

English fellow countrymen. Our Acadian people do not forget the memory of their ancestors, but to-day they know that the violated bell of Grand Pré will sound for ever throughout the world to perpetuate universal sympathy for a small people deceived—not by the King of England, I am glad to say, but by a military officer acting on his own counsel. To-day in Acadia you do not hear the lamentations of the past nor the sobs of the Acadian women bemoaning the deportation of their race; no, Mr. Speaker, you hear the air resounding with the patriotic ejaculations of the Acadian people who are taking their place with their fellow countrymen of all races in this Canadian nation, working for its welfare and prosperity. Let me quote the words of Lord Carnarvon when he introduced the British North America Act in the House of Lords. He said :

In this Bill the division of powers has been mainly effected by a distinct classification. That classification is fourfold: First, those subjects of legislation which are attributed to the central parliament exclusively. Secondly, those which belong to the provincial legislature exclusively. Third, those which are the subject of concurrent legislation, and fourth, a particular clause which is dealt with exceptionally.

Lastly, in the 93rd clause which contains the exceptional provisions to which I refer, your lordships will observe some rather complicated arrangement in reference to education. I need hardly say that that great question gives rise to nearly as much earnestness and division of opinion on that as on this side of the Atlantic. This clause has been framed after long and anxious controversy in which all parties have been represented and on conditions to which all have given their consent. The object of the clause is to secure to the religious minority of one province the same rights, privileges and protection which the religious minority of another province may enjoy. The Roman Catholic minority of Upper Canada, the Protestant minority of Lower Canada, and the Roman Catholic minority of the maritime provinces will thus stand on a footing of entire equality.

On another occasion Lord Carnarvon in the House of Lords made this statement :

Hence the House will perceive that it is almost impossible for any injury to be done to the Protestant minority. The real question at issue between the Protestant and Roman Catholic community is the question of education, and the 93rd clause after a long controversy in which the views of all parties have been represented, has been framed. The object of that clause is to govern against the possibility of the members of the minority suffering from undue pressure by the majority. It has been framed to place all the minorities of whatever religion on the same footing, and that, whether the minorities are in *esse* or in *posse*.

I call the attention of the House to these words 'in *esse*' and 'in *posse*;' whether to-day it is a Catholic minority, or to-morrow a Protestant minority. We have the judg-

ment of our courts to guide us in the solution of the meaning of the British North America Act, which seems to be so misunderstood by certain members of this House and by certain papers in Ontario. In the New Brunswick school case, the parliament of Canada refused to entertain the resolution brought by the hon. member for Victoria (Mr. Costigan) in 1872, requesting in the name of the Catholic minority of that province that the government of Canada should exercise their veto against the provincial Act passed in 1871 which took away from the Catholic minority these extensive privileges of which I have spoken. I must acknowledge that members on both sides of the House on that occasion expressed the greatest sympathy with the hon. member (Mr. Costigan) and with the Catholic minority in his province. But it was found on both sides of the House that under the clause relating to education in the constitution, the government of Canada had not the power to declare the New Brunswick law of 1871 *ultra vires* or not efficient. After the refusal of the parliament of Canada to interfere on the ground of the constitution, the Catholic minority appealed to the highest court of the province, the Supreme Court of New Brunswick, at that time the highest Canadian court for them, because the Supreme Court of Canada was not yet in existence. It may be necessary for me to give some preliminary explanation of the school laws of the province of New Brunswick, so that I may be better understood when I give the quotations from the judgment of the Supreme Court of New Brunswick on the question. I will only appeal to the calm facts of history which will show that that enlightened judgment has afforded lessons to the Catholic minority as well as to the Protestant majority of the province of New Brunswick, and will speak to the intelligence and heart of every member of this House and every Canadian.

It might be of interest that I should mention at once that previous to the time of confederation and after, and still at the time our appeals were under the consideration of the high tribunals, the province of New Brunswick had two classes of educational institutions, both administered under provincial statutes by the one board of education, inspected by the common provincial inspector, both receiving state aid or government subsidies for their maintenance and support. The general class of educational institutions was composed chiefly of rural districts, I may say, and of the population of the outskirts of a city, town or village. The more particular class of educational institutions was extended to the population of the cities, of the towns or large villages and to these particular schools greater privileges had been conferred, accordingly favourable to the religious conditions of the people for whose children these schools were particularly in-