

FURTHER PARTIAL RETURN

[33a]

To an ADDRESS of the HOUSE OF COMMONS dated the 6th February, 1893, for a copy of the judgment of the Judicial Committee of Her Majesty's Privy Council in the appealed case of Barrett vs. the City of Winnipeg, commonly known as the "Manitoba School Case"; also copy of factums, reports and other documents in connection therewith.

By order.

JOHN COSTIGAN,
Secretary of State.

OTTAWA, 14th February, 1893.

PRIVY COUNCIL.

Present:

The Right Hon. Lord Watson, The Right Hon. Lord Hannen,
The Right Hon. Lord Macnaghten, The Right Hon. Sir Richard Couch,
The Right Hon. Lord Morris, The Right Hon. Lord Shand.

CITY OF WINNIPEG,

Appellant,

and

BARRETT,

Respondent,

ON APPEAL FROM THE SUPREME COURT OF CANADA.

CITY OF WINNIPEG,

Appellant,

and

LOGAN,

Respondent,

ON APPEAL FROM THE COURT OF QUEEN'S BENCH FOR MANITOBA.

Law of Canada, Province of Manitoba.
Dominion Statute, 33 Vict., c. 3.

Manitoba Public Schools Act, 1890—Denominational Schools—Powers of Provincial legislature.

According to the construction of the Constitutional Act of Manitoba, 1870, 33 Vict., c. 3 (Dominion Statute), having regard to the state of things which existed in Manitoba at the date thereof, the legislature of that province did not exceed its powers in passing the Public Schools Act, 1890.

Section 22 of the act of 1870 authorizes the provincial legislature exclusively to make laws in relation to education, so as not to "prejudicially affect any right or privilege with respect to denominational schools which any class of persons have, by law or practice in the province, at the union."

Held, that the act of 1890, which abolished the denominational system of public education established by law since the union, but which did not compel the atten-