

FIRST  
LEGISLATIVE COUNCIL.

—  
SECOND SESSION, 1929.

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RESOLUTION No. VIII.  
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WHEREAS an appeal lies as of right to the Supreme Court on the conviction of a defendant of criminal offences tried under the Summary Jurisdiction Ordinances as well as in civil cases of trivial importance involving small sums of money ;

AND WHEREAS in the present state of the law no appeal lies from a conviction for crime tried in the Supreme Court under the Indictable Offences Ordinances and the only review of a possibly erroneous conviction depends upon the discretion of the presiding judge that there is a case for stating a question or questions of law for the consideration of the Court of Appeal ;

AND WHEREAS the system of reserving questions of law for the consideration of the Court of Appeal does not provide a satisfactory mode of reviewing convictions upon allegations of error of law or of fact ;

AND WHEREAS it would strengthen the confidence of the public of this Colony in the administration of justice if in such cases an opportunity of appeal to a Court of Criminal Appeal were provided with equal security for the exhaustive trial of convicted persons and for the speedy execution of penal justice :

*Be it Resolved*,—That in the opinion of this Council the establishment of a Court of Criminal Appeal on principles analogous to those contained in the Criminal Appeal Act, 1907 (7 Edw. VII., c. 23) would materially improve the administration of criminal justice in this colony and that this Council respectfully requests His Excellency the Officer Administering the Government to cause to be introduced in this Council during this present session a bill to provide a right of appeal in favour of every prisoner convicted of crime before the Supreme Court of the colony to a Court of Criminal Appeal thereby to be established the provisions of such bill conferring on every convicted prisoner :

- (a) an absolute right to appeal on any question of pure law ;
- (b) a right in case of his obtaining leave either from the judge who tried him or from the Court of Criminal Appeal itself to appeal on any question of fact or of mixed fact and law or on any ground which appears to the Court to be a sufficient ground of appeal ;
- (c) a right in case of his obtaining leave from the Court of Criminal Appeal to appeal against the sentence passed on him unless the sentence is one fixed definitely by the law.

Passed by the Legislative Council this 15th day of November, 1929.

M. B. LAING,  
Clerk of the Council.

(M.P. 4582/29).