

and examinations he is enabled to take such proceedings against offenders, as the circumstances of the case may require.

In all cases of felony, or suspicion of felony, should witnesses refuse to attend before the Justice, after being summoned, or should refuse to be examined, or to enter into recognizance to appear and give evidence before the Court, the Justice may commit them to gaol, there to remain until they shall consent to their being examined, or to enter into recognizance, or be discharged by due course of law,—*4th and 5th Vic., c. 24, sec. 2.—Hale. 284.*

But Justices cannot in general compel the attendance of witnesses before them, except in cases of felony or suspicion of felony, otherwise than by a notice or summons to that effect,—*1 Stark. 81.*

A witness is not bound to find a surety to join with him in a recognizance for his appearance to give evidence, his own recognizance is all that is required.

It is a general principle that no informer, prosecutor or interested person can be a witness in a prosecution on a penal statute, but in several instances of summary conviction before the Justice of the Peace, the law allows the informer or prosecutor to be witness, on his giving up all claim to any part of the penalty that may be imposed by such conviction,—*Ordinance 3rd Vic., c. 31, sec. 29.—Ordinance 4th Vic., c. 41, sec. 49.—Ordinance 4th Vic., c. 16, sec. 27.—Ordinance 4th Vic., c. 17, sec. 35.—Act 4th and 5th Vic., c. 26, sec. 56.—Act 4th and 5th Vic., c. 25, sec. 58.—Act 4th and 5th Vic., c. 26, sec. 24.—Act 4th and 5th Vic., c. 29, sec. 32.*

It is also a general principle, that husband and wife, being considered but one person in law, cannot be a wit-