

no jurisdiction, even to do that which they now assume to do. The last clause of the Bill, which provides that the Act should not come into force until a day to be named by the Lieutenant-Governor by his proclamation, rather indicates, reading between the lines, that they have some doubts themselves on the subject. Legislation as to Criminal Procedure belongs to the Dominion, and it seems to us that the proposed measure would come under that head. However that may be, the action now taken is another nail in the coffin of the Grand Inquest: for one of the arguments has been that by reason of the large number of jurors on the panel, justice is more likely to be done than in cases where the number is small.

We are very glad to see that the Attorney-General has, with his wonted care for the welfare of the rising generation, introduced an Act respecting the use of tobacco by minors. The evil is a growing one and should be met at once. It has, during recent years, received the attention of many of the States of the American Union. One scarcely desires to criticise so commendable a measure, but there are three words in the second clause which might, we think, be left out (even if they are taken from some similar enactment) without doing any harm. The section provides that "any person *actually or apparently* under eighteen years of age," who has in his possession, or smokes, or in any way uses in a public street, or other public place, cigarettes, etc., shall be subject to a certain penalty. If eighteen is intended as the age of infancy as to smoking in public places, why subject one over that age to the penalty simply because he has a fatal appearance of juvenility? We are delighted, for example, at the youthful appearance of the veteran Premier of this Province—long may he live!—but who knows but that some near-sighted "bobby" might "run in" even him, should he recklessly use the fatal weed in public: and what would save him from punishment if "Brother Baxter" were to consider that he was apparently under the designated age? The words being in the alternative, a conviction might be held good if the defendant was apparently under eighteen. This is all the prosecution is called upon to prove, and the case might be proceeded with under that branch of the statute without reference to the *actual* age. What would be the result if the offence was proved under the word "apparently," and it was shown that *actually* the defendant was over the prescribed age? This ought to be considered. Then, how is the apparent age to be determined? By witnesses speaking from mere observation, or by the exercise of the perceptive faculties of the justice?

APPOINTMENT OF COUNTY JUDGES.

The question was asked in this JOURNAL last year by a correspondent as to whether it would not be better, as a rule, to appoint county judges from outside the local bar? Such was the opinion of that correspondent. Another correspondent took the same view, and gave cogent reasons for his opinion. Another subscriber writes us to the same effect. So far no one has expressed an opinion to the contrary.