

JOINT COURT OF THE NEW HEBRIDES.

The twenty-seventh day of May One thousand nine hundred and fifty-five.

Before their Honours :

Philippe Comte, French Judge, President,
J.D. Field, British Judge ad hoc,
and Messrs. R; Harbulot, Assessor,
E. Buteri, Acting Registrar.

JUDGMENT

This is an appeal against judgment No. 31, given on 18th March 1955 by the Court of First Instance, Northern District, which, by application of Articles 59 and 60 of the Protocol of 6th August 1914, sentenced the appellant, a Vietnamese named TRAN VAN CHI born at Huyen-Tung, (Haiduong), captain of the vessel "Eby" usually living at the Sarakata Camp at Luganville (Santo), to one month's imprisonment and to pay a fine of £Stg20 for having sold alcoholic liquor to New Hebrides natives.

The appeal is admissible, it having been lodged in due form and within the time allowed.

Although a summons to appear at the hearing was served personally on the appellant no appearance was entered by him or on his behalf.

It appears from evidence given during the course of the preliminary enquiry and also at the hearing, and in particular from the statement made by Mr. Syvain Michel, Customs officer :-

- 1). that TRAN VAN CHI, Captain of the "Eby", had early in December, 1954 at the village of Loné (Aoba) sold :
 - a) a bottle of rum to the native Mikael Fane
 - b) a bottle of rum to the native Elken Tongalo.
- 2). that the accused, using the facilities placed at his disposal by a vessel which enabled him to carry large quantities of alcoholic liquor among the islands, is well known at Aoba as a habitual seller of liquor.

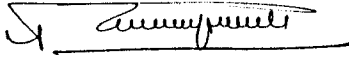
ON THESE GROUNDS :

The Court declares the appeal to be ill-founded and rejects it, and using its power of revision under Article 21 paragraph 11 of the Protocol of 6th August 1914,


Sentences TRAN VAN CHI to one month's imprisonment and to pay a fine of £Stg20 for each of the two above-mentioned breaches, that is to say, a total of two month's imprisonment with a fine of Forty pounds sterling.

The Court also draws the attention of the Resident Commissioners to the illegal traffic in which the vessel "Eby" owned by VuTHI HIEU

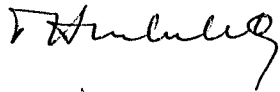
.... and captained by TRAN VAN CHI, is employed, and asks them to do all in their power to put an end to this traffic, particularly by the cancellation of all trading licences issued to VU THI HIEV and TRAN VAN CHI



French Judge



British Judge



Assessor



Acting Registrar.