

Legislative Council.

51^o VICTORIA, 1888.

A BILL

To amend the Law relating to Appeals from Summary Convictions under the "Criminal Law Amendment Act of 1883" in certain cases.

[MR. SIMPSON;—25 April, 1888.]

WHEREAS it is expedient to amend the "Criminal Law Amendment Act of 1883," in respect to appeals from certain summary convictions thereunder, and to remove doubts as to the powers of Courts of General Sessions to compel the appearance of convicted persons at the hearing of appeals from the adjudication of the convicting Justices, and as to the powers of such Courts to give effect to the convictions of such Justices. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Criminal Law Amendment Act of 1888." In this Act the expression "Principal Act" means the "Criminal Law Amendment Act of 1883."

2. Every person convicted of any of the offences mentioned in the four hundred and forty-sixth section of the Principal Act as amended by the Act forty-seventh Victoria number eighteen, who

c 98—

desires

Preamble.

Short title.
Interpretation.

Provisions as to
appeal from certain
convictions under
Principal Act.

desires to appeal from the conviction, shall, to entitle him to appeal therefrom, in addition to, and within the time, limited for giving notice of the appeal, pursuant to the four hundred and fortieth section of the said Act, enter into his own recognizance before any Justice of the Peace conditioned to appear at the Sessions and prosecute such appeal, and abide the judgment of the Court thereupon, and to pay such costs as shall be awarded; but such recognizance shall not entitle the appellant to be liberated on bail unless he shall also have entered into the recognizance with two sureties mentioned in the said four hundred and fortieth section.

Provisions for carrying out punishment on affirmance of conviction.

3. (I) Notwithstanding anything in the Principal Act, where notice of appeal has been given from any such conviction as aforesaid (whether the appellant has entered into recognizances pursuant to the said Act or not, and whether the appellant has been in custody for ninety-six hours after his conviction or not), and the conviction appealed from has been affirmed by the Court of General Sessions, any punishment of whipping ordered by the convicting Justices may be adjudged by such Court to be carried out at any time within thirty-six hours after the making of the order on appeal in any case where the appellant is at the time of making such order before the Court.

For enforcing appearance of and punishing convicted persons in certain cases.

(II) If the appellant is not before such Court at the hearing of the appeal from any such conviction as aforesaid, the Court of General Sessions (without prejudice to any proceedings or remedies by the sureties (if any) of such appellant, and also without prejudice to any powers of the Crown), may, if the conviction shall be affirmed, direct a warrant to be issued for the apprehension and bringing of such appellant before any Justice of the Peace. And such Justice shall, thereupon, by writing under his hand, order the punishment adjudged to be carried out at any time and place he may direct within ninety-six hours after such person shall have been so brought before such Justice.

Power to Sessions to reduce or vary punishment.

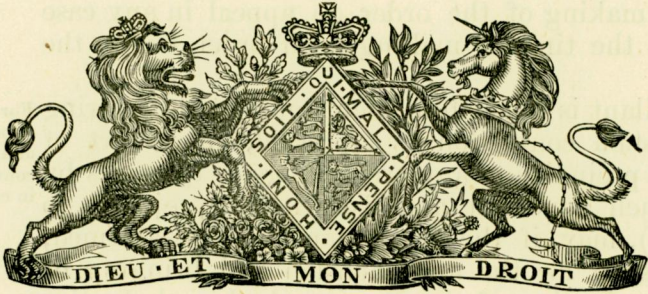
(III) For the purpose of giving effect to the provisions of this Act, the Court of General Sessions or such Justice as aforesaid may order the appellant to be detained in custody for such time as may (subject to the provisions of this Act) be necessary to permit of the punishment of whipping being carried out as herein provided.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 3rd May, 1888.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Law relating to Appeals from Summary Convictions under the "Criminal Law Amendment Act of 1883" in certain cases.

WHEREAS it is expedient to amend the "Criminal Law Amend- Preamble.
ment Act of 1883," in respect to appeals from certain summary convictions thereunder, and to remove doubts as to the powers of Courts of General Sessions to compel the appearance of convicted persons at
5 the hearing of appeals from the adjudication of the convicting Justices, and as to the powers of such Courts to give effect to the convictions of such Justices. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in
10 Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Criminal Law Amendment Short title.
Act of 1888." In this Act the expression "Principal Act" means the Interpretation.
"Criminal Law Amendment Act of 1883."

2. Every person convicted of any of the offences mentioned in Provisions as to
appeal from certain
convictions under
Principal Act.
15 the four hundred and forty-sixth section of the Principal Act as amended by the Act forty-seventh Victoria number eighteen, who

Criminal Law Amendment.

desires to appeal from the conviction, shall, to entitle him to appeal therefrom, in addition to, and within the time, limited for giving notice of the appeal, pursuant to the four hundred and fortieth section of the said Act, enter into his own recognizance before any Justice of the Peace conditioned to appear at the Sessions and prosecute such appeal. Provided that he shall be detained in custody to abide the result of such appeal, unless he shall sooner have entered into the recognizance with two sureties mentioned in the said four hundred and fortieth section.

10 3. (i) Notwithstanding anything in the Principal Act, where notice of appeal has been given from any such conviction as aforesaid (whether the appellant has entered into recognizances pursuant to the said Act or not, and whether the appellant has been in custody for ninety-six hours after his conviction or not), and the conviction
15 appealed from has been affirmed by the Court of General Sessions, any punishment of whipping ordered by the convicting Justices may be adjudged by such Court to be carried out at any time within thirty-six hours after the making of the order on appeal in any case where the appellant is at the time of making such order before the
20 Court.

Provisions for carrying out punishment on affirmation of conviction.

(ii) If the appellant is not before such Court at the hearing of the appeal from any such conviction as aforesaid, the Court of General Sessions (without prejudice to any proceedings or remedies by the sureties (if any) of such appellant, and also without prejudice to
25 any powers of the Crown), may, if the conviction shall be affirmed, direct a warrant to be issued for the apprehension and bringing of such appellant before any Justice of the Peace. And such Justice shall, thereupon, by writing under his hand, order the punishment adjudged to be carried out at any time and place he may direct
30 within ninety-six hours after such person shall have been so brought before such Justice.

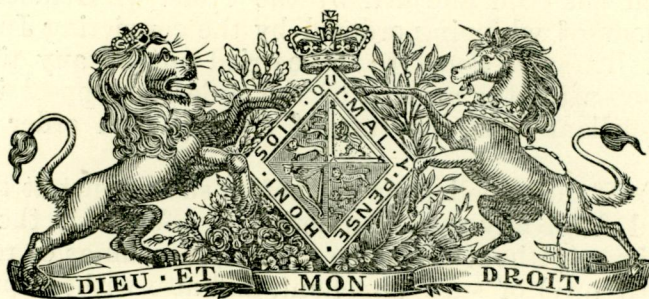
For enforcing appearance of and punishing convicted persons in certain cases.

(iii) For the purpose of giving effect to the provisions of this Act, the Court of General Sessions or such Justice as aforesaid may order the appellant to be detained in custody for such
35 time as may (subject to the provisions of this Act) be necessary to permit of the punishment of whipping being carried out as herein provided.

Appellant may be detained in custody.

...to amend the Law relating to Appeals from Summary Convictions under the "Criminal Law Amendment Act of 1883" in certain cases. [Assented to, 20th July, 1888.]

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. VI.

An Act to amend the Law relating to Appeals from Summary Convictions under the "Criminal Law Amendment Act of 1883" in certain cases. [Assented to, 20th July, 1888.]

WHEREAS it is expedient to amend the "Criminal Law Amendment Act of 1883," in respect to appeals from certain summary convictions thereunder, and to remove doubts as to the powers of Courts of General Sessions to compel the appearance of convicted persons at the hearing of appeals from the adjudication of the convicting Justices, and as to the powers of such Courts to give effect to the convictions of such Justices. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Criminal Law Amendment Act of 1888." In this Act the expression "Principal Act" means the "Criminal Law Amendment Act of 1883."

Short title.
Interpretation.

2. Every person convicted of any of the offences mentioned in the four hundred and forty-sixth section of the Principal Act as amended by the Act forty-seventh Victoria number eighteen, who desires

Provisions as to
appeal from certain
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Criminal Law Amendment.

desires to appeal from the conviction, shall, to entitle him to appeal therefrom, in addition to, and within the time, limited for giving notice of the appeal, pursuant to the four hundred and fortieth section of the said Act, enter into his own recognizance before any Justice of the Peace conditioned to appear at the Sessions and prosecute such appeal. Provided that he shall be detained in custody to abide the result of such appeal, unless he shall sooner have entered into the recognizance with two sureties mentioned in the said four hundred and fortieth section.

Provisions for carrying out punishment on affirmance of conviction.

3. (I) Notwithstanding anything in the Principal Act, where notice of appeal has been given from any such conviction as aforesaid (whether the appellant has entered into recognizances pursuant to the said Act or not, and whether the appellant has been in custody for ninety-six hours after his conviction or not), and the conviction appealed from has been affirmed by the Court of General Sessions, any punishment of whipping ordered by the convicting Justices may be adjudged by such Court to be carried out at any time within thirty-six hours after the making of the order on appeal in any case where the appellant is at the time of making such order before the Court.

For enforcing appearance of and punishing convicted persons in certain cases.

(II) If the appellant is not before such Court at the hearing of the appeal from any such conviction as aforesaid, the Court of General Sessions (without prejudice to any proceedings or remedies by the sureties (if any) of such appellant, and also without prejudice to any powers of the Crown), may, if the conviction shall be affirmed, direct a warrant to be issued for the apprehension and bringing of such appellant before any Justice of the Peace. And such Justice shall, thereupon, by writing under his hand, order the punishment adjudged to be carried out at any time and place he may direct within ninety-six hours after such person shall have been so brought before such Justice

Appellant may be detained in custody.

(III) For the purpose of giving effect to the provisions of this Act, the Court of General Sessions or such Justice as aforesaid may order the appellant to be detained in custody for such time as may (subject to the provisions of this Act) be necessary to permit of the punishment of whipping being carried out as herein provided.