

pretended constitutional difficulties had been removed by the opinion of Donald McMaster, K.C., the authority to whom it had been referred, concluded in these terms:—

"Therefore let it be resolved, That it is the duty of this legislature at this present session to enact such legislation of this character as shall provide for an adequate measure of education by either public or private tuition for all children in the province between the ages of eight and fourteen years."

Hon. Mr. Coldwell, Minister of Education, repeated in effect his speech of the previous year, and the resolution was rejected by a vote of 24 to 13, the division list being as follows (Page 6, Votes and Proceedings, No. 18, March 8, 1910):

Yeas — Messrs. Armstrong (Gladstone), Baird, Campbell (Dauphin), Johnson (Winnipeg West), Jonasson, McConnell, Malcolm, Norris, Ross, Thornton, Walton, Williams, Winkler 13.

Nays — Messrs. Hugh Armstrong, Argue, Bernier, Bonnycastle, Cameron, Colin Campbell, Carroll, Coldwell, Ferguson, Gordon, Graln, Howden, Lanzon, Lawrence, Lynch, Lyons, Mitchell, Prefontaine, Robson, Rogers, Simpson, Steel, Taylor, Waddell—24.

At the provincial Liberal convention, held in Winnipeg, April 6, the party declared itself in favor of enacting a compulsory education law. (See resolution.)

The Opinion of Donald McMaster

In July, 1907, the Manitoba government submitted a series of questions relating to the constitutional powers of the province to enact compulsory education to Donald McMaster, K.C., Conservative M.P. for the Chertsey Division of Surrey, an eminent Canadian lawyer, now resident in London. Mr. McMaster's opinion, dated January 18, 1908, reached the government during the session of 1908, but it was kept from the knowledge of the legislature for over a year.

Mr. McMaster's opinion was involved by the peculiar way in which the questions were put to him, but he was quite clear in his finding that the province has full control over educational matters, and that compulsory education is within the power of the legislature.

The Attorney-General has asked, "Is the enactment of a law making the attendance of the scholars at the public schools and at the denominational schools, compulsory, ultra vires of the legislature?"

Mr. McMaster replied:—"Upon the first point I am of the opinion that the Manitoba legislature has power to make attendance at the public and denominational schools compulsory. It cannot be said that it is the right or privilege of a parent to deprive his child of the education essential to qualify him for good citizenship, and in that regard the interests of the state must prevail over the interests or bias of the individual.

Mr. McMaster, in reply to other questions which were asked him, said that, in his opinion, the government