

THE HON. SAMUEL BEALEY HARRISON—REGISTRARS AND THEIR DUTIES.

decisions were founded on true principles of equity, moulded to the habits, customs, and necessities of the people between whom he was called upon to adjudicate.

His courteous disposition combined with a desire to lose nothing that could be advanced in support of an argument or either side, occasionally led to protracted discussions, which a man of rougher mould, or a judge less open to conviction, would not have had the patience to attend to. He had a great, some said, a too great contempt for "case law," and though he was too good a lawyer, and too well acquainted with his duties as a judge to decide contrary to binding decisions cited before him, he was nevertheless bold and able enough to take a comprehensive view of the general current of authorities and was so well versed in the great leading principles of law, combined with much facility of application, that his judgments were seldom appealed from. But whatever his imperfections on the bench as to trifling matters may have been, they are swallowed up and forgotten in the memory of the numberless traits of character which made his presence on the bench beneficial to the country and pleasant to the profession.

It is well known to many that conscientious scruples as to the infliction of the death penalty prevented his accepting a seat on the Superior Court Bench. This has been often regretted; but his sphere of usefulness was scarcely less in the position which he occupied, than it would have been on the upper bench; whilst, so far as he was concerned, the position was more independent, and, at least in the matter alluded to, more in accordance with the humane instincts of his nature.

In private and social life he was the imperfection of kindness and courtesy, and was blessed with an even temper and contented disposition. His varied experience and literary tastes, assisted by a most retentive memory, rendered his conversation pleasant and instructive. And though he expressed his opinions without reserve, he did so with great good humour and pleasantry. His heart was incapable, apparently, of harbouring an evil or even unkind thought, he was beloved by all, and his death was universally regretted.

Mr. Harrison married in England when a young man, and subsequently, after the death of his wife in this country, he was married to

the widow of the late Col. Foster, Assistant Adjutant General. He left no children.

At a meeting of the Bar at Osgoode Hall on the 25th July last, the following resolution was passed:—

"That the Bar of the County of York and City of Toronto, desire to express their extreme sorrow at the recent death of the very esteemed Judge of the County Court, the late Hon. S. B. Harrison, and to record their sense of the great loss the Bar have sustained in the death of one who was at once so impartial a Judge and upright a man."

"That the members of the Bar of the county and city, also desire to express their heartfelt sympathy with Mrs. Harrison in the great loss she has sustained in her heavy bereavement."

The funeral was an exceedingly large one, the Chief Justice and the rest of the Judges in town at the time, and the members of the bar (in their robes) being present, together with a large number of citizens, all desirous of testifying their respect to the memory of the deceased.

REGISTRARS AND THEIR DUTIES.

A very important decision on this subject was given last term, by the Court of Queen's Bench, on an application for a mandamus to George Lount, Esq., Registrar of the County of Simcoe, to compel him to endorse on an instrument, the certificate required by the Act. It appeared that a mortgage in duplicate was sent by the attorney for the mortgagee to this Registrar to be recorded; that after some time one of the instruments was returned, with an endorsement upon it in the following words: "No. 44322, purporting to be a duplicate hereof, was recorded at the County of Simcoe Registry Office on the 9th day of January, &c.," but not signed by the Registrar or his deputy. This certificate, if it may be called such, being in no respect a compliance with the act, the document was of course sent back by the attorney to the Registrar, with a request that a proper certificate might be endorsed on the duplicate mortgage of its registration—not that a number, purporting to be a duplicate, was recorded. This very proper and reasonable request Mr. Lount thought fit to refuse, alleging that it was no part of the duty of the Registrar to compare documents, but he did think fit to have this meaningless endorsement signed by the Deputy Registrar.

The party interested, unwilling to submit to this view, obtained a rule nisi for a man-