

JOINT COURT OF THE NEW HEBRIDES.

This twenty-second day of February, One thousand nine hundred and fifty-five, at the Court House at Vila.

Before their Honours:

Philippe COMTE, French Judge, President,  
J.D. FIELD, British Judge,  
and Mr. R. DELAVEUVE, Assessor,  
assisted by Mr. E. BUTERI, Acting Registrar.

This is a revision of Judgment No.127 given on the twenty-eighth day of November, 1954 by the Court of first instance, Central District No.1 which sentenced the vietnamese N'GUYEN VAN PHUNG, merchant & hotel-keeper, living at Vila, to pay two fines of each £Stg.15 and 15 days imprisonment for sale of alcoholic liquors, viz.:

(1) on the 3rd. November 1954, to the natives KALMET MALAKAI and ZACHARIE, of the Erakor tribe;

(2) on the 13th November, 1954, to the native TASSO, of the island of Mataso.

By virtue of Articles 59 and 61 of the Anglo-French Protocol of 6th August, 1914, and

By virtue of the appeal brought about by the accused on 1st December, 1954.

The accused was heard in his defense as put forward by himself and by his counsel Mr. de Préville.

The evidence of witnesses was taken after which the Court retired to consider its verdict.

~~NOB~~ THEREFORE IT IS THIS DAY ADJUDGED :

Whereas the appeal has been regularly lodged within the prescribed period,

In regard to the first count (1):

Considering that sufficient proof is given by the documents and the hearing against the accused for having at Vila, on the 3rd November, 1954, sold alcoholic liquors to the New Hebrides Natives KALMET and ZACHARIE;

In regard to the second count (2):

Considering that from the hearing there is no proof that the accused was guilty of the charge put forth against him.

ON THESE GROUNDS:

The Court confirms the judgment in appeal and convicts N'GUYEN VAN PHUNG on the first count of the charge against him (selling of alcoholic liquor to the natives KALMET MALAKAI and ZACHARIE) but amends the sentence.

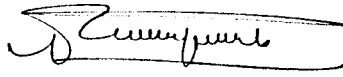
Reduces to Five pounds sterling only the fine pronounced by the Court of first instance.

Discharges him on the second count of the information;


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Orders him to pay costs amounting to 5/3d. Stg.

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French Judge.



British Judge ad hoc.



Assessor:



Acting Registrar.