

Criminal hearing of December 6<sup>th</sup> 1912

The Public Prosecutor versus Xavier Denage, labourer, Néelé  
accused of a breach of Article 59 of the Convention.

This sixth day of December, one thousand nine hundred and twelve at 9 o'clock A.M., The Joint Court consisting of The President, Count Seneca Esperanza; Jean Colonna, French Judge; T.E. Roseby, British Judge;  
In the presence of the Public Prosecutor Count Andino;  
M. Bengel being Registrar of the Court;  
Sitting as a Court of police jurisdiction, of first and last instance, after having deliberated, has delivered the following judgment:

The Joint Court:

Having heard the reading of the documents of the case;  
nothing for the accused; the Public Prosecutor in his charge;

Formally.

Whereas at the calling of the case, the abovesaid Denage, although duly summoned, has not appeared in person nor by proxy; there is cause, in consequence, to pronounce judgment by default against Denage for non-appearance;  
In respect of Renner's intervention.

Whereas at the time of proceeding to the hearing of the case, M<sup>r</sup>. Serge Herz appeared furnished with a power from M<sup>r</sup>. Robert Renner, Manager of the 'Pacific Isles Investment Company Limited' and stated that he was appeared for the said Company;

Whereas although M<sup>r</sup>. Serge Herz established that he is empowered by M<sup>r</sup>. Renner, he does not bring proof that M<sup>r</sup>. Renner is Manager of the Pacific Isles Investment Company Limited, and has received from them power to represent them either in general or in the present case;  
There is cause, consequently, not to admit M<sup>r</sup>. Serge Herz to appear as intervenor in the present case.

The Case.

Whereas from the contents of the documents of the case, and from the admission of Denage in <sup>his</sup> preliminary enquiry, it appears that the accused did, on October 13<sup>th</sup> 1912, at Nélé, in the island of Efate, sell to the native Pirameua, New-Hebridean, for the price of five francs the bottle, a bottle of rum, a bottle of gin, and a bottle of absinthe;

And whereas this breach is provided for and punished by Articles 59 and 61 of October 20<sup>th</sup> 1906, in these terms: Art. 59 "1... it shall be forbidden... to sell or to give to natives in any manner whatsoever and under any pretext whatsoever, alcoholic drinks. 2... 3... Art. 61: "1. Breaches of these articles ... 59 ... above mentioned committed by non-natives shall be punished by a fine of from 5 francs to 500 francs and... or one only of these two penalties."

For these reasons:

Quies judgment by default against Denage for non-appearance; declares that the claim of M. Serge Hery cannot be sustained; condemns Denage by default to a fine of fifty francs and the costs of the case.

Done, judged and delivered the day, month and year as at head. By the Joint Court, the President, the French & British Judges who have signed with the Registrar.

The President:

The British Judge:    The Registrar:    The French Judge:

Certified true translation  
of the Original

R. J. Fletcher

Dec 17<sup>th</sup> 1912  
Official Interpreter-Translator  
of the Court of the Condominium