

"clerks were tempted to betray a competitor's confidence," and "workmen were bribed to explode his stills," no possible results can condone such crimes, and no state or community can afford to overlook them and become sharers in the fruits of such iniquities.

"Trusts" fall in the main, says Mr. Iles, into four classes, "those which, like the iron and steel trust, are fostered by a tariff which excludes foreign competition; those like the envelope trust which derive an additional element of monopoly from patented machinery and processes; those like the gas trusts, which are of quasi-public character, and operate under municipal franchise; and lastly, those which, like the Standard Oil and Cotton-Seed Oil Trusts, depend solely upon aggregated capital and unified organization for their supremacy." The conditions suggest for each of the first three its appropriate remedy. Lower or abolish the tariff and you destroy the basis of the first, and so far as our Canadian "combines" are of this class the simple and logical treatment proposed by Mr. Edgar in the Commons is clearly indicated by the diagnosis, and could not fail to be effective. For the second and third classes the remedies—viz., making patents liable to forfeit by abuse, and strict municipal control—are equally obvious. It is in the case of the fourth class that the chief difficulty emerges, and in regard to its treatment Mr. Iles is less specific. Perhaps the best Canadian illustration would be that of the Sugar Combine, as it existed a year ago, though in this, as in many other cases, capital and organization are greatly aided by tariff, and Mr. Edgar's remedy might prove sufficient. But in any case the right and duty of legislation forbidding all interference with the liberty of individual competitors or middlemen, by forced or voluntary agreement, or by any measures in the nature of boycotting, seem clear. Hence an act proceeding, to a considerable extent at least, along the lines of Mr. Clark Wallace's proposed bill, is unobjectionable and necessary for the protection of the public.

There are at least two very important kinds of combination in which Canadians are deeply interested, which do not seem to be included in the foregoing enumeration. We refer to railway and mining monopolies. Both are exemplified in the Alberta Railway and Coal Company, whose methods were recently under discussion in the Commons. In regard to both, the monopoly is made possible by the limitation of the supply. In both the right of the people to regulate by legislation seems clear and will, no doubt, be more fully recognized in the future than it has been in the past. Railways are not only necessarily limited in number, but are ordinarily possible only by means of the public charter granting extraordinary powers of interference with private property and rights. Few will now deny that such deposits as the coal deposit at Lethbridge should be regarded primarily as the property of the whole country. If disposed of at all to private parties, the right of ownership thereby conferred should, evidently, be made subject to such conditions as will amply secure to the whole public the fullest benefit of the beneficent provision made by nature for their comfort or necessities. Hence all arguments founded on rights of property should respect first of all the paramount right of the public. There is room for doubt as to the expediency of giving proprietary rights in minerals, limited in extent and location, to private parties; there can be none as to the propriety of protecting the public by imposing the most rigid conditions on both the mine-owners and the railroads which distribute the products of the mines. As for the main question, in which all these specific cases are involved, a simple fact stated by Mr. Iles seems to us to merit much more attention than has been bestowed upon it, if it does not contain the master key for all the complications and combinations. This fact is that, "in Great Britain, every year, more than a hundred million dollars' worth of goods are distributed at retail at a gross cost little exceeding five per cent," while as a rule in America distribution costs probably twenty per cent.

If co-operation can do so much in the sphere of distribution, why not also in that of production? Responsible Government is, in one of its aspects, but co-operation on the largest scale, e.g., in its Post Office Department. If it prove, as some argue with much force, that all the benefits of such co-operation may be secured through the media of subordinate corporations such as the railway "pools," manufacturing and distributing "trusts," etc., purged of all objectionable features, and rigidly conditioned and supervised by Government and Parliament, so much the better. But the purging, the conditioning, and to a certain extent the supervision, are what must, for the present, be insisted on.

THE JESUITS ESTATES ACT.

AT a time when the public press, public bodies and private individuals are discussing the action of the Quebec Legislature respecting the so-called Jesuits estates, it may not be out of place to examine into the actual facts of the case as they appear upon the face of the Act.

In approaching the subject it is necessary to get rid of the notion that the Jesuits have been endowed by the grant of money in question, as public discussion would lead one to believe—a notion entirely unfounded, as a perusal of the measure will show.

It is proposed to treat the matter, first in a descriptive manner, and having ascertained the actual contents of the Act, to subject it to criticism.

The Act, which will be found in the Quebec Statutes for 1888, was assented to by a strange coincidence on the twelfth of July of that year. It contains in its preamble the whole of the correspondence between the Government on the one hand, and on the other the Roman Catholic authorities and dignitaries, professedly acting on behalf of the Pope. This correspondence ends in certain articles assented to on both sides, which were to be ratified by the Legislature and the Pope; and the Act proceeds to ratify them and to direct the disposal of certain funds. Let us now examine the negotiations, as upon them depends the meaning of the Act.

The preamble opens with a recital of that portion of His Honour's Speech from the Throne which referred to the question. It then proceeds to recite that the estates were "confiscated" by His Majesty, George III., and were afterwards transferred to the Province of Canada; that representations were made by various ecclesiastics and others "respecting these estates," and a letter from the Archbishop of Quebec to the Premier and its answer in 1885 are recited. Then follow the correspondence and negotiations of 1888 which culminated in the Act, the result of which will be shortly stated. The correspondence is opened by a letter dated February 17th, from the Premier to Cardinal Simeoni, which states that a despatch from His Eminence in 1887 informed Cardinal Taschereau that the Pope had "reserved to himself the right of settling the question of the Jesuits' estates in Canada," that the property had been allowed to fall into great neglect, on account of its sale having been objected to by "exalted personages;" and the letter then proceeds: "Under these circumstances, I deem it my duty to ask your Eminence if you see any serious objection to the Government's selling the property, pending a final settlement of the question of the Jesuits' estates. The Government would look upon the proceeds of the sale as a special deposit, to be disposed of hereafter in accordance with the agreement to be entered into between the parties interested, with the sanction of the Holy See." The answer states that the Holy Father "was pleased to grant permission to sell the property . . . upon the express condition, however, that the sum to be received be deposited and left at the free disposal of the Holy See." An objection was raised to this by a telegram from the Premier, who "respectfully objects to the conditions imposed," and cannot expect to succeed in a settlement "unless permission is given to sell the property upon the conditions and in accordance with the exact terms of my letter of the 17th February last." A telegram from Rome then states: "The Pope allows the Government to retain the proceeds of the sale of the Jesuit Estates as a special deposit to be disposed of hereafter with the sanction of the Holy See."

At this stage, "permission" having been obtained to sell the property, it becomes necessary to have a duly authorized officer to treat with. The Procurator of the Jesuits is therefore authorized to treat, and the letter from Rome giving him authority, in answer to the question put, "Should authority be given to any one to claim from the Government . . . the property, etc.," contains a reply, "Affirmatively in favour of the Fathers of the Society of Jesus . . . that the Fathers of the Society of Jesus treat in their own name with the Civil Government, in such a manner however as to leave full liberty to the Holy See to dispose of the property as it deems advisable, and consequently that they should be very careful that no condition or clause should be inserted in the official deed of the concession of such property, which could in any manner affect the liberty of the Holy See."

Then follows a letter from the Premier to the Procurator which desires him to bear certain things in mind. After providing for formalities, it points out that there is no civil, but a moral obligation only, to treat; that there cannot be a question of restitution in kind as that had been abandoned by those concerned, but only a

money compensation; that the amount fixed should be exclusively expended in the Province; that a complete and perpetual concession of all property which may have belonged in Canada to the Fathers of the old Society should be made to the Province; that any agreement should be binding only in so far as ratified by the Legislature and the Pope; that the amount of the compensation should remain as a deposit with the Government till the ratification by the Pope and the making known of his wishes respecting its distribution; finally that the statute should provide a grant for the Protestant minority. This despatch is acknowledged. The moral obligation is recognized as sufficient; the mode of compensation is said to be satisfactory; the expenditure within the Province is assented to; full concession of the estates is promised to be made; ratification is to bind the negotiations; the amount of compensation is to remain as suggested; and it is almost needless to add that a reply to the question of a grant to the Protestant minority is dispensed with. The claim is then put in at a little over two millions; and, in concluding the valuation, the humble suggestion is made that the Government should grant Laprairie Common to the Society of Jesus "as a monument to commemorate the eminently Catholic and Conservative Act which you are about to perform." The Premier's reply names the amount of compensation as \$400,000, and expresses willingness to grant Laprairie Common as asked. This offer is then graciously accepted, and nothing remains but to draw the necessary papers.

After a recital of all formal documents, the Act then ratifies "the aforesaid arrangements," and the Lieutenant-Governor in Council is authorized to carry them out according to their form and tenor. Secondly, the Lieutenant-Governor is authorized to "pay out of any public money at his disposal, the sum of \$400,000, in the manner and under the conditions mentioned in the documents above cited, and to make any deed that he may deem necessary for the full and entire execution of such agreement." Thirdly, His Honour is authorized to transfer all rights in Laprairie Common to the Society of Jesus. Fourthly, on such settlement \$60,000 is to be paid to the Protestant Committee of the Council of Public Instruction. The Lieutenant-Governor is also authorized to dispose of the whole of the property known as the Jesuits' Estates. The Act respecting the disposition of escheated property is made to apply, and the proceeds of the property may be applied "for the above mentioned purposes, or for any other purposes approved by the Legislature."

This concludes the legislation; and we may deduce from the foregoing the following propositions:—1. Waiving the use of the term "confiscation," the Government recognizes the title to the estates as in the Crown. 2. It asks the Pope's permission to sell, before negotiations are opened. 3. Restitution in kind, that is, restoration of the specific estates, was abandoned by the claimants. 4. But permission to sell is granted upon terms. 5. The terms are accepted, viz., that the proceeds of the sale shall be held by the Government for the Pope, subject only to the condition that it be expended within the Province. 6. By the Act \$400,000 of public money is voted to the Pope, not the proceeds of the sale, though when the property is sold the proceeds may be used for the purpose of the grant.

Having arrived at the chief points of the negotiations and the basis of settlement, we are in a position to examine them critically. Whatever may be alleged elsewhere as to the title to these estates, we have the solemn avowal of the Legislature in this Act that at the inception of the negotiations the estates belonged to Her Majesty, and were in every sense of the term Crown lands. It is a common proposition of law that when a body corporate is dissolved without having disposed of its property, it reverts to the Crown. Whether the estates were so held, and reverted to the Crown upon dissolution and suppression of the Jesuits, it is immaterial to enquire, as the authorized statement is made in the Act that the property belonged to the Crown in Canada by transfer from the Imperial authorities; and by the succession of constitutional events it became the property of Her Majesty as represented by the Government of the Province of Quebec. When this is supplemented by the statement of the Premier, made during the negotiations, and assented to by the Roman Catholic authorities, that restitution in kind—that is, restoration of the specific estates—had long ago been abandoned, and that only a moral obligation to make compensation existed, we have the fullest assurance from both of the contracting parties that the title to the estates lay in Her Majesty, that no permission from any one was necessary in dealing with them as Crown lands, that no title or right of property could be conceded by the Pope or the Jesuits to the Gov-