

"that the whole should be cultivated
 "and improved to the same advantage;
 "and whether there hath been such
 "a neglect or non-use of any part
 "as may amount to a forfeiture,
 "must be adjudged of, not upon the
 "particular circumstances atten-
 "ding that part only, but upon the
 "circumstances of the whole."

"And, if the province had incurred
 "any forfeiture, no advantage could
 "be taken thereof, but by a legal pro-
 "ceeding by Scire-facias, to repeal
 "their Charter, or by Inquisition-
 "finding such forfeiture. — As to
 "the Question stated in the present
 "case, upon the effect of the conquest
 "of this tract of country by the
 "French, and the reconquest there-
 "of by General Nicholson, We conceive
 "that the said tract, not having
 "been yielded by the Crown of
 England

England to France, by any Treaty, the
 conquest thereof by the French created
 "according to the Law of nations, only
 "a suspension of the property of the
 "former owners, and not an extingui-
 "shment of it, and that upon the recon-
 "quest of it by General Nicholson, all
 "the ancient rights both of the province,
 "and of private persons subjects of the
 "Crown of Great Britain, did revive and
 "were restored, jure post Liminie. —

"This rule holds the more strongly
 "in the present case, in regard it ap-
 "pears by the affidavits that the pro-
 "vince joined their forces to those —
 "which came thither under the Com-
 "mand of General Nicholson in this
 "service."

"For these reasons, we are of
 "opinion, That the said Charter still re-
 "mains in force; and that the Crown
 hath