ONTARIO LEGISLATURE.

THE MERCER ESTATE.

Mr. Lauder moved for a return showing receipts and expenditure in detail since the date of last return connected with the estate of the late Andrew Mercer, showing also in a separate account a detailed statement of the cost of the building known as the Andrew Mercer Reformatory. At the time of the death of the late Andrew Mercer the value of his estate was placed at about $185,000 in stocks, real estate, securities and personal property. This amount was taken possession of by the Ontario Government, and it might be that they would be required to refund the whole sum expended by them out of this estate, which amounted to $161,000. This expenditure had exceeded the realization out of the estate, or in other words the Government had trenched on Provincial funds in anticipation of sales of property and securities belonging to the estate. The amount realized so far from the estate had only been $48,000, and the balance was taken from the Provincial chest, without a vote of the House. There were no votes taken in the House to expend any moneys on account of the Mercer estate other than out of the proceeds of the estate, and if it was shown that the Provincial funds had been paid out on a fund to which it was doubtful if the Government had a sound claim, their course was certainly deserving of blame. He contended that neither the Dominion nor the Imperial Governments would have dealt so harshly with the claimants to an estate as had been done in this case, and the Government would find that the people of the country had more sympathy with the Mercer family than they imagined.

Mr. Mowat said that most of the observations made by his hon. friend had been made before, and the circumstances to which he referred presented no new points. He (Mr. Lauder) had expressed on several occasions the opinion that the estate of a person who died leaving illegitimate children, with no other claimants, should go to the children. He entirely differed from him in that respect—that there should be a recognized difference in the law of this country as regards legitimate and illegitimate children. It was because of that difference that a portion of this property had been taken for public purposes. His hon. friend had said that public sympathy was in favor of the illegitimate son of Mercer. If the public was aware of the facts there would be no such sympathy. There had been a number of such cases before his attention while occupying his present position, and the course taken depended very much upon the circumstances of the case and the value of the estate. In the present case the estate was a very large one, and enabled them to settle on the illegitimate son of Mr. Mercer a much larger income than his father had ever been accustomed to expend. It appeared from the evidence that $1,000 a year was the utmost of his father's expenses during his lifetime, and they had settled upon the son and his family a sum exceeding that amount. It appeared that his father had contemplated putting him in possession of a farm, and intimated that he did not intend doing anything more for him. He had endeavored to find out what the father's views were, and the whole of the evidence was to the effect that he did not contemplate doing anything more than that for him—that the Government should take the property and make the best of it. They had not only secured to the son the farm property, but had also settled upon his family a very considerable additional sum. The only ground upon which it could possibly be said a sufficient sum had not been settled upon the son and his family was that everything should go: that no matter what the views of the father were, and if he choose to die without a will, that the whole of the estate should go to an illegitimate son. He repudiated that as a principle that should be recognized in any civilized and Christian land, and hoped his hon. friend would never ask a Legislature to pass an Act of that kind. The reason the money was settled upon the family was that it was found that the son was a thriftless, extravagant man. The question was not whether the Province or the son of the late Mr. Mercer should have the estate, but it was between the Province and the Dominion. The institution was a very valuable one, and necessary to a continuance of the prison system which had been inaugurated in the Province. In the Central Prison men alone were confined and punished, and there was need of a corresponding institution for women, as recommended from time to time by the Inspector of Prisons in his reports. Indeed the opinion had been frequently expressed that it was of more importance than the Central Prison itself, to have a proper institution for the reform of female criminals, because other provision had been made for male criminals, while no provision had hitherto been made for the females. He had no doubt that it was a provision which this House would have sanctioned out of the public revenue; but when this estate came into the hands of the Government it was thought that, instead of placing the proceeds in the Treasury, it would be a fitting thing to apply it to the erection of some institution which would bear Mr. Mercer's name. Mr. Mercer was in his lifetime a man of a benevolent and kindly feeling, as testified to by those who had known him. If the House would examine into the history of the case it would be found that the late Mr. Mercer died while the Government of Mr. Sandfield Macdonald was in power, and the estate was taken possession of, not by him (Mr. Mowat), nor by his predecessor, Mr. Blake, but by Mr. Sandfield Macdonald, who was Premier at the time, and whose Government was supported by hon. gentlemen opposite. (Cheers.) It was by that Government that a commission was issued to ascertain what the estate consisted of and the property was in the possession of the Sandfield Government at the time they went out of office. (Cheers.) Continuing, he said that suits were necessarily brought for a realization of the property on the ground that escheated property belonged to the Province, and the Courts all recognized the right of the Province. The question was raised in Lower Canada, however, and one Judge decided that escheated property should go to the Dominion, but his decision was appealed from and the highest court in that Province gave a unanimous decision in favor of the Province. The Government were fully justified in everything they had done. With regard to the motion he had not the slightest objection to it.

Mr. Lauder denied that the estate was taken possession of by Sandfield Macdonald when Attorney-General. The commission of inquiry was issued in December, 1871, and going out of office in the same month that was the only step taken.

Mr. Mowat—That was all he could do.

LIQUOR LICENSE LAW.

Mr. Gibson (Hamilton) moved "for a return showing for each license district the number of times in which, under sections 62 and 63 respectively of the Liquor License Act, the powers of County Judges have been exercised in the matter of *(a)* revocation of licenses improperly obtained and *(b)* the investigation of negligence of inspectors." The reason he made the motion was because under the Act some persons had been guilty of negligence. The provision allowing judges to cancel licenses when certain clauses of the Act had been intringed was not taken advantage of sufficiently. He thought that the return would show the provision was availed of seldom or never. The object of the second portion of the return was to ascertain how far the provision providing for the removal of inspectors for glaring negligence was enforced. He was not aware of any such case, as members of a community did not care to assume the responsibility of enforcing these clauses.

Mr. Hardy was inclined to think that there were no such cases, and if so it might be well to allow the motion to stand pending inquiries.

Mr. Meredith was surprised, after the recent statement of the Attorney-General regarding the successful working of the Crooks Act, to hear the statements of the member for Hamilton, who sought to throw a blame upon the county judges, which should properly rest on the Government, whose duty it was to enforce these provisions and dismiss negligent inspectors. He knew of one case where, although complaint had been made of the conduct of a License Inspector, the Government refused to interfere. It was said that the member for West Middlesex stood between the Inspector and the Government. He had himself seen the papers connected with the complaint.

Mr. Hardy thought that if his hon. friend had seen the papers his memory was bad, or he would have recollected that far from the Government declining to interfere it did interfere and ordered an investigation, which took place before the Police Magistrate of Strathroy, who was appointed a commissioner for that purpose. The Government had gone as far as the circumstances of the case appeared to warrant.

The motion was allowed to stand.

THE BUDGET.

Mr. Meredith inquired when it was the intention of the Government to submit their financial statement to the House.

Mr. Mowat said the Treasurer would make his statement on Thursday.

Mr. Hardy presented a return of bonds and securities registered in the Provincial Registrar's Office since the last return.

The House adjourned at 4.45.

TUESDAY, Feb. 7.—The Speaker took the chair at 3 o'clock.

Petitions were presented:

Mr. Nairn—W. E. Youmans and others, of St. Thomas, praying that scientific temperance text books may be introduced into Common Schools; by Mr. Gibson, Hamilton, of Rev. Septimus Jones and others, of Toronto; of Johnson Harrison *et al.*, of Halton; of R. S. Woods *et al.*, of Chatham; of Wolverton *et al.*, of Woodstock; of D. J. Macdonnell, of Toronto; R. Davison, of Dundas; S. S. Nelles, of Cobourg, to the same effect.

Mr. Nairn—Of the Elgin County Council, for amendments to the Dog Tax Act; also for amendments to the Act respecting the removal of persons from the county jails to Provincial Institutions.

Mr. Cascaden—Of the Elgin County Council, for the abolition of market fees.

Mr. McKim—Of the Council of Wellington, against bonused railways being allowed to amalgamate, except with the consent of the municipalities granting the bonuses.

Mr. McMahon—Of the Wentworth County Council, for amendment to the Jury Law.

Mr. Fraser presented the first report of the Private Bills Committee.

Mr. Deroche presented the 7th, 8th and 9th reports of the Committee on Standing Orders.

The reports were received.

The following Bills were introduced and read the first time:

Mr. Sinclair—An Act to incorporate Elgin College.

Mr. Morris—An Act to amend the Act of incorporation of the Rossin House Hotel Company.

Mr. Gibson—An Act to amend the Act of incorporation of the Ontario Trust & Investment Company.

Mr. Neelon—An Act respecting the Ladies' Christian Association of St. Catharines.

Mr. Gibson (Hamilton)—An Act to amend the charter of the Ontario Trust Company.

Mr. Meredith—An Act to amend the Act incorporating the Western University of London.

Mr. Merrick—An Act to incorporate the Loyal Orange Association of Ontario West and Ontario East.

RIVERS AND STREAMS BILL.

Mr. Pardee said that in rising to move the second reading of this Bill he desired to remark that the Government had, since the disallowance of the measure passed last session, given the question the fullest consideration. They had examined it in all its bearings; they had discussed and considered every objection brought against the Bill, and they had unanimously come to the conclusion that the measure passed last session, and subsequently disallowed, was as just and perfect in all its provisions as it was possible to make it. In this view the Government had thought it right to submit to the Legislature a Bill precisely similar in its provisions to the one that had been disallowed. He wished to state that that Bill had not been passed in the interests of McLaren or of Caldwell, except to the extent that these gentlemen came within its provisions and scope. It was too narrow a view altogether to take of a question of this kind to suppose that the Bill was passed to meet the case of any one individual. The Bill was submitted to meet the public interest and the public necessity, and he hoped that in the discussion which would ensue the question would be dealt with from that standpoint. He proposed to show (1) that the Bill was required in the public interest, and (2) that so far as any private interests were interfered with or affected by it they were fully protected. They all knew the importance of the lumber trade of this country. Next after the agricultural interest came that of the lumbering trade. The agricultural exports from the Province of Ontario, exclusive of animals and their products, for the ten years ending 30th June, 1880, amounted in value to $83,000,000, while the products of the woods and forests for the same period were exported to the value of $51,000,000. The annual revenue of the Province from timber was over half a million of dollars. Hon. gentlemen would therefore see the importance of the question from a public standpoint. The right to use these streams in accordance with the plain meaning of the Act had never been refused, until about eighteen months ago, when it was disputed by McLaren. He had not lost sight of Boale vs. Dickson, but the issue in this case was not whether the public had the right to use the streams or not. The defendant had refused to pay the plaintiff reasonable compensation for the use of his improvements, and the action was brought to compel him to do so. But down to the time that McLaren took advantage of the decision in this case no one had attempted to dispute the right of every person to the free passage of all streams, and he ventured to say that the reason for this was that people felt it would be monstrous and repuguant to common sense to say that a man should have the exclusive use of a stream because he had expended a few dollars in making improvements upon a particular portion of it. To his mind it was much more fair and reasonable to say to the owner of the improvements, "Having regard to the public interest in the streams upon which you have made these improvements, it is only just that the public should have the right to use them from time to time, not interfering seriously with your user of them, and that you shall be paid for such user according to its real value." Take the case with regard to railways. They were all built under charters granted by Act of Parliament, which secured to the public the use of them upon payment of certain freights and tolls. Suppose the public were suddenly startled by the decision of a judge who should declare these railways to be private property, and that the owners of them had a right to the absolute use of them to the exclusion of everybody else. Now, what would be the duty of the Legislature in a case of that kind? Would it be, according to the contention of the hon. gentlemen opposite, to buy up these railways, or would it be to pass an Act placing the law where it was originally intended to be? The course advocated by hon. gentlemen opposite would have to be followed, and the railways bought up, otherwise the Government would be making the owners of those lines toll-keepers against their will! The cases, he contended, were exactly analogous. The Act was a public necessity. It was entirely within the competency of the House to pass it, and this being the case he contended it was the duty of the Government to submit it in the same shape as that in which it had been passed last session, and to leave the responsibility and odium of disallowance where it properly belonged, viz., with hon. gentlemen opposite who defended it, and with their friends at Ottawa who made it. (Applause.)

Mr. Meredith was of opinion that while the proper construction of the Act, 12 Victoria, was under the consideration of the courts of the land the Legislature should not interfere with it. He denied the proposition that the streams were natural highways. There was a right to use the water when the stream was a floatable one, but not otherwise. The original Act was passed with that view of the state of the law. The contention that the Act applied to other streams was disproved, he contended, because it did not provide for compensation to the owners of improvements. Therefore, it must have been intended to apply only to such streams as were floatable without and independent of any artificial improvements. What was the contention of hon. gentlemen opposite? That although half a million dollars might be expended by a private owner upon his own lands for the purpose of improving a stream, nevertheless legislation enacted thirty-three years ago took away from the individual and gave to the use of the public all those improvements effected at such an enormous cost, without any compensation whatever. The fact that the Act did not provide for compensation was to his mind the clearest indication that the intent of the Legislature in 1849 was with reference solely to those streams floatable in a state of nature. He recognized the right of the Legislature to interfere with private property and to expropriate private property for the public interest, but it must be conclusively demonstrated that it is in the public interest before the Legislature can so interfere, and then due compensation must be allowed. With these provisos, they on that side of the House had no objection to the Legislature, by its right of eminent domain, appropriating to the public use the lands of private citizens; but they denied the right of the Government to take the property of one private citizen and apply it to the use and interest of another private citizen. They did not dispute the right of the Legislature in extreme cases to pass retroactive legislation, although it was a class of legislation prohibited in the United States by the constitution of that country. But it was a class of legislation which, in British countries, must be imperatively demanded before enacted. What, he asked, was to be gained by passing the Bill after the Governor-General had said that it ought not to become law? Did they propose adopting the advice of the leading organ and attempt to enforce the Act, while it was nothing better than waste paper? If the Supreme Court sustained the decision of the Court of Appeals in McLaren vs. Caldwell, then the Bill was uncalled for, and why not, he asked, hold the Bill over for another session until the law had been finally determined? If that decision was favorable to the position of the Commissioner of Crown Lands, then the law would be established without the interference of that Legislature. If, on the other hand, the decision was unfavorable to the contention of the hon. gentleman, then it would be time enough to pass the Bill and meet the public difficulty encountered under such an interpretation of the law. At that stage it would be useless for the Opposition to do more than enter their protest, but when the Bill reached another stage it would be their duty to place on record their opinions regarding it.

Mr. Mowat said that the hon. gentleman had forgotten to bear in mind a fact which the House well understood, viz., that the stream in which Mr. McLaren was concerned was only one of a large number of streams to which this Bill applied. It was a remarkable circumstance that, while there were so many streams to which the Bill would apply—so many streams on which owners had made improvements, not one of them had made any objection to it, with the exception of Mr. McLaren.

Mr. Meredith—What about the member for Muskoka?

Mr. Mowat—He actually supported the Bill last year, although he did not think it was the best Bill. He said in his speech the other day that it was better than no Bill at all. The hon. members opposite had defended the disallowance. He looked upon the disallowance as being so monstrous that he did not believe the Government at Ottawa would disallow the Bill again. He wanted to give them an opportunity of reconsidering it, and let them see that it was a matter that the Ontario Government felt competent to deal with. They had declared so in two successive years, and the Ottawa authorities should no longer interfere. He hoped that in the interest of the constitution and of the revenue of the country and in the interest of all persons engaged in the particular and important trade of lumbering, the matter would be reconsidered by the Dominion Government. Holding these views the Government did not feel at liberty to allow the matter to stand over till another session. His hon. friend said that the property of a private individual should not be expropriated unless there was an imperative public reason for it. It was clear that there was an imperative public reason for the Streams Bill, and a man must be blind to the manifest facts of the case unless he admitted that. A large number of persons engaged in the lumber trade expressed a decided opinion as to the necessity and desirability of such legislation. After considering the matter the Government came to the conclusion that they had hit upon the true mode of compensating parties who had the class of improvements owned by Mr. McLaren, and that tolls were the only fair and reasonable mode of compensation in such cases. It was folly to say that tolls could not be levied that would be sufficient compensation. The very fact that companies had been formed for the purpose of improving streams and rivers, and that they relied for their return on tolls received from those who used those improvements, was a sufficient answer to that charge. The simple circumstance, therefore, that private individuals had profitably engaged in ventures of this kind, showed that compensation by tolls was a method which furnished a reasonable return. The hon. gentlemen had said that taking tolls would be a disgraceful act. This was quite a new notion. He (Mr. Mowat) knew of nothing whatever that was disgraceful in taking tolls or in collecting them. As good men as he or the hon. member were engaged in that work, without it being counted at all disgraceful.

Mr. Morris said that as the Government was determined to pass the Bill, the only course to be taken by the Opposition would be simply to protest against it. He contended that the Bill when first introduced was suggested by the particular case of McLaren vs. Caldwell, and that this was not the first instance in which difficulties of this nature had arisen. The measure was opposed to natural justice, and as such it ought not to pass, and he had no doubt that when it came before the authorities at Ottawa they would simply do their duty and declare it to be unconstitutional, and contrary to sound precedent.

Mr. Lyon thought that if the Bill did not pass it would be a great injustice to the Province of Ontario, and particularly to that portion of the Province from which he came. It was well known that nearly all the timber taken from the shores of the Georgian Bay was floated to market, and if lumbermen were not allowed to use those streams on reasonable terms the settlers would not be able to sell their timber and the Government would lose large sums in timber dues. The provisions of the Bill were just and ample in regard to compensation, taking into account, as they did, the cost of the improvements. If the exclusive right to streams was not taken away from monopolists in some way as provided by the Act, there would be numberless instances of hardship in the district of Algoma similar to that in the McLaren-Caldwell case. He supported the Bill, believing it to be in the interest of the Province.

Mr. Lees spoke in opposition to the Bill.

The motion for the second reading was then agreed to.

A HARD-HEADED SCOTCHMAN.

The Verdict in the Montreal Soap Vat Accident Affair.

A Montreal despatch says: At last some good seems to have resulted from a coroner's jury. In the case of Wm. Milligan, boiled to death yesterday in a vat of boiling soap the verdict was "That the death of the said William Milligan was caused by the neglect of his employer in not having a railing around the trap through which the deceased fell into the boiler in the said factory, and not otherwise." Here is a specimen of the means which one of the jurors adopted to get at the truth. Usually the verdict in such cases is "Accidental and not otherwise." Daniel McKay, a Scotchman, said, "I wish to know plainly if the witness considers Mr. Hood or the people at the soap works responsible for this man's death?" The coroner objected, and Mr. McKay added—"You have no authority as coroner to prevent me. Men are being killed and murdered in Montreal now-a-days, and no one is allowed to bring out the truth."

Refreshment and drinking houses in Warsaw have to close at 5 p.m. Proprietors neglecting this order receive twenty-five lashes.

Opening of the Imperial Parliament on Tuesday.

FULL TEXT OF THE QUEEN'S SPEECH.

Extensive Programme of Reform Measures Foreshadowed.

STATE OF IRELAND CONSIDERED.

LONDON, Feb. 7.—The Imperial Parliament reassembled to-day. There was a brilliant assemblage in both Houses. The Queen's Speech is as follows:

My Lords and Gentlemen:

It is with much satisfaction I again invite your advice and assistance in the conduct of public affairs.

THE COMING ROYAL MARRIAGE.

I have given my approval to the marriage between Prince Leopold and the Princess Helena of Waldeck. I have every reason to believe this will be a happy union.

FOREIGN RELATIONS.

I continue relations of cordial harmony with all foreign powers. The treaty for the cession of Thessaly to Greece has now been executed. In the main provisions the transfer of sovereignty and occupation was effected in a manner honorable to all concerned.

In concert with the President of the French Republic, I have given careful attention to the affairs of Egypt, where existing arrangements have imposed on me special obligations. I shall use my influence to maintain the rights already established, whether by the Firmans of the Sultan or by various international engagements in a spirit favorable to the good government of the country and the prudent development of its institutions.

INDIA'S PROSPERITY.

I have pleasure in informing you that the restoration of peace beyond the Northwestern frontier, together with continued internal tranquility, plentiful seasons, and an increase of revenue has enabled my Government in India to resume works of public utility which were suspended, and devote its attention to measures for the further improvement of the condition of the people.

SOUTH AFRICAN AFFAIRS.

The convention with the Transvaal has been ratified by the Representative Assembly, and I have seen no reason to qualify my anticipation of its advantageous working. I have, however, to regret that although hostilities have not been renewed in the Basutoland country, it still remains unsettled.

Gentlemen of the House of Commons:

The estimates for the service of the year are in an advanced stage of preparation and will be promptly submitted to you.

My Lords and Gentlemen:

My communications with France on the subject of the

NEW COMMERCIAL TREATY

have not been closed. They will be presented by me, as I have already acquainted you with the desire to conclude a treaty favorable to extended intercourse between the two nations, to whose close amity I attach so great value.

TRADE IMPROVING.

The trade of the country, both domestic and foreign, for some time has been improving, and the mildness of the winter has been eminently suited to farming operations. Better prospects are, I trust, thus opened for the classes immediately concerned in agriculture. The public revenue, which is greatly, though not always at once, affected by the state of industry and commerce, has not yet exhibited an upward movement in proportion to their increased activity.

THE CONDITION OF IRELAND.

This time, compared with the beginning of last year, shows signs of improvement and encourages the hope that perseverance in the course you pursued will be rewarded by the happy results so much to be desired. Justice has been administered with greater efficacy, and intimidation which had been employed to deter occupiers of land from fulfilling obligations and from availing themselves of the Act of the last session, shows upon the whole diminished force. My efforts through the bounty of Providence has been favered by an abundant harvest in that portion of the kingdom. In addition to the vigorous execution of the provisions of the ordinary law I have not hesitated under the painful necessity of the case to employ largely the exceptional powers entrusted to me for the protection of life and property by the two Acts of the last session.

EXTENSION OF SELF-GOVERNMENT.

You will be invited to deal with proposals for the establishment in English and Welsh counties of local self-government, which has so long been enjoyed by towns, with enlarged powers of administration and financial changes, which will give you an opportunity of considering, both as to town and county, what may be the proper extent and most equitable and provident form of contribution from the Imperial taxes in the relief of local charges. These proposals, as far as they are financial, will apply to the whole of Great Britain. It will be necessary to reserve the case of Ireland for separate consideration.

In connection with the general subject of local administration, I have directed a measure be prepared and submitted to you for the reform of the ancient and distinguished corporation of London, and for the extension of municipal government to the metropolis at large.

OTHER REFORM MEASURES.

Bills will again be laid before you with which during last session, notwithstanding the length of its duration and your unwearied labors, it was found impossible to proceed. I refer particularly to those concerning bankruptcy, repression of corrupt practices at elections, and conservancy of rivers and prevention of floods.

Measures will also be proposed to you with respect to the criminal code and consolidation and amendment of the laws affecting patents.

The interests of some portions of the Kingdom have suffered peculiarly of late years from the extreme pressure of public business on your time and strength, but I trust during the session you may be able to consider Bills which will be presented to you in relation to the law of entail and educational endowments in Scotland and to improve the means of education in Wales.

I commend these and other subjects with confidence to your care, and it is my earnest prayer that your wisdom and energy may, under the blessing of God, prove equal to the varied and increasing needs of the extended empire.

TORONTO CHURCH-GOERS.

Not One-Half of Toronto's Population Attending Church.

With her seventy-five churches, or one to every 1,152 of her population, Toronto well deserves the title of the "City of Churches." From a calculation made last Sunday it appears that the total attendance at all the churches in the city, and at all the services, was about 58,000. As many persons would attend more than one service, these figures would not represent the actual number of church-goers, which, after making due allowance, may be safely said to be between 35,000 and 40,000, or between 40½ and 46 per cent. of the entire population of 86,445. The Methodist Church, if all four branches of it be taken together, heads the list with a total attendance of over 13,000, otherwise the first place is taken by the Roman Catholic Church with an attendance of 12,192, followed in order by the Church of England with 11,872, the Presbyterian Church with 11,815, the Methodist Church in Canada with 10,000, Congregational, 4,311, and Baptist, 2,971. The largest single congregation is St. Michael's, the total attendance there being 3,900. The next is Rev. Dr. Wild's, with an attendance of 3,300; and the third the Metropolitan, with 3,158.