

Comyns's Digest, Vo. Grant, page 422 :

" Every grant of the king, of a thing which he may grant, where he is apprised of his interest, and of the cause and circumstances of the grant, will be good."

*Idem*, page 425 :

" So, if the king be deceived in his grant, it will be void."

*Idem*, page 429 :

" [Though the crown is not bound by the statute of limitations, yet a grant may be presumed from great length of possession.]"

" [Possession for 350 years was held by the court as sufficient ground of presumption, to be left to a jury.]"

*Manning and Grangers reports*, page 995.

*John Hampden Gledstanes vs. the Earl of Sandwich.*

" Grants from the crown may be avoided upon three grounds :

" First.—Where the crown professes to give a greater estate than it possessed in the subject matter of the grant."

" Secondly.—Where the same estate, or part of the same estate, has already been granted to another."

" Thirdly.—Where the crown has been deceived in the consideration expressed in the grant."

*Idem* :

" Such a presumption cannot be made in the face of the existing grant ; and such grant having been made under a mistake, passes nothing, according to the principle laid down in *Alcock vs. Cooke* (b). It was there held that an immediate grant to A. in fee, under the seal of the Duchy of Lancaster, of property which was in the possession of B. under an unexpired lease from the Duchy for years (such lease not being recited in the grant), was void notwithstanding there had been a user under the grant, from 1631 the date of that deed to 1760. That which is a sound rule with regard to the duchy holds equally with regard to grants by the crown, made of property held "*jure coronæ*" (c). And the same case establishes that the thing itself professed to be granted in this instance, namely, the rent in fee tail, could not pass by the description given of it in the letters patent of *Charles II.* Best C. J., in giving the judgment of the court in that case, says: "*We take it to be a principle of the common law of this country, that if the king makes a grant which cannot take effect, in the manner in which it ought to take effect according to its terms, he must conclude that the king has been deceived in that grant ; and therefore that the grant is void.*"

C. J. Tindal in the case stated says :

" And upon consideration of the cases in which the king's grant has been held to be avoided by reason of any misdescription or mistake