

jalouses encore que nos anciennes lois françaises de la protection du domaine public.

2 Stephen's Commentaries on the English Law :

II. "[*Royal grants* are also matter of public record. For as St. Germyne says, the excellency of the Sovereign is so high in the law, that no freehold may be given to, nor derived from, the Crown, but by matter of record. And to this end, a variety of officers are erected, communicating in a regular subordination one with another, through which all the royal grants must pass, and be transcribed, and enrolled : that the same may be narrowly inspected by the officers of the Crown, who will inform the sovereign if any thing contained therein is improper or unlawful to be granted. These grants, whether of lands, honours, liberties, franchises, or ought besides, are contained in charters, or letters-*patent*, that is, open letters, *literæ patentæ* ; so called because they are not sealed up, but exposed to open view, with the great seal pendant at the bottom ; and are usually directed or addressed by the sovereign to all subjects of the realm."

Idem, page 597 :

"[The *manner* of granting by the Crown does not more differ from that by a subject, than the *construction* of such grants when made. 1. A grant made by the Crown, *at the suit of the grantee*, shall be taken most beneficially *for* the Crown, and *against* the party ; whereas the grant of a subject, is construed most strongly *against the grantor*. Wherefore it is usual to insert in the royal grants, that they are made, not at the suit of the grantee, but "*ex speciali gratiâ, certâ scientiâ, et mero motu reginæ (aut regis)* ;" and then they have a more liberal construction] ; as is also the case where they are made upon a valuable consideration. 2 [A subject's grant shall be construed to include many things besides what are expressed, if necessary for the operation of the grant. Therefore in a private grant of the profits of land for one year, free ingress, egress, and regress, to cut and carry away those profits, are also inclusively granted ; and if a feoffment of land was made by a lord to his villein, this operated as a manumission ; for he was otherwise unable to hold it. But the grant of the Crown shall not enure to any other intent than that which is precisely expressed in the grant. As if it grants land to an alien, it operates nothing ; for such grant shall not also enure to make him a denizen, that so he may be capable of taking by grant. 3. When it appears, from the face of the grant, that the crown is mistaken, or deceived, either in matter of fact, or matter of law, as in case of false suggestion, misinformation, or misrecital of former grants ; or if the royal title of the thing granted be different from what was supposed ; or if the grant be informal ; or if an estate be granted contrary to the rules of law ; in any of these cases the grant is absolutely void."