amend the law of evidence in criminal cases, and Bill (No. 30) to amend the Criminal Law, and to declare it a misdemeanor to leave unguarded and exposed holes cut in the ice on any navigable or frequented water, said: I may, perhaps, explain, before you leave the Chair, Mr. Speaker, the provisions of the Bill, as amended by the Select Committee, to which this Bill and three other Bills were referred. You will find, in reference to the first section of the Bill, it provides that in all cases of misdemeanor, the defendant, a prisoner, and his wife, are made competent witnesses to give evidence on the investigation and trial. Now, this is not an unusual provision in our law, as you well know. The law now provides that, in cases of assault and battery, a defendant is a competent witness in his own behalf, and the Bill of the hon. member for Norfolk, which creates a new class of crime, just passed provides that a defendant shall be a competent witness in such cases. The principle is not a new principle, either in Canada or England. The right of defendants to give evidence in their own behalf is recognized in England in some cases of misdemeanors, and you will recollect that by the Plimsol Act of 1871, which made it a misdemeanor to send an unseaworthy ship to sea, thereby endangering the lives of seamen, defendants were made competent witnesses. The same principle has been recognized in Canada, in cases of assault and battery, and this Bill proposes to extend the privilege with one step farther. The position of a defendant is guarded and protected in the second clause of the Bill, which provides that, where a defendant does not see fit to go into the witness box in his own behalf, neither the counsel nor the Judge shall make comments on this fact. The third clause provides that if a person is charged in the indictment with a higher offence than misdemeanor, and it turns out on the part of the prosecution, that nothing more than a misdemeanor is established, the defendant shall then also be a competent witness in his own behalf. There is another clause or two which have relation to evidence in criminal cases, but of a different character to the evidence I have just commented on. It is known, Sir, in the Province of Ontario and elsewhere, that there are certain individuals who, although they do not decline to take an oath, yet upon whose consciences an oath administered in the usual way is not binding. We know that, in Toronto, and I believe elsewhere, the evidence of persons of this class has been rejected upon the ground that they had no faith in the solemnity of an oath upon the Bible as administered in courts of justice. Now, it is not desirable that evidence of this character should be excluded altogether, although such persons may have some peculiar notions with respect to a future state of rewards and punishments, yet in other respects they are intelligent and respectable, whose solemn affirmations may be as reliable as the oath of most men. At all events, we are in this position: that if they do not declare the truth on their affirmation, they are liable to be punished by fine and imprisonment in this world at any rate. We provide, by section four of the Bill, that the class of persons called Agnostics shall be competent as witnesses upon their making a solemn affirmation and declaration that the evidence they are to give in court shall be the truth, the whole truth, and nothing but the truth; and that, in case they do not tell the truth, they are liable to be prosecuted to the same extent, and in the same manner, as if they had taken the oath in the ordinary way. This principle has been recognized in Ontario, and it is the law in England at the present time. The Legislature of the Province of Ontario, the Session before last, passed an Act making these persons competent witnesses upon their taking a declaration such as I have mentioned; and, in England, these persons are competent to give evidence in the same way, both in civil and criminal cases. Now, there is no reason why the law which prevails in the Province of Ontario, and in the Empire, should not prevail in the Dominion. Another clause was added by the Committee at the suggestion of the hon. member for Queen's, (P.E.I.) It makes provision that the Statutes of any of the Provinces of the Dominion be evidence upon their mere production. Now these Statutes require to be proved in order that they may be accepted as evidence; and this clause provides that the production of these Statutes shall be evidence of their having been properly passed, just as our own Statutes are recognized, upon their production, by the Judges in the courts. Clause eight embraces the Bill introduced by the hon. member for Hamilton (Mr. Robertson). It provides that cutting holes in the ice in certain public places, and leaving the apertures unguarded, or unprotected, shall be a misdemeanor, subjecting the person committing the offence to imprisonment. It is an important clause, and one which, I think, should be passed by the House. We know that in many public places holes are made in the ice, and lives are lost by the carelessness or recklessness of the persons making these openings. It was thought advisable by the Committee that such carelessness should be made a criminal offence, and they have so provided in this Bill. There is another clause in the Bill which the Committee, after a good deal of deliberation, saw fit to introduce. You, Sir, no doubt know that, in our Province, at all events, there has been a doubt in cases of capital felony, whether or not when the jury retire they are entitled, as a matter of right, to have light, heat, and nourishment. I know that some of the Judges on the trial of felonies decline, after the charge of the Judge has been made, and the jury have retired to consider their verdict, to allow them either food, heat, or light, and, in some instances, they have been kept in their rooms for a whole night without either. It was thought that there should be no doubt left upon the subject; and that Judges should henceforth be at liberty to provide these comforts and conveniences for juries if necessary. I believe the law of England is such that juries have a right to be provided with these comforts; but in Canada, as I have pointed out, the Judges hold different views on the subject. The Committee thought that that point should be put beyond doubt, and that juries who are discharging important duties in the interests of the country and the Crown, should not be subjected to all kinds of inconveniences and deprivations, simply because they happened to be empanelled on the trial of a capital felony. These are the principal clauses of the Bill submitted by the Committee, after a good deal of care and deliberation, and I trust they will meet the approval of the House. I move that you now leave the Chair.

Mr. BLAKE. I wish to make one observation. I did not understand, when we referred a number of the Bills to the same gentleman, that it was the intention thereby to indicate that the opinion of the House was, that they should all be consolidated. It seems to me that it would be inconvenient that measures with reference to the Criminal Law—the different categories of the Criminal Law—should be consolidated. Of course, the great bulk of the provisions of this Bill deal with matters of procedure, and it might be very well that they should be brought together, but there is also a clause making a new offence—I mean the clause with reference of leaving unguarded holes in the ice—and it seems to me that it would be more convenient when a new offence is created that it should be kept separate from clauses which deal merely with questions of evidence and procedure. I throw out the suggestion as one which seems of some consequence in the framing of our Statutes, and perhaps the hon. gentleman will consider whether or not the particular clause to which I have referred should be made a separate Bill.

Sir JOHN A. MACDONALD. I quite agree with the hon. gentleman that cognate subjects should, as far as pos-