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JOINT COURT OF THE NEW HEBRIDES

APPEAL from Court of First Instance, Judgment No.167 by Richard H. McGOWAN.

J U D G M E N T

The Appellant appeals to this Court against sentences passed on the 4th January, 1956 by the Court of First Instance, C.D.I.

In his notice of Appeal the Appellant brought to the notice of this Court certain irregularities in procedure which the Court considers should be inquired into. The Appellant is a citizen of the U.S.A. but has opted for the British system of law.

Under Article 14 (i) (b) of the Protocol the procedure which should have been followed should have been based on the procedure followed by Courts of Summary Jurisdiction in England. This does not require all the formalities of the English courts but it does require what is basic to the English system. This would require a Summons or reasonable notice of trial, an appropriate charge, a plea to that charge, admissible evidence and a properly constituted court.

All these basic requirements of the English system were absent in the purported trial of the Appellant. There was no trial in accordance with law. The sentences passed were therefore without jurisdiction. It has been unnecessary to deal with the merits as there was no trial. The Appeal succeeds and the sentences are ~~set aside~~. *nn.*

DATED AT VILA THIS 19th DAY OF April 1956.

R. Norman

British Judge President

[Signature]

French Judge

L. Baurstain

Assessor