"the Legislature of this country has heaped repressive statute on statute until, at last, we have arrived at this ingenious contrivance, the ballot-box. It is very curious, indeed, that practical men such as our legislators generally are, should have required the test of actual experience to apprise them of the danger of this peculiar and very un-English mode of ascertaining the public will. The principle of the ballot box has been long discussed. Fifty years ago, the very inconvenience which we find now before us, and which has kept us here so many days, was foretold. It is impossible to conceive that members of Parliament were convinced that so absurd a scheme could lead to any good result. The only way we can account for its having been admitted in England and here is that members of the Legislature yielded to outside pressure and were afraid to say what they really thought, for fear of being accused of a desire to favor election frauds. But no accusation could be more unfounded, for they are the very people who suffer most acutely from such frauds."

The ballot system is open to very serious objections. Not least among them is that it may affect and even reverse the real expression of the electoral mind, because so many ballots marked with honest intentions may be thrown out for informalities as actually to change the result of the election. The counting by a large number of persons, styled deputy returning officers, can never be very safe or satisfactory. The system becomes still more obnoxious when it is found to open the door to such gross frauds as were detected in the Jacques Cartier election. But on the other hand, it must be admitted that it does away with a great deal of the excitement that used to attend elections. People do get excited still, but it is excitement after the result is proclaimed, and does not lead them to interfere with the progress of the voting.

REPORTS AND NOTES OF CASES.

SUPERIOR COURT.

Montreal, Nov. 13, 1878.

JETTÉ, J.

MARAIS v. BRODEUR, and BRODEUR, intervening.

Intervention—Security for Costs—Art. 29, *C. C.—Insolvent Act*, 1875, *Sect.* 39.

An intervening party residing beyond the limits of the Province, and an insolvent under the Insolvent Act, who intervenes merely as the *garant* of the defendant and for the purpose of taking up the *fait et cause* of the latter and defending the action brought against him, is not bound to give security for costs.

The intervening party, who was the maker of a note on which the defendant was sued as endorser, desired to intervene for the purpose of taking up the *fait et cause* of defendant and showing that the note was given without consideration.

The plaintiff asked that the intervening party be ordered to give security for costs, both as being domiciled in the United States, and as being an undischarged insolvent.

The Court held that Art. 29 of the Code did not apply to a case like this, where a debtor simply sought to defend himself. And so long as he was merely on the defensive section 39 of the Insolvent Act did not apply.

Motion rejected.

Bertrand for the plaintiff.

Ouimet & Co. for the defendant and intervening party.

BEAUSOLEIL v. BOURGOIN et al., and BOURGOIN et al., opposants.

Security for Costs—Insolvent Act, S. 39—*Opposition.*

A defendant who has become an insolvent under the Insolvent Act, cannot call on the plaintiff to declare whether he admits or contests an opposition filed by him to the execution of a judgment against him, without giving security for costs.

The plaintiff being called upon to declare whether he admitted or contested the opposition, moved that the opposants be previously required to give security for costs, they having become insolvent since their opposition was made. The opposition, which was made by the defendants, sought to set aside the seizure, for irregularities in the bailiff's proceedings.

The opposants objected that being defendants they were not bound to give security.

JETTÉ, J., held that as the opposants were endeavoring to force the plaintiff to proceed, Sect. 39 of the Insolvent Act applied.

Motion granted.

Geoffrion & Co. for plaintiff.

Loranger & Co. for defendants and opposants.