

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 Court of Buena Esperanza; the British Judge,
A.A. 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 *Harrack* dated *Oct. 23rd 1912* it
appears that the said Emile Fessard did ~~on~~ ⁱⁿ *September 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 pun-
ishable 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 /-

with 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. H. H. H. H.

Villa Feb 27th 1912 *Inspector-Registrar*
 New Hebrides to the Joint Court of the Colonization

