hardships under which he laboured, and his right to redress have been fully recognized. To afford him that redress, a Bill, intituled, "An Act to quiet the "Title to Lands of persons naturalized under the "Statute of *Lower Canada*, passed in the first year "of the reign of His late Majesty King *William* "the Fourth, and for other purposes therein men-"tioned," was introduced and passed Your Honorable House, as well as the Legislative Council, in the year 1845. That Bill however was reserved for the signification of the Royal Pleasure; and was not sanctioned within the period prescribed by law.

Under these circumstances, Your Committee feel assured that a short and abridged statement of the leading facts will enable Your Honorable House to arrive at a just and satisfactory conclusion.

Towards the close of the last century, the Petitioner, *Joseph Donegani*, then a child, accompanied his father to *Canada*: they were Italians by birth, and the father by a course of patient industry, aided by the exertions of the Petitioner, his son, acquired considerable property in this country. In the year 1802 the Petitioner's father returned to *Italy*, where he eventually died, leaving one daughter and three sons: he had, however, disposed of his property by Will, dated 23d July, 1800. By that Will he constituted the Petitioner and his two other sons residuary legatees; and he left his daughter, *Thérèse Donegani*, a bequest of £500. Had the Petitioner been born within the dominions of the Crown, there would have been no ground for disputing his title to the property left him by his father; but the Petitioner was by birth an alien, and his nephews, sons of the said *Thérèse Donegani*, (who had married a man of the same name,) preferred a claim to his prejudice.

This claim was founded on a relic of the feudal ages, called the *Droit d'aubaine*. In virtue of that branch of the law it was competent to his nephews to divest him of property derived from his father, their grandfather, and acquired at least in part by his own industry, because those nephews happened to be born in the British dominions. Had this right, due entirely to the accident of local birth, not been derived through their mother, as much an alien as the Petitioner, it might have savoured less of hardship, but it is surely entitled to no favor. Be that as it may, the Petitioner became the representative of his two brothers, and, without pausing to enquire how, it suffices to state, that in the year 1827, his three nephews, *J. A. Donegani*, *Joseph Donegani*, and *Guillaume Donegani*, resorted to legal process to eject the Petitioner from the real estate of which he was possessed under his father's will. This claim, founded upon the circumstances and the law hereinabove briefly stated, was eventually allowed by the Judgment of the Court of King's Bench at *Montreal*, bearing date 18th June, 1831. The effect of this Judgment was to divest the Petitioner of the fruits of nearly half a century of toil, and to enjoin on him the surrender of his estate to his nephews. It is now, however, necessary to interrupt the thread of the narrative, to refer to Legislative measures of a most important character, originating, it is said, in this case, and certainly intended to meet it.

On the 31st March, 1831, the Bill, intituled, "An "Act to secure and confer upon certain inhabitants "of this Province the civil and political rights of "natural born British subjects," was presented for the Royal Assent. Had that assent been then given, it would have become law three months before the rendering of the above-mentioned Judgment against the Petitioner. In this case it is manifest that he could have availed himself of such of its enactments as bore upon his case. This is a matter of every day practice, and defendants are constantly in the habit of obtaining leave to plead *puis darrein continuance*, matters of defence occurring during the pendency of the suit. Submitting an extract from that Statute (known as the Act 1 *Will.* 4, c. 53), Your Committee do not hesitate to declare it to be their unanimous opinion, that had not the Act been reserved for the signification of the Royal Pleasure thereon, the Petitioner would have been entitled to plead *de novo*. It is also their unanimous opinion that had he been enabled to apply for leave so to plead, the following Clause must have sufficed to defeat the claim of his nephews:—

"And be it further enacted, That all persons ac-"tually domiciled in this Province on the first day of "March one thousand eight hundred and thirty-one, "not being of either of the descriptions of persons "before mentioned, who shall have resided or shall "continue to reside therein, or in some other part of "His Majesty's Dominions, for the space of seven "years continually, without having been, during that "time, stated residents in any foreign country, shall "be deemed and adjudged and taken to be, and so "far as respects their capacity at any time heretofore "to take, hold, possess, enjoy, claim, recover, convey, "devise, impart or transmit real estate in this Pro-"vince, or any right, title, privilege, or appurtenances "thereto, or any interest therein, to have been na-"tural born subjects of His Majesty to all intents, "constructions, and purposes whatsoever, as if they "and every of them had been born within this Pro-"vince."

It may be here briefly stated, as a matter of fact, that the Petitioner complied with every one of the requirements of the Act, and was clearly entitled to the benefit of it. It is perfectly clear also that this Act was intended to operate retrospectively, and so operating, the Petitioner, as it will be seen, had become a British subject before the date of the Judgment founded upon the erroneous assumption that he was an alien, and admitting, upon that erroneous assumption, the claim of his nephews.

Unhappily, however, as has been said, the Act was reserved for the signification of the Royal Pleasure, and according to what was then understood to be law, the Judgment of the Court of Queen's Bench was necessarily unfavorable to the Petitioner.

From this decision the Petitioner appealed; but on the 30th April, 1832, that appeal was dismissed with costs.

A reference to dates will shew by what a fatality the fortunes of the Petitioner were influenced; eighteen days before the date of that Judgment, namely upon the 12th of April, 1832, the Act had received the Royal Assent in *England*, and on the 6th June, 1832, that assent was in due form promulgated by Proclamation.

Having thus, as he justly conceived, the sanction of Legislative authority, the Petitioner appealed to the Privy Council, but unfortunately with the same results.

On the 17th February, 1835, in rendering Judgment on that appeal, the Vice-Chancellor is known to have admitted that the Act 1 *Will.* 4, c. 53, "con-"ferred upon the Petitioner rights which he had not "before as against the Judgment" appealed from. It was, however, held that the sole consideration for the Court of Review was, whether the Judgment rendered by the Court of Appeals in *Canada* was, at the period when it was pronounced, right or wrong, according to the then state of the law.

The decision was thus again unfavorable to the Petitioner, because, though the Royal Assent had been given in *England* eighteen days before the pronouncing of the Judgment of the Court of Appeals in *Canada*, yet this assent was not and could not be known to the last mentioned Court, nor to the people of *Canada*, until the date of the Proclamation, namely, the 5th of June following.

It is not the intention of Your Committee to impugn