

such legislation to loosen the family tie and create discord between husband and wife, and therefore I object to making the wife a compellable witness against her husband. If my hon. friend from Barrie would make it a permissive bill, I should have no objection to it.

HON. MR. POWER—I concur in the sentiments expressed by the hon. gentleman from Lunenburg. I think it might be better to modify the Bill so as to provide that the wife should be a competent, but not a compellable, witness. I do not think that the Bill is open to the objection taken to it by my hon. colleague, because already it is made a crime by statute to neglect to furnish one's wife with the necessaries of life, and although the wife cannot herself give evidence, she can promote the criminal suit against him for neglecting his duty. She is at liberty to call the children of the family and her neighbors, if necessary, as witnesses. The object of the court is to arrive at the truth; and as, particularly in matters of this sort, the persons directly interested are those who are most likely to know, and very often the only persons that do know the facts of the case, I think with a view to the information of the court it is desirable that the wife should, at all events, be a competent witness. I agree with the hon. gentleman who preceded me in saying that it was going too far to provide that she shall be compellable. On another point I think the Bill would be better if amended. No doubt it has recently been made a crime by statute to omit to provide the necessaries of life for one's wife, but it is not a common-law offence. It is not what is generally looked upon as a crime, and really, as a general thing, this criminal action partakes more of the character of a civil action. Now, I think that just as in cases of assault, adultery and other wrongs perpetrated against her by the husband, the wife is allowed to give evidence, she should be allowed to give evidence in this case also; and I think we should go a little further, and if the court are to hear the story told by the wife in this case, which is nominally a crime, but is really a civil action, the husband ought to be competent to testify on his own behalf, because his version of the story may put a totally different aspect on the case from the ver-

sion given by her, and he may from the nature of the case be shut out from all evidence except his own. I think with the amendment suggested by my hon. friend from Lunenburg, and this further amendment, that the husband may be a competent witness on his own behalf, the Bill will be calculated to do a great deal of good. I think that this Bill and two others which we have had before us already go to show the wisdom exhibited by the Government in placing the hon. member from Barrie in this Chamber. From his position, my hon. friend learns what the defects are which the judges who are now on the bench find in the criminal law, and he is able from his own experience to recognize defects that have existed for some time. Legislation, such as he has introduced, is just the kind of work which is calculated to give this Senate weight and respectability through the country; and I think that measures of this sort do us a great deal more service in public estimation than debates, extending no matter how many weeks, on the general question of our utility.

HON. MR. GOWAN—I am very much obliged to my hon. friend, the senior member from Halifax, for his kind reference to myself. I hope that I am animated by the same feeling that fills him and my hon. friends opposite and every one in the House here, to assist, as far as I can, in putting on the statute book wholesome laws that I think commend themselves to me from actual experience. With regard to the motion which has been put by the junior member from Halifax, I would mention to him that there is on the statute book an enactment which is to the effect that everyone being legally liable as husband &c., to provide for his wife and others named, who wilfully and without lawful excuse, neglects to provide the necessaries of life, is guilty of a misdemeanor, and is liable to three years imprisonment. With regard to the suggestion of my hon. friends opposite, I quite admit that these points are debatable, and I intended myself, in committee, to have suggested something for consideration in that direction. I dare say that I shall not differ materially from them when the matter is disposed of in committee, but that does not touch the principle of the