ON THE CRIMINAL AND ADMIRALTY JURISDICTION FOR THE TRIAL OF BRITISH SUBJECTS IN CHINA, CONFERRED, BY ACT OF PARLIAMENT, ON HIS MAJESTY'S SUPERINTENDENTS.

This anomalous jurisdiction has been denounced by many as an unjustifiable *imperium in imperio*, which could not possibly be tolerated by the Chinese with any regard to their independence as a nation. This, however, is very far from being the case; and the jurisdiction in question formed no part of the grounds on which the Chinese objected to receive the late
Lord Napier. "Of late years," says Dr. Morrison, "the plan adopted by the Chinese, in cases of homicide, has been to demand of the fellow-countrymen of the alleged manslaughter, that the guilty person should be found out, and handed over to the Chinese for punishment. This is in effect to constitute them a criminal court. Were a man to be delivered up by the individuals thus called upon, he would be regarded by the government as already condemned. His punishment, painful experience tells us, would be certain. Since, then, the Chinese are thus ready to regard foreigners as the judges of their fellow-countrymen, why should foreign governments hesitate to establish criminal courts?" *

Repeated government edicts might be quoted in support of these views. Let one suffice—issued on the occasion of the American homicide, in 1821:—

"As the officers of government do not understand the language of the foreigners, it has always heretofore been the practice to order the chiefs of the respective countries to find out the murderer, and question him fully, and ascertain distinctly the facts, and then deliver him up to government; after which a Linguist is sum-

* From a paper by the late Dr. Morrison, in his son's Commercial Guide, p. 61.
moned, the interrogatories translated, and the evidence written down, and the prosecution conducted to a close."

The representatives of Christian powers in Turkey have long exercised a nearly similar jurisdiction. "For very many years," it is stated in M'Farlane's Constantinople, "no such thing as an execution of Franks, by Turkish law, had been seen in the Levant, where offenders are given over to their respective consuls, who take into their own hands their punishment, if the offence be light, or send them home to be tried by the laws of their country, if serious."