

vide debts of Andrew Mercer, Junior, the natural son of the said Andrew Mercer, and that if such debts are not found to amount to so much, the balance of the said five thousand dollars be paid to the said Andrew Mercer; that the purchase of the lots in the township of Etobicoke, containing one hundred and fifty acres, in respect of which the late Mr. Mercer entered into a verbal agreement, and which are mentioned in the said report, be completed and conveyed to trustees for the benefit of Andrew Mercer, Junior, and his family, with all usual trusts and conditions in that behalf, and that a further sum of fifteen thousand dollars in stocks or securities be transferred to trustees on like trusts, or that in lieu of the said one hundred and fifty acres the said Andrew Mercer, Junior, have the option of a further sum of ten thousand dollars in stocks or securities, being invested as aforesaid, making the whole amount thirty thousand dollars.

The Committee further advise that out of the residue of the said estate the sum of ten thousand dollars be appropriated towards the erection of a Provincial Eye and Ear Infirmary, in connection with the Toronto General Hospital, to be called "The Andrew Mercer Eye and Ear Infirmary," and a further sum of ninety thousand dollars to the erection of a Reformatory Institution to be called "The Andrew Mercer Ontario Reformatory for Females," such institution to be maintained and managed in the same way as the Reformatory at Penetanguishene, and to be for the reception of females, irrespective of age.

The Committee further advise that this Order be not acted upon unless approved by resolution of the Legislative Assembly.

Certified,

J. G. Scorr,

Clerk Executive Council, Ontario.

4th March, 1873.

He said the amount of the estate was not precisely known, as it consisted partly of lands and of debts, but it was not less than \$140,000. It was thought that it would be proper to make some allowance to the natural son of the deceased, and to apply the principal part of the balance to permanent public charities to be connected with the name of the deceased. The late Mr. Mercer died in 1871, and those who were best acquainted with him were not aware that he had any heirs or next of kin. He had never been known to speak of his relations, and in his papers there was no reference to any. In consequence the Government of Mr. John Sandfield Macdonald, at that time in power, took possession of his papers and estate. Steps were taken to have a Commission issued to make the usual enquiries for heirs; but the administration of the estate fell to be carried out by the present Government. An Order in Council was passed, under the authority of an Act passed by the Ontario Legislature several years ago, to give £1,000 to the son of the deceased on moral grounds, until efforts should be made to find the real heirs. On that occasion the young man filed a bill, in which he described himself as the reputed son of the deceased, and expressly stated that his mother had not been married to the late Andrew Mercer, and that his friends were not aware that there were any next of kin. Upon application to the Court a decree was issued to find if there was any next of kin. Advertisements were inserted wherever it was thought there was the least possibility of finding any persons who might be heirs to the estate. The result was that several claimants appeared; the young man Mercer did not then make any claim. About four years after the death of his father, however, when he was about 24 years of age, it was pretended that an unwitnessed will of the old gentleman was found in an old law book in his library, and curiously enough there turned up simultaneously a register showing that a month before the birth of the boy Mr. Mercer had been married to his mother. Upon these pretended discoveries the young man founded a claim, alleging that he was after all the heir of his father. There was a trial of the claim, and the Vice-Chancellor who tried it declared that he had not the shadow of a doubt that there was no marriage, that the young man was not the legitimate son of the deceased, and that both the will and the pretended entry in the marriage register were fabrications. He had the judgment printed for the use of hon. members. There were other claims, however, which were made in the Master's office, but he as well as the Vice-Chancellor had reported that the deceased had died intestate, and the Court pronounced a decree to that effect, handing over the property to the Province. He thought that everybody would admit that the Court had come to a right decision. Then the question arose as to

whether the Government had come to a proper decision as to the distribution of the property. No one, he thought, would say that it was otherwise than right to give the young man some portion of the property had it not been for his own misconduct in being a party to the attempt to impose on the Court a false will and registration. It appeared also that he had been summoned as a witness in the case, but, though notified, he went out of the Court-room when he was to give his evidence, and the Court had to go on without it. The young man had a moral claim to a share of the estate, and the Government had, on the whole, decided to ask the House to treat him in a humane and generous way notwithstanding his misconduct. The Attorney-General then explained the terms of the resolution. With reference to the application of the balance of the estate over the portion to be given to young Mercer, he said that for two years past numerous petitions had been received in the House asking for an appropriation for the establishment of a Provincial Eye and Ear Infirmary, and he had no doubt the House would appreciate an institution of that kind, for which \$10,000 was proposed to be set apart. The building would probably cost more than that, but the trustees of the Toronto Hospital were prepared to complete it without any additional assistance. The necessity of a Reformatory for females had long been felt in the Province. From time to time during the past few years Grand Juries had commented on the extreme evils of the present system, and the Judges on the bench had entirely concurred in the views expressed by the Grand Juries. He was sorry to say that in most cases when a female was committed to prison, from her associations there, she became worse instead of better. The Government had been unable to think of any charity to which they could with greater advantage to the community ask the House to consent to a portion of this estate being applied than the one he had just mentioned. It might be objected that under the Escheats Law no distribution of the property could be made by the Government till after ten years. As, however, the declaration had been made that there were no heirs, and as it was extremely improbable that any would be found, no object could be served in longer delay. If the House agreed to the resolution he proposed to embody the substance of it in an Act. Then it might be objected that the amount proposed to be given to the son was too little or too much. He was a young man of sober habits; he had not been able to add much to his means of living; and it was thought that, in order to enable him to live in the same degree of comfort that he was accustomed to during his father's lifetime, the House would not be doing wrong in voting him \$30,000. In a Christian country like ours he presumed that the traditions of England, drawing a strict line between legitimate and illegitimate children, should be followed. If the moral rights of illegitimate persons were the same as those of legitimate, those rights ought to be made legal. In some of the Western States a lax state of morals prevailed, but in this country he thought the good old English rule was the one to adopt. On the whole, he believed the House would admit that the Government desired to deal very liberally with young Mercer.

Mr. CAMERON asked if the Attorney-General had any information as to whether or not the deceased had expressed a wish as to how his property should be disposed of.

Mr. MOWAT said that he stated in his report that the deceased had expressed at one time his intention of leaving his estate to the Government, and at another of providing for his boy, not caring what was done with the rest.

[The balance of the above report is held over for want of space.]