

**LORD JUSTICE MELLISH.**—Do you mean to say they could not pass an Act of Parliament creating Common Schools and making a rate? If they have interfered with your schools so much as interfere with Denominational Schools and making a rate will be perfectly good.

**MR. BROWN.**—It will be found when we come to the provisions of the Act of Parliament that we are deprived of the application of any portion of the funds raised under the Act to Denominational Schools, which was the privilege we enjoyed at the time the Act of Union passed.

**LORD JUSTICE JAMES.**—Have you any legal vested right in them?

**MR. BROWN.**—I say the right is saved to us.

**LORD JUSTICE JAMES.**—What right was there existing at the time? What was there, if this Act had not passed, to give you a vested right?

**MR. BROWN.**—We say it was given by the Parish Schools Act, which was before the Union.

**SIR M. SMITH.**—You are going to shew that?

**MR. BROWN.**—Certainly.

**LORD JUSTICE MELLISH.**—Then you say by the Parish Schools Act they could give funds to the Denominational Schools.

**MR. BROWN.**—Certainly; and they did so, as I shall shew by the affidavits. We are deprived of that right by the Act, and in addition to that we are compelled by the present Act. I represent the Roman Catholics in this case, and the Roman Catholics say, they are compelled to pay taxation for the support of schools where they are prohibited from giving that religious instruction to their children which they had a right to do under the previous Parish Schools Act.

Now, my Lords, I think probably the first question that arises, What is a Denominational School under this section? Upon that I submit that a Denominational School is a school in which the religious branch of the teaching represents the tenets of some religious body. Upon that subject I have thought it proper to look into the dictionaries.

**LORD JUSTICE MELLISH.**—From what has taken place lately, we know what Denominational Schools are pretty well.

**SIR R. P. COLLIER.**—It is a term of recent introduction in a great measure.

**MR. BROWN.**—Yes; and it is used of course in a technical sense. It appears that the word "denomination" is not found in Johnson's Dictionary—it is so recent as that. It is not found in Todd's Johnson's Dictionary of the date of 1827, but when you come to 1861, I find in Dr. Webster's Great Dictionary, which is deemed by many to be the best of all, that "denomination" is described thus: The third meaning given is, "a class, a sect, particularly of Christians," and then he cites "philosophy, dividing it into sects and denominations." That is a quotation by Southey. Then he gives "denominational" as relating to "denominations or sects of religion," for which he cites Pye Smith. Well, then, in Dr. Latham's Dictionary, published in 1865, Dr. Latham gives "denomination" he describes as an adjective relating to, or consisting of, or constituting a denomination, its chief application being to divisions in the way of religious doctrines, whence it often coincides with sectarian, than which it is a less invidious term. There is a similar definition in Webster's Dictionary, the edition of 1864.

**LORD JUSTICE JAMES.**—A Denominational School must *ex vi termini* mean a school established by and exclusively belonging to a particular denomination.

**LORD JUSTICE MELLISH.**—The mere fact that you had a Conscience Clause would not prevent a school being denominational. The fact of a child in the village not being present during the religious instruction, if the religious instruction was that of a particular sect, would not prevent a school from being denominational.

**LORD JUSTICE JAMES.**—A Denominational School must be a school established by a sect or denomination for the purposes of that denomination. There might be a denominational School for Mohammedans or Parsees.

**LORD JUSTICE MELLISH.**—A school where the peculiar tenets of peculiar sects are taught and the tenets of no other sect are taught, because if you allow all sects to come at their own hours and teach their own tenets, that would not make it a Denominational School.

**MR. BROWN.**—I understand it to be a school where the religious teaching is that of a particular denomination of Christians.

**SIR M. SMITH.**—If you tell us what the Schools are, probably, without reading the definitions we shall see whether this is a Denominational School.

**MR. BROWN.**—Before doing that would you allow me to say that the word seems to be used in the sense that I was using it. In the Consolidated Statutes of Lower Canada, chapter 15, section 103, where I see "There shall be in each of these cities in Quebec and Montreal a Board of Examiners composed of 14 persons chosen in as fair and equitable a manner as possible from among the different religious denominations." Then the next article says that "half of them shall be Roman Catholics, and a half of them Protestants," and they are to form the Board of Examiners to examine teachers. In dealing with this question, what are the Denominational Schools? I submit it should be borne in mind that the Denominational Schools here contemplated appear to be