

as in several enactments of a somewhat kindred character; but if hon. gentlemen should think the penalty too large or too small, I am not at all indisposed to meet their wishes in respect to it; but I trust that I have said enough to commend the Bill on its merits to the favorable consideration of the House. The extract which I have read from the judgment of the Chief Justice of the Common Pleas, would of itself, I think, be sufficient to warrant that favorable consideration; and I may add that I have also heard from another judge, the Chief Justice of the Court of Queen's Bench, on the subject. He also favors this Bill and thinks it is a desirable one in the interest of the necessitous who have to resort to pawnbrokers.

The motion was agreed to and the Bill was read the second time.

HON. MR. GOWAN—The Bill is very short, only five lines, and if the House sees no objection perhaps I might venture to move that it be referred to a Committee of the Whole now.

HON. MR. POWER—I hope my hon. friend will postpone it until to-morrow. I think the principle of the Bill is good, but a doubt has been suggested as to whether it comes within our jurisdiction, and if my hon. friend has no objection, I should like to have an opportunity to look into that question.

HON. MR. GOWAN—I have no objection to postponing it.

The Bill was referred to a Committee of the Whole for to-morrow.

OFFENCES AGAINST THE PERSON BILL.

SECOND READING.

HON. MR. GOWAN moved the second reading of Bill (S), "An Act to amend An Act respecting Offences against the Person." He said: The necessity for this Bill is also suggested in cases which came before the courts showing a defect in the law. In a notable case, the Queen vs. Bissell, the court was divided, two judges of the court holding that the wife

was not admissible as a witness in the case, while one dissented from it. The enactment upon which the question arose is found in the Act relating to offences against the person, and it touches the case where persons who are bound to do so fail to provide the necessary food &c. for their families, their wives and children, or where guardians fail to provide the necessaries of life for persons of tender years. A question was raised in the case to which I have referred whether the wife was admissible as a witness where the prosecution was against her husband for failing to support her. A very learned judgment was given by my friend the Chief Justice of the Court of Appeal, and the majority of the court held with him that she was not competent as a witness. The general principle of the law is that the wife is incompetent as a witness against her husband.

HON. MR. ALMON—Hear, hear.

HON. MR. GOWAN—If my hon. friend who says "hear, hear" had waited until the end he would have observed that there are exceptions. It lies with those who oppose to say if the case lies within the exceptions to the general rule, which are, "force or injuries to her person or liberty, forcible or fraudulent abduction, or inveigling into a marriage procured by friends." These are the admitted exceptions, but the Chief Justice goes on to say, "I have not met with any case where the charge was wholly of non-feasance, decided to be an exception to the rule. The complaint here was that he did not do that which he ought to have done, and which he was bound to do as a humane man, and as the father of a family and the husband of this woman." It was held in that case by the decision of the two judges that she could not be admitted as a witness, but the judge who dissented from them said:

"The law under which the prisoner was indicted is, to my mind, a most wholesome enactment, and it must, in my opinion, in nearly every case like the present, be a dead letter, unless the wife, against whom the offence is committed by her husband, be permitted to testify against him."

I do not know that my hon. friend who said "hear hear," just now will find any comfort in that suggestion. It is held that