

suggests fresh legislation. In the meanwhile, the practical result of the decision seems to be to establish a simple and valid method of securing payment in full of certain creditors of an insolvent debtor to the prejudice of others.

Now, as to the ethical aspects of the case. There may have been special circumstances to explain words in the judgments condemnatory of the conduct of the solicitor who carried out this scheme, but on the general question it seems to us a matter inviting enquiry and consideration, how far a solicitor can properly go in seeking to secure a preference for his client over other creditors. The law speaks of "fraudulent" preference, but the fraudulent element in the matter is, we imagine, entirely on the side of the insolvent debtor giving the preference, not on the side of the creditor obtaining it, or of the solicitor who acts for him. No one, we should suppose, would call it fraudulent for a man to try and get his own debt paid, even though the result is not to leave enough to pay others. The condition of human life is, speaking generally, one of competition directed towards securing an advantage over others seeking to share in the same benefits at which we are aiming; and we should probably soon arrive at some startling conclusions if we started from the proposition that it is morally wrong to secure a preference for one's self or one's client, if by legally valid means it can be done. However, we do not wish to dogmatize one way or the other, but shall be glad to open our columns to discussion.

#### *HISTORY AND MISCHIEF OF THE QUEBEC JESUIT ACT.*

It is not often that we have occasion to comment on any legislation in the Province of Quebec. The subject of this article, although not of much technical interest, except in so far as it touches on the interesting question of escheat, is of so much importance in connection with constitutional questions affecting the whole Dominion, and necessarily, therefore, all its provinces, that it is desirable to discuss it at some length from a constitutional and historical point of view. We have nothing to do with party politics, and for this reason we refrain from discussing the much debated question as to the expediency of disallowance by the Dominion Government of provincial Acts like the Jesuit Act; our readers can form their own opinion on the subject after a careful consideration of this most important subject. As to the competency of that government to disallow such legislation, we think there can be no doubt.

Five and twenty years ago, when the Clergy Reserves of Upper Canada, held by as indefeasible a title as it was possible for any crown-granted lands to be held, were diverted from their original purpose and applied to secular objects, it was thought that the question of the state-endowment of ecclesiastical bodies was settled for ever; and among those who voted for the secularization of the reserves were the representatives of French-Canadian Roman Catholic constituencies, who, in support of the principle then established, ranged themselves side