

ance. The code provides that where the false evidence was given to obtain a conviction, where the person accused would be liable on conviction to death or penal servitude, or to enable the offender to retain or keep anything of the value of one hundred pounds, he shall be liable to penal servitude for life; in other cases, for fourteen years.

The punishments prescribed by this statute are generally severe. It fixes, however, only the maximum penalty, and a wise discretion is left to the judges; the minimum penalty for all cases where the offender can be sentenced to penal servitude for life or a term of years being five years' penal servitude, or two years' imprisonment.

A relic of a different state of society, when the unjust influence of powerful persons was more feared by the courts, is found in the ancient offences of champerty and maintenance. This act enacts that in future there shall be no prosecution for champerty or maintenance, or for being a common barrator. For a long time there has been nothing left of these offences but ugly names.

[To be continued.]

## CURRENT EVENTS.

### QUEBEC.

Mr. Holt, Q.C., of Quebec, has been appointed Judge of Sessions, in the place of the late Mr. Doucet.

Mr. Gonzalve Doutre, D.C.L., has been appointed a Q.C.

### ENGLAND.

**CONTEMPT OF COURT.**—In a lucid judgment Sir R. Harrington, at Coventry County Court, in *Martid v. Bannister* discussed the very important question whether County Court judges can enforce obedience to their orders by commitment for contempt. It has been decided in *Reg. v. Lefroy, ex parte Jolliffe* (28 L. T. Rep. N. S. 132; L. Rep. 8 Q. B. 134) that inferior courts have power only to commit for contempt *in facie curiæ*, and although Sir R. Harrington is of opinion that a much larger power is vested in those courts, he declined to exercise it. And he declared that he will not exercise it until a Superior Court has decided that he may lawfully do so. This course was undoubtedly dis-

creet, for, as Sir George Jessel remarked in *Re Clements* (36 L. T. Rep. N. S. 332), "This jurisdiction of committing for contempt, being practically arbitrary and unlimited, should be most jealously and carefully watched and exercised with the greatest anxiety on the part of the judge to see that there is no other mode which is not open to the objection of arbitrariness, and, to a certain extent, unlimited power, which can be brought to bear upon the subject." But it would be very satisfactory if a decision could be obtained upon facts properly raising the question, which *Reg. v. Lefroy* did not; for although the power to commit is arbitrary, it is one which is necessarily incident to a court of justice.—*The London Law Times.*

### JAPAN.

**THE JAPANESE PENAL CODES.**—According to a summary of the Japanese Penal Codes, which was recently contributed to the Asiatic Society by a member of the English embassy in Japan, it appears that those Codes, though embodying the most advanced ideas of the civilized world upon the subject of criminal procedure, still do not dispense with torture in the investigation of offences. Torture, it is asserted, is not actually practiced, and a notification was issued by the Prime Minister of the Empire two years ago which conveyed the impression that it would not be, but the Codes being silent on the subject it is asserted that the courts have power to resort to it when such a course shall be deemed expedient. The old laws which govern the question are very explicit in their directions as to when and upon whom torture may be inflicted. It is allowed in a mild degree, in all preliminary examinations, in which case only a whip, which inflicts pain, but cannot result in permanent injury, is used. The severer forms are to be resorted to only in the cases of persons held for trial for murder, incendiarism, robbery and other serious and capital crimes, and who are already morally proved guilty of the offence of which they are charged. Before torture is resorted to the accused is notified of the intention to use it, and he can avoid its infliction by making a full confession admitting that he is guilty of the offence charged. In case of the infliction of torture in cases where it is not allowed, the officer ordering the infliction is responsible personally. The tortures are numerous and consist of the infliction of pain by mechanical devices and fire and of deprivation of sleep and drink, and of exposure to venomous reptiles.