

JOINT COURT OF THE NEW HEBRIDES.

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JUDGMENT.

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The ninth day of September, one thousand nine hundred and thirty eight.

This is a case heard before the Court of First Instance sitting in Central District No.1 on the 6th July, 1938, wherein one Ann Lai, a Chinese, British Ressortissant, was charged and convicted for selling liquor to a New Hebridean Native named Samson on the 1st July, 1938, and was sentenced

" to pay a fine of four pounds or to suffer imprisonment  
" for four weeks in lieu thereof."

The case is now before the Joint Court on Review under the provisions of Article 21, Section 11, of the Anglo-French Protocol, 1914.

Mr. H.G. Seagoe appears as Public Prosecutor "ad hoc"

The defendant, Ann Lai, appears in person.

The question raised is whether the Conviction of the Court of First Instance, Central District No.1 is good and can be sustained.

Mr. Seagoe submits it is good and that the sentence therein is according to law. It follows, he asserts, the wording of Article 61 of the Anglo-French Protocol, 1914, which provides for punishment by "..... a fine ..... and

" imprisonment....., or by either of these  
" penalties."

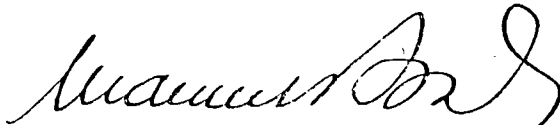
The Court rules that the conviction is bad in so far as concerns sentence; that, although Article 61 allows an alternative punishment, it authorises the imposition of one only of such punishments, and, further, it is for the Court to

decide/

decide which one to inflict and not leave the choice to the defendant by pronouncing sentence in the alternative. A Conviction must be certain in its terms.

The sentence will be altered by the suppression of the alternative of imprisonment, as the Public Prosecutor does not press for imprisonment.

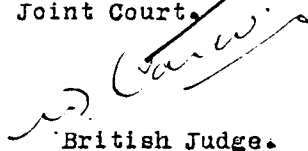
The defendant is therefore ordered to pay a fine of £4; and, should he make default, to suffer fifteen days imprisonment under the terms of Article 14,5, of the Anglo-French Protocol, 1914.



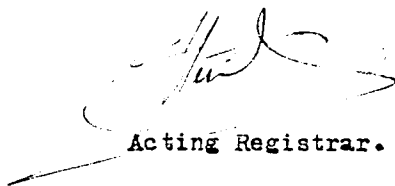
President of the Joint Court.



French Judge.



British Judge.



Acting Registrar.