

You, Tung Pak Foo, were defended by counsel who took every possible point and urged every possible topic in your favor. You are without excuse; no influence appears to have been exercised over you, and with great cunning (which all but succeeded), you deposed to facts and circumstances which you knew to be entirely untrue, as was demonstrated by your unsuccessful efforts by coercion and terror to suborn others to sustain your story by perjury. Your character as a person habitually on such terms with pirates as that a mere note from you was sufficient to protect honest trading boats from piracy, was proved on your trial. If you had your full deserts you ought to suffer the severest punishment possible.

The sentence of the Court on you for the crime of which you have been convicted, is that you be kept in penal servitude for seven years.

You, Choy Asam and Tung Pak Foo, have each been convicted of conspiracy, the object of which was in order to gain the Government reward of \$500 to accuse in this Court, Shek Aluk, Shek Achung, Shek Chung Leen, and Shek Qui Leen of the crime of murder.

Neither of you had any excuse for your most wicked conduct.

The sentence on you, Choy Asam, is that you be imprisoned and kept to hard labour for five years.

The sentence on you, Tung Pak Foo, is that for this your crime of conspiracy, you be imprisoned and kept to hard labour for two years. This sentence and imprisonment to commence and take effect from and after the expiration or sooner determination of the sentence of penal servitude to which this Court has already sentenced you.

The result of these protracted trials is that it has been proved that Shek Aluk, Shek Achung, Shek Chung Leen, Shek Qui Leen, are not only "Not Guilty," of the murder of which they were convicted, but that they were innocent—absolutely innocent—indeed, that they are peaceable and honest sailors. Every right-minded man must deeply sympathize with them for the mental tortures—worse than bodily tortures—to which they have been subjected in the fear of death—of an ignominious death—aggravated by the feeling that they were innocent.

The Government can, and I hope will largely (it is beyond its power adequately to) compensate these poor men for the wrongs done to them.

I see that Tuk Cheong and some of the other respectable Chinese residents to whose exertions so much praise is due, are present.

No words I can utter can increase the satisfaction which they must feel, that by exonerating themselves they have proved the innocence of the four men, and with so good an effect. Every right-

minded man must feel indebted to them. I trust that the success of their efforts will well satisfy them for the money which they have with right good heart expended to bring together such a mass of conclusive evidence, as has enabled this Court to exercise its most noble function, the elucidation of innocence. These efforts have been well seconded by the very able way in which the facts of the case have been marshalled before the Court. I trust that this success will induce them and other respectable Chinamen to take in future a more active part in effectually aiding the Government in the suppression of crime and violence, and in securing good order, in which they have as deep an interest as any other persons in this Colony.

Reflecting persons may probably be shocked that four innocent men were so near being executed, and will ask what security there is that the irrevocable penalty of death has not often been inflicted in this Colony on innocent persons. I confess that I shuddered when this question forced itself on me; but on careful reflection, I feel assured that there is no just reason for alarm.

A Blue Book published in 1866, Report of the Capital Punishment Commission, gives for three years, 1861-63, fifty-two as the number of executions in England, under fifteen judges, while during the same period thirty men were executed under sentences by one judge in this Colony. I have not the English Returns up to this date, but there have been since 1863, thirty-seven executions in this Colony, which I believe is in a ratio to the executions in England much greater than the proportion was in previous years. It appears that executions in this small Colony have been since 1860 more than half, probably two thirds part, in number of all the executions in all England.

With a responsibility greater, I believe, than weighs on any other judge administering English Criminal Law, I have ever followed what the Chief Baron Sir Fitzroy Kelly stated in the same Report to be practiced in all English Courts. I have always 'exercised a degree of care, and caution in conduct of trials for life and death—vastly superior to that which formerly prevailed.' These cases confirm my resolution to exercise the like care and caution as long as I may preside in this Court.

I have obtained from Mr. Douglas, the very intelligent and able Superintendent of the Gaol, a return of all cases, 66 in number, which have ended in an execution, since I came in 1861 to this Colony. I find from Mr. Douglas that in nearly every case since he came to the Colony, the criminal has confessed his crime—indeed in every case where I have presided—and I have no