

A COURT OF UNEQUAL JUSTICE



THE troubles between Japanese and foreigners at Shanghai arising out of the unfair actions and insulting manner of the Japanese consular authorities, which gave rise to the recent rioting during which British bluejackets beat off a mob of rioting Japanese who exceeded them ten to one in number, has been prevailing for some time, according to mail advices from the big city on the Whangpo. In an editorial on "Japanese Ethics" the North China Daily News, most influential of foreign newspapers in China, says, under date of August 15:

"Recent proceedings at the Japanese consular court in this settlement have aroused a storm of contempt and indignation, which tends, not unnaturally, to vent itself in prejudice against the nation at large. We should be loth, however, to believe that the exhibition given from the Japanese consular bench last Monday finds support or commendation in authoritative Japanese circles. The difficulty of finding a more creditable holder of the office may prevent an immediate change on the Bench; but it is not to be supposed that the magisterial excesses of that occasion will be passed without notice. Some indication of the elementary stage in which Japanese Justice still finds itself is given by the sentence of three days' imprisonment passed yesterday on a Japanese for assaulting a richia coolie. A few days ago the same magistrate informed one of his nationals that he was justified in assaulting richia coolies; but it would seem as if in the meantime the tyro had been taken to task by his superior, and when he summons up courage to punish the offender.

"Clearly, if an important centre as Shanghai with a Japanese population of several thousand can only be provided with such an irresponsible and erratic official, the supply of magistrates in Japan must be most limited. It is impossible, however, to forget the strain put upon the country by its newly acquired imperial obligations, and we may hope that

the studied moderation of the British government in making friendly representations will be more effective than the captious criticism which Japan is likely to meet with elsewhere. In the meanwhile, however, a grave injury has been dealt to Japan's prestige by the action of its official in the consular court last Monday, and it is this aspect of the case that should be borne in mind in Tokio.

After referring to the piracy of trade-marks of foreign merchants by Japanese, the Shanghai paper goes on to say: "This attitude of the Japanese government, together with the apparent partiality of its courts of law where disputes between its nationals and foreigners are involved, lends color to the belief that certain psychological characteristics of the Japanese will always prevent them from conforming to the European standard of international morality. We should be sorry to subscribe to this view, for we prefer to think that the short-comings of the Japanese, which are, unfortunately, bringing the nation rapidly into world-wide ill repute, are due more to a lack of suitable personnel for their imperial requirements than to an ineradicable viciousness in the nation. The piracy of trade-marks as well as the maladministration of justice are so clearly inimical to the interests of Japan at this juncture, that no government with the native shrewdness of the Japanese would allow them to be perpetuated, if it possessed to hand the machinery to stop them. In the former we may note the relics of Oriental Ishmaelism at work, which drives each man to rely solely upon guile to forward his own interests to the detriment of those of his neighbor; the latter is due to the fact that the demands of the courts have altogether outstripped the supply of capable magistrates and judges.

The North China Daily News prints a verbatim report of the trial before T. Takashima, the Japanese police magistrate of J. O. Kimura, a Japanese, and nine sailors of the Japanese cruiser Nitaka, accused of being drunk and disorderly, assaulting a richia

coolie and a foreign woman of low character in Boone Road, Shanghai, in which the unfair manner used by the Japanese magistrate in cross-examining and insulting the British police officials is shown. The report says: "Police Sergeant Moonan deposed as to the order in which four of the accused were brought to the police station; the rest of the accused were brought in within the next couple of minutes. Three foreign police and a native sergeant made the arrests.

"His Worship: I am told that there were fifteen or twenty constables there.

"Witness: They did not come into the charge room; there were other Chinese constables there.

"P. C. Butler was recalled and cross-examined by the court. He stated that he only went to the scene of the disturbance once; that was when he heard the whistle blown.

"His Worship: I am told you went there three times.

"Witness: I did not.

"His Worship: One of the accused says that you went upstairs and that the Chinese constable pointed him out and you arrested him there.

"I arrested him in the street; he was one of the four who attacked me.

"His Worship (to Inspector Bourke): I think this witness is telling lies, because he went upstairs.

"Inspector Bourke: On whose evidence can you say that? You have heard the corroborated evidence of these men and the Indian constable that he did not go into the house except as far as he was dragged in. In support of this statement his clothes, which have been mauled by the accused, have been produced. I do not see why his evidence should not be believed, as it is only natural that the accused would try to make up a story for their defence. Even if the police did enter the house, there would be no need to hide the fact, for they would have been perfectly justified. It is a serious offence to give false evidence.

"Police-Sergeant Moonan: I am able to state that Constable Butler never left the charge room after he came in the first time.

"His Worship: He is liable to prosecution for giving false evidence.

"Inspector Bourke: I submit that it has not been proved that he is giving false evidence; I have evidence to rebut that put in for the defence. You have the evidence of the foreign constables which corroborates witness' story. There is no doubt whatever about it.

"His Worship: There are many witnesses besides the police.

"Inspector Bourke: Yes, for the one side.

"His Worship: If you take that attitude he need not deny that he went upstairs. He had better speak the truth.

"Inspector Bourke: There would be no need for him to deny it if he went into the house.

"His Worship: I cannot hear any more from this witness.

Police Constable Murray was also accused of giving false evidence by the Japanese magistrate. In a cross-examination of the police officer he had given his evidence the Japanese magistrate said: "That man (pointing to one of the accused) says you arrested him upstairs."

"I did not. I arrested him at the corner of Boone Road and the alley. He was so drunk he did not know where he had been arrested."

"His Worship: He says he was asleep in the room and that three constables came."

"Inspector Bourke: Who said so?"

"His Worship: That man. He was with an old man and, his wife was there also. I think this witness is also giving false evidence.

"Inspector Bourke: That is a very serious accusation to make against a policeman. It is the first time they have had such an accusation made against them in court."

After some other evidence had been heard and the Japanese magistrate had again stated

he believed the British police officers were giving false evidence. Inspector Bourke said: "It appears to me in this case, as in others of a similar nature that have been brought before the court, after the evidence has been given by the complainants and police they are subject to a strict cross-examination by the court. It seems as though the police are actually the accused and the defendants are the aggrieved parties."

The outcome of the case was that the Japanese sailors were sent on board their vessel unpunished, and Kamura was fined \$2.50.

Another typical case wherein the Japanese prisoner escaped scotfree is given by the Shanghai Mercury, under date of August 3:

J. Nishimura, No. 6 Quinsan Gardens, was charged with wilfully damaging and stealing a quantity of flowers in the Hongkew Recreation grounds at 5 a. m. on the 3rd inst., the property of the municipal council, valued at \$2.50.

Inspt. Bourke appeared on behalf of the police and pointed out that apart from the wilful destruction of the plants, it was also a felony, as the accused had stolen the flowers. Had he been a child there might have been some excuse, but he was a grown up person and knew what he was doing, as his actions plainly showed. He went to the park at an early hour when he thought there was nobody about. The flowers were Japanese plants.

Indian P. C. No. 224 stated that he was on duty in the park and at five o'clock he saw the accused stealing the flowers. As soon as he saw witness he started to run away and jumped over a fence to escape, but witness gave chase and took him to the station.

D. MacGregor, Supt. of Parks and open spaces, said that although the plant in question only cost eighty cents originally three years ago, it was now a full grown tree and had been totally destroyed by the act of the accused, the loss being \$2.50.

His honor questioned the accused and then said the case would be remanded sine die.

A Benevolent Pirate Chief



HAN CHEUN is a large town situated near Canton and is the largest grain market in the Kwangtung province. The wholesale rice merchants there, taking advantage of the calamity caused by the recent flood, formed a ring and bought up all the rice that was available in the different markets. This sent the price of the commodity from 3 taels 1 mace per picul to 6 taels 1 mace in the beginning of the current month. The avaricious merchants not being satisfied with the enormous profits they were making have lately actually refused to sell rice to the poor country people of the distressed districts, knowing that these people would ask for a reduction of price. Whenever they came to make a purchase they were told that there was no rice in stock. The country people were very angry over the matter but could do nothing to ventilate their wrath. The affair was heard of by the notorious Pirate chief, Luk Lan Hing, who on the 10th inst., about dusk landed at Han Cheun with over 15 dragon boats filled with pirates and personally visited several of the leading rice merchants, whom he presented with visiting cards bearing the formidable characters "Luk Lan Hing." Having asked their surnames he left a letter with each of them and told them to act in strict accordance with the contents of the letter. Every one of the merchants was in a state of great terror when Luk put in his appearance in their shops as they did not know the object of his visit. Shortly after the departure of the robber chief and when their apprehensions were over they opened the letters the gist of which was as follows:

"I beg respectfully to inform you that on account of the recent disastrous flood the officials and people of all trades and professions have rendered assistance in every possible way to alleviate the sufferings of those in distress while you are hoarding up grain to sell at high prices. You not only gave a deaf ear to the appeal of the hungry but you have refused to sell rice to the people of the distressed district. You are devoid of virtue and your conduct is abominable. I hereby give you notice that within one month from today you are required to dispose of all your rice at cost price and only on this condition peace will remain between us, and if you do not repent and reform your doings I will summon and command my brothers to rob all your grain, convey it by vessel to the distressed districts for distribution amongst the sufferers, and exact a fine of \$200,000, in atonement of your crime and faults. If you do not have this sum in readiness I will inflict the severest punishment; etc., etc."

The merchants after reading the letters held a meeting with the intention of reporting the matter to the authorities, but, upon further reflection decided to drop the matter as they feared the officials would punish them for hoarding up the grain and raising its price; on the other hand they dare not keep up the price for fear of Luk acting up his word. It is reported that last week the price of rice in Han Cheun had dropped to 3 taels 2 mace per picul and now to 2 taels 7 mace 6 candarins; in the latter price the merchants are losing 3 mace per picul. This fluctuation has

caused the price of the article to fall in Han Shan and other rice markets.

Perhaps very few people know how Luk Lan Hing became a pirate. He is well educated and very intelligent and was formerly school master in a village in the Shun Tak district. His school and lodgings occupied a small portion of a large ancestral temple situated on the outskirts of the village. The temple has frequently been made use of by pirates and robbers as a rendezvous and also a place for dividing their booty. Of late years owing to numerous robberies up country, many of the wealthy people have removed their valuables to police cities and towns for safety—and the chances of the bandits to make a big haul are rare. Now they have changed their tactics by kidnapping the wealthy class

and their children and also blackmailing. This requires some education as they have to communicate in writing to the victim's relations, but hardly a soul amongst the robbers could read or write. They found Luk very useful; he often wrote letters for them and explained the replies. Of course, he was paid for his work. But it did not last very long before Luk's handwriting was identified by somebody who brought the matter to the notice of the authorities. The result was a reward of several thousand taels was advertised by the officials some two years ago for the capture of Luk, dead or alive, and in fact one day soldiers were on their way to capture him in his village. When the robbers got wind of it they went ahead of the soldiers and carried Luk away by force. He was afterwards compelled by the pirates to become their chief. Although the reward for Luk's capture has now risen to 60,000 taels, he frequently visits his family in the village, passing right under the nose of the brave—Hongkong Daily Press.

Belgium Assumes Control of the Congo



THE Belgian lower chamber has at last passed the legislation authorizing the annexation of the Congo Free State by Belgium. For four months, save for a brief interval during which a third of the chamber was re-elected, the debates on the Treaty of Annexation of the Congo, and the Colonial law to be administered in the territory, have been dragging on, and during that period most of the Belgian deputies have expressed their opinion on these measures. It cannot, therefore, be said that the nation is undertaking its new responsibility with its eyes shut. It is true, the final scene of King Leopold's administration has not yet been rung off, for the Senate has yet to pass its verdict on the measures voted by the Chamber, and by the thirty-fourth article of the Berlin act of 1885, the Powers signatory to that international charter have to be notified of Belgium's assumption of sovereignty, in case they may have any objections to raise. The first of these steps, the consent of the Senate, seems to be regarded as a matter of course, and it is expected that in a few days Belgium will, as far as lies within her own power, have irrevocably assumed the government of this territory, larger in extent than the whole of Europe. Since, as a result of the European and American outcry against the iniquities of the present administration, amply confirmed in 1906 by a Belgian commission of inquiry, Belgium began seriously to contemplate taking over the colony, the conditions under which it was offered to her have been sensibly modified in her favor. The terms at first suggested by King Leopold besides being peculiarly onerous, left her so little real control over the administration that the intention was obviously to induce her to cover the acts of others with her own fair fame. The Sovereign was then compelled to lower his terms, and though his solatium is still substantial, the main point of constitutional control by parliament over the budget and administrative acts of the Colonial government is amply guaranteed by the law as it has passed the

chamber. This alone is the best safeguard against a continuation of the evils and butchery which have been so frequently and thoroughly exposed during the last ten years; for no government subject to the power of inquiry and the judgment of a civilized people would dare to maintain them. There is yet another safeguard against their perpetuation. Whatever may be the exact bearing of Article 34 in the Berlin act on the present change of sovereignty it is obvious that a neutral State like the Congo, so hedged around with international guarantees, cannot change its condition without the sanction of the guaranteeing Powers. There are certain points for which the Powers, have made themselves responsible by treaty, and on the observance of which they will insist, whoever is Sovereign. The United States coincides with this view. Probably the most important of these points is that the natives must no longer, as in the past, be subjected to a veiled form of slavery or forced labor in lieu of taxation.

The Belgian government has been plainly told that the system of granting land to foreign companies and depriving the natives of the means of earning a living independently must cease, and that, whatever may be the pretended rights of the State or the companies, the liberty which in those parts of Africa comes from the possession of the land alone must be restored to the natives. Furthermore, the freedom of trade promised to all nations in the Congo Basin must be observed, and no longer interfered with by the commercial concessions which embrace so large a part of the territory. The Belgians have never had experience in colonial administration of any kind, but everything points to the likelihood that they will rise to the dignity of their new burden. In short, Belgium agrees to take up her share of the "white man's burden" as the only possible solution of the Congo problem. Annexation has been forced upon Belgium by a combination of circumstances with which the country itself has had curiously little to do. The average Belgian is in temperment essentially stay-at-home. In fact,

The Late Sir Henry Irving



UCH light is thrown on the character of Sir Henry Irving by Walter Herries Pollock in his recently published book, "Impressions of Sir Henry Irving." Commenting on this volume, The Times says:

Mr. Pollock himself throws light directly on what we regard as the principal shortcoming of a not uninteresting book. He writes: "A good deal has at all times been, and always will be, said and written as to the hard fate of the great actor, in that there is no enduring record of his genius. It might be answered that the fame, to take two instances, of Roscius and of Garrick are insistent replies to this assertion." They are not replies to it at all; any more than the fame of Jubal and of Apelles are enduring records of their music and painting. The greatest difficulty in the way of all who would study the history of acting—an unimportant matter, perhaps, but still not without its interest as an illustration of intellectual advance or decline—is that they cannot study it at first hand, but are bound to trust to the impressions left upon other minds. Even were such material plentiful, the work of reconstructing a single actor would be more difficult than that of reconstructing a forgotten civilization, which has left no literature, from its pottery and the foundations of its buildings. And, unsatisfactory as the best of such material must be, it is the lack of it which makes theatrical history the dusty and in-nutritious feeding that it is; while any scraps of serious criticism left by a Cibber, a Hazlitt or a Lewes are snapped up eagerly, for want of the original art.

Mr. Pollock was for years a devoted admirer of Sir Henry Irving, and at the same time a cool critic of his achievement. In this book he tells us not a little of a matter which Irving's biographers have hitherto left mainly out of account—his acting. The book is the best yet published in this field. But future generations will undoubtedly complain that Mr. Pollock has not told them nearly enough. He has, in fact, fallen into the old mistake of writing for those who have seen the performances he mentions, instead of following the plain path of duty to his friend and to posterity and writing for those who can never see them. It is interesting to learn that "between Irving's arrival at the theatre to dress and the rise of the curtain on the first of 'King Lear,' he decided to play 'the part in an entirely different way from that in which he had rehearsed it. Posterity will remark that that is all very well, but how did he rehearse it, and how did he play it? And the twenty-first century historian of the stage, after searching as laboriously for Irving the actor as for any of his predecessors, will remark in a footnote that Mr. Pollock's book is especially tantalizing, because it does so much in the way of reconstruction that with more system and more thoroughness it might have become a document of the greatest value.

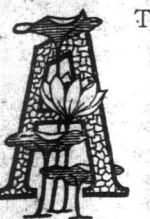
With Irving, the man, we fare better though here again we have "impressions" rather than an impression and must put things together for ourselves. The characteristic that emerges most prominently, perhaps, is the simplicity that was proof against the adulation lavished on his "great intellect" and his "commanding personality." Between them, two stories in this book express it clearly. One is that of Irving's child-like little flash of jealousy and disappointment when his cat showed signs of "taking to" Mr. Pollock. The other is his remark on Becket: "The play made me. It changed my whole view of life." On long runs, on the degree to which Irving bowed to what he supposed that "they" (the public) would expect of him, and on the old question of the actor's dual personality, Mr. Pollock has interesting things to say and good stories to tell. What would the great actor's more earnest followers have felt had they known that one night, as he smothered Desdemona, he asked her what her mother was going to have for supper?

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