

are changing the ancient city into one of the most modern municipalities in the Far East. The same holds true of Wuchow in Kwangsi. As Nanking is the new capital of New China, no expense or effort should be spared to make it representative of the new spirit that has dominated the present generation. The task which the Committee has undertaken is gigantic indeed. The amount for the proposed loan seems too inadequate to accomplish even the minimum requirements of a modern city, to say nothing of a national capital. Nanking, for instance, is in sad need of a reliable electric and power plant without which all industrial enterprises can hardly be developed. The growing population of the capital makes it imperative that a proper waterworks be established by the local government either independently or in conjunction with commercial interests. A sewerage system is badly needed, as well as other sanitary facilities. These are but a few things that call for immediate action, and unless public support is lent to the proposed loan and loans that are bound to be issued in the future, all talk about city planning and improvements will bear no fruit. In fact the City Planning Committee

has been at work for months, and yet very little has actually been done, except perhaps the Chunsan Road. If we want a modern capital, we must support the authorities in their attempts in that direction. The present loan is only the beginning.

The Kyoto Conference

IN an editorial in a former issue of our paper we discussed the advisability of holding some sessions of the coming Kyoto Conference of the Institute of Pacific Relations behind closed doors, based upon information furnished by our correspondent in New York. It was thought that these referred to the regular sessions to which press representatives were admitted in the past. However, we are now informed by the China Council of the Institute that no such new ruling has been adopted, but all sessions, except the informal round table discussions, will be open to press representatives, as was done before. We are glad that this is the case, and believe that the Institute will achieve more through open discussion and the consequent effect on public opinion than through any other means.

Extraterritoriality and Justice

Most commendable is the attempt of the Shanghai Municipal Council to prosecute the three Mexican citizens who are alleged to have been operators of the two well-known gambling establishments in Shanghai. Carlos Garcia, said to be the manager, operator and agent of the "Wheel" at 151C Bubbling Well Road, was arrested on June 19 on a warrant signed by the Mexican Consul, Mr. N. E. Allman, after he had threatened to shoot the police who attempted to arrest him on a warrant issued by the Chinese Provisional Court. On June 21 another Mexican, G. F. del Valle, was arrested without incident on a charge of being a co-manager of the same gambling house. The place was subsequently sealed by permission of the Mexican Consul. A similar prosecution is being conducted against a third Mexican, Hector Fournier, who is charged with operating the second roulette establishment at 5 Yates Road.

The descent of the police upon the two gambling resorts brought, besides three Mexicans, a fourth Mexican before the so-called Mexican Court, nine Spaniards before the Spanish Court, one Portuguese before the Portuguese Consul, and 93 employees of the establishments including two Russians and 77 Chinese patrons before the Chinese Provisional Court and a number of British before the British Court. The trial of the Portuguese has not been completed at the time of writing (June 24). The nine Spaniards were cautioned by their consul and released. The two Russians and Chinese were either fined or sentenced to jail for various terms. The three Mexicans, the chief alleged offenders, have been released on bail, and their passports deposited with the Mexican Consul. The case of the fourth Mexican charged of being a patron of the Yates Road house is remanded.

The delay in the trial of the Mexicans is due to the dispute over the right of the Mexican Consul to exercise extraterritorial jurisdiction over Mexican nationals in China. His right was seriously and rightly disputed by Police Advocate R. T. Bryan at the first hearing of Carlos Garcia in the so-called Mexican Consular Court on June 20. This case has been made the test case in regard to the other Mexicans.

The contentions of Mr. Bryan are: 1. That the Sino-Mexican treaty of 1899 was abrogated in October 1925, thus leaving Mexican citizens in China without extraterritorial rights; 2. That the treaty in question, even when in force, made no provision for Mexican Courts in China and the Mexican government has not created such a court in Shanghai; 3. That the Mexican Consul has no appointment to sit as a judge in a Mexican Consular Court and has no legal jurisdiction over the defendant.

The counsel for the defence, Dr. O. Fischer, in his objection to the assertions of Mr. Bryan contended: 1. That the Sino-Mexican Treaty could not be abolished by China alone; 2. That this treaty is still considered to be in force by the Consular Body; 3. That the Shanghai Municipal Council of which Mr. Bryan is but an employee has no right to question the authority of the Consular Body to which it is subordinate.

This question of jurisdiction cannot be decided without reference to the Chinese and Mexican Governments. Mr. Allman is to be complimented on his decision to obtain instructions from his home government before proceeding further with the hearing.

The point that interests the general public most is not whether the Mexicans are guilty but the frequent

delay in obtaining justice in China under the system of extraterritoriality. In the present case extraterritoriality has presented various difficulties both before and after the arrest of the alleged culprits.

As has been referred to in these columns, the police had considerable difficulty in obtaining the permission of the Mexican Consul to search the gambling establishments. Finally a "siege" had to be planned in order to get the names and addresses of the patrons and employees of these houses. This resulted in the prosecution of Chinese and Russians in the Provisional Court and other foreigners in their respective consular courts.

When the police attempted to arrest Carlos Garcia at his apartment on a warrant issued by the Provisional Court, he threatened to shoot the officer. Yet we would venture to suggest that at the slightest sign of danger this Mexican citizen would not hesitate to run to the police for protection. It is indeed a queer state of affair that the police should have the responsibility for the protection of residents in the Settlement and be at the same time devoid of authority to arrest an offender of law with the exception of the Chinese.

After the Mexicans were arrested, the trial has to be delayed on account of the dispute over the right of the Mexican consul to exercise jurisdiction over the Mexican citizens in China. Though we agree with Mr. Bryan on his contentions, yet we cannot help asking why Carlos Garcia should have been arrested by a warrant issued by the Mexican consul who, according to the police, has no jurisdiction over him. This situation could have arisen in no other part of the civilised world. The only ex-

planation that can be offered is that this Mexican threatened to shoot and the police, in order to avoid an unnecessary incident of an ugly nature, preferred to make the best of the worst situation by applying for a Mexican warrant. After arresting him the police began to question the authority of the Mexican consul on which alone the arrest was made. What seems still more amusing is the fact that the police even humbly asked for permission from the Mexican consul to seal the gambling establishments though his authority was still being questioned. This sort of confusion is due to no fault of the police, but to the existence of extraterritoriality. The police were interested in stopping gambling and bringing gamblers to trial and had to meet all contingencies by practical means without regard to political or international issues. There is indeed a pathetic touch to their attempt to rid Shanghai of the gambling evil. Perhaps better results might have been obtained from the start if they had used the same high-handed methods as they did with the unarmed Chinese students on May 30, 1925.

Finally, the existence of extraterritoriality has made uniform justice impossible. The offenders who were caught in the raids by the police have been tried under different laws. The Chinese employees and patrons were fined and sentenced to jail while the Spaniards were merely cautioned. The chief offenders, the operators of these establishments, are out on bail while their underlings are already serving a jail term. Under extraterritoriality we see no justice but the phantom of justice. It delays arrests and trials and defeats the very end of law—uniform justice to all.

Labor's New Triumph in England

The Labor Party has again triumphed in England. Mr. Ramsay MacDonald and his party's victory at the recent general election is more truly a triumph than the victory of five years ago. For in 1924 Labor would boast of only a plurality of seats in Parliament, while now the Labor members constitute a clear majority. Labor's accession to power in 1924 came as a surprise, particularly to those Englishmen of a more conservative turn of mind, and equally surprising was the fact that the Labor government, without a majority in Parliament to support its policies, did manage to last for more than a year. Its downfall was largely, if not entirely, due to the episode of the Zenoviev letter which, however, later proved to be a forgery.

Now that it has a majority in Parliament to depend on, the present Labor Government can reasonably expect to enjoy a longer span of life. The Labor Party is now in a better position to carry out its declared policies and ought to be more confident of success. Inasmuch as this is Labor's first real opportunity to prove to the world in general, and the English people in particular, what a Labor Government can do with suffi-

ent popular support, there can be no doubt that Mr. MacDonald and his colleagues will strive to make a good showing.

The question of unemployment should be the first to demand the Labor Government's attention. Indeed, the Conservatives' failure to solve the unemployment problem and bring relief to the suffering miners was one of the chief factors which contributed to the downfall of Mr. Stanley Baldwin's Government. In spite of the sympathetic appeals of the Prince of Wales, the sums generously donated were far from sufficient to meet the situation. The money thus donated, even if multiplied by several times, would at best give only temporary relief. The way to save the suffering miners is to find employment for them. And this, both before and during the election campaign, the Labor Party claimed it could do. Now it is up to Labor to fulfil the promise, of course the Labor Government cannot be expected to work wonders overnight. But if it can solve the unemployment problem within a reasonable period of time, the Labor Party will have endeared itself to