

which National Society, established in 1811, was incorporated in 1817, for promoting the education of the poor in the principles of the established church throughout England and Wales; the schools established by such society being purely denominational, in which the children are to be instructed in the Holy Scriptures and in the liturgy and catechism of the established church, and, with respect to such instruction the schools are to be subject to the superintendence of the parochial clergyman, and the masters and mistresses are to be members of the Church of England.

They have no objection to religious education. Then the judgment goes on:

And the Baptist Academy or Seminary—the Roman Catholic school established in the city of St. John—the Free school in Portland, under the Board of Commissioners of the Roman Catholic school in St. John—the Roman Catholic school in Fredericton—the Roman Catholic school in St. Stephen—the Roman Catholic school in St. Andrews—all of which are recognized by name by the legislature in various Acts, anterior to the 21st Victoria, chapter 9, and received specific annual grants from the public provincial funds, outside the Parish School Act.

It is seen by this statement, Mr. Speaker, that the Catholics of New Brunswick at that time were enjoying certain privileges but not under that school Act of 1871. The judgment goes on:

In the year 1857, and subsequently thereto, the money intended for educational purposes has been annually granted in a lump sum, viz., so much to provide for certain educational purposes, not specifying any particular school or purpose, as had been theretofore customary. But the estimates of the public expenditure, which appear in public journals, show that appropriations of a similar character have been since annually made. Thus in the year 1867, but before the 1st day of July (the day of the union), it will be seen by the Journals of the house of assembly, page 45, that in addition to the amount authorized by law, the following schools, among others, received special grants, viz.: The Madras School; the Wesleyan Academy; the Baptist Seminary; the Roman Catholic School, Fredericton; the Presbyterian School, St. Stephen; the Roman Catholic School, St. John; the Varley School, St. John; the Roman Catholic School, Milltown; the Roman Catholic School, St. Andrews, male and female; the Roman Catholic Schools, Carleton, Woodstock, Portland, and Bathurst; the Presbyterian School, Chatham; Roman Catholic School, Newcastle, and the Sackville Academy.

Further on the judgment says:

The Parish School Act clearly contemplated the establishment throughout the province of public common schools for the benefit of the inhabitants of the province generally, and it cannot, we think, be disputed, that the governing bodies under that Act were not in any one respect or particular 'denominational.'

The schools established under this Act were, then, public parish or district schools, not belonging to or under the control of any particular denomination; neither had any class of

persons, nor any one denomination—whether Protestant or Catholic—any rights or privileges in the government or control of the lands, that did not belong to every other class or denomination, in fact, to every other inhabitant of the parish or district; neither had any one class of persons or denomination nor any individual, any right or privilege to have any peculiar religious doctrines or tenets exclusively taught, or taught at all, in any such school.

Such was our condition then. Under the school system which the government repealed the minority did not enjoy privileges by law, but enjoyed them simply through the good-will of the board of education or the inspectors of the province owing to the harmonious feelings which were in existence in the provinces. The judgment goes on:

But it is contended that the 60th section declaring 'that all schools conducted under the provisions of this Act shall be non-sectarian,' prejudicially affects the rights and privileges which the Roman Catholics, as a class, had in the parish schools at the time of the union. It cannot be denied that to the provincial legislature is confided the exclusive right of making laws in relation to education; and that they, and they only, have the right to establish a general system of education, applicable to the whole province, and all classes and denominations, provided always they have due regard to the rights and privileges protected by section 93 of the British North America Act, 1867.

The judges of the Supreme Court of Canada had decided that wherever a class of persons in any province or territory, a class of persons coming into the union with privileges granted by the law of their province or territory, granted by the law of the land from which they came—that class of persons must be preserved in their privileges. It is self-evident and I believe that the opinion I am now giving can be upheld—that even if they are coming from a state of the American union where they enjoyed privileges conferred by the law on that class of persons in that portion of territory, that class of persons would be entitled to claim in Canada the privileges and the rights they had before. Therefore to-day, we the minority—and I speak for the Protestant minority, as I said before, as well as for the Catholic minority—we the minority coming in with school privileges in reference to separate schools or dissenting or denominational schools enjoy the privileges accorded to these minorities according to the British North America Act, as so nobly and richly and generously granted by the parliament of Great Britain, the parliament which as I say never grants half measures, when it grants a measure of justice. That parliament when, after years of consideration, it decided to grant emancipation to Ireland did not give a half measure, but extended emancipation to the Catholics not only of Ireland but of the whole empire, and, I might say, of all the world, and opened her ports