

the common law remedy might be in such a case; and reference was also made to sections 120, 124 and 125, as affecting the case.

COUNTY JUDGES' CRIMINAL COURTS.

A writer in the *Law Times* draws attention to the remarks that appeared in this Journal in November last on this subject, and speaks fully of the jurisdiction and procedure of the Courts as we detailed them. This article, which will be found in another place, shews that the conductors of that leading periodical fully comprehend the importance of the "gigantic stride in legislation" in the "remarkable act" referred to. Whilst fully concurring in the views we expressed as to its advantages, they think it advisable to wait till the Act is tested by time and experience before following our example, though at the same time they are bound to admit that it proceeds in the direction of the inevitable tendency, which will eventually give prisoners the option, in England as well as here, of being tried with or without a jury.

EXTRAORDINARY TRIAL IN CHINA.

A friend in China has sent us a paper, the *Overland China Mail*, published at Hong Kong, containing a report of a case of much interest and instruction to all persons concerned in the administration of criminal justice. During the absence in England of Chief Justice Smale, of the Supreme Court in the British Colony of Hong Kong, four Chinamen, Shek Aluk, Shek Achung, Shek Chung Leen, and Shek Qui Leen, the master and three of the crew of a junk, were tried, convicted and sentenced to be hung, for the murder of one Mahoney a police officer. This conviction was obtained upon the evidence of three Chinamen, Tung Pak Foo, Lee Akwai, and Lum Assang, who deposed to their presence at the date of the murder; the two latter deposed that they saw the four men and Tung Pak Foo, all armed, land from the Yee Lee junk on Saiwan Bay for Sowkewan; and Tung Pak Foo deposed that he was present participating with the four in the murder, and that he saw the wound which caused the death inflicted by the first prisoner.

The final decision as to their execution was fortunately delayed beyond the usual period, owing to special local circumstances.

On the 4th of November, some respectable Chinese residents in the Colony, being entire

strangers to the four convicted men, presented a petition in which they alleged reasons for suspecting that the testimony of all the three witnesses was false, and they made out so strong a case as to induce the Governor in Council to commute the sentence of all four prisoners to penal servitude for life.

Suspicious were subsequently aroused as to the truth of the statements of these witnesses, and they were indicted for perjury, and ultimately convicted before Chief Justice Smale, on the clearest evidence of guilt.

The learned Chief Justice after reciting the facts and shewing the justice of the conviction used the following language in sentencing the prisoners:—

"Lum Assang and Lee Akwai, you have each been convicted of perjury in swearing on the trial of Shek Aluk, Shek Achung, Shek Chung Leen, and Shek Qui Leen, that they were landed from Saiwan Bay to near Sowkewan, on the night of the 17th of April last. You knew that they were on a trial for a crime for which you believed that there lives would, on conviction, be forfeited. You have admitted your crime, and you have made reparation as far as you can in the evidence you have repeatedly given; I have considered the excuse made by each of you, that you have each been subjected to imprisonment in the Police Chop, and to the pressure of the influence of the authority of the Water Police there to coerce you into perjury.

The learned counsel, Mr. Hayllar, after your trial, speaking for his client, the prosecutor, whilst he ably argued that all this forms no answer to the charge against you—that it did not exonerate you from legal guilt—admitted in expressive terms that the coercion which, as he said, had been proved, formed a very strong case of coercion as addressed to me in mitigation of punishment, that it formed quite a terrorism affecting your minds when you gave your testimony.

Concurring in all that has been humanely put forward, I must as judge blame you. Although I do not greatly wonder that the vile influences which were exercised prevailed over you, and although others were certainly far greater criminals, I cannot exonerate you from criminality.

I pass on each of you the lightest sentence, which considering all the circumstances of this case I can award.

The sentence of the Court on you, Lum Assang, is that you be imprisoned and kept to hard labor for six calendar months.

The sentence of the Court on you, Lee Akwai, is that you be imprisoned and kept to hard labor for six calendar months.