may under the present law of Upper Canada receive a pauper's allowance. But how many men are there, sturdy and healthy in daily employment if left at home, who would scorn the idea of branding themselves as paupers in any town or city? The remedy is worse than the disease. The law as it stands is well calculated to bring the blush to the cheek of many an honest man, and is worse in some instances than no law at all. It encourages deceit and fraud. It either compels a man to suffer the effects of straitened means, or to describe himself as a pauper when he is not one, and so cheat society of that which society should willingly give.

Then what is the general effect of such a state of the law? Men, instead of hastening to disclose what they know of crime, are deterred from so doing out of regard to themselves and families. When society, so far from rewarding them for such services, beggars them, the services are not likely to be performed. Men, instead of volunteering for the service, are much more likely under these circumstances to keep their peace or to hide themselves in holes and corners. In this way many scoundrels escape justice unwipt and society is with impunity outraged.

What is the remedy? We answer—a reasonable compensation to crown witnesses. The experiment is worth trying. The demand is not without precedent.

We are not of those who make invidious comparisons between Upper and Lower Canada for the sake of political capital, but on the present occasion must refer to the laws of Lower Canada as being much in advance of ours as regards the subject here discussed.

By an ordinance of Lower Canada, passed in 1839, it is enacted "that in the case of every person subpœned on behalf of the Crown, or bound by recognizance to give evidence in the Courts of King's Bench, Courts of Oyer and Terminer and General Gaol Delivery, and General Quarter Sessions of the Peace, touching any felony or misdemeanor, it shall and may be lawful for any of such courts, or for any judge or justice of any such court, in which any such person shall appear by virtue of any such subpœna or under any such recognizance, to give evidence as aforesaid, to order the sheriff for its district to pay out of the monies which shall and may be advanced to such sheriff as aforesaid for the purpose out of any unappropriated money in the hands of the Receiver General of the Province, by warrant of the Governor, Lieutenant Governor, or person administering the government thereof, to every such person, such sum of money as the court judge or justice thereof shall think reasonable, not exceeding the expenses he or she was *bona fide* put unto, making also a reasonable allowance for his and her trouble and loss of time; which sum the sheriff aforesaid, upon the production of the said order, shall respectively forthwith pay, and the same shall be allowed and sustained in the respective accounts of the said sheriff, any statute law or usage to the contrary notwithstanding." (Ord. Lower Canada, 2nd Vic. cap. 55.)

The laws of Lower Canada, as to the administration of criminal justice, are *said* to be the same as the laws of Upper Canada. Why are they not *in fact* the same? Why should this provision exist in regard to Lower Canada and not as to Upper Canada? If it is necessary there it is necessary here. Few are aware of the precise terms of the Lower Canada enactment. We have now published it, and hope that during the ensuing session of the Legislature some effort will be made to extend its operation to Upper Canada, or to pass a statute on the subject equally applicable to both sections of the province.

Some, perhaps will urge that such an enactment is likely to be abused. But is the probable abuse a valid argument against the reasonable use. Let any such enactment be surrounded by wholesome checks. The enactment of Lower Canada is not without checks. It expressly provides that "no such Court, Judge, or Justice, shall make any such order, unless the Attorney General, Solicitor General of the said Province, or other prosecuting officer on the part of the Crown, shall have certified upon the account made by such person for his or her trouble and loss of time as aforesaid that the charges therein contained are reasonable, and unless such person claiming the amount of charges stated in his or her account in the behalf aforesaid shall make affidavit before such Court, Judge, or Justice, that the said charges are true and correct, and that unless the same are paid he or she will sustain loss."

The checks against abuse are, therefore, two—first, the oath of the party receiving the money; secondly, the certificate of the Crown prosecutor. These, are also the checks we believe required in the case of pauper Crown witnesses in Upper Canada, and we have not heard of their being ineffectual. We have not heard of these checks being ineffectual either in Upper or Lower Canada. But if ineffectual, surely others can be devised. Experience will point out all that is necessary for the purpose. If a Parliamentary committee were appointed to make enquiry as to the working of the Lower Canada enactment, much useful information could be obtained and much good might be done.

What we complain of is the stolid inaction of the Provincial Government and Legislature in the matter. The evil is general and the mischief apparent to all concerned in the administration of criminal justice in this section of the Province. Not a Court passes but attention is drawn to the subject, and it is allowed to pass as the idle wind. We believe our Judges forward the presentments to the