Privy Council Appeal No. 18 of 1971

Samsoondar Ramcharan – – – – – – *Appellant*

v.

The Queen – – – – – – – – – *Respondent*

FROM

THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

REASONS FOR REPORT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE 3RD MAY 1972

Present at the Hearing:
LORD WILBERFORCE
VISCOUNT DILHORNE
SIR VICTOR WINDEYER

[*Delivered by* SIR VICTOR WINDEYER]

This case came to their Lordships pursuant to an Order in Council of 28th July 1971 whereby the appellant was granted special leave to appeal from a judgment of the Court of Appeal of Trinidad and Tobago given on 19th November 1970. By that judgment the Court of Appeal had sentenced the appellant to imprisonment with hard labour for five years. Their Lordships, having heard counsel on behalf of the appellant and the respondent, announced at the conclusion of the argument on 3rd May 1972 that they would humbly advise Her Majesty that the appeal be allowed and the sentence of imprisonment quashed and that they would give their reasons later.

The case arises out of unusual events which began some years ago. The appellant was a jeweller in Port of Spain, Trinidad. He supplied jewellery wholesale to retail jewellers. In October 1970 he was arraigned before Achong J. and a jury at the Assize Court holden at Port of Spain on an indictment for offences alleged to have been committed three years earlier. There were two counts in the indictment: the first, that in October 1967 the accused broke and entered the store of City and Loan Association and stole therefrom jewellery valued at $128,000 and $2,000 in cash. The second count was of receiving stolen goods contrary to section 34 (1) (*a*) of the Larceny Ordinance, ch. 4, No. 11, of Trinidad and Tobago. The accused pleaded not guilty to both charges. The jury acquitted him of the first and convicted him of the second. The particulars of the charge of which he was convicted were that between 14th October and 6th November 1967 he had received "a quantity of gold jewellery consisting of bracelets, chains, rings, a medal, earrings and other articles of jewellery, the property of City and Loan Association, knowing the same to have been stolen". The City and Loan Association is a pawnbroker. The stolen goods were apparently articles that had come into its possession as pledges.

The trial had extended over several days when, on 14th October 1970, the jury after a short retirement returned their verdict on each count. The learned judge thereupon remanded the accused for sentence to 30th October, that he might in the meantime obtain a probation officer's report. On that day his Lordship—having considered the report, which dealt in careful detail with the antecedent circumstances, reputation and conduct of the accused, his age, 51, and state of health; and having read several testimonials in his favour by responsible citizens; and having heard counsel on his behalf—came to the conclusion that imprisonment would not be a suitable penalty in the circumstances. He therefore sentenced the accused to pay a fine of $1,500, in default eighteen months hard labour. [The formal minutes of hearing and the particulars of trial which form parts of the record of proceedings state the term as eighteen months in default of payment; but his Lordship in the stated case to be mentioned said that the term was twelve months. The discrepancy is noteworthy, but in the result immaterial.] The accused was also ordered to enter into a personal bond in the sum of $1,000 to keep the peace and be of good behaviour for twelve months. He had one previous conviction of a like kind, in that in November 1967 he had been found guilty in the Magistrates' Court, Port of Spain, of unlawful possession of certain jewellery. For this he received three months' imprisonment with hard labour. This conviction, which was known to his Lordship when he passed sentence, seems to have arisen from the possession of articles of jewellery other than those the subject of the proceedings now in question found with them in November 1967 when the premises of the appellant were searched by virtue of a warrant.

Within a few days of his having passed his sentence as above mentioned Achong J. was somehow made aware that its validity was questionable because it appeared that there was no power in the court to impose a fine for a felony. The offence of which the appellant stood convicted was a felony by the law of Trinidad and Tobago. That is not disputed. It is the result of section 34 (1), read with section 27 of the Larceny Ordinance. Section 34 (1), which is of critical importance in this case, is as follows:

> " 34. (1) Every person who receives any property knowing the same to have been stolen or obtained in any way whatsoever under circumstances which amount to felony or misdemeanor, shall be guilty of an offence of the like degree (whether felony or misdemeanor) and liable—
>
> (*a*) in the case of felony, to imprisonment for ten years;
>
> (*b*) in the case of misdemeanor, to imprisonment for five years."

Two provisions of section 38—sub-sections (3) and (4)—qualify the penalties prescribed by section 34 (1). They are as follows:

> " (3) On conviction of a misdemeanor punishable under this Ordinance, the court instead of or in addition to any other punishment which may be lawfully imposed, may fine the offender.
>
> (4) On conviction of a felony or misdemeanor punishable under this Ordinance, the court, instead of or in addition to any other punishment which may lawfully be imposed for the offence, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour: Provided that a person shall not be imprisoned for more than one year for not finding sureties."

When the learned trial judge learnt that the validity of his sentence was questionable he thought that the question could be resolved by resort to common law doctrine, rather than by the explicit provisions of

section 34. The question, as he saw it, was whether by the common law, as introduced into and in force in Trinidad and Tobago, a fine was an available sentence for a felony. A statement in *Archbold's Criminal Pleading, Evidence and Practice* suggested to him that there was at common law an inherent, but rarely used, power to fine for felony. However, after further consideration and research, he came to the conclusion that, as a result of statutory modifications of the common law, any power to impose a fine for a felony had been abolished by statute in England before the time at which the Criminal Offences Ordinance or its forerunner made common law felonies and misdemeanours punishable in the Colony in the same manner as they would then have been in England.

In these circumstances his Lordship prepared and signed a document, described as a " case stated ", dated 10th November 1970, and transmitted it to the Court of Appeal. In this he recited the result of the trial, stated the circumstances that had inclined him to leniency and to impose a fine rather than imprisonment, and said that it had come to his notice that the sentence he passed was invalid. The " stated case " concluded: " I wish to refer this matter by way of case stated for the consideration of the Court of Appeal in accordance with the provision of the Supreme Court of Judicature Act, 12 of 1960 [*sic.* as stated semble 1962], s.60."

Section 60 of the Supreme Court of Judicature Act 1962, is as follows:

" 60. (1) Where any person is convicted on indictment, the trial judge may state a case or reserve a question of law for the consideration of the Court of Appeal and the Court of Appeal shall consider and determine such case stated or question of law reserved and may either—

(*a*) confirm the judgment given upon the indictment;

(*b*) order that such judgment be set aside and quash the conviction and direct a judgment and verdict of acquittal to be entered;

(*c*) order that such judgment be set aside, and give instead thereof the judgment which ought to have been given at the trial;

(*d*) require the judge by whom such case has been stated or question has been reserved to amend such statement or question when specially entered on the record; or

(*e*) make such other order as justice requires.

(2) The Court of Appeal, when a case is stated or a question of law reserved for their opinion, shall have power, if they think fit, to cause the case or certificate to be sent back for amendment and thereupon the same shall be amended accordingly."

This obviously contemplates the well-known procedure by which a question of law arising before a lower court can be propounded for the opinion and ruling of a superior court. The present case stated is not in the form usual in such proceedings. It does not state a precise question of law to be answered. But it was taken by the Court of Appeal, and their Lordships think rightly so, as seeking a ruling whether or not a fine was a penalty that could lawfully be imposed for the offence of which the appellant had been convicted.

The case came before the Court of Appeal, consisting of McShine C.J., Phillips J.A. and Fraser J.A. That Court, in a judgment delivered by the Chief Justice, held that the trial judge had no power to impose a fine, and that it was a mistake to take common law rules as the criterion of the validity of this sentence. The judgment of the Court emphasised that the crime, as charged in the indictment, was " receiving stolen goods contrary to section 34 (1) (*c*) of the Larceny Ordinance ch. 4 No. 11 ":

the Ordinance, not the common law, should therefore govern the case. Having thus disposed of the sentence, the Court did not leave the matter. The judgment proceeded: " The further question arises in this case, and it is what would in the circumstances of this case be the appropriate punishment to mete out to Samsoondar Ramcharan ". Having assumed that it was open to it to decide what penalty should be awarded, the Court went on to refer to matters of fact that seem to have been extraneous to the case stated. All that a Court can ordinarily have regard to on a case stated are the facts set out in it and in other documents transmitted with it and made part of it, and inferences of fact that necessarily arise therefrom. So far as the material before their Lordships discloses it, the only documents that accompanied the stated case were the probation officer's report and the testimonials. The Court it would seem did not have a record of the evidence given at the trial. But the members of the Court were not deterred. Their judgment adverted to " the gravity of the case in the circumstances under which the offence has been committed." It said that the accused " because of the very nature of the business he carries on when stolen jewellery is brought to him in no time at all it can be melted and fashioned into different articles which could never be traced. That is the factor in this case which tends to aggravate the offence." There was nothing in the stated case before the Court of Appeal to suggest that the accused had melted down or transformed any jewellery. He was a working jeweller: and a considerable part of the goods stolen from City and Loan Association was never recovered, so the Court of Appeal said in their judgment. Having somehow become possessed of this information the Court seems to have mounted upon a suspicion and given full rein to their mount, by assuming that missing jewellery must at some time have come into the possession of the accused and been by him transformed or disposed of. The judgment of the court concluded by saying that " we are of the view that the only appropriate sentence that may be passed on this accused person, Samsoondar Ramcharan, is one of five years imprisonment with hard labour ". In consequence of this the appellant had been in gaol since 19th November 1970 when this appeal was heard by their Lordships.

One of the grounds taken in the case for the appellant is that the sentence of five years hard labour was excessive. In the view of the matter that their Lordships take it is not necessary for them to express any opinion on that aspect of the case. If they thought that the Court of Appeal could lawfully have imposed this sentence, they would greatly hesitate to question it. Lord Morris of Borth-y-Gest, delivering the judgment of their Lordships in *Hardtmann v. The Queen* [1963] A.C. 746 said (at p. 757): " Questions as to what sentences are appropriate in particular cases (provided always that the sentences are within the limits laid down by law) are essentially questions of judgment and discretion. It is relevant to understand local conditions and by a knowledge of a country or community to have a perspective by which to assess what sentences are necessary, reasonable, and just." Added to that in the present case their Lordships are not in a position to consider whether the sentence of five years imprisonment was or not too severe, for the very reasons—lack of sufficient information as to the circumstances disclosed by the evidence at the trial—which must cause misgivings as to the propriety of the Court of Appeal passing sentence even if it had power to do so. However, in the view that their Lordships take, the question whether the sentence was in the circumstances excessive does not arise.

The only question that their Lordships have had to determine is the validity, in point of law, of the judgment of the Court of Appeal. The foundation of that Court's imposition of a penalty was a finding that the

sentence that the trial judge had passed in imposing a fine was invalid. Counsel for the appellant therefore began his argument by contending that the trial judge had indeed had power to impose a fine and that their Lordships should order that the sentence that he had passed should be restored. This argument was based upon a proposition that a fine was at common law an available penalty for felony: and that this common rule still prevailed in Trinidad as an alternative behind, or alongside, any punishment prescribed by statute.

Their Lordships do not find it necessary to make any definitive pronouncement upon the historical aspects of this argument. There are statements in leading text-books on criminal law and noteworthy dicta in the case law which can be invoked on either side of the question. Some of these were cited by Counsel. A passage in *Halsbury's Laws of England,* 3rd edition, Vol. 10, p. 494, is typical. Two sentences from it run: " A fine, either with or without imprisonment is, and always was, a punishment at common law at the discretion of the court. It was rarely if ever imposed on conviction of treason or felony, probably because the punishment for such was almost invariably death till the reign of George IV, but it could always be imposed for misdemeanour." These statements may well be too abbreviated to stand as general propositions unconfined in point of time. To ask: Was a fine a penalty for a felony at common law?—is to pose a question the beguiling simplicity of which disguises its lack of precision. At what point of time in the centuries of the common law is one to take one's stand? In early mediaeval times a fine was a known penalty for trespasses *vi et armis,* not then called misdemeanours, that were not within the list of felonies. In this—beginning probably with amercements for those found guilty of such acts—we may see the origin of the later rule by which fines were imposed for misdemeanours; but not for felonies, because for centuries a conviction of felony was ordinarily followed by death, forfeiture of lands and goods, corruption of blood and attainder. As time went on the list of felonies was increased, but the severity of their consequences was diminished by an expansion of the list of those that were clergyable; by the development thereby of the leniency for first offenders which continued to be miscalled benefit of clergy; by transportation as an alternative to capital punishment; and in the eighteenth century by statutory mitigation of the rules about forfeiture and attainder and their final abolition in England in 1870 by 33 & 34 Vic. c. 23 s.1. These are familiar chapters in legal history. There were some cursory allusions to them in the course of the appellant's argument: but they did not sustain the proposition that in this case a fine for the crime of which the appellant was convicted was justified by law.

Whether or not felonies were by the common law punishable by a fine, their Lordships, in agreement with the Court of Appeal, consider that the law of Trinidad in respect of receiving stolen goods is now to be found in the Larceny Ordinance which came into force in 1919. This superseded earlier legislation in force in the Colony and any lingering common law doctrine concerning the receipt of stolen property. In short, the Ordinance now occupies that field. It defines the crime and prescribes the punishment. That punishment, in the case of felonious receiving as described, is imprisonment for a maximum term of ten years. Section 38—which in the case of a misdemeanour permits the imposition of a fine instead of, or in addition to, any other lawful punishment—emphasises that a fine is not a permissible punishment for the statutory felony created by section 34. That the express terms of the Ordinance validly overrode any common law doctrine with respect to punishments for receiving stolen goods theretofore prevailing is established by the proviso to section 2 of

the Criminal Offences Ordinance Ch. 4, No. 4. That enactment, which goes back to 1844, is as follows:

> "2. Every offence which, if done or committed in England, would amount to a felony or misdemeanor at Common Law shall, if done or committed in the Colony, be taken to be a felony or misdemeanor, as the case may be, and shall be liable to be and shall be punished in the same manner as it would be in England, under or by virtue of any special or general Statute providing for the punishment of such offence, or, if there be no such Statute, by the Common Law: Provided always, that nothing herein contained shall be construed as limiting or affecting the power of the Governor and Legislative Council to make express provision, by Ordinance, for the punishment of any such felony or misdemeanor."

In 1842 the Legislature of the Colony had already made express provision for the punishment of the offence of receiving property feloniously stolen. The preamble of Ordinance No. 11—1842, had recited that it was "expedient that the Laws relative to Larceny and other offences"—including "the receipt of stolen property"—"should be assimilated to the Laws of England in like cases, and should be consolidated into this Ordinance". Section 53 of that Ordinance was as follows:

> "And with regard to receivers of stolen property, be it further enacted, That if any person shall receive any chattel, money, valuable security or other property whatsoever, the stealing or taking whereof would amount to a felony by the common law of England, or by virtue of this Ordinance, or any other Ordinance now or hereafter to be in force in this Island, such person knowing the same to have been feloniously stolen, taken, or obtained, every such receiver shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony . . . and every such receiver, howsoever convicted, shall be liable to be imprisoned for any term not exceeding three years. . . ."

This would appear to have displaced the common law penalties as from 1842. The Larceny Ordinance in 1919 increased the maximum term of imprisonment to ten years. That obviously did not reinstate any penalties that had been already abrogated.

For these reasons their Lordships agree with the conclusion of the Court of Appeal which upheld what the trial judge stated as the opinion that on further consideration he had formed, namely that he had no power to sentence the accused to pay a fine. They go on to consider other grounds which it was submitted would support the appeal.

A procedural objection that was made before their Lordships—but not, so far as appears, advanced in the Court of Appeal—was that the trial judge had no power to state a case as he did. It was argued that he could not do so of his own motion when neither party had requested it: and that in any event he could not lawfully do so after the trial had been concluded by his passing sentence. Their Lordships do not accept the first part of this proposition. Section 60 of the Supreme Court of Judicature Act 1962 authorises a trial judge, after a conviction on indictment, to state a case upon any question that he thinks it proper to raise which may relate to or affect the validity of the conviction. Several English cases that arose under a similar procedure were cited by counsel as illustrations of this. The second proposition, namely that once the trial had been concluded by sentence passed and recorded the opportunity to state a case had gone, is, their Lordships think, more debateable. But here the case stated was in fact received by the Court of Appeal without question by either side. The question that came to their Lordships on

this appeal was whether the judgment of the Court of Appeal should stand or be set aside. It was not whether that Court had been led by an irregular process to entertain the matter.

Section 60 of the Supreme Court of Judicature Act provides for the determination by the Court of Appeal of questions submitted to it or reserved for it. It does not enable a trial judge to transfer to the Court of Appeal all issues of law and fact that arose at a trial. The procedure for referring a question of law to a superior court by way of case stated is different from the procedure that exists in some jurisdictions whereby a judge when sitting alone to exercise the jurisdiction of the court of which he is a member is empowered, instead of deciding the case himself, to refer it for final decision to the court *in banc*. Nor is a case stated or a question of law reserved like a criminal appeal, which is the creature of statute of a different sort. The contrast is pertinent. Section 43 of the Supreme Court of Judicature Act 1962 of Trinidad and Tobago makes provision for appeals to the Court of Appeal by persons convicted on indictment. On an appeal against sentence section 44 (3) provides that the Court of Appeal shall, if it thinks a different sentence should have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in law by the verdict whether more or less severe, in substitution therefor as it thinks ought to have been passed. If that provision relating to appeals by convicted persons were applicable in proceedings by way of stated case such as this is, that would be an end of the matter, and their Lordships would have dismissed this appeal. But although some provisions concerning appeals by persons convicted are, by section 61, made applicable in proceedings upon a case stated or question of law reserved, section 44 is not one of them. This is a most significant omission. It is explicable by history and policy.

The respondent sought to justify the judgment of the Court of Appeal imposing a sentence of five years' imprisonment as an exercise of the power under section 60 (1) (*c*) to " give . . . the judgment that ought to have been given at the trial ": or under section 60 (1) (*e*) to " make such other order as justice requires ". Their Lordships are unable to treat either of these powers as authorising the order that the Court of Appeal made. Their Lordships are not to be taken as accepting a distinction between judgment and sentence propounded in the argument for the appellant. There is a well-established distinction between " conviction " on the one hand, and " judgment " or " sentence " on the other, separate incidents of a criminal trial—although sometimes the word " conviction " is used to mean or include the judgment or sentence of a court, as in *R. v. Rabjohns* [1913] 3 K.B. 171; *Harris v. Cooke* (1918) 88 L.J.K.B. 253. However, there is no distinction between the judgment and the sentence. The sentence passed by the court is the judgment of the court. That is apparent from a multitude of cases. It has been so for centuries, as a glance at chapter 55 of *Hale's Pleas of the Crown* will quickly shew. As counsel referred to two decisions of the Supreme Court of New South Wales given last century, their Lordships interpolate here a reference to an earlier case there, *R. v. White* (1875) 13 S.C.R. (N.S.W.) 339, in which a question similar to that now under consideration was discussed. The case arose under a colonial statute similar in terms to the Crown Cases Act 1848 of the United Kingdom, 11 & 12 Vict. c. 78, except that section 5 of the original was not in the colonial version. This was significant. See *Holloway v. The Queen* (1851) 2 Den. 287.

Except as an historical contrast, there is not much to be gained now by looking back to English decisions before 1848 in which judgments given on criminal trials were called in question by writ of error. If the court of error considered that the judgment, that is the sentence, of the

trial judge was erroneous, it could only reverse it. It could not substitute some other sentence. Reversal meant that the judgment was avoided or vacated. In *Hawkins' Pleas of the Crown* Bk. 2, chapter 50, " of avoiding judgment " this is stated: " It is said by Sir Edward Coke that if the judgment be erroneous, both that and the execution thereupon and all former proceedings shall be reversed by writ of error ". The cases of *R. v. Ellis* (1826) 5 B. & C. 395 and *R. v. Bourne* (1837) 7 Ad. & E. 58, which were cited by counsel, are illustrations of this from opposite points of view. In the former a sentence of fourteen years' transportation had been imposed when the maximum term that the law allowed for the offence was seven years. Abbott C.J. said " That judgment being erroneous we think there is no ground to send it back to be amended. The consequence is that the judgment pronounced by the Court below must be reversed." In *R. v. Bourne, supra,* the judgment given upon a conviction of burglary was transportation. But at that time death was the only lawful sentence for that offence. To an argument that, as no discretion was involved, the court of error should either impose that sentence itself or remit the case to the trial court to impose it, Lord Denman C.J. said that the judgment must be simply reversed. The court below had given a judgment. " We cannot say that the court below shall be required to give another judgment." Another illustration is *Whitehead v. The Queen* [1845] 7 Q.B. 582, again a judgment of Lord Denman, the sentence in question being for a lesser term of transportation than that prescribed by statute, and, being before 1846, 9 & 10 Vict. c. 24, therefore unlawful. His Lordship said: " There is no doubt in this case. The judge can pass sentence only under the statute. . . . The judgment must be reversed."

The only cases in which a court of error proceeding according to common law rules could return the matter to the trial court to pass a proper sentence was when there had been no sentence passed and recorded in due form: *R. v. Kenworthy* (1823) 1 B. & C. 711, distinguished in *R. v. Ellis supra* at 400. An erroneous sentence might be set aside, but that did not mean that it was to be treated as never having been passed. A court had passed it. That court was *functus officio.* It could not be ordered to pass some other sentence.

When the common law rules that had regulated proceedings by writ of error were supplanted in criminal cases by new statutory remedies, including the processes of a stated case, the powers of an appellate court with respect to sentences had to be determined by the terms of the statute rather than by the old rules concerning reversal of judgments. Precedents became less important: but principles that lay behind them did not. Regard was still had to the considerations that had led courts of error to decline passing a sentence in place of that held to be erroneous. Those considerations were mentioned as early as 1742 in *R. v. Nichols,* now reported in a note 13 East. 412. A court of error could not measure from the record alone what would be a proper punishment. For it to pass sentence would be to usurp the discretionary function of the trial judge without being possessed of the knowledge of the circumstances that he had gained. This is a consideration of peculiar importance upon a case stated or a question of law. The position is quite different upon a criminal appeal where the appeal court has before it a record of the evidence given at the trial and other relevant material on which to assess a proper sentence, and is expressly empowered by statute to do so. At this point the two old New South Wales cases that counsel mentioned are illuminating. They are *R. v. Bell* (1888) 9 N.S.W.L.R. 65 and *Hume v. The Queen* (1888) 9 N.S.W.L.R. 168. A statute empowered the Supreme Court on a case stated to affirm, amend or reverse the judgment of the court below or to make such other order as justice required. Yet

it was held that this did not authorise the court to alter a sentence. If the sentence was unlawful, the judgment must be simply reversed. The matter could not be remitted to the trial court, for there the case had been concluded by judgment, albeit an erroneous judgment. The decision in *Evans v. Hemingway* (1887) 52 J.P. 134 is to the same effect.

But it was rightly said for the respondent that the present case turns on the provision of the present statute, not on any of its forerunners: and that the relevant provision is paragraph (*c*) of section 60 which must be read as a whole. So read the Court of Appeal is not empowered simply to order the judgment—described as " the judgment given upon the indictment "—to be set aside. It must go on, it was argued, to " give instead thereof the judgment which ought to have been given at the trial ". This is a plausible proposition. And some reliance was also put upon the power under paragraph (*e*) to " make such other order as justice requires ". But the cases to which their Lordships have referred, and many others over the years, shew that, when punishment is discretionary, the judgment that ought to have been given at the trial can only be predicated upon the knowledge the trial judge had. An appellate court may not have the knowledge necessary for the exercise of a sound discretion.

It is only when the penalty for a particular offence is not in the discretion of the trial court, but is prescribed by law and is mandatory, that a court of appeal can say, as a matter of law, what sentence ought to have been given at the trial. Section 60 is concerned with the determination of questions of law not with the review of facts. It states courses open to the Court of Appeal that are necessarily consequential upon its determination of the question of law. The decision that the imposition of a fine was an invalid sentence did not necessarily have as a consequence the imposition of a term of imprisonment.

The result of their Lordships quashing the sentence of imprisonment that the Court of Appeal sought to impose means that the appellant now goes free. But the conviction stands. That a man guilty of a crime should go unpunished because of the mistakes of a court may cause uneasiness. But it has for long been the consequence of the reversal of an unlawful sentence in a criminal case. It arises from the inveterate insistence of the common law of England that a man is not to be subjected to punishment except in accordance with law.

For the reasons that their Lordships have now given they humbly advised Her Majesty that the appeal be allowed and the sentence of imprisonment passed by the Court of Appeal quashed.

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In the Privy Council

SAMSOONDAR RAMCHARAN

v.

THE QUEEN

DELIVERED BY
SIR VICTOR WINDEYER

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