

falsely. In India, a native takes an oath by touching the foot of a Brahmin, and in some parts by placing his hands on the water of the sacred Ganges. A Jew will take an oath on the Pentateuch with his head covered; in Alsace, he takes it by placing his hand in that of the Judge. Everywhere you will find the same idea of the interposition of the deity, either expressed or implied—the *Deus testis* and the *Deus vindex*: in the former, calling God to witness to the truth; and, in the latter case, expressing readiness to submit to all the punishments, in this and in the future life, inflicted for perjury. Are we to abandon now this safeguard which has been everywhere found necessary? Let us reflect coolly before doing so. Let us not, for the mere sake of the word progress, adopt a clause for which we may soon have cause to repent. In 1839, a Bill of similar purport was adopted in England. Had the experience of that Bill been a good one, I would not be prepared to oppose the clause, but we find such has not been the case. Taylor on Evidence, alluding to this matter, says:

"The policy of thus relaxing, in favor of atheists, one of the fundamental safeguards of truth, and of encouraging the public avowal, if not the collusive assumption, of infidelity and irreligion, may admit of a serious doubt; and the more so, as the cases in which any inconvenience could arise from the old law, are unquestionably of very rare occurrence."

In a foot-note, he says:

"The author, during the twenty-five years he has been a Judge of County Courts, has heard the oath administered to at least 250,000 witnesses, yet he cannot recall to mind a single instance where any atheistical objection to being sworn has been raised before him."

This has been the experience of one of the most experienced men of England on the state of things which then was found sufficient to induce the House of Parliament to adopt this law. In this country we have not even the same reason. I am proud to say that, in the course of twenty-four years' practice at the Bar, I have not once found it necessary to have recourse to a law of this character. Not once in my district has there been found any necessity for it. I say, Sir, that there is no reason for such a Bill. It is not right to say in matters of this kind, as I heard it stated in this House the other day, that we ought to be proud to be in advance of other nations in these respects. I say that only extreme, only the direct, necessity ought to bring us to this. We have not yet a Bradlaugh in this House, and I hope we never will have one. But, Mr. Speaker, there is an additional and much more powerful reason than those I have mentioned, which ought to induce us to reject this clause of the Bill. We have all learned at school, we all know, that there can exist no atheist in good faith. There is no man, with the ordinary gift of common sense and reason, who will refuse, who can refuse, to believe in the existence of the Almighty. If he does profess to disbelieve in the Almighty, there is only one conclusion to come to—he is either a crank, or a hypocrite. No man, I repeat, gifted with the ordinary quantum of common sense, can honestly say that there is no God. Therefore, if such a man is put into the witness box in a court of justice, what have we got to think of him? Either that his judgment will be biassed by some defect of his mind, or that he is so much governed by his passions as to be a hypocrite. What credence can we put in his evidence? Can we take the evidence of such a man in questions of life or death? Dare we put the honor and fortune of our fellow men in the hands of such an individual? I say that no juryman will believe him. Every juryman in the box will say that he is either a crank or a hypocrite, and will refuse to accept his evidence. If such will be the result, why should we place on the Statute-book the declaration that in this, our Dominion, we recognize atheism as existing among us? If we must recognize atheism as existing in this country, why should we give it special privileges, and allow a man who has the audacity to say

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that there is no God, a privilege that no other man in this country can enjoy? Why should we put upon our Statute-book an invitation to the poor, miserable creatures who make such a profession of faith, to come here and receive from our Legislature that welcome which other nations refuse them? Are we going to say that those who are spurned by all reasonable men, shall be recognized in our laws as having the right to testify in courts on an equal—aye, and on a more than equal—footing with their fellow-men? Mr. Speaker, I cannot refrain from calling your attention to the fact that we are asked to legislate in direct contradiction to the prayer which we offer at the beginning of each sitting. We pray that religion and piety may exist in the Dominion of Canada, and in all Her Majesty's possessions. Is it in the name of that prayer; is it in accordance with that prayer, that we are going to declare that atheism must be recognized in our laws? We have repeated that divine prayer: "Our Father who art in Heaven, hallowed be Thy name." Is this the way in which we are going to hallow that name? Is it by consecrating impiety and atheism, and recognizing them as standing institutions of our country, that we are going to testify, as legislators, that we do hallow the name of God, and respect and revere it? I hope that I have said enough to show that we ought not to adopt the clause to which I have referred. Wherever a similar law has been adopted it has done no good, and has been shown not to have been necessary. As to section five, I consider it not only harmful, but useless, because it adds nothing to the law we now have, and is bad for another reason. It is there stated that:

"5. If any person, called as a witness in any court of criminal jurisdiction or in any civil proceedings, in respect of which the Parliament of Canada has jurisdiction in this behalf, or required or desiring to make an affidavit or deposition in the course of any such proceedings, shall refuse or be unwilling, from alleged conscientious motives, to be sworn, or shall declare that an oath is not binding on his conscience, it shall be lawful for the court, or Judge, or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, that is to say:—

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of an oath is 'according to my religious belief, or not binding on my conscience, as the case may be,' and I do also solemnly, sincerely, and truly affirm and declare that, &c."

This clause is not only bad for the reason I have stated, but it is too general. If we are to pass any clause of that kind, we ought to say that every person brought up as a witness, if he professes to believe in God—because the presumption is that every man brought up in a Christian country does believe in God—if he has any scruple in taking the oath, if the form which is offered to him is not the form prescribed by his own religion or creed, then he will be allowed to take the oath according to his own particular religion or creed. I believe that would add nothing to our present jurisprudence; but if it is desired to pass it, let us pass it in that way, that each man shall be allowed to take the oath according to the form of his own religion and creed. No legislation can interfere in matters of religion. Every form of religion is recognized by our law, and no Government and Legislature can interfere between God and a man's conscience. If a man's conscience tells him that he cannot take the form of oath which is tendered to him, or cannot make the affirmation which is tendered to him, let him take one which his conscience will approve. Let him follow his own conscience according to his own creed, and then we will have a sufficient guarantee, a guarantee recognized by every nation, that the man is a fit and proper witness.

Mr. LAURIER. If I have any fault to find with the first section of this Bill, it will be for reasons totally different from those which have just been urged by my hon. friend from Quebec Centre. He objects to the accused in all cases of misdemeanor being allowed to testify in his own favor. In my judgment, the clause is not only a good one, but I