

## LONDON ESTATE IS SOUGHT NOW FOR COLNE, ENG.

Late Jeweler's Fortune Lost to Adopted City Because of Old Slight

### TRUST ESTABLISHED

A real or fancied offense of certain citizens of London, Ont., in 1907, cost that city's aged and needy poor a sum of over \$600,000, which may now be turned over to a town in England which has been heavily bombed by German air raiders, the Ontario Legislature heard yesterday afternoon.

The nature of the "offense" is not known. Some claim that it was a disagreement between a wealthy bachelor jeweller and civic officials over city audits.

The story was brought to light when Ian Strachan (Lib., Toronto St. George) requested that the House suspend usual procedure and send the Peter Birtwistle private bill to the Private Bills Committee, instead of to the Commissioners of Estates, for approval. Owing to the special proposed application of the funds, the Legislature unanimously granted the request.

Mr. Strachan stated that the late Peter Birtwistle, who died in April, 1927, had left his estate in trust for a period of twenty-one years, when it was to be turned over to his birthplace, the town of Colne, in Lancashire, England, to aid the aged and deserving poor of that place. He paid particular stress on the fact that it was to be used partially in helping war veterans.

Mr. Birtwistle came to London as a boy and established a jewelry business in that city. Prior to 1907 he had a will which left his entire estate to the aged and deserving poor of London, Ont., but in that year he changed his will after a disagreement with certain citizens of his adopted city. In 1918 he established an irrevocable trust, covering all his assets, and the trust was to accumulate until his death and twenty-one years afterward. This would terminate the trust in 1948. He had hoped that by the time the trust expired his estate would have grown to a million dollars.

Five years ago Colne Town Council attempted to obtain a portion of the estate, in order to commence a housing scheme, but Mr. Justice Rose refused the application. Later a private bill was lost.

In supporting his request, Mr. Strachan said Colne had suffered heavily from German air attacks and that there was great distress. The bill he presented called for the pay-

ment, out of the trust fund, of \$385,000 to Colne immediately.

Since Mr. Birtwistle's death in 1927 the estate has grown until now it totals \$595,674. Of the amount proposed to be released, 60 per cent would be paid to the town for providing homes, and the remainder, \$154,000, would be invested in trustee certificates, the income to be paid to the town annually for the maintenance of homes. The balance remaining in the trust fund, \$210,674, together with further accumulations, would be released at the rate of \$57,000 a year until the fund is exhausted.

## ABSENT M.L.A.'S GET 'SPANKING' FROM COL. DREW

Responsibility Lies With Individuals, Nixon Replies, During Debate

### 37 NOT PRESENT

A verbal spanking of absent members on both sides of the Legislature yesterday by Opposition Leader Drew touched off fireworks when Acting Premier H. C. Nixon declared that the responsibility lay directly on the individual members.

"I don't know that the honorable member's lecture is entirely deserved," said Mr. Nixon. "It was entirely gratuitous in any case."

By count there were forty-eight of eighty-five members present when Colonel Drew asserted that absence should be dictated only by absolute necessity. The agenda called for discussion of legislation, he continued, and one of the things Canada was fighting for was the right to govern by open discussion in legislatures. Unless members accepted their obligation, there was, he said, a chance that disrespect might increase for the very thing we were fighting for.

Mr. Nixon recalled that last week Colonel Drew was absent when he attended a conference in Atlantic City. He did not know whether or not such absence fell within the term "unavoidable absence."

"It is utterly improper and I regret I must say only typical of the member in which he referred in a slighting way to my absence in Atlantic City," retorted the Opposition Leader.

"It was no more of a slight than the one you made to the members who are absent today, including the Premier, who is away preparing his budget address for Friday," said Mr. Nixon.

The Provincial Secretary declared that Premier Hepburn, two years ago, "pointed out that the Leader of the Opposition was absent more often than the Leader of the Opposition should be."

The incident closed quickly as the Acting Premier called the next order.