

No 139

CRIMINAL SESSION OF FEBRUARY, 18th, 1913.

The Public Prosecutor versus Emile Fessard, trader, Ambrym, accused of breach of Article 59 of the Convention of 1906.

At 9 o'clock a.m. on February, 1913, the Joint Court composed of the President, The Count of Buena Esperanza; the British Judge, T.E. Roseby; the French Judge Jean Colonna; in presence of the Public Prosecutor, Count Andino; Mr. Beugel, Registrar, recording; Sitting in a police case, as a court of first and last instance, after deliberation, delivered the following judgment:-

THE JOINT COURT

Having heard read the documents and the official report; Having heard Mr. Brunswick, Counsel for Fessard, in his defence; Having heard the Public Prosecutor in his charge, and Mr. Brunswick in his renewed arguments for the defence; Whereas from a report of the Commandant of Police *Harrowell* dated *Oct. 26th 1912* it appears that the said Emile Fessard did *in August 1912* at Ambrym sell alcohol to natives; and that the fact is acknowledged by the accused; Whereas the Court, while taking into account when passing sentence the confession made by Fessard, is obliged to consider the fact that he has already been condemned for a similar offence on November 26th, 1911, and that this breach constitutes a second offence; Whereas the offence with which Fessard is charged is provided for by Articles 59 and 61 of the Convention of 1906, in the following terms; Art 59 "..... no person shall in the New Hebrides ... sell or supply intoxicating liquors to the natives in any form or on any pretext whatsoever". ... 3 ... Art. 61. "Any breach by non-natives of Articles ... 59 ... shall be punishable by a fine of from 4/- to £20 and imprisonment ranging from one day to one month or ..." And whereas Mr. Brunswick, on behalf of Fessard, has asked the Court not to punish the accused with imprisonment /-

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imprisonment, the former sentences pronounced at the same session being sufficient warning to the said Fessard; Whereas, however, the offence in question is of the same gravity as those already judged; There is then no cause to take into account the present argument of Mr. Brunswick:

For these reasons

Condemns Fessard to pay a fine of £1 and all costs of the case, and to be imprisoned for one day.

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

The President.

The French Judge:

The Registrar:

The British Judge:

*Certified true translation
of the Original*

R. W. Mitchell

Viti *Feb 22nd 1911*..... Official Interpreter-Translator
New Hebrides to the Joint Court of the Condominium

