

ROYAL MINES.

According to the law of England, all mines of gold and silver are Royal mines, and they are so peculiarly a branch of the Royal Prerogative, that it has been said, that though the King grant lands and all mines in them, yet Royal mines will not pass by so general a description.—Plowden, 336.

It had long been decided that all gold and silver mines within the realm, though in hands of subjects, belong exclusively to the Crown by prerogative, and that this right is also accompanied with full liberty to dig and carry away the ores, and with all such other incidents as are necessary for getting them.—Queen v. Earl of Northumberland—Plowden, 310, 336.

The right of entry was disputed by Lord Hardwick, in the case of Lyddal v. Weston—2 Atk. 26—when there was a grant from the Crown of lands, with a reservation of all Royal mines, *but not of a right of entry*, on the ground that by the terms of the grant, there was no such power in the Crown, and that by the Royal Prerogative of mines, the Crown had even no such power, for it would be very prejudicial if the Crown would enter into a subject's lands, or grant a license to work the mines—but that when they were once opened, it could restrain the owner of the soil from working them, and could either work them itself, or grant a license to others to work them.

But in *Seaman & Vaudrey*, 16 vs. Sir W. Grant, the Master of the Rolls, declared this doctrine *to be liable to considerable doubt*, as being inconsistent with the ruling of the twelve Judges, in the case afore cited, of the Queen v. Earl of Northumberland, in the reign of Elizabeth, and “Bainbridge” says “it may therefore be assumed, that the latter case which was solemnly decided by all the twelve Judges, has never been overruled.”