MR. FLESHER withdrew his amendment.

Amendment (Sir John A. Macdonald) *agreed to.*

House accordingly *resolved* itself into Committee.

(In the Committee.)

Bill, as amended, *ordered* to be reported.

House *resumed.*

Bill *reported.*

SIR JOHN A. MACDONALD moved in amendment:

"That the Bill be recommitted to a Committee of the Whole, with instructions that they have power to amend the said Bill by striking out the second clause."

He had said the other day that, in these matters of common assault, it was inadvisable that the husband should give evidence against the wife and the wife against the husband, as it would induce a life-long quarrel perhaps. It was much better that the complaint of assault should fail for lack of such evidence than that for the trial of such a small offence the husband and wife should be set against each other. He thought she would have a good many summary trials in her own house after giving evidence against her husband, and that she would have a good many common assaults.

MR. MACKENZIE: She can give evidence in her own behalf.

SIR JOHN A. MACDONALD: That will not remove the black and blue marks.

MR. MACDOUGALL (East Elgin) said the defendant, when giving evidence for the Crown, was practically giving evidence for himself. The principle had been admitted in the first section that the defendant should be a competent witness on his own behalf, and he did not see why objection should be raised to the wife or husband of the defendant also being competent witnesses. It was the same in the Ontario Act and also the English Act.

MR. GUTHRIE said that, in his legal experience, he had observed none of the evils predicted by the hon. member for Kingston (Sir John A. Macdonald) in regard to the civil cases where the same kind of law applied. In a case of damages for assault and battery, the wife was a competent witness against her husband and was a compellable witness, and he had never heard that this law was unsatisfactory in its working. He thought his hon. friend had drawn on his imagination in his account of the evils which might flow from the adoption of this clause. He (Mr. Guthrie) considered such a clause absolutely essential. There were many cases in which the only witness present, in addition to the parties in the affray, was the wife of one of them, and her evidence would be of value; for it was not to be supposed that the wife was to commit perjury to clear her husband, nor was it to be supposed she would suffer at her husband's hands for telling the truth. The wife now was a competent witness in every description of civil cases, and was a compellable witness against her husband. He was not aware, as a lawyer, of any of the evils pointed out having arisen from the existence of this law.

MR. PALMER said that, as far as his experience went, he did not think the reformation of the laws ought to begin with this little Bill. The second clause, however, did not compel the wife to be a witness, therefore, he thought that was right and that the Bill was best as it was.

MR. DESJARDINS said he was against the second clause, and failed to see its utility. The wife might refuse to attend to give evidence against her husband, and among respectable members of society—from which, according to the hon. member for North York (Mr. Dymond) these cases were generally brought, though he did not agree with him—there would be an unwillingness to bring their wives into such contests as cases of common assault or such matters of the kind.

MR. KERR said that, in nine cases out of ten, in these charges of common assault, both parties were about equally guilty, and it seemed to him that, if the wife of the defendant was not a competent witness for her husband, the wife of the complainant ought not to be a competent