

feasance, and it was on that ground that the court held she was not a competent witness, the majority of the court differing from one of the learned judges before whom the question came up, who held that she was a competent witness, and that the Act would be futile and valueless—as I have already observed in moving the 2nd reading of the Bill—unless her evidence is admitted. I do not myself think the suggested amendment of the Bill is necessary. There is this, however, to be said in favor of what the hon. member from Amherst has referred to, and perhaps the only point to be said in its favor; it may be that the husband is not in a position to procure the necessities of life for his wife, and he may be the only person who could give full evidence on that point. That, it seems to me, is the only point in favor of the contention that he shall be allowed to give evidence on his own behalf. I do not myself think it necessary, but I am quite in the hands of the House. I do not desire to press any point that may not be thoroughly well founded. I am making an humble effort to improve the law in points where it has been pronounced to be quite defective by the highest judges in the land, and I am always glad and gratified to receive any assistance that can be given to it by those who have, as I have, only a desire to place on the statute book the best and most suitable laws for the circumstances of the case. If my hon. friend chooses to move an amendment in the direction he has indicated, he can do so, but I do not myself feel disposed to place it on the statute book.

HON. MR. KAULBACH—I hope the hon. member from Amherst will not move in the direction of allowing the defendant to give evidence in a case of this kind. I think we have gone far enough in allowing defendants in cases of assault and battery to give evidence. If we go further we may be in the position to which the hon. member from Halifax objected, with regard to a bill introduced the other day. It is rather going in that direction. I think the bill should be amended this far, that the evidence of the wife herself should not be sufficient alone to convict the husband. There should be some corroborative evidence to find the party guilty. But to allow the husband to give evidence

in a matter of this kind, when he neglects a duty which is imposed upon him by every law, human and divine—to provide food and lodging and clothing for his wife and children—I do not think he is a right person to give evidence. As regards his not being able to provide for his wife, I think that fact might be easily proved apart from himself altogether. If he is a pauper, there are many means by which evidence of the fact could be given to the court, but I really hope the hon. member from Amherst will not move in the direction of allowing the defendant, in a case of this kind, to give evidence on his own behalf.

HON. MR. ALMON—The profession of which I have been long a member does not give me much knowledge of the law, but it gives one a knowledge of human nature. I am convinced that a woman bringing a case before a court against her husband, the moment she is allowed to give evidence, will give it in her husband's behalf. When he is charged with failing to provide her with clothing, she will be ready to say, "I have plenty of good clothes at home, and a first rate dress at the dressmaker's to be taken in or let out, as the case may be." I am not a chief justice, but I once saw a case which would serve as an illustration of this—that of a man who had shot his wife with a rifle. The ball had gone through her, and she ought to have died, but did not. He was prosecuted for the crime, and she came to me, asking me to try and get him off. I said, "he is a scoundrel, and ought to be punished." She said, "I know he is, but suppose he is sent to penitentiary for seven years, who will provide for my family?" I think the punishment provided by the Act which this Bill is intended to amend is imprisonment for three months in a workhouse. Will that enable the husband to give his wife better clothes, or is he more likely, when he is discharged from the workhouse, to supply them? I think not. If this Bill is passed, the poor woman will be worse off than she is, and I think it should be thrown out. If the hon. gentleman wishes to improve the laws, I will suggest an amendment. In the case I have mentioned I was examined as a witness; I had been the medical attendant of the prisoner, and I was asked