

REASONS SUBMITTED AGAINST THE PASSING OF A BILL NOW
BEFORE THE ASSEMBLY, INTITULED,

"AN ACT TO GIVE EFFECT TO LETTERS PATENT FOR LANDS IN CASES WHERE THE
"GRANTEE HAS DIED BEFORE THE COMPLETION OF THE SAME, AND FOR OTHER
"PURPOSES THEREIN MENTIONED."

Firstly. The Body of the Bill wholly departs and varies from the proposed object of the Bill as set forth in its title and preamble. The Title and Preamble professing to provide for cases where the Grantee has died before the *completion* of Letters Patent for Lands—while the enacting part of the Bill is to give a peculiar effect to Letters Patent which have been in fact completed after the death of the Grantee, the Title and Preamble having a tendency to mislead and withdraw attention from the real scope of the Act.

Secondly. That the present Bill has been introduced to answer a specific case and is not likely to avail to the public good.

Thirdly. That the persons moving in this Bill do not deserve the consideration which this Act will award to them inasmuch as they are wrong-doers, having no claim or pretence of claim to the property they desire to retain by this Bill.

Fourthly. That the persons whom I have represented for years in prosecuting at an enormous expence their right to obtain Patents for Lands in lieu of those Patents which had improvidently issued to the nominee after his death have lately by the Judgment of the Heir and Devisee Commissioners after long argument by Counsel and an anxious consideration by the Commissioners had the Patents awarded to them. But the effect of this Bill if passed will be to render wholly nugatory all their labour and expence honestly incurred in seeking after and procuring that property which was theirs by right and Law.

Fifthly. That this Bill has an *ex post facto* operation and ought not for that reason to be entertained, but on the most urgent public necessity which does not now exist, the whole and avowed object of the parties urging this Bill being to deprive the undoubted heirs of the nominee who have been delayed in sooner enforcing their rights by peculiar circumstances, from enjoying that which has been solemnly adjudicated to them by the proper tribunal—and to retain against such rightful claimants that property which it is mere robbery in them to attempt to hold under the sanction of an Act of Parliament.

Sixthly. That the ruinous effect of this Bill has not yet been duly considered, nor can it yet be fully known without a most patient reflection of the operation it may have upon many hundreds of Titles to Lands which parties may heretofore have considered to have been indefeasibly settled.

Seventhly. That this Bill proposes to retrench the prerogative of the Crown by prohibiting to it the transfer of those rights which have always been conceded as indisputably belonging to it, in common with all the subjects of this realm.

The case referred to as being designed to be affected by this present Bill is the case of "CATHARINE FITZGERALD, JOHN McAULIFFE, and MARY ANNE his wife;" lately pending before the Heir and Devisee Commissioners and in which judgment was given in their favour in the month of January last—the full particulars of which can be furnished if required; or may be had by reference to WM. H. LEE, Esq., Clerk of the Commissioners, now in Montreal.

The parties interested in procuring this Bill have vexatiously adopted every means to restrain the issue of these Patents, and to the surprize of the above-named parties, the Executive Council as they have been informed, have lately laid an interdict upon the Patents—this interdict however, it is believed, has only been removed to make way for the more effectual remedy of this Bill.

If this Bill can be yet considered, it is earnestly prayed it may have only a future operation, to commence at some reasonable distance of time to save persons as much as possible from the pernicious consequences of an *ex post facto* Bill—or at any rate that Counsel may be heard against it.

The Bill has only this moment been received, else it would have been earlier noticed,

ADAM WILSON,
Solicitor for the parties above-named.

TORONTO, MAY 28, 1846.

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Secondly. That the present Bill has been introduced to answer a specific case and is not likely to avail to the public good.

Thirdly. That the persons moving in this Bill do not deserve the consideration which this Act will award to them inasmuch as they are wrong-doers, having no claim or pretence of claim to the property they desire to retain by this Bill.

Fourthly. That the persons whom I have represented for years in prosecuting at an enormous expense their right to obtain Patents for Lands in lieu of those Patents which had improvidently issued to the nominee after his death have lately by the judgment of the Heir and Devisee Commissioners after long argument by Counsel and an anxious consideration by the Commissioners had the Patents awarded to them. But the effect of this Bill if passed will be to render wholly nugatory all their labour and expense honestly incurred in seeking after and procuring that property which was theirs by right and law.

Fifthly. That this Bill has an ex post facto operation and ought not for that reason to be entertained, but on the most urgent public necessity which does not now exist the whole and avowed object of the parties urging this Bill being to deprive the undoubted heirs of the nominee who have been delayed in sooner enforcing their rights by peculiar circumstances from enjoying that which has been solemnly adjudicated to them by the proper tribunal—and to retain against such rightful claimants that property which it is more proper in them to attempt to hold under the sanction of an Act of Parliament.

Sixthly. That the ruinous effect of this Bill has not yet been duly considered, nor can it yet be fully known without a most patient reflection of the operation it may have upon many hundreds of Titles to Lands which parties may heretofore have considered to have been indisputably settled.

Seventhly. That this Bill proposes to trench the prerogative of the Crown by prohibiting to it the transfer of those rights which have always been conceded as indisputably belonging to it in common with all the subjects of this realm.

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The parties interested in procuring this Bill have vexatiously adopted every means to retain the issue of these Patents, and to the surprise of the above-named parties the Executive Council as they have been informed, have lately laid an interdiction upon the Patents—this interdiction however, it is believed, has only been removed to make way for the more effectual remedy of this Bill.

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ADAM WILSON,
Solicitor for the parties above-named.

Toronto, May 28, 1846.

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