

CONSTITUTIONAL LAW—POWER OF LEGISLATURE—APPOINTMENT OF JUDGE OF SUPREME COURT—TERM OF OFFICE—INCONSISTENCY WITH CONSTITUTION.

*McCawley v. The King* (1920) A.C. 691. This was a proceeding by *quo warranto* to determine the validity of a commission appointing the defendant a Judge of the Supreme Court of Queensland. The Courts below, including the High Court of Australia, all pronounced against the validity of the appointment, mainly on the ground of its being in conflict with the Constitution Act; but the Judicial Committee of the Privy Council (Lord Birkenhead, L.C., and Lords Haldane, Buckmaster, Dunedin and Atkinson) have reversed the decision of the High Court, holding in effect that the Provincial Legislature had power to pass the Act in question, under which the appointment was made, though it might be inconsistent with the Constitution Act, which in their Lordships' opinion had not the effect of creating a rigid Constitution, but was like any other Act of the Legislature, susceptible of variation.

DEPORTATION ORDER—BRITISH SUBJECT—WANT OF PARTICULARITY IN CHARGE.

*Li Hong Mi v. Attorney-General for Hong Kong* (1920) A.C. 735. This is an illustration of the way in which the liberty of the subject is safeguarded by British law. By an Ordinance of Hong Kong, the Governor-in-Council is empowered to order the deportation of any person who, in the opinion of the Governor-in-Council, has been guilty of any criminal offence, or of any other misconduct, connected with the preparation, commencement, prosecution, defence or maintenance of any legal proceeding, or the sharing in the proceeds thereof, or the settlement in compromise thereof, or the obtaining or preparation of evidence in anticipation thereof, or in relation thereto. The order of deportation made against the plaintiff stated that he had made a practice of champerty, the institution of fraudulent claims, the preparation of false evidence, the improper exploitation of litigants, and the dishonest conduct of litigation, and of the proceedings incidental thereto, and that he had been guilty of the following misconducts: (a) Champerty, the institution of fraudulent claims; and the preparation of false evidence in connection with O. T. Action No. 247, of 1913, in *Tak Kwong v. We Ting Tsuer*; (b) Champerty and the improper exploitation of litigants in connection with O. T. Action No. 5, 1912, *Ho Chin-lane v. Ho Ngok-Lau*. The Judicial Committee of the Privy Council (Lords Haldane, Buckmaster, Dunedin and Atkinson) held that though the order might have been good if it had been confined to the specific charges stated, was vitiated by reason of the general charges on which it also purported to be based.