

lature of that province, which had been assented to by him on the 12th day of July last. On the 8th day of August, these copies were received by the Secretary of State and referred to the undersigned for report. Among these Acts is one to which it would seem that early consideration should be given, namely, that marked 'Assembly bill No. 12,' and intitled, 'An Act to amend the law respecting district magistrates.'

"The undersigned would call attention to section 96 of the British North America Act, which provides that 'The Governor-General shall appoint the judges of the Superior, District, and County courts in each province'; and section 99 of the said Act, which provides that 'the judges of the Superior courts shall hold office during good behaviour, but shall be removable by the Governor-General on address of the Senate and House of Commons;' and to section 100 of the same act, which enacts that 'The salaries, allowances and pensions of the judges of the Superior, District, and County courts shall be fixed and provided by the Parliament of Canada.'

"The Act of the Legislature of Quebec before referred to professes to enable the Lieutenant-Governor of the province by proclamation to abolish the Circuit Court sitting in the district of Montreal (the Circuit Court being a court now presided over by the judges of the Superior Court of the Province of Quebec), and to establish in that city for the said district a special court of record under the name of the 'District Magistrates' court of Montreal.' It provides (section two) that the court shall be composed of two justices called 'District Magistrates of Montreal,' who shall be advocates of ten years' practice, be chosen from among the members of the bar of the province, and be appointed under the Great Seal of the province by the Lieutenant-Governor-in-Council. It contains other provisions as to the qualifications of the judges newly to be created and provides (section 4) that they shall hold office during good behaviour, but may be removed from office only upon the joint address of the Legislative Council and Legislative Assembly. Also by section 5 it enacts that the salaries of these judges are to be paid out of

the Consolidated Revenue fund of the province, and by sections 6 and 8 that 'All the powers now possessed by the judges of the Superior Court and the duties imposed on them respecting the affairs, proceedings, matters and things within the jurisdiction of the Circuit Court sitting in the district of Montreal are hereby conferred and imposed upon the district magistrates of Montreal;' and that 'the jurisdiction of the said court is the same, *mutatis mutandis*, for hearing and deciding civil matters as that exercised under the law by the said Circuit Court of the district of Montreal.'

"The undersigned is of opinion that the provisions of the Act which profess to confer upon the Lieutenant-Governor-in-Council the power to appoint these judges, the provisions also which relate to their terms of office, their qualifications for office and their mode of removal from office are clearly in excess of the powers conferred on the provincial legislatures by the British North America Act, and clear invasions of the powers conferred by the British North America Act on the Parliament of Canada and on Your Excellency; and as any delay in disallowing the statute of Quebec in question may lead to confusion and private injury in the administration of justice, he recommends that the same be now disallowed."

INDICTMENT—ILLICIT INTENTION.

The *Journal of Jurisprudence and Scottish Law Magazine* refers to a decision of the Vermont Supreme Court in *State v. Miller*, of which the following is an abstract:—

Under a statute providing that "a man with another man's wife, or a woman with another woman's husband, found in bed together, under circumstances affording presumption of an illicit intention, shall each be punished," etc., an indictment charging that the respondent "being then and there a man," was found in bed with another man's wife, "under circumstances affording presumption of an illicit and felonious intention," is bad for lack of allegation as to what the "illicit intention" was. The rule as to when it is sufficient to charge an offence in the words of the statute was stated in *State*