

that part of his clause—that neither of them should be competent. Otherwise, where is the peace of that family after the trial is over? All those considerations lie at the root of this, which has been the rule of evidence as long as we have had any such rules, that these communications are privileged and that neither party is at liberty to give evidence of them. Now we are asked to say that the wife shall not only be competent, but shall be compellable.

Hon. Mr. KAULBACH—Could not the difficulty be got over in this way—that the evidence could be given with the consent of the accused party? That would not interfere with the relationship between husband and wife. If either is satisfied that the other should give evidence, permission should be given to so do. That would meet the difficulty as to the privileged character of the communication, and I think the Bill should be amended in that direction.

Hon. Mr. POWER—If the proviso is to remain, it had better remain in the shape in which the Minister proposes to put it. The effect of this clause is that the wife shall not be compelled to come in and give evidence hostile to her husband. If she chooses to come in, she shows what her feeling is, and you cannot stop at communications. The amendment suggested by the Minister is in the right direction. It might be wiser and safer to get the exact wording of the clause in the English Bill.

Hon. Mr. HOWLAN—The Bill was amended in Committee and reported as amended, and we are now about to read it a third time as amended. If it is proposed to further amend the Bill, it should be re-committed to a committee of the whole House.

Hon. Mr. GOWAN—The House decidedly pronounced against making a husband or a wife be a compellable witness; that has been accepted by the Minister, and it is now merely proposed to alter the drafting so as to more clearly express the decision of the House. The Bill as it stands makes it permissive, and the object of the amendment is to more effectually carry out the wish of the House.

Hon. Mr. VIDAL—I do not seem to have been understood. It is not the princi-

ple of the Bill to which I object, my object is merely to keep our proceedings in a regular and proper form. As I understand the motion, it is first to strike out the word “compellable.”

Hon. Mr. ANGERS—The motion is to substitute a clause for the present one—a clause omitting the word “compellable.”

Hon. Mr. VIDAL—If the present Bill is to be altered, the motion must be to strike out the three clauses which we inserted in it.

Hon. Mr. MCKAY—The House has already adopted the amendment.

Hon. Mr. BELLEROSE—As I understand the rule of the House, if the amendment is a very important one notice must be given that it will be proposed at the third reading.

Hon. Mr. SCOTT—Not in the case of a public bill.

Hon. Mr. BELLEROSE—Then the Bill has to be re-committed if the amendment is an important one.

Hon. Mr. LOUGHEED—In as much as the House appears to be unanimous with regard to the principle of the Bill and some divergence of opinion exists concerning the mode of expressing the decision of the House, would it not be better to re-commit the Bill to a small Committee to propose a clause which would meet the case?

Hon. Mr. ANGERS—If there is any opposition to amend the Bill on the third reading, I am willing to recommit the Bill to a Committee of the Whole House for consideration of the amendments which I have proposed. The amendment is to withdraw the first section of clause four and substitute one I had read to the House—keeping the subsection which was adopted as part of clause four to prevent comment on the failure to give evidence. The proviso is as follows:—

Provided, however, that no husband shall be compellable to disclose any communication made to him by his wife during their marriage, and no wife shall be compellable to disclose any communication made to her by her husband during their marriage.

The subsection is as follows:—

The failure of the person charged, or of the wife, or of the husband, of such person to testify,