

Correctional sitting of the 13th November, 1912.

No. 109.

Public Prosecutor against Léon Montaigne, Nelson Bay, Apia, accused of breach of Article 59 of the Constitution of 20th October, 1906.

The year 1912, 12th November, at 9 am, the joint Court composed of the President, Count of Geneva Interamnia; the French judge, Jean Colonna; the British judge, T. E. Rosely;

in the presence of the Public Prosecutor, Comte d'Audino; M. Benzel, Registrar, recording; judging in police jurisdiction, in first and last resort, after having deliberated, delivered the following judgment:

The joint Court:

Having heard the documents in the case read, the offender in his explanations; the sworn witnesses in their depositions;

heard the Public Prosecutor in his requisitions; the offender in his means of defence personally as well as through M. Paul Jeanin, his defender;

Considering that from the hearing, under oath of fifteen witnesses it is established that Léon Montaigne did sell on the occasion of the Christmas festivities, and December, 1910, and first of the year 1911, in M. Saucou's stores, better at Apia, at the place known as Nelson Bay: seven bottles of wine and one of rum to the native Tambagaga; two bottles of wine and one of rum to Matal; one bottle of wine and one of rum to Daniel of N'bau; one bottle of wine to Bagawa; one bottle of whisky to Cosio; one bottle of rum to Isatoni; one bottle of wine to Tuana; three bottles of wine to Alaubolo; one bottle of wine to Elijah; one bottle of wine to Alaukilekman; two bottles of wine to Nika; one bottle of wine to Matafeu; two bottles of wine to Lockea; one bottle of wine to Nika; one bottle of wine to Arrah;

Considering that if each distinct sale has only been witnessed by the native purchaser, the fifteen sworn witnesses heard, establish, without doubt, that Montaigne did, in December, 1910, at the place known as Nelson Bay, Apia, infringe the provisions of Article 59 of the Constitution and incurred the penalties of Article 61 of the same said Regulation, as follows:

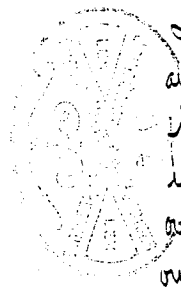
59 "1.... no person shall in the New Hebrides.... sell or supply intoxicating liquors to the natives in any form and on any pretext whatsoever.

2...3... "61 "1. Any breach by non-natives of articles... 59... shall be punishable by a fine of from 40-5 to £20... or by either of these penalties."

For these reasons:

Condemns Montaigne to pay a fine of two hundred francs (Fr 200) and all costs and expenses entailed by the present case and judgment.

So done, judged and delivered the day, month and year as above. By the joint Court, the President, the French and British judges who have signed these presents with the Registrar.
The British judge: The Registrar: The President:



Certified true translation of the Original

W. J. S. (Signature)

W. J. S. 1911. Official Interpreter-Translator to the Joint Court of the Condominium.