

No 146

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

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At 9 o'clock a.m. on February, 1913, the Joint Court composed of  
the President, The Court of Buena Esperanza; the British Judge,  
T.E. 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 *Harrowell* dated *Oct. 21<sup>st</sup> 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 <sup>*with*</sup> 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 /-