

ONTARIO LEGISLATURE.

Third Parliament—Third Session.

THE PROROGATION.

LEGISLATIVE ASSEMBLY,

The following is the conclusion of Wednesday's proceedings:—

Mr. CAMERON desired to be informed as to the determination of the Government if the House should be adverse to the resolution.

Mr. MOWAT—We would withdraw it.

Mr. MACDOUGALL (Simcoe) expressed himself as being perfectly free in vote on this question, as he had had no professional dealings with the young man since the matter had come before the Legislature. Believing that the positions claimed by the young man were not satisfactory he withdrew from the case. The Attorney-General ought not to have charged the young man with any guilt or crime, which would prejudice the House against him. It was desirable that as this was a case of precedent cautious steps should be taken. There were two facts evident:—One, that there were no legal heirs to the property, and, second, this young man was the natural son of Andrew Mercer. He proceeded to enquire into the grounds on which the Government proposed to perpetuate a relic of feudal and barbaric ages; and he desired to know why this property, which by all moral right was his, should not be given to the young man. Petitions signed by 10,630 persons had been prepared in two or three weeks and presented to this House in favour of giving the whole of this property to the natural son of Mr. Mercer. Four thousand people in Toronto signed the petitions; one thousand in the county of York; one thousand five hundred in the county of Carleton; two thousand in South Simcoe; nine hundred in North Simcoe; and others elsewhere. After quoting from the evidence taken respecting this case, he said that the young man was worthy of consideration on his own account. His family had also to be considered, for he was the father of three children. His verdict in conclusion was to give the whole of the property to the young man under proper conditions.

Mr. BETHUNE referred to the knowledge of law possessed by the deceased, Andrew Mercer, and thought it was strange that he should not have made a will if he desired to leave his fortune to his son, unless he was labouring under a repugnance to making a will. It might be injurious to the young man to give him the whole of this property; and perhaps in ten years he would have been ruined by those who surrounded him. Thirty thousand dollars were to be given to the young man, and surely that would be a good start in life for a young man. He then enumerated the benefits which would result from establishing the Provincial Reformatory for Fallen Women, and a Provincial Eye and Ear Infirmary. The rule of the civil law in England was only to give one-twelfth of the property to natural children.

Mr. SCOTT agreed with the hon. member for South Simcoe (Mr. Macdougall) that the Government did not propose to deal sufficiently liberally with the young man. After making further remarks, he moved in amendment that the following words be added immediately after the figures "1878" in the second line of the resolution:—"Save and except that portion as relates to the appropriations from the residue of the estate to the amount of \$100,000 towards the erection of the Andrew Mercer Eye and Ear Infirmary and to the erection of the Andrew Mercer Ontario Reformatory for Females, and."

Mr. HODGINS explained that the Crown had been too hasty in the matter, and read from the statutes to show that the money should remain unappropriated for ten years, so as to give the heirs to the same time to put in their claims. It seemed to him that the Government had acted hastily in regard to

bringing the matter down from appeal before the time determined by statute; also in taking away the statutory limit as regards the rights of heirs regarding real estate.

Mr. CAMERON understood it was not the desire of the young man to accept the thirty thousand dollars; therefore he would vote to defer the matter for another year. I might be unwise on the young man's part, because a new Government might treat him harsher than the present one.

Mr. O'DONOGHUE desired to know if the Opposition would, should they go into power, refuse to give young man anything?

Several HON. MEMBERS—No.

Mr. LAUDER said that the hon. member for Ottawa (Mr. O'Donoghue) could not have heard the speeches delivered from the Opposition side of the House or he would not have asked the question. That hon. member had questioned Andrew Mercer, Jr., as to whether he had offered any hon. member a consideration for advocating his claims on the floor of the House, and such conduct he characterized as improper. He (Mr. Lauder) thought that fifty thousand dollars would be nearer a fair amount for the young man than thirty thousand dollars.

Mr. DEROCHE sympathized deeply with the young man, and therefore he would support the scheme of the Government. The sum of thirty thousand dollars at seven per cent. would produce \$2,100 per annum, and that was a fair income for any man in this country.

Mr. CURRIE said that in giving the young man the sum mentioned the Government proposed to do more than his father proposed to do for him. It must also be borne in mind that the resolution proposed, in the establishment of two charities, to entail a permanent burden on the Province to maintain them. Should the Government do more than the father had done, who left his son penniless? He believed that the Government had acted fairly with the natural son of the deceased Mr. Mercer.

Mr. McMAHON thought the Government of the day had acted fairly by the young man, and it would be wiser for him to accept the present offer than trust to the mercies of another Government.

Mr. O'DONOGHUE denied that he had made a charge against any hon. member of the House; and he expressed it as his belief that Andrew Mercer ought to have the whole of the estate or none of it. If he had a right to thirty thousand dollars he had a right to the whole of the property. If the young man was the son of Andrew Mercer, then give him the whole of the estate. Why not give the son one-half the estate?

Mr. PAXTON agreed with the remarks of the hon. member who had just spoken; but thinking that half a loaf was better than none, he would support the Government's scheme.

Mr. FLESHER made a few remarks relative to the sale of a lot by Andrew Mercer, Jr.

Mr. MEREDITH wished to know the Government's policy if the amendment was carried.

Mr. MOWAT replied that the Government could only accept the scheme in its entirety, or else withdraw it and consider another.

The amendment was lost on a vote of 28 yeas and 41 nays.

The Committee reported the resolution and of the question of its reception,

Mr. SCOTT moved in amendment, "That while this House concurs in that part of the resolution which proposes to give Andrew Mercer the sum of \$30,000, it is of opinion that it is not expedient to apply the residue of the estate in the way set forth in the said resolution, and therefore recommends that that part of the resolution be not carried out."