

the charges against her. Strange as it may seem, it is nevertheless undoubted law that a *nolle prosequi* does not operate as an acquittal, but that the party remains liable to be re-indicted (see Archbold's 'Criminal Pleading,' 20th edit. at p. 120, citing amongst other cases *Regina v. Allen*, 31 Law J. Rep. M. C. 129, and *Regina v. Mitchell*, 3 Cox, 93. In a note to the report of *Regina v. Allen*, we find that in *Regina v. Ridpath*, Fortescue, 358, the Court is reported to have said; 'The *nolle prosequi* is no bar or discharge or leave of the Court to depart; for it is only that the Attorney-General will not further proceed on that information; the information is discharged but not the person. Judgment is not "quod eat inde sine die," but "non vult ulterius prosequi et ideo cessat processus super informationem omnino."' And in *Regina v. Mitchell* Sir Colman O'Loughlen, *arguendo*, cited three cases in which the entering of a *nolle prosequi* had been followed by a second information.—*Law Journal* (London).

TOBACCO A DRINK.—A singular case is reported from Vermont. There is a law in that State which allows a new trial if a party obtaining a verdict in his favor "shall, during the term of the court in which such verdict is obtained, give to any of the jurors in the court, knowing him to be such, any victuals or drink, or procure the same to be done, by way of treat, either before or after such verdict." A successful litigant, after a verdict had been obtained in his favor, "treated" the members of the jury to cigars, and a new trial was granted. The Supreme Court has decided that the order granting a new trial was correct. The main opinion was to the effect that "treating" with a cigar was as much against the spirit of the law as treating with victuals or with drink, and that this method of rewarding the jury was as harmful as that directly mentioned in the law. Judge Taft, however, did not reach the result by any such method of reasoning. He says boldly: "I concur in the result. Tobacco is both a victual and drink. It is taken as a nourishment, sustenance, food, etc.; therefore, a victual. It is not an obsolete use of the word to call it drink. Joaquin Miller says: 'I drink the winds as drinking wine.' If a man can drink wind, I think he can drink tobacco smoke, vile and disgusting as it is. A man is compelled to drink it, by having it puffed in his face on all occasions and in all places, from the cradle to the grave. It is a drink. Set aside the verdict." This opinion deserves preservation as a rare gem of judicial argument.—*New York Tribune*.