tended, and in which religious instruction was, by law, given according to the tenets of their faith. As I stated a while ago, the former class extended to the rural districts, it more particularly carried on the supervision of elementary education and was administered under an enactment of 1858 called the Parish School Act, which was superseded in 1871 by an Act called the Common Schools Act. It was against this new law that the Catholics appealed to the Supreme Court. Let me say also that it had been the expectation of the fathers of confederation and of the British parliament that the first clause upon education applied to all the schools, or classes of schools in New Brunswick, so strong, so general, was the prevailing opinon that the Catholic minority enjoyed denominational schools in every respect, an opinion created by the prevalent harmonious relations of the people of different races and creeds in the maritime provinces. But upon investigation by the courts it was found that the liberties enjoyed by the Catholics of New Brunswick were not granted by the said Parish School Act of 1858, but had come into existence owing to what may legally be termed irregularities, or laxities in the administration of the law. The decisions of the Privy Council and of the Supreme Court of New Brunswick maintained that the Parish School Act, 1858, did not refer to denominational schools, and therefore this Act being superseded by the Public Schools Act of 1871, no denominational rights could be affected so long as there were none in existence by law. These judgments were based on the assumption that denominational privileges or rights in existence before the union were inalienable. These tribunals searched in the Parish School Act of 1858 for the existence of such rights as claimed by the Catholics which might have been affected by the new Act of 1871, but failed to find them.

I wish to lay stress on this point that evidently the judges of the Supreme Court of New Brunswick before writing their decision had come to the unanimous conviction that the 1st section of clause 93 of the British North America Act did apply to any province in which a class of persons enjoyed denominational principles in the schools. I wish to lay stress on this point that the Supreme Court did search the existence of any such rights, under the common understanding that should any such rights be found to exist, the court was bound by the terms of the section to see them restored.

I wish to lay stress also upon this point that had an appeal been made at the time against principles enjoyed by different classes of persons in the schools of the other classification to which I referred, the Supreme Court expressed their readiness jealously to protect them.

Mr. TURGEON.

For an illustration of this statement I wish to quote from the judgment of the Supreme Court of Canada, given in February, 1873, in the case of ex parte Renaud and others, as it is called. The judges, after having looked into the particulars of the case, said :

It is contended, that the rights and privileges of the Roman Catholic inhabitants of this province, as a class of persons, have been prejudicially affected by the Common Schools Act, 1871, contrary to the provisions of subsection 1 of section 93 of the British North America Act. We have now to determine whether any class of persons had, by law, in this province, any right or privilege with respect to denominational schools at the union, which are prejudicially affected by the Common Schools Act of 1871. This renders it ncessary that we should, with accuracy and precision, ascertain exactly what the state of the law was with reference to denominational schools, and the rights of classes of persons in respect thereto, at the union. At that time, what may fairly and legitimately be called the common school system of the province, was carried on under an Act passed in the 21st Vic., c. 9, intituled 'An Act relating to Parish Schools.' There were no doubt, at the same time in existence, in addition to the schools established under the Parish School Act, schools of an unquestionably denominational character, belonging to, and under the immediate government and control of particular denominations.

And in which, there can be no doubt, it may reasonably be inferred, the peculiar doctrines and tenets of the denominations to which they respectively belong were exclusively taught, and therefore had, what may rightly be esteemed, all the characteristics of denominational schools, pure and simple. We do not here refer to collegiate institutions, which it has been strongly, and with great force, urged were not within the contemplation of the imperial parliament, or intended to be affected by the British North America Act, 1867, but we refer to such schools as the Wesleyan Academy, Sackville, as incorporated by the 12th Victoria, chapter 65, amended by 19th Victoria, chapter 65, a corporation entirely distinct in law, as we presume also, in fact, from the college which the trustees of that academy are authorized to found and establish under the 21st Victoria, chapter 57, an institution entirely under the control of the Wesleyan denomination, and in which, or in any department thereof, or in any religious service held upon the said premises, it is enacted that no person shall teach, maintain, promulgate or enforce any religious doctrine or practice contrary to what is contained in certain notes on the New Testament, commonly reputed to be the notes of the Rev. John Wesley, A.M., and in the first four volumes of sermons, commonly reputed to have been written and published by him.

Then it goes on again :

The Varley school, . . . the Madras school, which by its charter is to be conducted according to the system called the Madras system, as improved by Dr. Bell, and in use and practice in the British National Educational Society, incorporated and established in England,