

JOINT COURT OF THE NEW HEBRIDES.

JUDGMENT.

This thirtieth day of January one thousand nine hundred and thirty four.

In the matter of a charge against Dinh Van May, a Tonkinese French citizen, employed by Monsieur Anger of Vila, of having on the 25th November 1933 at Vila sold alcoholic liquor, namely wine, to the natives Augustin and Jimmy.

The Joint Court having heard the witnesses Augustin and Jimmy and having questioned the accused Dinh Van May and heard his defence, the said accused being assisted by Nguyen Truong Nghi, employee of the French Residency acting as Interpreter who was duly sworn.

And having heard the address of Monsieur de Karangal, Public Prosecutor "ad hoc", the Court then retired.

The Joint Court having called this case for revision in accordance with Article 21 paragraph 11 of the Convention of the 6th August 1914;

Whereas the judgment delivered by the Court of First Instance, Central District No. 1, on the 28th December 1933, sentenced the said Dinh Van May to five days imprisonment and a fine of 200 francs for the sale of alcoholic liquor to natives;

Whereas from the statements of the witnesses and the admissions of the accused it results that the said Dinh Van May is guilty of having on the 25th November 1933 at Vila sold alcoholic liquor, namely wine, to the natives Augustin and Jimmy.

Whereas this case falls under the provisions of Articles 59 and 61 of the Convention as follows:-

"Article 59. 1). No person shall, in the New Hebrides, including the Banks and Torres Islands, or within the territorial waters of the Group, sell or supply alcoholic liquors to the natives as defined by Article 8 of the present Convention, in any manner or on any pretext whatsoever.

.....
3). The present prohibition shall cover spirits, beer, wine, and generally all fermented and intoxicating liquors."

"Article 61. 1). Any breach by non-natives of Articles 57, 59 and 60 shall be punishable by a fine of from four shillings to twenty pounds and imprisonment ranging from one day to one month, or by either of these penalties*.

But whereas the said Dinh Van May acknowledged himself at the hearing that he has been convicted for the same act by the Court of First Instance, Central District No. 1., on the 7th September 1933.

Whereas this is the second conviction and for this reason the Joint Court considers the penalty imposed by the Court of First Instance is insufficient.

Now therefore IT IS THIS DAY ADJUDGED:

That the said Dinh Van May is sentenced to ten days imprisonment and a fine of two hundred francs and is further ordered to pay the costs of the proceedings.

Gaulbruy

Acting President.

a. de J. Lamy

British Judge

[Signature]
French Judge.

[Signature]
Acting Registrar.