

the transaction was not completed at the time of his death. The cost of the two hundred acres which he thus appears to have designed as the said Andrew's portion would have been \$12,550.

The undersigned has learned from the son that he has incurred debts amounting to about \$1,300, besides a mortgage on the fifty acres above mentioned, on which a further sum of \$2,000 or upwards is said to be due.

There is evidence that the deceased deliberately abstained from making a will, stating on one occasion that he had purchased land for his boy, and that he could manage to make a living out of it: that he had no relations and would leave his property to the Government; and saying on another occasion that he had provided or intended to provide for Andrew, and did not care what became of the rest of his property.

Mr. Mercer's manner of living is said to have been extremely simple and economical, and it appears that his personal and household expenses did not probably exceed \$1,000 annually, including the support of Bridget and her son. Property which would yield an annual income of that amount would enable the son and his family to live in the manner in which the father had lived, and to have all the comforts which his father gave himself, and which the son had during his father's lifetime.

It is proper to add that the learned Vice-Chancellor was of opinion that the son was a party to a conspiracy for making out his legitimacy by the fabrication of the will, and by a pretended entry of the marriage in a register of marriages. It may be observed here that the fabrication of the former was so far plausible that, at first, some of Mr. Mercer's friends were deceived by it; and the fabrication of the entry was so nearly successful, that those having the custody of the register at the time of the trial, were led to think that the entry thereof was genuine, though, upon the whole evidence, it was afterwards established clearly to be otherwise. The Vice-Chancellor states that young Mercer refused to enter the witness-box, fearing evidently the result of the disclosures he might be compelled to make; and the learned Judge remarked, that it would go far to shake even a strong case, if, as here, after being called, and after having been warned that he would be needed, the Plaintiff walked out of Court when he was required for his examination, and when, in place of throwing by such personal examination what light he could upon the case, he had virtually abandoned it.

Still, and notwithstanding the young man's grave misconduct, the undersigned is disposed, for the sake of his father's memory, to recommend a humane and liberal view to be taken as to appropriating a portion of the estate for the benefit of the young man and his family. Where an estate comes to the Crown for the benefit of the Province, in consequence of the owner's death without heirs, it would be contrary to good morals and to public policy to recognise the right of an illegitimate son to the estate as if he were legitimate. Where an estate is small, and an illegitimate child is in need, it may not be necessary to withhold any of the estate from him. Where the estate is large, as the estate here is, and a portion of it would suffice to establish the illegitimate child in a condition corresponding with that in which he was brought up, the surrender by the Crown of much more than is sufficient for that purpose cannot be justified.

In view of all these considerations, the undersigned recommends that the sum of \$5,000 be appropriated for the payment of the said Andrew's *bona fide* debts; that if they are found not to amount to so much, the balance be paid to the said Andrew; that the purchase of the 150 acres intended for him by the deceased be completed, and conveyed to trustees for the benefit of the said Andrew and his family; that a further sum of \$15,000 in stock or securities be transferred to trustees on like trusts; or that in lieu of the said 150 acres the said Andrew have the option of a further sum of \$10,000 in stock or securities being invested as aforesaid; making the whole amount \$30,000.

These appropriations leave a large residue, the exact amount of which cannot be stated until the estate is realized.

The property of the deceased was the accumulation of a long life of economy and thrift. All bear record to his having been most just and upright in his dealings, and testify that he was a kind-hearted, humane, charitable and generous man.

The undersigned respectfully refers to the Report of the Inspector of Public Charities and Prisons which accompanies this report, and in accordance with the views expressed by