

the documents left with him, so that he might satisfy himself thereby that he could properly enter thereon the certificate required by law—that the law required him to make himself acquainted with the facts to which he was to certify, and that there was nothing in the act to warrant him in making a qualified certificate.

Among the arguments used by counsel (or rather a plea for mercy, for it would come strictly within the latter term) it was stated, that the Registrar was not paid for comparing documents; but, as was remarked by the Court, that was not a matter with which they had any thing to do, and so long as the law laid down clearly the duty to be done by Registrars, they were bound to enforce the performance of such duty. Considering that these officials do about the least work for the most money, and have the least to do for nothing, of any in the country, this appeal caused some merriment amongst the members of the bar, the Chief Justice remarking that if this Registrar considered the emoluments of the office insufficient, he had no doubt the government would have no difficulty in finding many men quite as competent to fill it, and who would do the duties for the same remuneration.

The court were unanimously of opinion, notwithstanding it was urged by counsel that the point was a new one, that the Registrar should be made to pay the costs, saying that the case was so very clear and the reasons given by the officer for not doing his duty so very untenable, and the proceeding so "wrong headed," that it was just such a case as required the infliction of costs.

This is one of the many instances where several Registrars that could be mentioned (who, for some reasons which other people are unable to discover, look upon themselves as an illused class and fall foul of every body in general, and the profession in particular) have taken upon themselves to put forced constructions upon the various acts affecting their duties and emoluments; but, as was in substance remarked by one of the learned judges in giving judgment, it is rather a curious fact that of the many remarkable constructions placed by Registrars upon the act, they seem to take great care to construe doubtful points in their own favor.

Practitioners and others who have accepted qualified certificates, such as spoken of above, would do well in our judgment to have

the proper certificates endorsed without delay.

We may have occasion to refer again to the subject of Registrars' duties on these and other points.

EVIDENCE OF WIFE AGAINST HER HUSBAND.

We return to this subject in consequence of a letter (published on page 93 *ante*) from a much valued correspondent. We cannot, however, find any argument which has changed (and we are always glad to correct errors if made) nor do we think the evidently hard case put by him, ought to change our expressed opinion on this subject. The case put by "Questioner" is a peculiar one, and if the evidence of a wife is to be received at all, it ought to be in such a case as he speaks of, and though we should prefer an adherence to the general rule, we do not undertake to say positively, that it would be illegal to admit her testimony. It would be, under the circumstances, analogous to the rule in Crown cases, where the wife is admitted on a charge of violence against herself by her husband.

The wife could not be examined under the old law—does, then, the Evidence Act (Con. Stat. U. C. p. 402) make any alteration in this respect? The clause touching upon this may be read shortly, thus—"This act shall not render competent or permit any party to a suit, or the husband or wife of such party, to be called on behalf of such party; but such party (the words husband or wife are not used it will be observed) "may be called by the opposite party—provided always that the wife of any party shall not be liable to be examined as a witness by the opposite party." It may be that this latter proviso confers merely a personal privilege on the wife, which she may waive if she chooses; but we incline to think that the act does not bear such a construction. Moreover, upon the broad grounds of public policy, to prevent discord and dissension between husband and wife, we do not think that the evidence of the wife ought to be received.

COMMITTALS UNDER PETTY TRESPASS ACT.

Since writing the hurried note to the question of "a Justice of the Peace" in our June number, we have more thoroughly looked into the statutes referred to than we had at that moment an opportunity of doing, and we have