never ceded to them. It was on this basis it was insisted upon and re-acquired at the Treaty of Utrecht in 1713; and it was on the same ground that the French, at the final Treaty of Paris before mentioned, were called upon to make a quit-claim of all pretensions to it. Thus brought permanently under the British dominion, the sovereignty of the Crown returned, and the rights of the grantee of the Crown became vested in his heirs.

In that character, on the 11th of October, 1830, the present Earl was found, by a most intelligent Jury, to be nearest and lawful heir in general of Sir William Alexander before mentioned, the first grantee and settler of the country, his great-great-great-grandfather; and on the 2d of July last, by another Jury, composed of Members of the Faculty of Advocates, and writers to the signet, persons learned in the law, he was further found to be nearest and lawful heir in special of his said ancestor; which verdicts of heirship have been duly retoured to the Chancery in Scotland; and in virtue thereof, by a precept from his Majesty, directed forth of his Chancery to the Sheriff of the county of Edinburgh, he has been infeft in the whole country, with all its parts and pertinents, the offices of his Majesty's Hereditary Lieutenant of Nova Scotia, &c. (New Brunswick and the adjacent islands included,) by seisin, taken at the Castle of Edinburgh, in terms of the original grants to Sir William Alexander.

If the doctrine of the British Government be good, that the occupation of the French was an usurpation, the same rule of argument must be admitted, that the exercise by the British Government of the high offices conferred on the Earl's ancestor, by his several Charters, is an usurpation upon the rights belonging to him to discharge them, at the same time that its interference to settle the present waste lands is an invasion upon his property.

It must be admitted that some objections have been made against the rights of the Earl of Stirling, on the ground of prescription; as such, it may be not irrelevant to observe, that the interposition of prescription has never been held to be so essentially a principle of natural justice, that it might not be set aside by law.

Two very important maxims of English law are directly opposed to it, viz. the rules, "*Nullum tempus occurrit regi*," and "*Nullum tempus occurrit Ecclesiæ*," that is to say, no adverse possession of however long standing can be a bar to a prior right of the King or of the Church. Indeed, the doctrine of prescriptive right formed no part of the old common law of England, but was first introduced by statute of the thirty-second of Henry the Eighth, (Blackst. Com. p. 264,) so that from being a fundamental principle of natural equity, it has been altogether excluded by some laws, and certainly required the aid of positive enactment to give it any binding force of validity whatsoever. In the present instance of claim against the Crown, it would be rather bearing too much upon excessive prerogative, *to take away* property by virtue of a *nullum tempus* exception, and yet *refuse to restore it*, by not allowing the