The necessary measures for execution shall be carried out :

In the case of a non-native, by the Resident Commissioner of the Power concerned, or by his delegate ;

In the case of a native, by the Resident Commissioner chosen by agreement, or by the delegate of the two Resident Commissioners.

(4) Reduction, total remission, or commutation of any sentence imposed by the Joint Court in a criminal case, police case, or case of breach of the Convention, or Regulations made thereunder, may be granted as follows :

In so far as fines and imprisonment are concerned, by joint decision of the two Resident Commissioners made in accordance with the provisions of paragraph 3 of this Article ;

In so far as penalties more severe than fine or imprisonment are concerned, by decision agreed upon by the High Commissioners, or by joint decision, made in accordance with the provisions of paragraph 3 of this Article, of the Resident Commissioners acting in the exercise of powers delegated to them by the High Commissioners.

If no agreement can be reached, the rules applicable shall be as follows :

A. In cases of imprisonment or a severer penalty than imprisonment, a reduction shall be made equal to the mean of the two reductions proposed ;

In case of a death sentence against a native, the penalty shall be the more lenient of those proposed ;

B. In cases of fine, there shall be a reduction equal to the mean of the reductions proposed.

(5) The High Commissioners or Resident Commissioners of the two Powers, acting each in so far as he is concerned, or jointly, shall keep the Joint Court informed of the execution of the judgments of that Court in other than civil cases. For this purpose they shall, at the end of every month, prepare and communicate immediately to the President of the Joint Court a table showing in the case of every judgment :

Whether the penalty has been executed ;

Whether execution has been deferred ;

Whether the sentence has been reduced, remitted, or commuted.

Article 20.

NATIONAL JURISDICTION.

(1) The two Governments mutually undertake to establish in the Group, in conformity with their existing legal systems, Courts with jurisdiction over all civil (including commercial) cases other than those reserved to the Joint Court by the present Convention.

(2) In civil (including commercial) cases the jurisdiction over actions between non-natives belongs :

A. If the action is based on a contract or any other act or thing originating entirely within the purview of the law of one or other of the two signatory Powers :

To the Court of the Power under whose law the contract was concluded or the act or thing originated.

B. In every other case :

To the Court having jurisdiction over the defendant.

If both the National Courts declare themselves competent or incompetent to take cognisance of any particular case, the President of the Joint Court shall decide the question of jurisdiction on the application of whichever of the parties shall first apply to him and after examining the record, which shall at the President's request be transmitted to him for this purpose by the Court last given cognisance of the case, and his decision shall be final.

(3) In criminal cases, non-natives shall be justiciable by the Court of their own nationality or the nationality applied to them.

(4) If the prosecution of an offence or crime involves both persons justiciable by the National Courts and persons justiciable either by the Joint Court in accordance with Article 12 or by the Native Courts in accordance with Article 8, all the accused without distinction shall be charged before the National Court concerned. If, however, both National Courts have jurisdiction, the natives shall be brought before the Joint Court after judgment has been delivered by the National Courts, in so far as the persons justiciable by those Courts are concerned. During the preliminary examination before the National Courts the said natives shall remain at the disposal of the examining magistrates.

(5) The High Commissioner or Resident Commissioner of each Power shall be bound immediately to inform the High Commissioner or Resident Commissioner of the other Power of any act which may come to his knowledge and which may appear to him to constitute an offence or crime justiciable by the national jurisdiction of the latter Power. The High Commissioner or Resident Commissioner receiving the information shall be bound to set the national law in operation at once, and to inform the High Commissioner or Resident Commissioner who has given him the information at once of the measures which he has taken for this purpose. On the determination

of the case the sentence or judgment given shall, with the least possible delay, be communicated to the High Commissioner or Resident Commissioner who gave the information in the first instance by the other High Commissioner or Resident Commissioner.

(6) If a crime or offence, other than a contempt or offence of the kind contemplated by Article 12, paragraph 5, is committed by a dependent of either Power against the Joint Court, or against any of the following persons in the exercise or on the occasion of the exercise, by them of their official functions, namely, the members, officers, and agents of the Joint Court, and any assessor or witness, and any officer or agent of the joint services, the competent national jurisdiction shall treat the case as though it were within the national law designed to protect the National Courts and the officers of the national administration and judiciary against similar crimes and offences.

(7) The *cautio judicatum solvi* shall not be demanded from the dependents of either of the signatory Powers when they appear before the National Court established in the Group by the other Power or before the Court having jurisdiction in appeal over the judgments of such National Court.

(8) Every corporation formed in the Group to carry on any agricultural, commercial, industrial, or other operation or enterprise, which shall comprise dependents of both Powers or subjects of third Powers who have not yet opted for the legal system of either of the two Powers, shall be expressly founded under the national law of one or other of the two Powers, and shall be held to have chosen the jurisdiction of that Power under whose law it is founded.

If no provision in this respect has been made by the documents constituting the corporation or by any subsequent act of the corporation, the High Commissioners or Resident Commissioners shall, irrespective of the actual date of incorporation, jointly decide under which system the corporation shall be placed in the Group.

(9) Every corporation formed under any legal system other than that of one of the two signatory Powers shall, before commencing in the Group any operation or enterprise, whether agricultural, commercial, industrial, or otherwise, make by written declaration addressed to the Resident Commissioner of the Power concerned an election of jurisdiction in favour of the National Courts of one of the said Powers in the Group.

In default of such declaration the High Commissioners or Resident Commissioners shall jointly decide under which system the society shall be placed in the Group.

(10) If, in the case of a corporation comprising dependents of both Powers or subjects of third Powers who have not opted for one of the two legal systems, the application to the corporation of the law to which it is subject involves criminal proceedings against individual members who are not in their personal capacity subject to that law, such members shall be taken before their National Court, which shall apply to the case the law to which the corporation is subject.

Article 21.

(A) SUITS BROUGHT BY CONSENT BEFORE THE JOINT COURT.

(1) Both non-natives and natives may, where the parties consent, bring their suits before the Joint Court.

(2) In suits between non-natives, the law applicable shall be that laid down by Articles 13 and 23 of the present Convention according to the exigencies of the case.

(3) In suits between natives, the Court shall decide according to the provisions of the code of native law, and, in default of such provision, according to substantial justice, respecting, as far as possible, the native customs and the general principles of law. It may determine, as required, the procedure to be followed, reducing it to the minimum consistent with the proper administration of justice.

(B) COURTS OF FIRST INSTANCE.

(4) Courts of First Instance shall be established in each of the administrative districts provided for in Article 2, paragraph 3, of the present Convention. A Court of First Instance shall also be established in the island of Efate, whether that island is or is not made into or comprised in an administrative district.

The territorial jurisdiction of each Court of First Instance may be extended to comprise, in addition to the actual area of the district, or, in the case of Efate, of the island, any other territories or islands which may be attached to it by a joint decision of the High Commissioners or Resident Commissioners.

(5) The Courts of First Instance shall be composed :

A. Of the two Agents of the district, or, in the case of Efate, if that island is not made into or comprised in a district, of two officers, one of whom shall be appointed for this purpose by each of the Resident Commissioners ;

B. Of an assessor chosen by lot from a list in two parts to be drawn up by the Resident Commissioners acting together and comprising in each part the leading dependents of one of the two Powers living within the jurisdiction of the Court.

The lots for the choice of assessors shall be drawn by the President of the Joint Court in October of each year. In the case of the first application of this provision, the lots shall be drawn in the same manner at the time of year which shall be considered most convenient. Two assessors and eight supplementary assessors chosen in equal numbers from the persons whose names are inscribed on the two parts of the above-mentioned list shall be appointed for each Court.

The President of the Court of First Instance and the accused shall each have the right to challenge peremptorily one assessor. If there are more than one accused in the same case, the accused's right of challenge shall only extend to the rejection of two assessors in all.

The assessors shall have a deliberative voice on all questions.

When all persons implicated in the same case are dependents of the same Power, the Agent or officer of that Power shall be President of the Court, and the assessor shall be the assessor who is a dependent of the same Power.

If the accused are not all dependents of the same Power, or if only natives are concerned, the Agent or officer to act as President shall be chosen by lot. In this case the assessor shall not be a dependent of the same Power as the President.

(6) The Courts of First Instance shall have jurisdiction over all breaches of the present Convention or of the regulations framed for carrying it into effect, except those concerning the recruitment and engagement of native labour.

If a person who has committed a breach has left the jurisdiction of the Court for his place of residence in the Group, the Court may transfer the case to the Court of First Instance within the local jurisdiction of which the place of residence of the accused is situated.

(7) Except in the cases provided for in Article 57 and Article 59 of the present Convention, with regard to which the method of procedure is laid down in Article 60, the Courts of First Instance shall themselves take cognisance of all matters within their jurisdiction, and the Presidents shall proceed to make the preliminary examination without the intervention of any other person. They shall try cases without the intervention of a Public Prosecutor or the assistance of a Registrar ; they may, however, be assisted by a Secretary to be appointed by the President, such Secretary to commit to writing the judgments of the Court, keep the registers and the notes of the hearings, and furnish copies of the same. The Courts shall sit as often as shall be necessary, and may make circuits of their districts.

(8) The President of a Court of First Instance and the Court itself shall be respectively invested with the powers set out in paragraphs 5, 6, and 7 of Article 12 of the present Convention,

and may in the cases contemplated by paragraphs 6 and 7 of the same Article pronounce the penalties there laid down.

(9) In the case of any contravention of Articles 57 and 59 of the present Convention, the Court of First Instance shall act upon the receipt of the official report against the offender, who shall be summoned to appear on a named day, and before the hearing shall have an opportunity of considering the report. The report shall be *prima facie* evidence of the facts stated therein.

Except in cases where the Court requires the personal attendance of the accused, the accused may be represented either by Counsel or by some person specially authorised in that behalf.

In addition to witnesses summoned at the request of the parties, the Court may require to attend or examine by means of a commission the witnesses mentioned in the official report or any other person who should, in its opinion, be examined.

The judgment shall, if possible, be pronounced at the hearing of the case. If the President decides to reserve judgment, judgment shall be pronounced at the next sitting of the Court.

Within one year of the ratification of the present Convention, the Joint Court shall, subject to the provisions of this paragraph, make rules, which shall be published in the Group, regulating the procedure to be observed before Courts of First Instance.

Until such rules are made, and so far as such rules shall not extend, the Courts of First Instance shall follow as far as possible the procedure laid down for the Joint Court.

(10) There shall be an appeal to the Joint Court from all the judgments of a Court of First Instance. If notice of appeal is not given at the hearing, it shall be given by verbal or written declaration to the President of the Court of First Instance within twenty days, counting from and not including the day on which judgment is pronounced.

(11) An office copy of each judgment of a Court of First Instance involving sentence of imprisonment shall be sent as soon as possible by the President of the Court to the President of the Joint Court, with a certified copy of all the documents in the case.

The Joint Court shall examine such judgments, and may, within one month, counting from and not including the day on which the copies of the judgment and the documents in the case were received by the President, call the case before it for revision.

When the Joint Court calls a case before it for revision, it shall have power to order the appearance of such witnesses as it may consider desirable. The accused shall have the right to appear or to be represented before the Joint Court and to call such witnesses as he shall think necessary for his defence.

(12) Execution of the judgments of Courts of First Instance, including reduction, remission, and commutation of sentences, shall be carried out by the same authorities and in the same manner as is laid down by Article 19 of the present Convention in regard to judgments of the Joint Court concerning breaches of the Convention or joint regulations.

PROVISIONS RELATING TO LAND.

Article 22.

SUITS RESPECTING IMMOVABLE PROPERTY BETWEEN NON-NATIVES AND NATIVES.

(1) In suits respecting immovable property, the rights of non-natives may be proved either by occupation or by title-deeds establishing the sale or grant of the land in question.

(2) When occupation is made the sole ground of a claim to ownership, visible and material proofs must be forthcoming, such as buildings, plantations, cultivation, cattle-rearing, improvements, clearing, or fencing. Occupation must be *bona fide*, and have been continuous during a period of three years at least, beginning at a date prior, in the case of the Island of Efate, to July 1, 1908, and for the rest of the Group, including the Banks and Torres Islands, to August 1, 1908, these being the dates on which the provisions of the joint regulation of the two Resident Commissioners, dated July 1, 1908, were brought into operation.

(3) When the claim to a property is based on a title-deed coupled with occupation, the Court shall endeavour to ascertain whether the holder of the title-deed has substantially asserted his occupation by material acts showing that he has taken possession, such as : improvement of the land in any manner, even in part ; construction of roads, bridges, or paths ; surveys ; delimitation ; erection of signposts to mark boundaries ; habitual enjoyment of the produce ; or other acts proving open exercise of the right of ownership. The Court shall decide how far these acts can be held to cover the whole extent of the property in dispute, and shall confirm the claim in whole or in part accordingly.

(4) No one shall destroy, alter, injure, remove, or displace, in whole or in part, any visible and material proofs capable of serving as evidence either of *bonâ-fide* occupation by a non-native in accordance with paragraphs 2 and 3 of this Article, or of the rights of a native.

Whoever shall contravene this prohibition shall be punished by imprisonment of from eight days to six months and of a fine of from 1*l.* to 40*l.*, or by either of the said penalties, without prejudice to any restitution which may be ordered or any damages which may be allowed.

(5) When the claim to a property is founded on a title-deed alone, and this title-deed has been either lodged in a notary's office or registered in New Caledonia, Fiji, or the New Hebrides, at a date subsequent to December 31, 1895, or else on a title-deed which, whatever its date, has not been lodged in a notary's office or registered, this title-deed can only be rendered void if it is proved :

A. That the agreement is not signed by the vendor or grantor, or by some person duly authorised by him, or that if the vendor or grantor did not know how to write or was incapable of signing, the agreement is not attested by two witnesses or in some other manner that establishes its authenticity according to English or French law ;

B. That the vendor or grantor did not understand the effect of the agreement ;

C. That the agreement was obtained by fraud, violence, or other improper means ;

D. That the terms and conditions of the agreement have not been fulfilled ;

E. That the immovable granted or sold was not the property of the vendor or grantor or his tribe ;

If the Court finds that the rights of the vendor or grantor or his tribe extended only to part of the immovable in dispute, it shall recognise the sale or grant to the extent of such part, and fix the boundaries thereof.

(6) When the title-deed establishing the sale or grant of the immovable in dispute has been either lodged in a notary's office or registered in New Caledonia, Fiji, or the New Hebrides, at a date prior to the 1st January, 1896 :

A. The right of action cannot be admitted ;

(a) Unless the claimant can prove, according as he acts in his own name or in his own personal interests or as Chief of his tribe and in its interests, that he or his tribe have a present right to the occupation of the immovable in dispute, and that this right would be infringed. If this right extends to part only of the property in dispute, the Court shall only entertain the action as to this part, if necessary fixing the boundaries thereof ;

(b) If it is proved that prior to January 1, 1896, a transaction took place indicating that the title-deed applied to a property held lawfully and in good faith ; in particular, if it has been conveyed regularly and in good faith between non-natives for valuable consideration in accordance with the regulations and forms prescribed by the law of civilised peoples.

If in such a case the Court should, nevertheless, consider that the rights of the native claimant or his tribe would be infringed, it may, while confirming the title, order the payment of reasonable compensation to the said native party, or may reserve a portion of the land for this party in conformity with the general declaration contained in Article 24 below.

B. When the right of action is admitted, and the case is considered on the merits, the title-deed can only be invalidated if it is proved :

- (a) That the agreement is not signed by the vendor or grantor, or by some person duly authorised by him, or that, if the vendor or grantor did not know how to write, or was incapable of signing, the agreement is not attested by two witnesses or in some other manner that establishes its authenticity according to English or French law ;
- (b) That the agreement was obtained by fraud, violence, or other improper means ;
- (c) That the land granted or sold was not the land of the vendor or grantor or his tribe.

If the Court finds that the rights of the vendor or grantor or his tribe extended only to a part of the land in dispute, it shall recognise the sale or grant to the extent of that part, and fix the boundaries thereof. The Court may, in any case, except where bad faith has been proved on the part of the grantee, confirm the title to the whole or part of the property, subject to the reservation for the native claimants, if the circumstances require it, of sufficient land for their needs, and the determination of the rights of way or other easements to be secured to them over the whole property.

Article 23.

SUITS WITH REGARD TO IMMOVABLE PROPERTY BETWEEN NON-NATIVES.

(1) When no question arises as to the original land transaction with the natives the law applied by the Joint Court shall be :—

A. If the action is based on a contract or any other act or thing entirely within the purview of the law of one or other of the two signatory Powers :

The law under which the contract was concluded or the act or thing took place ;

B. In every other case :

The law of the Power of which the defendant is a dependent.

Each of the two High Commissioners shall determine by legislative act the modifications to be made in his national law, in particular regarding the rights and rights of action over immovables capable of inscription on the register, required to bring such law into agreement with the system of registration established by the present Convention.

(2) Whenever questions do arise as to the original transaction with the native, the Regulations laid down in Article 22 shall be observed by the Court in all that concerns that transaction.

In cases covered by the same Article (5 (A), (b), 2nd paragraph) the Court shall indicate, if necessary, by which of the non-native litigants the payment of compensation is due.

(3) When the Court, upon the evidence before it, considers that it cannot decide the questions that arise as to the original transaction with the natives—as, for instance, when it is confronted with two or more title-deeds, neither of which it is able to confirm as giving a good title—the Court shall decide according to the circumstances of the case, due regard being paid to priority of title.

Article 24.

PROVISIONS COMMON TO ALL SUITS WITH REGARD TO IMMOVABLE PROPERTY.

(1) In cases where an immovable acquired in good faith has been improved or cultivated on the strength of a title which is found to be defective, this title may be confirmed in whole or in part upon the payment by the occupier to the person or persons entitled thereto of an indemnity, the amount of which shall be determined by the Court.

(2) If the Court considers it necessary to decree the eviction of a *bonâ-fide* occupier, it may order the payment of reasonable compensation to him.

(3) Whenever it shall consider it necessary, the Court may assign to native claimants reserves of land in proportion to their requirements, and may determine the easements necessary to secure to them the full enjoyment of these reserves.

(4) An occupier or holder of a title-deed who has been evicted shall, in the case of subsequent sale or grant of the immovable and unless his bad faith has been established, enjoy a prior claim to the repurchase of the immovable from which he has been evicted. If the owner and the occupier or holder of a title-deed who has been evicted should disagree as to the amount to be fixed as the price of repurchase, the Court shall determine the amount. If there are several evicted persons claiming to exercise the prior right above specified, the Court shall fix, according to the facts of the case, the order in which these persons shall be entitled to exercise this right.

(5) When a title-deed to a disputed property does not contain an adequate description of the immovable, the Court shall investigate and determine the situation and boundaries thereof.

(6) It shall be the first duty of the Court, in all suits concerning immovables, to endeavour to effect an amicable arrangement between the litigants.

(7) Generally, the Court shall, in its decisions, pay due regard to the interests of the native populations and those of the non-native purchasers whose bad faith has not been established.

(8) In the various cases mentioned in Articles 22 and 23 above the actions shall be made public by such means as the Joint Court shall determine. The Court shall pronounce on the validity of all claims presented to it within the period allowed for the recognition of any right, including the right of property, claimed over the immovable which is the object of the action.

During the currency of the period allowed for the making of claims, the Court may without ordering registration pronounce upon the validity of the various rights claimed by the parties concerned in the suit or action which has given rise to the publication.

(9) Every decision of the Court pronouncing the validity of a claim under the circumstances contemplated by this and the two preceding Articles, or ordering the registration of a title in accordance with Articles 26 and 27, shall declare :

A. The situation, extent, and boundaries of the immovable in question ;

B. The nature of the rights over the immovable or the charges thereon of which the Court shall have recognised the existence.

Article 25.

ENTRY OF THE JUDGMENTS OF THE JOINT COURT IN ACTIONS CONCERNING IMMOVABLES.

(1) When the Court shall, in conformity with the provisions of Articles 22, 23, and 24, have decided that a claim is valid, a copy of its judgments shall, within one month, be sent by the Registrar of the Court to the Registrar of Land Titles, whose appointment is provided for in paragraph 3 of Article 26. The Registrar of Land Titles shall give a receipt for this copy to the Registrar of the Court, and shall, if he has not already done so, at the request of the parties concerned, immediately transcribe the copy into the Register of Land Titles, for which provision is made in Article 26, paragraph 3. The Registrar of Land Titles shall immediately establish a title to the land as provided for in paragraph 4 of the same Article.

(2) The party in whose favour the judgment shall have been given shall be entitled to obtain the delivery of an extract from the Register which shall constitute a certificate of his title.

*Article 26.*REGISTRATION OF TITLES.
LAW TO WHICH IMMOVABLE PROPERTY SHALL BE SUBJECT AFTER REGISTRATION.

(1) Any person may, although no action is on foot, apply to the Joint Court to enter in the above-mentioned Register a title in his favour.

Every person entitled to a right in the immovable, other than the right of ownership, and capable of being inscribed on the Register, may, with the consent of the owner, require the Court to register the immovable to which his right applies. In all cases the costs of the application shall, in the absence of agreement to the contrary, be borne by the applicant.

If registration is ordered, the owner and any person entitled to such a right as aforesaid may obtain delivery either of an extract from the Register constituting a certificate of the new title, the establishment of which is provided for in paragraph 3 and 4 of this Article, or of a special extract from the Register dealing with the right inscribed therein.

(2) Applications for registration shall be published by the Court in the manner prescribed by it.

The Court may modify for this purpose the rules issued by it under the Convention of October 20, 1906, in order to bring them into agreement with the provisions of the present Convention. Applications for registration shall be admitted and acceded to if within one year after their publication they have not been made the subject of any opposition. In the case of opposition, the Court shall decide on the applications in accordance with the provisions of Articles 22, 23, and 24 above, and an action must be instituted by the opposer before the Court within six months, or his right against the property will be barred. If before publication more than one application is received in connection with the same immovable, and the Court decides to treat any one or more of such applications as oppositions, the period of six months above referred to shall only begin to run at the date of publication. Until the day when the "Official Gazette" mentioned in Article 66 appears in the Group, the Court shall decide in every case the date on which publication shall be deemed to have been effected, and from which the period of six months above referred to shall begin to run. The advertisements to be published in the "Official Gazette" and other newspapers may be in the form of abstracts, and may refer for further information to notices affixed at places to be mentioned in the advertisement.

Until the expiration of the period within which opposition may be made, any person concerned may intervene in the proceedings and apply for the inscription in his favour of any right capable of being inscribed on the title.

(3) The two High Commissioners shall jointly appoint an officer, who shall perform, under the direction and supervision of the two Resident Commissioners, the duties of Registrar of Land Titles in the New Hebrides.

The duties of the Registrar of Land Titles shall include :

A. The transcription in a book, to be called the Register of Land Titles, of a copy of every decision pronounced by the Court in any proceedings concerning an immovable under the circumstances referred to in Articles 22 to 25 inclusive of the present Convention, or in the first two paragraphs of this Article ;

B. The establishment of land titles as provided in paragraph 4 below ;

C. The delivery of extracts from the register, which shall constitute certificates of title and of special extracts dealing with rights, other than the right of ownership, over immovables, the right to inscribe which has been obtained ;

D. The inscription on the register of rights and charges existing over the immovable registered ;

E. The making of the modifications in the register necessitated by events occurring after registration ;

F. The keeping of the documents and maps relating to the immovables concerned and the communication to the public of the information contained in his archives with regard to the properties registered.

(4) Registration shall comprise—

A. The transcription on the register of the copy of the decision of the Joint Court ;

B. The establishment of a title to the immovable concerned written in the register in both the French and English languages, and stating the situation of the immovable, its description, the extent of its boundaries, and the enumeration of the rights and charges affecting it.

(5) The title established in accordance with the provisions of the preceding paragraph shall be definitive and unimpeachable. The enumeration contained in it of the rights and charges affecting the immovable at the moment of registration shall exclude all other rights and charges not inscribed. No proceeding claiming a right not shown on the register shall be admitted. No person whose rights are injured by registration shall have any right over the immovable ; but in the case of fraud such person shall have a right of action for damages against the person committing the fraud.

(6) Where there is a single transfer, including the whole of a registered immovable, the new owner may obtain the establishment of a new title which shall, if an application is presented specifying the inscriptions to be deleted, mention only the rights and charges actually subsisting on the immovable. The old title shall be cancelled by the Registrar.

(7) Extracts from the register delivered by the Registrar in accordance with the provisions of the present Convention and constituting certificates of title may also be transferred by endorsement. The endorsement shall be carried out by the Registrar at the request of the person concerned, who shall transmit to the Registrar the deed of transfer (if any) or, if no deed is executed, a written notification of the transfer.

(8) If the immovable is divided, a separate title and plan shall be established for each portion into which it is divided. It shall not be necessary in all cases to establish a new title for any part of the immovable which is not made the object of a transfer, but remains in the possession of the owner. The title already delivered and the map may, in this case, be retained with the necessary modifications.

Any separate portion of an immovable may, at the request of the persons interested, be included in the title and map of any other adjoining immovable on the register, instead of being made the object of a new title.

(9) The provisions of Article 23, paragraph 1, of the present Convention shall be applied by the National Courts having jurisdiction to rights affecting registered immovables.

If the case is between a native and a non-native, the law applied shall be that of the Power of which the non-native is a dependent. As between natives, the Joint Court shall apply the general principles of law in all matters for which provision is not made by the present Convention.

(10) The High Commissioners shall, in so far as provision is not already made by the present Convention, make provision by means of joint regulations for all matters concerning the form and maintenance of the register, the modification of titles necessitated by events occurring after registration, the inscription of rights and charges after registration, the consultation of the register by the public, and the obligations and responsibility of the Registrar of Land Titles. They shall also prescribe, within the limits laid down by Article 7 of the present Convention, penalties for breaches of such regulations which do not constitute crimes or offences otherwise punishable.

Article 27.

SALES AND GRANTS OF IMMOVABLES SUBSEQUENT TO THE CONVENTION.

(1) From the date when the present Convention comes into operation no sale or grant of an unregistered immovable shall be valid except under the following conditions :—

A. If the vendor or grantor has not made an application for registration to the Joint Court, the purchaser or grantee shall, within six months from the date of the sale or transfer, make an application to the Court for this purpose. The Court shall decide on this application in the manner and according to the principles laid down in Article 26, and the Registrar of Land Titles shall in all proper cases, after the transcription into the register of the decision of the Court, deliver to the purchaser or grantee an extract from the register constituting a certificate of title.

B. If the vendor or grantor has at the time of the sale or grant already made application for registration to the Joint Court, the Court shall, on the application of the purchaser or grantee and if the sale or grant in his favour justifies such a course, substitute him for the vendor or grantor in the proceedings, and the Court shall, in all proper cases, order the registration of the name of the purchaser or grantee.

C. If the Court shall have directed registration before receipt of the application of the purchaser or grantee it shall, on the fulfilment of the necessary conditions and on the application of the purchaser or grantee, direct the necessary rectifications of the register. These rectifications shall be inscribed by the Registrar of Land Titles on the register in the margin of the decision of the Court in virtue of which the registration has been made. An extract of the register thus rectified shall be delivered to the purchaser or grantee.

(2) No sale or grant of an immovable by a native to a non-native may be validly made hereafter except on the following conditions :—

A. The sale or grant shall be effected by a written document, and shall take place in the presence of four witnesses, two of whom shall be natives, and of an officer or agent of one of the two signatory Powers, or some other person duly authorised for the purpose, either by the President of the Joint Court or by the High Commissioners or Resident Commissioners acting in concert.

B. The officer, agent or person duly authorised shall testify to the presence and qualification of the witnesses, shall ascertain that the vendor or grantor was a free agent, understood the effect of his act, received the price or consideration agreed on, and was satisfied therewith ; shall state these facts on the title-deed ; shall mention in it the situation and boundaries of the immovable ; and shall date and sign it, at the same time as the parties and witnesses capable of signing.

C. The purchaser or grantee shall, within six months from the date of the deed, make an application to the Joint Court for registration. This application shall be dealt with in accordance with Article 26 of the present Convention. .

D. If the Court considers that the price or consideration mentioned in the deed is manifestly inadequate, having regard to the importance of the immovable granted or sold, it may, as a preliminary to registration, order the payment of a larger sum or a further consideration.

E. In the event of the grantee failing to comply with the decision of the Court within six months from the date of such decision, the sale shall be cancelled *in toto*, and the sum of money or the consideration received by the native restored.

F. If the native is unable to restore such sum, the Court shall decide how much of the property represents the sum or consideration received by the native, and shall confirm the grantee in possession of such part.

G. Whenever the High Commissioners or Resident Commissioners jointly consider that the amount of immovable property acquired from the natives in one of the islands of the Group is so great that the land remaining undisposed of is indispensable for the needs of the natives, they may prohibit any new sale or grant of land in such island to non-natives.

H. Land reserved for the natives, either by the Joint Court, in accordance with Article 24 of this Convention, or by the High Commissioners or Resident Commissioners, under the preceding paragraph, may not be sold or granted to non-natives, so long as the authority by whom the reserve was constituted does not cancel or modify its decision.

SUPERVISION OF SHIPPING.

Article 28.

VESSELS REGISTERED IN THE GROUP.

(1) No vessels other than those intended to sail under the flag of one of the two signatory Powers shall be registered in the Group of the New Hebrides, including the Banks and Torres Islands.

(2) Each High Commissioner shall prescribe the regulations affecting the navigation in the Group of the vessels sailing under the flag of the Power which he represents.

(3) The High Commissioners, the Resident Commissioners, and the persons appointed for the purpose shall, with regard to vessels sailing in the Group under the flag of the Power which they represent, exercise respectively the supervision, protection, and policing necessary to ensure the carrying out of these regulations without prejudice to the rights to which the public vessels of that Power are entitled by its laws and regulations.

Article 29.

VESSELS NOT REGISTERED IN THE GROUP.

The present Convention shall not affect the rules laid down by the respective laws and regulations of the Power under whose flag the vessel sails, in the case of any vessel registered outside the Group.

Article 30.

GENERAL RULES FOR ALL VESSELS.

(1) The High Commissioners shall jointly prescribe general rules applicable to all vessels with regard to the conditions under which these vessels may use the ports and harbours of the Group.

(2) They shall jointly enforce these rules, either personally or through the Resident Commissioners.

RECRUITMENT, ENGAGEMENT AND EMPLOYMENT OF NATIVE LABOURERS.

Article 31.

RECRUITMENT.

(1) No vessel shall recruit native labourers in the New Hebrides, including the Banks and Torres Islands, unless she sails under the flag of one of the two signatory Powers, and unless she is provided with a recruiting licence issued by the Resident Commissioner representing the signatory Power under whose flag the vessel is sailing.

(2) In the case of professional recruiters, the recruiting licence shall only be issued on the deposit of 80*l.*, as security, with an agent appointed by the Resident Commissioner concerned.

(3) The Resident Commissioners shall inform one another every month of the recruiting licences which they have issued.

(4) The recruiting licences shall be valid for one year only.

(5) Any recruitment of natives by means of fraud or personation or false assertion of official authority, or by means of immoral inducements, or by the abuse of the needs, weakness, or passions of the natives, or by the offer of alcoholic liquors or of prohibited arms or ammunition, shall be punishable by imprisonment from one day to three months, and by a fine of from 10*d.* (tenpence) to 40*l.*, or by either of these penalties.

Any recruiter refusing to land a native who may ask to be set ashore before the ship has left the scene of the recruitment shall be liable to the above penalties, even if such native has already signed an agreement to engage.

(6) If any act to which the provisions of the preceding paragraph apply shall have been preceded, accompanied, or followed by bodily restraint or by any act of violence not amounting to a crime or offence justiciable by a national Court, the sentence of imprisonment may be raised to six months.

(7) Every master of a ship shall be bound, unless prevented by *force majeure*, to present himself before the Agent of the Power of which he is a dependent before leaving a district in which he has recruited any native labourers. He shall cause to appear before the Agent the natives recruited in that district, and shall furnish him with all the information which may be required with regard to the circumstances connected with his recruiting operations. After satisfying himself that the said operations were carried out in accordance with the provisions of the present Convention, and that the natives recruited fully understand the meaning of their engagements, and are physically fit to engage, the Agent shall deliver to the captain of the recruiting vessel a certificate stating the facts which are required by Article 32 to be entered in the register of engagement, and declaring the regularity of the recruitment. Copies of the above certificates shall be addressed in every case to each of the two Resident Commissioners. Should the Agent consider that all the necessary conditions have not been fulfilled in the case of any native recruited, he shall order any such native to be repatriated at the expense of the master or owner of the recruiting vessel, or of the person on whose behalf the recruitment has been effected; any recruiter opposing, hindering, or preventing the execution of such order shall be liable to imprisonment of from one day to three months, and a fine of from 10*d.* (tenpence) to 40*l.*, or to either of the above penalties. If the order is carried out, the irregular recruitment, unless accompanied by any of the circumstances specified in paragraphs 5 and 6 of this Article, shall not constitute a breach of the Convention entailing penalties, recruitment only being considered definitive after the observance or wilful non-observance of the formalities prescribed above.

(8) The two Resident Commissioners acting conjointly may prohibit or restrict recruiting in the whole or part of any island or islands for such period as they may consider such prohibition or restriction necessary.

(9) The act of preventing a native from contracting a regular engagement by means of intimidation, the false assertion of official authority, or by any act of violence not constituting a crime or offence justiciable by a National Court, shall constitute a breach of the Convention punishable by the penalties specified in paragraph 5 of this Article.

Article 32.

REGISTER OF ENGAGEMENTS.

Every master of a recruiting vessel shall keep a register of engagements, in which he shall enter without delay the name, sex, identification marks, the name of the tribe, place of recruiting, and place of destination of every native recruited, the name of the employer, the length of the engagement, the sum agreed on by way of premium and wages, and the amount of the advance paid to the native at the time of engagement.

Article 33.

ENGAGEMENT OF WOMEN AND CHILDREN.

(1) Women shall only be engaged—

If they are married, with their husbands, regard being had to the customs existing in the Group, or in order to join their husbands, if the latter have been engaged previously.

If they are unmarried, with the consent of the Head of the Tribe, and of the Agent of the Administrative district, or, if there be no Agent, of the Inspector of Labour of the one or the other nationality, according to the law applicable to the recruiter.

(2) Children shall only be engaged if, in the opinion of the Resident Commissioner or of the Agent concerned, they appear capable, having regard to their age or physical development, of carrying out the work for which they are engaged.

Article 34.

LENGTH OF ENGAGEMENTS.

(1) No engagement shall be concluded for more than three years.

(2) Every engagement shall date from the day on which the labourer lands in the island where he is to be employed, but the time spent on board ship by the labourer shall count for wages.

Article 35.

DEATHS ON BOARD RECRUITING VESSELS.

(1) A report on every death occurring on board a recruiting vessel shall be immediately drawn up in duplicate by the master. Such report shall describe the circumstances under which the death occurred.

(2) Within twenty-four hours an inventory in duplicate shall also be drawn up of the effects left on board by the deceased. The amount of the wages to which the labourer is entitled from the day of engagement to the day of his death shall be stated in this inventory.

(3) The master shall, on arrival, transmit to the competent authority one copy of the report and inventory, as well as the objects and articles of value belonging to the deceased, and the premium and wages to which he was entitled.

The other copy of the report and inventory shall be annexed to the register of engagements.

Article 36.

ILLNESS OF LABOURERS ON LANDING.

Every native recruited who, on landing, is found to be in a state of health such as to incapacitate him for the work for which he was engaged shall be cared for at the expense of the recruiter, and the time spent in hospital and the time during which he is unable to work shall be included in the term of engagement.

Article 37.

DELIVERY OF LABOURERS TO THEIR EMPLOYERS.

A recruiter who is acting as an agent for other persons cannot divest himself of his responsibility for the natives whom he has engaged until the signature of the employer has been affixed to the register of engagements opposite the name of the labourer.

Article 38.

SUBMISSION OF REGISTERS OF ENGAGEMENTS ON ARRIVAL.

(1) Within twenty-four hours of their arrival, all masters of recruiting vessels shall be obliged to present their register of engagements for signature by the competent person.

(2) If irregularities are detected in the operations of the recruiter or in the keeping of the register of engagements, an official report shall be immediately drawn up by the person to whom the register has been submitted. This report shall be sent without delay to the competent authority.

The same course shall be followed if the register is not produced within the prescribed period.

Article 39.

NOTIFICATION OF ENGAGEMENTS.

(1) Every engagement of a native labourer shall be notified by his employer within three days from the date of landing.

The notification shall be made to the Resident Commissioner, to whose jurisdiction the employer is subject, or to the person appointed for the purpose, and shall mention whether the recruiter has produced to the employer the certificate specifying the facts to be entered in the register, as provided in Article 31, paragraph 7, of the present Convention.

(2) The notification shall be registered, and the contract shall be signed by the Resident Commissioner, or by the person appointed for the purpose.

(3) The two Resident Commissioners shall communicate to each other every month a list of the notifications of engagements received by them, or by the persons appointed for the purpose.

Article 40.

RE-ENGAGEMENT.

(1) At the termination of the period of his engagement, the labourer shall not, unless he has been previously sent home, enter into a fresh engagement without an authority in writing from the Resident Commissioner entitled to receive the notification of engagement, or from the person appointed for the purpose.

(2) The authority shall only be given after the native has been examined in the presence of the employer, two non-native witnesses, and two native witnesses, selected as far as possible from the same tribe as the labourer, and if the latter, of his own free will, declares that he wishes to re-engage.

(3) The re-engagement shall not exceed the term of one year. It shall be renewable on the same conditions.

(4) The two Resident Commissioners shall communicate to each other every month a list of the re-engagements sanctioned by them, or by the persons appointed for the purpose.

Article 41.

RECORDS OF ENGAGEMENTS.

(1) Every employer shall keep posted up to date a separate record for each labourer in his service.

(2) There shall be entered in this record the name and sex of the labourer, the identification marks, the name of the tribe, the place and date of recruiting, the name of the recruiter, the name of the vessel, and the duration and conditions of his engagement, as stipulated in the contract.

The days of absence from work on account of illness shall be entered by the employer in the record, and also any other days of absence.

Article 42.

ADDITIONAL PERIODS OF WORK.

(1) Time lost through absence without good cause shall be added to the term of the engagement.

(2) A labourer may further be retained after his term of engagement expires as a punishment for breaches of discipline for which he has been duly sentenced. In such case, the additional period shall not exceed two months for each year of engagement.

Article 43.

TRANSFER OF ENGAGEMENTS.

(1) No transfer of a contract of engagement shall be permitted unless freely accepted by the labourer and authorised by the Resident Commissioner entitled to receive the notification of engagement, or by the person appointed for the purpose.

(2) If the proposed transfer is between a British dependent or dependents on the one hand, and a French dependent or dependents on the other hand, the authority shall be jointly given by the two Resident Commissioners.

Article 44.

DUTIES OF EMPLOYERS.

(1) Employers and all persons in their employment exercising any kind of authority over their labourers must treat such labourers with kindness. They shall refrain from all violence towards them.

(2) They must supply them with sufficient food, according to the custom of the country, including rice, at least once a day, as part of their meals.

The Resident Commissioners shall fix jointly the proportion of rice to be included in the diet of labourers.

(3) Employers and all persons in their employment exercising any kind of authority over their labourers must further provide the labourers with adequate shelter, the necessary clothing, and medical care in case of illness.

Article 45.

WORKING HOURS.

(1) Labourers shall not be obliged to work except between sunrise and sunset.

(2) They shall have daily, at the time of their midday meal, at least one clear hour of rest.

(3) Except for domestic duties and the care of animals, labourers shall not be obliged to work on Sundays.

Article 46.

PAYMENT OF WAGES.

(1) Wages shall be paid exclusively in cash.

(2) Payment shall be made either before a person appointed for the purpose by the Resident Commissioner entitled to receive the notification of engagement or, failing this, in the presence of two non-native witnesses, who shall certify the payment in the record above referred to by affixing their signatures by the side of that of the employer.

(3) When it is obviously impossible for an employer to make use of this method of verification, he shall himself be authorised by the competent Resident Commissioner, or by the person appointed for the purpose, to enter the payment of the wages in the record.

(4) Whenever the record does not show the rate of wages agreed upon at the time of the engagement, the rate shall be taken to be 10s. a month, and the employer shall not be allowed to produce evidence to show that a lower rate had been agreed upon.

Article 47.

DEFERRED PAY.

(1) Part of the wages may be deposited by the employers with the Resident Commissioner entitled to receive the notification of engagement, or the person appointed for the purpose, to be paid subsequently to the labourer on demand, either during the term of engagement or at the expiration of such term.

The free consent of the labourer must be given before any part of his wages can be so dealt with.

(2) The Resident Commissioner or the person appointed for the purpose may at any time order the retention and deposit of part of a labourer's wages.

Article 48.

DISCIPLINARY PUNISHMENTS.

Any labourer who has given his employer just cause of complaint in respect of his conduct or work may, at the instance of his employer, be punished by the Resident Commissioner concerned or his delegate, by the imposition of extra work, by a fine of from 10*d.* (tenpence) to 1*l.*, by prolongation of the term of engagement within the limits provided in Article 42, or by a disciplinary punishment of confinement for a period not exceeding one month.

Article 49.

ABSENCE WITHOUT GOOD CAUSE.

(1) Any labourer who without permission leaves his employer shall be liable in like manner to one of the disciplinary punishments prescribed by the preceding Article, and shall be placed at his employer's disposal to finish his term of engagement.

(2) No one shall employ in his house or take on board any vessel a labourer who has left his employer without permission. Every breach of this provision shall be punishable by the penalties laid down in Article 56 of the present Convention.

Article 50.

DEATH DURING ENGAGEMENT.

In the event of the death of a labourer, the employer shall be subject to the same obligations as those imposed by Article 35 on masters of recruiting vessels.

Article 51.

REPATRIATION.

(1) Every labourer who has completed his term of engagement, and who has not entered into a fresh engagement under the conditions laid down in Article 40 of the present Convention, shall be returned to his home at the first convenient opportunity by and at the expense of the employer.

(2) Such labourer shall be taken back to the actual place where he was recruited, or if this is impossible to the nearest place thereto from which the labourer can without danger rejoin his tribe.

(3) In the case of unjustifiable delay exceeding one month in returning a labourer, the Resident Commissioner concerned, or the person appointed for the purpose, shall provide, at the expense of the employer, for the return of the labourer to his home at the earliest opportunity.

(4) In case of persistent ill-treatment of a labourer, the Resident Commissioner concerned shall have the right to cancel the contract and provide at the expense of the employer for the return of the labourer to his home.

(5) The Resident Commissioner concerned may in like manner cancel the contract and return a labourer to his home if the labourer did not freely consent to the engagement, or if he did not clearly understand and freely accept the terms of the engagement. In that case the expenses of returning him to his home shall be borne by the recruiter or employer.

Article 52.

REGISTER OF REPATRIATION.

(1) The names of labourers returned to their homes shall be entered on a register kept by the master of the vessel conveying them, in a similar form to that prescribed by Article 32 for keeping the register of engagements.

(2) The signature of the employer upon the register shall be proof that the labourer who is to be returned to his home has been handed over to the master of the vessel.

(3) The master shall enter in the register the date when the native so to be returned to his home was put on shore, and shall mention the exact spot where he was landed.

(4) The rules prescribed by Article 38 with regard to the submission and signature of the register of engagements shall be applicable to the register of repatriation.

Article 53.

DEATH DURING THE RETURN PASSAGE.

In the event of the death of a labourer occurring during the return passage, the master of the vessel shall proceed as prescribed by Article 35.

Article 54.

POWERS OF CONTROL AND INSPECTION OF NATIVE LABOUR.—ADMINISTRATIVE MEASURES TO BE TAKEN IN REGARD TO THE ESTATES OF NATIVE LABOURERS.

(1) The High Commissioners, the Resident Commissioners, and the persons appointed by them for the purpose, shall have, with regard to their respective dependents, the right to conduct all

enquiries which may be necessary to ensure, as far as the recruitment, engagement, and employment of native labourers are concerned, the carrying out of the present Convention.

Employers shall be bound for this purpose to comply with all orders for the production of labourers.

(2) A report shall be drawn up with regard to any irregularity or breach of the Convention or regulations which may be discovered, and shall be forwarded without delay to the competent authority. The report shall be *prima-facie* evidence of the facts stated therein.

(3) Any complaint which a native under engagement may wish to make to the administrative authorities shall be addressed to the Resident Commissioner of the Power of which the employer is a dependent or to his delegate.

(4) With a view to the execution of the provisions of the Convention concerning the employment of native labour and of the regulations made for carrying such provisions into effect, each of the High Commissioners may appoint one or more inspectors of labour who shall supervise, under the authority of the Resident Commissioner, and in such manner as may be fixed by the High Commissioner, the employment of native labour, and shall for this purpose visit as frequently as possible the plantations or other properties belonging to dependents of the Power to which such inspectors belong. The inspectors shall receive and investigate all complaints of native labourers brought to their notice either verbally or in writing, and they shall furnish their respective Resident Commissioners with an account of their proceedings. After taking cognisance of these reports, the Resident Commissioners shall, where necessary, take the requisite steps to put an end to any irregularities or abuses notified.

Employers, and all persons in their employment, shall be required to furnish inspectors of labour with all information which they may require, and to assist them as far as may be necessary in the performance of their duties.

(5) As regards the estates of native labourers recruited, engaged, or employed by the dependents of their respective Powers and the estates of native labourers who die while being repatriated after having been recruited, engaged, or employed by the dependents of their respective Powers, the Resident Commissioners or their delegates shall take such steps as may be necessary to ensure that arrears of salary, cash, securities, and all other effects belonging to the deceased shall be forwarded, with the least possible delay, to his relatives, or if there are no known relatives, and in default of any provision in the code of native law provided for in Article 8 of the present Convention, to the persons indicated by the chief of the tribe to which the deceased native belonged. If the deceased has no known family, and if the chief of the tribe fails to indicate any person, and in the absence of any provision in the code of native law, the money and the proceeds of the sale of the effects shall be paid into the joint treasury by the proper Resident Commissioner or by his delegate.

Article 55.

SHORT ENGAGEMENTS AND EMPLOYMENT OF NATIVE LABOURERS WITHOUT CONTRACT.

(1) Non-natives may employ natives without restriction, provided that they are not engaged for more than three months, with the option of renewal, and provided that they are not removed to an island more than 10 miles from the island of their tribe. The latter condition shall not be applicable in the case of natives employed on board ship.

(2) They may, in any case, employ without restriction natives who are known to have served non-natives for at least five years, and who can easily make themselves understood in a European language or the vernacular in use between non-natives and natives.

Article 56.

PENALTIES.

(1) Any breach by non-natives of the provisions of the present Convention regarding the recruiting and engagement of native labourers shall be punishable by a fine of from 4s. to 20*l.* and by imprisonment of from one day to one month, or by either of the above penalties, except that, in the cases specified in paragraphs 5, 6, 7, and 9 of Article 31, the penalties fixed by those paragraphs shall be applicable.

(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.

In cases of breaches of the provisions of the Convention relative to the engagement or recruitment of native labour, the Joint Court shall have power to order the immediate return to his home, at the expense of the recruiter or employer, of any native who has been irregularly recruited or engaged.

(4) In the event of conviction on a serious charge, or for a second offence, the recruiting licence, as well as the right of engaging labourers, may be withdrawn for a period not exceeding two years by the Resident Commissioner of the Power of which the recruiter or employer is a dependent.

ARMS, AMMUNITION, AND INTOXICATING LIQUORS.

Article 57.

PROHIBITION OF THE SALE OF ARMS AND AMMUNITION TO NATIVES.

(1) Subject to the specific exceptions hereafter enumerated, no person shall, from the date when the present Convention comes into operation, sell or supply arms or ammunition in any manner or form whatsoever to the natives, as defined by Article 8 of the present Convention, in the New Hebrides, including the Banks and Torres Islands, or within the territorial waters of the Group.

(2) The present prohibition shall not include shot guns, powder for sporting purposes and cartridges for use with shot guns. The High Commissioners or Resident Commissioners may, however, if circumstances require it, temporarily prohibit, by joint regulations, the sale to natives of breech-loading shot guns and of the powder and cartridges for such guns, either in the whole Group or in any particular island, group of islands, or district as they may think fit.

(3) The present prohibition shall include rifles, revolvers, and other repeating weapons and the ammunition used for such arms, separate parts for the conversion of sporting guns into military weapons, ball cartridges and all kinds of explosives, other than cartridges specially made for shot guns.

Article 58.

EXCEPTIONS.

(1) The two Governments reserve to themselves the right to arm the natives who form part of the regular police forces.

(2) If a non-native temporarily entrusts to a native employed by him, and solely for the purpose of that employment, prohibited arms or ammunition, it shall not be considered to constitute an offence against Article 57.

Article 59.

PROHIBITION OF THE SALE OF ALCOHOLIC LIQUORS TO NATIVES.

(1) No person shall, in the New Hebrides, including the Banks and Torres Islands, or within the territorial waters of the Group, sell or supply alcoholic liquors to the natives as defined by Article 8 of the present Convention, in any manner or on any pretext whatsoever.

(2) Alcoholic drugs or cordials employed in case of disease or sickness are not included in the present prohibition.

(3) The present prohibition shall cover spirits, beer, wine, and generally all fermented and intoxicating liquors.

Article 60.

REPORT OF OFFENCES.

(1) Breaches of the provisions of Articles 57 and 59, respecting the prohibition of the supply of arms, ammunition, and alcoholic liquors to the natives, and of the regulations for carrying these Articles into effect, shall be reported by the officers and agents of the police force, duly authorised for this purpose by the High Commissioners or Resident Commissioners jointly.

(2) The official report drawn up in accordance with paragraph 1 shall be *prima-facie* evidence before the competent authority of the facts contained therein.

(3) Any officer or agent of the police force, duly authorised for this purpose, who finds a native in possession of a prohibited weapon, or in a state of intoxication in a public place, shall arrest him, and, after enquiry into the circumstances of the offence, shall draw up an official report for the information of the High Commissioners or Resident Commissioners.

If the offence is proved, the native shall be punished by the Resident Commissioner having authority over the member of the police force making the arrest or by the person appointed for the purpose, and the non-native suspected of complicity shall be prosecuted before the Joint Court.

Nevertheless, a native found in possession of a prohibited weapon or in a state of intoxication in a public place during a term of engagement shall only be punished by the Resident Commissioner of the Power of which the employer is a dependent, after enquiry made by an officer or agent of the police force of that Power.

(4) Members of the police force shall not enter the house or premises of a non-native without his consent, except as provided by the rules of procedure issued by the Joint Court, or the regulations issued by the authority having jurisdiction over him.

Search-warrants, when considered necessary in the case of a non-native, shall be issued by the Judge of the country of which such non-native is a dependent.

Article 61.

PENALTIES.

(1) Any breach by non-natives of Articles 57, 59 and 60 shall be punishable by a fine of from 4s. to 20*l.* and imprisonment ranging from one day to one month, or by either of these penalties.

(2) The Joint Court shall inflict the penalties, and may further order the forfeiture of the arms, ammunition, or intoxicating liquors, and shall decide as to their disposal or destruction.

Article 62.

ESTABLISHMENT OF MUNICIPALITIES.

(1) Municipalities may be established in the Group, on the application of the non-native inhabitants.

(2) Applications for the establishment of municipalities shall be addressed to one or other of the High Commissioners or Resident Commissioners, who shall communicate such requests to one another, and determine jointly what action shall be taken thereon.

(3) Subject to the provisions of paragraph 4 below, applications made by a group of thirty inhabitants shall be complied with, if such group forms the majority of the non-native adult inhabitants residing within a radius of 10 miles of the intended headquarters of the proposed municipality.

(4) The establishment of a municipality for which application has been made as above shall only become definitive if, within a period of one year from the day on which the provisional establishment took place, the municipal council has furnished proofs that it has the necessary resources at its disposal to secure the normal working of the municipality.

Article 63.

COUNCILS.

(1) Every municipality shall be administered by a Council consisting of not less than four and not more than eight members.

(2) The Council shall elect a Chairman and a Deputy-Chairman from its members.

(3) Councillors shall hold office for four years.

Article 64.

ELECTIONS.

(1) Non-natives of either sex and any nationality, who have completed their twenty-first year and have resided for six months at least in the district, shall be entitled to vote, with the exception of those who have served a sentence of more than three months' imprisonment.

(2) Voters of either sex who have completed their twenty-fifth year shall be eligible for election.

(3) The first elections shall take place within three months of the establishment of a municipality.

(4) The elections shall take place under the supervision of two persons respectively appointed by the two Resident Commissioners.

Article 65.

FUNCTIONS OF THE COUNCILS.

The Councils shall pass the annual municipal budget, vote the necessary local taxation, initiate and carry out municipal works, decide upon the establishment of schools and charitable institutions, and, in general, take all measures necessary for the welfare of the local community.

Article 66.

OFFICIAL GAZETTE.

The two Resident Commissioners shall, as soon as possible, cause to be published in the Group an *Official Gazette* in French and English, in which shall be published all official acts and documents concerning the joint services.

Article 67.

REGULATIONS.

The High Commissioners or the Resident Commissioners shall prescribe jointly the regulations for carrying out the provisions of Articles 62 to 65.

FINAL PROVISION.

Article 68.

DURATION OF THE CONVENTION.

The provisions laid down by the present Convention shall remain in force until new provisions are substituted in virtue of an agreement between the signatory Powers.

In witness whereof the undersigned Delegates have drawn up and signed the present Protocol, to be substituted for the Protocol signed at London the 27th February, 1906.

Done in duplicate, at London, the 6th August, 1914.

EMMOTT.
R. A. C. SPERLING.
E. PICANON.
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