

Montreal, Nov. 11, 1878.

TORRANCE, J.

McCALLUM v. HARWOOD et al.

*Peremption—Elected Domicile—Service.*

An action was pending in the District of Montreal, and no proceedings having been taken for three years, the defendant moved for *péremption d'instance*. The plaintiff's attorney *ad litem* resided in an adjoining district, and the service was made personally upon him there. *Held*, that this was a good service, though the plaintiff's attorney had elected a domicile in the District of Montreal where service could be made.

Peremption granted.

*Trenholme* for plaintiff.

*Bowie* for defendant Harwood.

Montreal, Nov. 13, 1878.

TORRANCE, J.

PRENTICE v. THE GRAPHIC COMPANY.

*Security for Costs—Temporary Absence—C. C. 29.*

*Held*, that a plaintiff temporarily non-resident will not be held to give security for costs under C. C. 29; the Court, before ordering security, must be satisfied that the non-residence is more than temporary.

TORRANCE, J., in rejecting the motion for security, referred to a case of *Cole v. Beale*, 7 Moore 613, in which Lord Chief Justice Dallas said "that it was incumbent on a defendant to make out a clear case of permanent residence abroad, either actual or intended, to entitle him to call on the plaintiff to give security for costs, and that an affidavit founded on a mere belief was not sufficient for this purpose."

Motion rejected.

*J. L. Morris* for plaintiff.

*S. Bethune, Q. C.*, for defendants.

Montreal, Nov. 18, 1878.

TORRANCE, J.

BOUSQUET v. BROWN.

*Review—Deposit.*

*Held*, that a party inscribing in review is entitled to a return of the deposit so soon as the judgment has been reversed in his favor.

The plaintiff, inscribing in review, having

obtained a reversal of the judgment, moved for an order upon the Prothonotary to return the deposit.

The Prothonotary objected that 15 days had not elapsed since the date of the judgment; and further that he was not bound to return the deposit until it was established that the defendant would not appeal to the Queen's Bench, or until that Court had confirmed the judgment in Review.

TORRANCE, J., granting the plaintiff's motion, said that, desirous of securing uniformity in the holdings of the Court, he had conferred with his brother Judges, and had also communicated with the Chief Justice at Quebec. The Prothonotary of the District of Quebec informed the Chief Justice that his practice was to return the deposit without delay as soon as the inscribing party had succeeded in Review. The Judges in Montreal were all agreed that the deposit should be returned.

Motion granted.

*P. H. Roy* for plaintiff.

#### A GLIMPSE OF THE COURTS IN RIO DE JANEIRO.

While in Rio de Janeiro last August I visited the courts of justice. My friend first took me to a judge at Chambers. The audience room is very neatly furnished: the entrance is through curtain doorways, and there is no slamming nor squeaking of doors; all is quiet and decorous and comfortable; a portrait of the Emperor of Brazil hangs over the judge's chair: this court corresponds to the Special Term of the New York Supreme Court; the judge tries the cause, in the first instance, without a jury; a jury is only employed here in criminal cases, never in civil. The courts, as a rule, are in poor buildings, but have pleasant suites of rooms. The Supreme Court of the Empire is a Court of Appeal; it never tries cases, but only reviews them, and confirms them or sends them back for new trial. There is an intermediate court called the Court of Appeals, which hears the first appeal from the trial judge. I saw the Supreme Court sitting; there are seventeen judges, all old men, wearing heavy cloth gowns, and each one with a snuff-box and large colored silk handkerchief before him; they sit around one large table, the chief justice at the head, and hanging