

HON. MR. GOWAN—I accept that.

HON. MR. POWER — Before that amendment is moved, I propose another which would render that unnecessary if it carried. The section of the Act of 1869, which my hon. friend proposes to amend, provides that whoever, being legally liable to provide for any person, wife, child, &c., necessary food, clothing or lodging, and without any lawful excuse, refuses or neglects to provide the same, shall be guilty of a misdemeanor, &c. Now, hon. gentlemen will see that the offence set out here is not in the nature of what is commonly regarded as a crime ; it is simply the neglect of the husband to perform a duty which, as a husband, he is bound to perform ; and it is really, as I said when the Bill was at its second reading, to all intents and purposes, a civil action to compel the husband to do this, and, in addition, to punish him for not doing it. Where the husband and wife fall out, and their relations become such that the wife brings a criminal prosecution against her husband for not providing for herself and her children, the woman must have lost the feelings which ordinarily actuate wives towards their husbands, and, instead, probably feelings of bitter hostility fill her mind and her heart, I think that the wife in such cases is very likely to be an exceedingly unscrupulous witness. Now, here is the husband accused of having neglected to supply the necessities of life for his wife. It may be simply that he and she have had a quarrel and she is very angry and bound to make him suffer. She comes into court and tells her story under oath. If you allow her to tell her side of the story, the husband should be allowed to come in and tell his. I think that is a perfectly fair and reasonable proposition. Where a man is charged with adultery his evidence is admitted, and I think that as this is a case of failure to discharge his duty as a husband in another way, his evidence should be admitted also, as it is in the other case. I propose by this amendment to strike out all the words after “ child ” in the 10th line, and insert the following instead : “ the accused and his wife shall be competent to give evidence either for or against the accused.”

HON. MR. KAULBACH—My hon. friend will see that by the amendment which I have proposed the evidence of the wife will not alone be sufficient. That will accomplish what he wants by his amendment. There must be other evidence besides that of the wife, and, really, if the facts are I said before, that the husband is such a brute as to refuse to supply his wife—

HON. MR. POWER—My hon. friend has prejudged the case, as a jury might do. They make up their minds that the husband is a brute before they have heard his story, and that is why I think he should be allowed to state his case.

HON. MR. KAULBACH—They come to the conclusion from evidence in addition to the statement of the wife. I should be sorry to go any further to allow the defendant in a prosecution to give evidence. I think it is dangerous legislation.

HON. MR. DICKEY—I am very glad to find that the suggestion which I made to the hon. member in charge of this Bill has been received by him in a proper spirit. My object, equally with his, is to secure good legislation. The only Act that has been referred to which has made an exception to the rule I have mentioned is the 43 Vic., which applies to cases of common assault and battery. In such cases you allow the wife to be a witness for the husband and the husband to be a witness for himself, but there is nothing said about the wife being a witness against her husband. Now, as far as that goes, I stated the only ground upon which it could be allowed, as I thought, was from the necessity of the case. If, *ex necessitate*, that provision is required that the wife shall be allowed to be a witness against her husband with regard to this matter for not providing food and clothing, let it be so. For my own part, I am willing to give way on that point if the hon. gentleman will put the two parties on the same footing—in the same position that they occupy in the Act 43 Vic. That is all I ask, and I have not as yet heard a single reason why the husband should be placed in a worse position than the wife. It is quite true, as the hon. member from Lunenburg explained, that his amendment does, to a