litigation, and against her proprietory right and title therein and thereto, are untenable at Law, as Defenses by the Crown avowedly and exclusively pleading on the ground of its own wrong. "The principle on "which the plea is predicated is not that the party who invokes it has "set up an adverse claim for the period specified in the Statute, but that "such adverse claim is accompanied by such invasion of the rights of the "opposite party as to give the party a cause of action which, having "voluntarily failed to prosecute within the time limited by law, he is "presumed to have extinguished or surrendered;" of course this only avails where the opposite party is under no disability to prosecute and there is nothing to prevent his doing so.

The objection has also been taken against the Suppliant that her claim had not been prosecuted in the Courts of England or against the principal Officers in Ontario. It is elementary to say that these Courts have always refused to exercise their jurisdiction in respect of extra territorial lands upon the ground that they could not decree *in rem* nor enforce their decree *in rem*. Two old cases are leaders cited by the authors, one for a house and land in Philadelphia in the Plantations, and another afterwards for a land in Ireland, and more lately in the case of the Petition of Rights by the Representatives of Colonel By against the Queen, instituted on failure of Colonel By's *and their* claim in Ontario against the Crown, for the recovery of the identical 110 acres of land set out as above for the Rideau Canal. The case was dismissed in England on the long recognized ground that the English Courts had no jurisdiction, that they had no power to decree for lands in the Colonies, nor could enforce their decree there. Holmes *et al vs.* The Queen, 2 J. & H. R., p. 527. See also Judgment of V. C., Strong in 20 Grant, Ch. R. of Ontario, p. 273, *Supra.*

Laches and delay are pleaded, also as precluding the Suppliant in Equity. It may be sufficient to answer that the disability to sue the Crown by a subject subsisted in Upper Canada, now Ontario, during all the time from the passing of the Rideau Canal Act in 1827 and previously thereto, to the passing of the Petition of Right Act in 1876, which alone caused the preclusion referred to. In addition, it may be stated, that the said William MacQueen at the passing of the Vesting Act in 1843, was residing out of Canada and abroad, where he died in 1845, that the Suppliant was then a minor also residing abroad, but at her coming of age a Memorial of Claim was presented by the Suppliant to the Governor-in-Council praying for the restoration of the said lands in litigation, and by Order-in-Council of the 11th of January, 1869, her petition was not entertained, which however did not preclude her right to proceed at Law when the said disability was removed in 1876, and her