a time when, in Ontario at least, neither party to a civil proceeding could be a competent witness in his or her behalf. Subsequently, the Legislature thought that, by allowing a party to be a witness in his or her own behalf, an improvement might be made in the means for the elucidation of truth, but it had since been discovered that such a course of procedure had the effect of largely increasing those cases of perjury which were already of common occurrence. On the whole, the weight of testimony, however, was rather in favour of allowing parties to be witnesses in their own behalf. It was proposed now to introduce an innovation, whereby a person charged with an offence might be admissible as a witness on his own behalf. The cases in which it was proposed to make this change were of such a character as to be scarcely removable from the category of civil cases, and the danger to be apprehended from such a concession was not great. He would even be inclined to go further, and compel a person charged with a minor offence, such as common assault, to be a witness. As the law at present stood, a man who was complainant in one case might be the defendant in another, where the former defendant stood in position of complainant, so that two separate proceedings were rendered necessary in order that the real facts of the affair might be disclosed. With the view of remedying this, he would suggest that the clause be altered in such a way as to admit of a person whose evidence was admissible being a compellable witness for the prosecution.

MR. KIRKPATRICK thought that his hon. friend from East Grey had made use of very correct phraseology in his amendment, which was perfectly in concurrence with the Act of 1869 respecting summary convictions. As the hon. member for Kingston would see, the case was one, not of summary trial, but summary convictions, and when a summons had been issued a justice might proceed on the hearing, information or complaint upon the charge made.

MR. MACDOUGALL said that was provided for under the 43rd section of the Act relating to offences against the person.

SIR JOHN A. MACDONALD said there could not be a conviction without a trial.

MR. KIRKPATRICK said the case would be fully met by the insertion in the clause of the words, "on the hearing of any information or complaint, or on the trial of any person on an indictment," because the term "indictment" included "information." He thought the hon. member for East Grey, though a layman, had got the right expression and ought to adhere to it.

MR. LAFLAMME thought the proposition made by the hon. member for Kingston was the clearest and simplest which had been submitted.

MR. MASSON said the word "trial" in a summary conviction should give a sufficient explanation of the meaning the Bill intended to convey.

MR. KIRKPATRICK said no doubt that the word "trial" included the hearing. It was not a summary trial, however, that was meant, but a summary conviction. If a person was brought up for a hearing on an information or complaint not to be tried summarily, and said, "I want to give my evidence on this hearing," the magistrate would naturally say that there was no case to send for trial. Such a case, he presumed, could not be called a summary trial, but a hearing.

SIR JOHN A. MACDONALD: I mean the preliminary evidence on oath by the complainant when the defendant is not present.

MR. KIRKPATRICK: But a defendant might say to the magistrate on the preliminary hearing, "If you hear me state the case you will find that there is nothing to send for trial."

MR. MACKENZIE thought the word "complaint" should be put in after "information."

MR. MACDOUGALL: Will the hon. gentleman alter his amendment so as to make it compellable for an admissible witness to give evidence?

SIR JOHN A. MACDONALD: If a person is a competent witness for the Crown he can be summoned.