

ONTARIO LEGISLATURE.

FOURTH PARLIAMENT—THIRD SESSION.

(By Our Own Reporters.)

MONDAY, Feb. 6.

The Speaker took the chair at three o'clock.

PETITIONS.

The following petitions were presented:—

By Mr. Sinclair—Of the trustees of the Elgin College, praying that an Act may pass to incorporate them under the name of the Trustees of the Elgin College.

By Mr. Tooley—Of the County Council of Middlesex, for certain amendments to the jury law respecting the second selection.

By Mr. Lyon—Of J. H. Parsons and others, of Algoma, for certain amendments to the Act regulating the law of evidence.

By Mr. Gibson, of Hamilton—Of the Great Western Railway Company, praying that the Bill respecting the London and Port Burwell Railway Company may not pass.

By Mr. Cook—Of the County Council of Simcoe, for a grant in aid of the Georgian Bay Canal.

By Mr. Waters—Of the County Council of Middlesex, praying for such an amendment to the Assessment Act as will make all personal property liable to assessment, instead of being exempt up to one hundred dollars.

By Mr. Gibson, of Hamilton—Of the Great Western Railway Company, praying that the Bill respecting the London Junction Railway Company may not pass.

By Mr. Gibson, of Hamilton—Of the Great Western Railway Company, praying that the Act respecting the Toronto, Hamilton, and Buffalo Railway Company may not pass.

By Hon. Mr. Morris—Of the City Council of Toronto, praying for such an amendment in the Mechanics' Lien Act as shall make it meet the just demands of the workmen.

By Mr. Morgan—Of the County Council of Norfolk, praying for certain amendments to the jury law respecting the second selection.

By Mr. Gibson, of Hamilton—Of the Great Western Railway Company, praying that the Bill respecting the Port Rowan and Lake Shore Railway Company may not pass.

By Mr. Gibson, of Hamilton—Of George Maddocks and others, of Hamilton, praying for certain amendments to the Act regulating the law of evidence respecting the administration of oaths.

By Mr. Gibson, of Hamilton—Of the City Council of Hamilton, praying for certain amendments to the Act respecting Boards of Police Commissioners.

By Mr. Hay—Of the Village Council of Arthur, respecting certain protective clauses in the Act of last session relating to the Toronto, Grey, and Bruce Railway Company, and to confirm a certain agreement with the Grand Trunk Railway Company.

By Mr. Cook—Of the County Council of Simcoe, for an amendment to the municipal law respecting the appointment of auditors.

By Mr. Cook—Of the County Council of Simcoe, for a grant to assist in the building of a bridge across the narrows of Matchedash Bay.

By Mr. Cook—Of the Township Council of Tay, praying that the Bill to incorporate the town of Fenetanguishene may not pass.

By Mr. Gibson, of Hamilton—Of W. W. Ross and others, of Hamilton, praying that scientific temperance text-books may be introduced into Common Schools.

By Mr. Brereton—Of the Town Council of Port Hope, praying that market fees may not be abolished until tolls on county roads are done away with.

By Mr. Freeman—Of the Town Council of Simcoe, praying that the Bill respecting the Brantford and Port Burwell Railway may not pass.

By Mr. Baskerville—Of the City Council of Ottawa, praying that market fees and tolls on county roads may be abolished.

By Mr. Robinson (Kent)—Of the Town Councils of Chatham and Dresden, and of the Village Councils of Oil Springs, Wallaceburg, Blenheim, and Petrolia, praying that the Bill relating to the Erie and Huron Railway Company may not pass.

FIRST READINGS.

The following Bills were introduced and read a first time:—

An Act to incorporate the Medonte Tramway Company—Mr. Cook.

An Act to amend the Act incorporating the Midland Land Company—Mr. Cook.

An Act to amend the Act respecting mortgages and the sale of personal property—Mr. Nairn.

An Act to amend and extend the Act of incorporation of the Port Rowan and Lake Shore Railway Company—Mr. Morgan.

An Act to amend the Act respecting the election of members of the Legislative Assembly—Mr. Waters.

An Act to simplify the practice of conveyancing and amend the law of property—Mr. Mowat.

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. It was doubtful if there was a constituency in the Province that would support the Government in taking this money from those who were entitled to it, if the question were submitted to them. The course of the Government respecting this estate went to show that they regarded it as a pleasant picking for their political friends, for it was found that no less than \$14,000 was spent out of it in law costs. It would be disastrous to the Government if it was found that they would ultimately have to ask the House to vote the entire amount of this estate to those who the Courts would decide were entitled to it. On the merits of the question he contended that Ontario had no claim to the estate, and it was a gross act of injustice to take it from the lawful heirs. He charged the Government with having interfered with the private affairs of the claimant to the property. 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 favour of the illegitimate son of Mercer. If the public were 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 the 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 endeavoured 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.

Mr. LAUDER—I am told it is not true.

Mr. MOWAT said he had felt it his duty, occupying the position he did in relation to the estate, to ascertain how that was. He had no wish to find it was so. It made no difference to him whether the property went to him absolutely or was settled in such a way that he could not dispense with it, in order that his wife and children might be assured of a maintenance out of it. The only reason why he had interfered was that upon enquiry he had found such to be the character of the young man, that in all probability his wife and family would become penniless in a very short time unless the money was settled in that way and a maintenance secured. The farm property was not settled in that way. The young man could do as he wished with it. It was an act of paternal affection and prudence, and was often exercised by a father in order to protect property from the extravagance of a son, and the circumstances of the case were such that he had thought it proper to propose to the House that such a course should be taken. That course had been taken by the House. His hon. friend had said that the taking of property, left by a man who dies leaving illegitimate children, by the Government was an old feudal law, that we have not acted upon the principle that would have been acted upon by the Government of England. He disputed that assertion, and moreover thought it was a good law. The late Mrs. Mercer was not entitled to any special favour whatever. It was found after her death that she obtained possession of large sums of money, and there was no pretence but that she appropriated that to which she had no right.

Mr. LAUDER—You would have taken even that from her if you could have done so.

Mr. MOWAT said they did not attempt to take those sums, though perhaps they would have been justified in doing so if they had decided on that course. In his report he recommended that Mrs. Mercer should not be interfered with in her possession of these sums, and she was not interfered with. Amongst the papers left by the late Mr. Mercer there were some memoranda in which he detailed the cruelty and dishonesty of the late Mrs. Mercer towards him. He (Mr. Mowat) would not have alluded to the conduct of the mother and son, but after the statements made in the speech of the member for East Grey it would be impossible to have avoided doing so in order that the public might fully understand how the matter stood. No expenditure had been made for the erection of the Mercer Reformatory without having received the sanction of the