

COUNTY JUDGES CRIMINAL COURTS—LEGISLATION—EXTRAORDINARY TRIAL IN CHINA.

proceedings taken under sections 130 and 131 of the Municipal Act by summons, in the nature of a *quo warranto* summons, were not applicable to such a case as this, whatever 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.

LEGISLATION.

Amongst the Bills before the present Parliament of the Dominion interesting to the lawyer, we notice several affecting Bills and notes; two for the purpose of providing for cases where stamps have not been affixed at the proper time or for the proper amounts, and innocent persons have become liable to penalties. Also, a Bill introduced by the Post-Master-General, intended to "assimilate the law of the several Provinces of the Dominion, as to Bills and Notes." This is a very important measure, and necessary for the convenience of mercantile men and most beneficial for the consolidation of the mutual interests of all concerned. The bill is in a great measure a re-enactment of the law already in force in this Province on the subject.

There are also two bills to amend the law respecting the extradition to the United States of persons charged with crimes committed in that country; a bill to amend section 71 of the Act respecting duties of Justices out of session in relation to summary convictions; a bill to amend section 3 of 32 & 33 Vic. cap.

23, respecting Perjury; and last, but by far the most important of all, is the bill to establish a Supreme Court for the Dominion of Canada. Of this we shall speak hereafter at length. It is of too much moment to be lightly passed over; and from what we hear, it is likely to stand until next session, which will give all an opportunity of discussing its provisions.

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 Asang, who deposed to their presence at the date of the murder; the two latter deposed that they saw the four men and Tung Fak 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