

the hon. gentleman (Mr. Mills) might just as well inform the hon. member for North York that he was bound to press it to the utmost extent, from high treason down to common assault, and carry out the same principle in all these cases. No; the anomaly was quite the other way. A complaint was made; it was a case of common assault. The complainant came forward; he was the Crown; and if he chose to say "I will leave it to the man who assaulted me, himself—to his own oath," should he not do that? This was his proposition; this was a matter of common assault. The complainant said: "I have laid information on oath on the preliminary enquiry"—this was in the case of a trial before a magistrate or a jury—"I know that, although he assaulted me, he is an honest man, and will not perjure himself, and ask him to be sworn." This was a course to which no one could object. The hon. the Minister of Justice would not object to it; the hon. member who promoted the Bill saw the reasonableness of it. The complainant would thus make the defendant his own witness, and therefore, could not well dispute his testimony afterwards, and it was a wholesome thing, and a wholesome power to give him, and it would tend greatly to reconcile the men afterwards.

Mr. DYMOND said that they did not profess in these matters, and many others, to be strictly logical. They had regarded these cases in discussing this measure, from the first, as cases of quasi civil nature; and they were giving effect in this Bill to a practice which, in a very large portion of the Dominion, was always followed with regard to civil cases. He considered that, under these circumstances, they might forego the logic, and try to see what practice would amount to.

Mr. DESJARDINS said that the hon. member for North York had admitted that the introduction of this Bill was the laying down of a new principle, which he intended to extend as soon as he thought the House would be prepared for it. He (Mr. Desjardins) thought that they did not come here to make innovations, but to enact laws

such as the needs of the country required. Despite what the hon. the Minister of the Interior had stated, this Bill comprehended an innovation, and, in his opinion, this was directed in the wrong way. The class which the hon. member for North York wished to protect did not desire this protection; they had ample protection in the law as it stood. As he had stated on the second reading, if they were to change the character of the Criminal Law in this relation, they ought to adopt the system under which the witness was questioned by the Judge and had to answer, but was not examined under oath, and the Judge was the best judge of the value of this evidence. He was not prepared to say he was satisfied with the amendment proposed, but he should prefer to have it carried to accepting the Bill as it stood. He thought that, if the party accused was to give evidence, this should be done in order to secure the truth. He contended that the accused were not at all protected by this Bill, because, if he abstained from volunteering his evidence, this fact went against him. He (Mr. Desjardins) was not aware whether the hon. the Minister of Justice had consented to the principle laid down in the second clause.

SIR JOHN A. MACDONALD said if it was understood across the floor that his amendment should be made, he thought that the other amendments should be made to it, so that the only instruction to be given in Committee of the Whole would be *quoad* the first section. With reference to the remarks of his hon. friend the member for South Wellington as to the meaning of the word "information," of course every criminal proceeding commenced with an information upon oath. There was no doubt about that; the word "information" was supposed to be equivalent to the word "indictment," and, therefore, he would suggest that it should be on the trial of any person, any complaint, information or indictment. No difficulty would then arise respecting the words complaint and information.

Mr. FLESHER said that the amendment made the intention of the Bill clearer. He had had an experience of