

dily harm, he is guilty of an indictable offence and is liable to two years' imprisonment and to be whipped. I think that is going too far. You can readily understand that sometimes husband and wife will quarrel; it just means, that if the husband gave his wife a slight blow on the cheek he is liable to two years' imprisonment and to be whipped. I believe men should treat their wives properly, and there are various enactments against a man maltreating his wife, but this is carrying things too far altogether, that for a mere trifling assault a man shall be made liable to such a penalty as is imposed here.

Hon. Mr. OWENS—I think the imprisonment is a little too long; but as for the whipping I would give it to him certainly. Whipping is a more effectual punishment than imprisonment in such a case.

Hon. Mr. DANDURAND—I think the clause should remain as it is. It will be a deterrent to wife-beaters who allow their passions to have full play and assault their wives viciously and beat them. It is proper to leave the discretion with the magistrate to apply the whip if the circumstances warrant it.

Hon. Mr. POWER—I would suggest that in order to establish some sort of equilibrium between the offence and the punishment, we should substitute the word 'grievous' for 'actual' bodily harm. The penalty is a most serious one, and it should be inflicted only for very serious crimes. If you insert 'Thereby occasions grievous bodily harm' I should not object, but as the clause stands now, I think it is very objectionable. I move that it be amended by substituting 'grievous' for 'actual.'

Hon. Mr. ELLIS—I do not think this Senate should encourage the disposition which is shown by some rather blood-thirsty individuals in the community for whipping. I think it is one of the very worst sorts of punishments you can inflict, and there is always behind it the question whether the man himself, having fallen through some temptation, is not ruined for ever by the whipping. It is a disgrace that follows him always. He may have a wife who

in some way has offended him, yet they must live together, and for a woman to have to live with a man who has been whipped, seems to me would justify an increase in the divorce courts. I think the Senate ought to pause and consider the effect of a provision of that kind.

Hon. Mr. BEIQUE—I am not aware that public opinion has asked for anything of this kind. It is quite true that a man who assaults his wife deliberately may deserve to be whipped; on the other hand if you enact a provision of this kind, it may be a temptation for some woman to provoke her husband to such an extent that the husband may whip her.

The amendment was lost.

The clause was adopted.

On clause 424a,

"424a. Every one is guilty of an indictable offence and liable to two years' imprisonment who, having in his possession or on his premises with his knowledge any rock, ore, mineral, stone, quartz or other substance containing gold or silver, or any unsmelted, or untreated, or unmanufactured, or partly smelted, partly treated or partly manufactured gold or silver, is unable to prove that he came lawfully by the same."

Hon. Mr. POWER—Why is the usual principle departed from in this case? Here is a man presumably lawfully in possession of quartz. He may be a miner himself, and you subject him to a serious penalty unless he can prove that he came lawfully by the same. He may have no evidence to offer but his own.

Hon. Mr. SCOTT—Experience has shown that some such legislation is absolutely necessary.

Hon. Mr. POWER—Because in a certain locality such legislation is required, it is proposed to enact it for the whole country where it is not needed. If you limit this to Cobalt, I have no objection to the clause; but I object to its being extended to the province from which I come.

Hon. Mr. LOUGHEED—It does violence to the well-established principle that a man is presumed to be innocent until he is proved guilty. Why do we make such a serious departure from the well-established principles of evidence? I notice that some