

## OVERHOLDING TENANTS.

We publish in another place a judgment given by Mr. Hughes, Judge of the County Court of Elgin, under the Overholding Tenants Acts, which decides a point of interest.

This decision is at variance with the dictum of Judge Logie, County Judge of Wentworth, in *Nash v. Sharp*, 5 C. L. J., N. S., 73, though the latter case went off on another point than that expressly decided in *Re Sutton v. Bancroft*, to which we now refer.

A careful reading of the late Act in connection with the former statutes and decisions thereon would seem to shew that the construction placed upon the Act by Judge Hughes is the correct one.

## JUDGE MALLOCH.

We learn from a local paper some particulars of the late judge of Leeds and Grenville, whose sudden death recently took place, at the age of 73.

He was born in Perth, Scotland, on the 13th of April, 1797. He came to Canada in 1817. He studied law with the late Levius P. Sherwood, and began to practice his profession in 1825. In 1837 he was appointed judge of the Bathurst District, and of Leeds and Grenville in 1842, which office he held till last year, when he resigned. Judge Malloch was one of the five Judges appointed in 1854 to frame Rules of Practice for the Division Courts—the Rules which were in force until a recent period.

We find also from one of the Blue Books that Mr. Malloch's period of public service dates from 1820, when he was appointed Registrar of the Surrogate Court of the then Johnstown District. For a period of half a century he enjoyed the confidence of the Crown and the public.

## SELECTIONS.

## THE JUDICIAL SYSTEM OF FRANCE.

France with a population of 37,000,000, is divided into 86 departments; each department is divided into districts, or, as they are called, *arrondissements*, of which there are 363, in each of which is a court, known as the Tribunal of First Instance, making 363 of these courts.

Each district is divided into cantons, of which there are 2847, each canton into communes or parishes, of which there are 36,819. In each canton there is a justice of the peace,

who decides summarily, without the intervention of attorneys, all matters in contests of small importance, and has jurisdiction in criminal matters where the fine imposed does not exceed fifteen francs (\$3), or where the imprisonment is for five days or less. The Tribunal of Justice of the Peace also acts with the consent of parties as a court of conciliation. There are 2847 justices of the peace. They are all salaried officers, and are professional men. The *maires* of communes also exercise, it would seem, some judicial authority. The appeal from the decision of the Tribunal of the Justice of the Peace, is to the Tribunal of the First Instance of the district.

## TRIBUNALS OF FIRST INSTANCE.

The Tribunal of the First Instance is composed of from three to twelve judges, according to the population of the district. If the court has seven or more judges, is divided into two chambers, one of which has charge of criminal and the other of civil matters.

If the court has twelve judges, it is divided into three chambers, two civil and one criminal. The Tribunal of First Instance at Paris being very large it is divided into ten chambers. It has one procureur imperial, or attorney-general, with twenty-two deputies, and one registrar, with forty-two deputies.

The concurrence of *three* judges of a chamber, in this court in civil cases, and of *five* in criminal cases, is necessary for a decision.

One of the judges of this tribunal is appointed to act in the district for three years as a judge of criminal instruction. There is usually one to every criminal chamber, and attached to the Paris Tribunal of First Instance there are eleven. This judge, in conjunction with the procureur imperial (district attorney), examines every case of criminal accusation, and makes his report once a week to the criminal chamber of the Tribunal of First Instance, and that body, which must be composed of at least five judges, decides whether the party accused shall be discharged or not. If they decide that he shall not be discharged, they send the case to the criminal chamber of the Court of Appeal of the jurisdiction for further examination, and if that body think that a crime has been committed, and that it is of sufficient gravity, they send the case to the Court of Assize of the department to be tried by a jury.

The decisions of the Tribunals of First Instance are reviewable in the Court of Appeal of the jurisdiction.

The judges are appointed for life.

## COURTS OF APPEAL.

There are twenty-seven Courts of Appeal in France, now called Imperial Courts, each of which takes its name from the city or place where it is established. Each court is divided into chambers, corresponding usually with the number of departments over which the court has jurisdiction; so that in the twenty-seven courts, there are eighty-six chambers, that being the number of the departments in France.