

REGISTRARS AND THEIR DUTIES—FRAUDULENT ARSON.

damus to compel the Registrar to do his duty and give the certificate the act required.

The Court held the ground taken by the Registrar to be totally untenable, and declared it to be the duty of every registrar to compare 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.

SELECTIONS.

FRAUDULENT ARSON.

On Saturday, at the Central Criminal Court, two men were convicted of setting fire to a dwelling-house with intent to defraud an insurance company. They were sentenced severally to five and seven years' of penal servitude. In passing upon them this very inadequate punishment, Mr. Justice WILLES said he was much afraid—to speak in the most measured terms—that it was not an uncommon offence. He had himself, during the time he had been on the bench, tried a great number of cases in which persons had been convicted of arson for purposes of fraud, and he had tried other cases in which resistance had been made to the payment of insurance by fire offices under circumstances which made it clear to his mind that the accused had set fire to their premises. He was much afraid that there were a number of persons in this country who traded on the fears of the insurance officers, and who went about taking houses and filling them with rubbish in the shape of furniture, on which they effected insurance, and then, in case of fire, made enormous claims on the insurance officers trusting that those officers would almost do anything rather than resist a claim on account of the unpopularity to which it would expose them. That, in fact, was the real reason why the insurance company in this case had not prosecuted. The prisoners were most fortunate in being tried by a jury who had so interposed on their behalf. Following the path of thought which had led to that recommendation to mercy, he treated Bond as the principal and Nye as the tool, though his was the hand that set fire to the house, and he sentenced Bond to seven years' and Nye to five years' penal servitude.

The judge was rightly of opinion that the crime is not uncommon. The late Mr. Braidwood was wont to affirm, as the result of his own extensive experience, that more than one half of all the fires in the metropolis were raised by incendiaries with deliberate design to defraud the insurance offices. Fire-raising has, in fact, become a regular profession, like begging-letter writing. It was almost unknown when death was the punishment for arson. The ill-judged leniency with which that great