

fession to which he belongs, and my hon. friends opposite and myself are endeavoring to repay it by placing on the statute books, good laws and proper amendments to the existing laws and if there is not a complete accord between us on all points, I think we should always be prepared to give way.

HON. MR. DICKEY—May I be allowed to ask my hon. friend if that is the only amendment he proposes to make? On a former occasion, I suggested the desirability of permitting the husband to give evidence.

HON. MR. GOWAN—I myself did not propose to make any other amendment, but if hon. gentlemen desire to discuss the point, I should be happy to consider it. That is the only amendment I would, without hesitation, assent to.

HON. SIR ALEX. CAMPBELL—I do not think the amendment suggested by my hon. friend from Amherst is necessary, because the Bill only relates to cases in which the husband fails to provide for his wife and family. There is no probability of an action being taken by the husband against the wife, so there is no room for such an amendment. I do not see how the husband could come in, in any way.

HON. MR. DICKEY—It may be a prosecution against the husband and the question is whether he should be allowed to be a witness. My hon. friend who has charge of this Bill is perfectly aware of the general rule with regard to the husband and wife—the general rule in criminal matters is that the husband and wife are not allowed to give evidence either for or against each other, for the reason that if they testify for each other their interests are identical. They are not allowed to give evidence against each other, on grounds of public policy, for fear of creating distrust and sowing dissensions between them, and occasioning perjury. That is the rule of the law. We have been pointed to an exception made by this parliament in 43 Vic., an Act respecting summary proceedings for common assault. In that Act there is a provision that the husband or wife shall be allowed to be a witness in such action. In analo-

gous proceedings to this the husband is allowed to be a witness, and there is a provision also that the wife of the defendant shall be a competent witness on behalf of her husband, but there is no provision in that Act, as I read it, to make her a competent witness against her husband. In this Bill it is proposed, for the first time, to make the wife competent to give evidence against her husband. Now, that is a point very well worthy of being considered, because we had it up the other day. We should proceed very cautiously in these criminal matters. This is the first instance of this kind, as far as my experience goes—I may have overlooked some instances in our criminal legislation—except those cases in which the wife's evidence has always been allowed (such as adultery, or proceedings where the husband had used violence to her, where, from necessity, she might be a witness), on the ground *ex necessitate*. This Bill is contrary to all the previous precedents of our legislation, and I think the committee should pause before allowing such an enactment as this to make the wife a competent witness against her husband. I refer my hon. friend to the Act 43 Vic., where it is stated that in any such trial the wife or husband shall be a competent witness on behalf of the defendant—not against, but on behalf. In this Bill, it is stated that the wife shall be a competent witness in the prosecution on her own behalf; but it does not allow the husband to give testimony in his behalf. Surely he should be allowed to defend himself if the wife is allowed to be a witness against him. The precedents have only gone so far as to allow the wife to be a witness for her husband; if we allow her to give evidence against her husband, I think the husband should be allowed to be a witness on his own behalf.

HON. MR. GOWAN—I think my hon. friend is mistaken in supposing that it is the only case in which a wife may be called upon to give evidence against her husband. However, that scarcely touches the point in this case. The offence that this is intended to cover relates to an act, certainly not of violence against the wife, but of cruelly withholding from her the necessaries of life. There is a distinction between acts of feissance and of non-