It must be recollected, however, that the positive statutory limitation here alluded to, 1786, ch. 18, is not like the common statutes for limitation of actions, which allows the party a certain time to sue, after his right has accrued, but it specifies the first of September, 1787, as the day, after which no claims of the kind described therein shall be made against the State; and consequently, if that limitation embraces this case, this claim, as against the State at least, has been precluded and barred from that time. From the nature of this case, this positive limitation, and the presumption of satisfaction may, with convenience, be considered together, and I shall, therefore, so consider them.

I have shewn that it must have been the intention of the General Assembly, in referring this case to the Chancellor, that he should be governed by those substantial principles of equity applicable to all similar controversies; and that the mere forms of proceeding, * and technicalities peculiar to the course of this
110 Court, and nothing more, were to be put aside. But it is asked on the part of the petitioner, in reference to the Statute of Limitations and the lapse of years relied on as a defence on behalf of the State; why this shew of justice and liberality, if the technical presumption arising from the lapse of time, of which the Legislature were fully advised, was to be relied on as a bar?

But as I have said upon a former occasion, in this, as in all other cases, it must strike every one, that the lapse of years cannot fail to give rise to an unanswerable presumption against the validity of an antiquated claim of any kind, however much it may have been originally a favorite of the law, as in cases of dower or the like. I cannot think it a reasonable demand on the Court to give parties the advantage of a stale and antiquated claim, to suffer them to make the Court the depository of their slumbering rights; and then to come and revive them, when, from lapse of time, it is become utterly impossible to ascend to the whole justice of the case. There is surely a principle of limitation in the administration of every system of jurisprudence, to be derived out of the nature of things, which does entitle the Court to avail itself of the universal maxim, *vigilantibus non dormientibus subveniunt leges. The Rebecca*, 5 *Rob. Adm. Rep.* 104. The maxims which refer to descents, discontinuances, non-claims, and collateral warranties, are only the wise arts and inventions of the law, to quiet possessions and strengthen the rights of property. *Dudley* v. *Dudley*, *Prec. Cha.* 249. And in England it has been generally thought, that sixty years, the limitation to writs of right, is too long a time for titles to remain *in dubio;* and it has often been lamented there, by eminent lawyers, that the period had not been shortened. *Gilb. Exeu.* 12; *Charlwood* v. *Morgan*, 1 *New Rep.* 66; *Stackhouse* v. *Barnston*, 10 *Ves.* 469.