

APPENDIX.

No. I.—Crown Grants, &c.

The conditions in patents of land from the crown not being complied with, the course for resumption as recommended by the attorney and solicitor general Ryder and Murray, in 1752, in the case of a condition of settling the land within three years, and no settlement in fact made, is as follows, viz. that the crown should give the proprietors "a reasonable time to come in and accept of new grants upon terms of settling the lands within a certain time, reserving the old quit rent and pines fit for his Majesty's navy, and in case of their not accepting these terms, his Majesty may resume these lands.—The proper manner of making such resumption after such default is, by making new grants to such as shall be willing to accept them, at such rents, and on such terms as shall be thought most advisable." *Idem.* 151.

It appears that if by fraud a person obtains possession of a greater quantity of land under grant from the crown, than the grant contemplated, the crown may order a resurvey, and the attorney-general of the province may file a bill in a court of equity, there in order to have the real quantity set off, and the excess pared off for the benefit of the crown, but this appears to apply to recent grants only.—*idem.* 159, opinions in 1737. The proper course for the crown, to vacate a grant which is voidable in law, is by an information for intrusion, in the proper court of the province and in case of error there, by appeal to his Majesty in Council.—*Idem* 160, opinions in 1737.

The Governor has general power to pardon except in cases of high treason and murder.—*idem.* 190.

Prescription cannot be gained in respect to the title to property in the Colonies, because they have been settled within time of memory.—1 Chalmers opin. 131.