

House. Whatever expenditure occurred since the building of the Reformatory was made in pursuance of a vote of the House. 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. The sums which had been spent in anticipation of realization on this estate had not been taken out of the consolidated fund, but had been obtained by a personal arrangement with one of the Banks, in the expectation that the amount would have been returned long before now, which would have been the case if the Dominion Government had not set up a claim to the property. 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.)

Mr. LAUDER—There was no report made by that Government on the subject.

Mr. MOWAT—No, they collected the facts, but they did not report them to the House, but we reported as soon as we had any facts to communicate. (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 favour of the Province. During the time Mr. Justice Fournier was Minister of Justice for the Dominion he (Mr. Mowat) had some correspondence with him on the subject, and the Minister not unnaturally took a view in favour of the Dominion. On Mr. Blake succeeding him as Minister of Justice, an arrangement was made with the Ontario Government to recognize the decision of the highest court in Lower Canada, and unless and until some proper decision was arrived at Ontario should be treated as entitled to the property as escheated for want of heirs. After that the Ontario Government passed a new Act, founded upon their being entitled to the escheated property, and making provision for the realization of it. That Act was allowed to remain law by the Governor-General, and was acted upon afterwards. At the time the Government asked the House to sanction the appropriation of a portion of the estate to build the Mercer Reformatory they had not the slightest ground for supposing that any other view would ever be taken of the question than that which had been adopted by the Courts. In reference to the charge that the son had been ejected from the property, he pointed out that the lot at the corner of Bay and Wellington streets was a valuable property, and not such as should be occupied by a small cottage, and the Government thought that in the interests of the country they were justified in realizing upon it, and an action was brought for that purpose. But the son was in possession still, and what was more, after these proceedings had been taken, and after he had freely admitted on oath the weakness of his claim through his illegitimate birth, he began to set up a claim as a legitimate son of the late Mr. Mercer. Then a will and a marriage certificate were forged, as they were declared by the Courts to be forgeries, and the claim was thrown out. The decision of the Courts that escheated property belonged to the Province was by some influence taken exception to by the Dominion Government, and an appeal was taken to the Supreme Court in the name of young Mercer, but really at the instance of the Dominion Government, with the result, already known, that the Chief Justice and the senior judge decided in favour of the Province, while the other judges favoured the Dominion. Under those circumstances it was manifest that the Government had dealt most liberally with young Mercer. When the question came before the House, no proposition was made for an appropriation of the proceeds of the estate other than in the way proposed by the Government. Whenever the costs were taxable they had been taxed, and whenever they were not he had been guided by the usual and necessary allowance for similar work. There were a great many mortgages to be realized; there was the cost of management, etc., of which a very large portion would be equitably charged against the estate, even if they did ultimately lose the estate, because they were incurred in attempting to realize the estate. He was quite satisfied that the public, understanding the facts, would find no difficulty in perceiving that the very best course had been taken under the circumstances. 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 enquiry 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.

Mr. LAUDER—That was all he could do, but he had not taken possession.

Mr. MOWAT—He had taken possession of the

papers.

Mr. LAUDER contended that the Sandfield Macdonald Government as a Government had not taken possession of the estate.

Mr. MOWAT said that the act was a praiseworthy one, yet he tried to shift the responsibility on some other body's shoulders. Why did he not assume the responsibility for such a good act as the escheating of the estate.

Mr. MOWAT—So I do.

Mr. LAUDER said that 13 out of the 19 who voted for the escheat expressed their dissent from applying the money in any particular direction until the matter was finally settled.

The motion then passed.

LIQUOR LICENSE ACT.

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 infringed 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 enquiries.

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.

Mr. MEREDITH admitted that he knew of the appointment of a Commissioner, but he was not empowered to take evidence on oath, and the enquiry for that reason was insufficient.

Mr. HARDY asked why the hon. gentleman had not stated that before when he knew of it, instead of charging the Government or the Department with refusing to take any action. The fact was that a commission was issued, but it simply did not suit the hon. gentleman.

The motion was allowed to stand.

THE CONDUCT OF COUNTY JUDGES.

Mr. MEREDITH moved for "copies of all correspondence with the authorities of the Dominion with reference to the power of removing County Court Judges; a statement of all commissions of enquiry with reference to the conduct of any County Court Judge issued since the passing of the Act for abolishing the Court of Impeachment; and copies of all correspondence between any member or officer of the Executive Government of the Province and any judge whose conduct has formed the subject of such enquiry with reference to the enquiry or his resignation of his office." He made the motion, he explained, owing to some observations which recently fell from the Commissioner of Crown Lands, who had charged the Dominion Government with interfering with Provincial courts out of their hostility to the Ontario Government. A recent decision had, however, vindicated the course of the Dominion Government. The case of the County Judge of Huron was a case now so public that he felt at liberty to refer to it. A scandalous state of affairs existed in that county, and it was rumoured that the Attorney-General had received the resignation of Judge Squiers. If that was so, and the Government had not availed itself of the opportunity to put an end to the existing state of affairs, then they were much to blame.

The motion was allowed to stand at the request of the Attorney-General.

THE BUDGET.

Mr. MEREDITH enquired 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.

PARLIAMENT BUILDINGS.

Mr. BELL called the attention of the Government to the fact that the returns asked for respecting the new Parliament Buildings had not yet been brought down. He enquired when the papers would be brought down.

Mr. FRASER said the papers were in course of preparation, and for aught he knew, they were ready to be submitted to the House. They certainly were not being kept back for any purpose, and there was nothing in connection with the matter that would not bear the light of day.

RETURNS.

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.