

DIARY FOR FEBRUARY.

2. SUNDAY 4th Sunday after Epiphany.
 3. Monday HILARY TERM commences.
 4. Tuesday Chancery Examination Term, Toronto, commences. Last day for Notice for Sandwich and Whitby.
 7. Friday Paper Day, Q. B.
 8. Saturday Paper Day, C. P.
 9. SUNDAY 6th Sunday after Epiphany.
 10. Monday Paper Day, Q. B.
 11. Tuesday Paper Day, C. P. Last day for Notice of Chancery Examination Term, Chatham and Cobourg.
 12. Wednesday Paper Day, Q. B. Last day for service of writ County Court.
 13. Thursday Paper Day, C. P.
 15. Saturday HILARY TERM ends.
 16. SUNDAY Septuagesima.
 18. Tuesday Chancery Examination Term Sandwich and Whitby commences. Last day for Notice for London and Bellefleur.
 22. Saturday Declare for County Court.
 23. SUNDAY Sexagesima.
 25. Tuesday Chancery Examination Term Chatham and Cobourg com.

IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Patton & Ardagh, Attorneys, Barrre, for collection; and that only a prompt remittance to them will save ours.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses which are very heavy.

None that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

The Upper Canada Law Journal.

FEBRUARY, 1862.

NOTICE.

The attention of Subscribers is drawn to the fact that all desirous of saving One Dollar in the Subscription Money of the current volume must pay before the issue of our March number. The Subscription is only \$4 if paid on or before 1st March in each year, but \$5 otherwise. Subscribers in arrear are requested to settle without further delay. The amount due by each Subscriber may be ascertained upon reference to the cover of his paper.

PAYMENT OF CROWN WITNESSES.

Nothing more tends to the healthy administration of criminal justice than the hearty good-will and support of the people.

Whenever in the course of time a law is found to be opposed to public sentiment, it either becomes a dead letter or is expressly repealed by the representatives of the people in Parliament assembled.

So, when a law is by experience found to be a defective, an effort should be made to amend it so as to meet the wants of the people.

Crown witnesses in Upper Canada receive no pay for loss of time—no compensation for necessary support. They are dragged from their homes to the assize town, at the risk of imprisonment, and compelled day after day at their own expense to await the pleasure of Crown officers and the convenience of the Court.

This is felt to be a grievous wrong. It is universally acknowledged to be so. Grand Jury after Grand Jury present it as such, and yet nothing is done.

'The question arises, why should not something be done?' Some say that the attendance on courts of justice to give evidence against criminals is a duty which every man owes to society. But is not every man in society as much interested in the suppression of crime as those who happen to be eye witnesses? Why should the circumstance that a man is accidentally the witness of a crime render it necessary for him, whether he can afford it or not, to give up much of his time and expend much of his money without any compensation from society? Is there any such principle established as this,—that all who are called upon to aid in the administration of the laws for the good of society shall do so without compensation from society? Quite the contrary. Are not jurors paid for loss of time and outlay? Are not judges, crown counsel, crown attorneys, clerks, criers, and bailiffs, all paid for their services? What is the difference between the duty which a man owes to society to serve as a juror, and that which he may happen to owe to serve as a witness? There is no solid difference. The obligation of the one is identical with the obligation of the other. And yet society compensates the one and does not the other. The truth is that whenever society requires any special service to be performed by one of its members, for the good of the whole, that service should be required. This is the rule. We do not say that there can be no exception to it. But we do say that to make that exception in the case of crown witnesses is mischievous, unwise, and unjustifiable.

Crime is sometimes the attendant of want. The eye witnesses are frequently those of the humbler classes of society—those who can ill-afford to lose a day without its pay. All experience proves this, and it is especially true of crown witnesses in this colony. Often and often have we known the laborer or mechanic constrained to leave his family in want, we might say of its daily bread, in order to give evidence under recognizance many miles from his home. And this is not the worst of it. He finds himself in a city or town of strangers. He receives no hospitality from society or any of its members. He is obliged to pay for his bed and his board, perhaps in a town of small population, where the assize day is a long looked-for harvest to hotel and boarding-house keepers. All in attendance on the court are looked upon as fair game. They come only twice a year, and are accordingly plucked without compunction of conscience. The mechanic or laborer is earning nothing and at daily outlay, and all for the good of society!

True, if a man is prepared to swear he is a pauper, he