

above him a portrait of the Emperor in military costume. These judges argue with each other, in banc, upon printed appeal books; they seem to take sides like counsel, differing warmly. Each case is decided by a majority vote. In this court there is no oral argument by counsel allowed, except in *habeas corpus* cases; all others are submitted on printed points, and no counsel are present. Lawyers are divided into solicitors and counsellors; the latter must be doctors or bachelors of law; a doctor or bachelor may be a solicitor, but not *vice versa*; doctor is a merely honorary title; but only a doctor can wear a ring with a ruby in it, on the third finger of the left hand. A doctor of medicine can wear an emerald ring.

Solicitors study five years for their degree of bachelor, and must wait three years more for the degree of doctor. I visited the Orphans', or Probate Court; the crier seemed to do most of the business there. There, too, is a portrait of the Emperor over the judge's head. Then I went to the Police Court, and witnessed the jury trial of a negro slave, accused of assault with intent to kill. The district attorney made a fine speech, very well delivered; he was dressed in a silk gown or surplice, with a long lace tie with broad ends; he acted well; and with his cast of feature, and style of insinuating to the jury, would make a splendid Iago. There are two district attorneys in Rio, each getting \$2,000 a year, and working every other month; in their off months they can practice for themselves. When the witness for the prosecution was sworn every person in the court room rose, to show respect for the oath. The judge wears a heavy cloth gown. There is no portrait of the Emperor in this court; where the jury exist the people rule. It was a good looking jury. Only one witness was called for the prosecution; as he told what he saw of the assault, the accused hung his head and looked guilty; his counsel was paid by his owner, probably \$250. The defence did not cross-examine nor produce any witness in this case. The district attorney, when addressing the jury, stood by the side of the judge. The prisoner's counsel stands in a detached pulpit, at the opposite end (from the judge) of the table, where the jury sit. I was told that this gentleman before me was the best criminal lawyer in Rio. He lately received one fee of \$10,000 to defend an accused planter. He certainly made a splendid

speech in this case, which I easily understood, even with my limited knowledge of Portuguese, because of his deliberate, rotund and finished delivery. It was a magnificent speech as a piece of oratory. He began by saying that this is not a trial of the accused by his peers, "for you are freemen and gentlemen, but the prisoner is a miserable slave; therefore, stamp on him! Crush him! Give a great victory to progress and civilization by taking vengeance on this poor serf! Vengeance, for what? Because when he was struck, he struck in return. But *you* are not his peers; he has no wife—he can have none; tear his woman from his arms—treat them like beasts! He has children—but they are not his by law; away with him to prison for twenty years, for what can a slave's unlawful children care for him?" It was fine. Then he attacked the indictment, or accusation, and finally settled down to lead the jury quite away from the actual issue and to interest them in side points. But all in vain. The stupid negro sitting there hanging his head was too heavy a weight, and the jury brought him in guilty, and fixed the sentence (which duty here devolves upon them) at the full term, twenty years at hard labor, as asked by the public prosecutor, and the owner lost her slave and her expenses.

One of the pleasantest features in the Brazilian court rooms was the courtesy and consideration for each other on the part of the gentlemen of the bar; it was a delightful contrast to the jostling and disrespect which prevail in New York city, in crowded chambers especially.—
GEO. W. VAN SICKLER in *Albany Law Journal*.

RECENT UNITED STATES DECISIONS.

(Concluded from page 540).

Illegal Contract.—1. By an agreement between A. and B. Coal-mining Companies, B. agreed to take at a fixed price all the coal which A. might wish to send to a certain district, not exceeding a certain amount per month, which amount was much less than A.'s monthly produce; and A. agreed to sell no coal to any other party to come into that district. *Held*, that the contract was unlawful as in restraint of trade; that it was entire, and that the promises were dependent; and that A. could not recover the price of coal delivered under the contract, though it had