

UNIVERSITY OF TORONTO



3 1761 01371447 2

A short account of such
parts of His Majesty's
hereditary revenue in the
Kingdom of Ireland. 2d ed.

HD
624
S4
1754



Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

A SHORT
ACCOUNT
OF HIS
MAJESTY'S
HEREDITARY REVENUE
IN THE
Kingdom of IRELAND.

1901

THE UNIVERSITY OF CHICAGO

PHILOSOPHY

BY JOHN D. ANDERSON

CHICAGO: THE UNIVERSITY OF CHICAGO PRESS

1901

CHICAGO: THE UNIVERSITY OF CHICAGO PRESS

A S H O R T
A C C O U N T

Of such Parts of his

M A J E S T Y's
H E R E D I T A R Y R E V E N U E

I N T H E

K I N G D O M

O F

I R E L A N D,

As are Unappropriated ;

A N D O F H I S

P R I V A T E E S T A T E therein.

The S E C O N D E D I T I O N, with Additions.

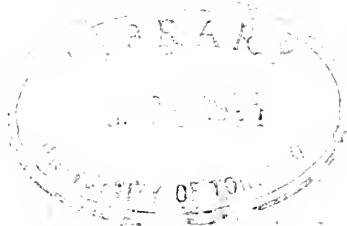
D U B L I N: Printed in the Year MDCCLIV.

HD

624

S4

1754



849424

S C

A SHORT
A C C O U N T
 OF HIS
M A J E S T Y ' S
H E R E D I T A R Y R E V E N U E

A N D
 P R I V A T E E S T A T E, &c.

And First of the KING'S Rents.

THERE are four several Sorts of Rents in *Ireland*, reserved and payable to the King, to wit, Crown Rents, Port Corn Rents, Composition Rents, and Quit Rents.

Four several sorts of Rents payable to His Majesty in Ireland.

The Crown Rent is an ancient Rent reserved upon Grants made by the Crown of their Lands of Inheritance.

Crown Rents what and whence they arise.

And the greater Part of these Rents at this Day, do arise upon the Grants made of the Lands, Tenements, Hereditaments, &c. which formerly belonged to Monastries and Abbies, and other Religious and Ecclesiastical Houses, which in the Reign of King *Hen. 8th*, were either dissolved, suppressed, renounced,

Reserved on the Grants of dissolved Abbies and Monastries all which were vested in the Crown.

relinquished, or surrendered to his Majesty, and which, together with the Sites, Circuits, and Precincts thereof, and all the Lands, Tenements, Hereditaments, and Appurtenances thereunto belonging, were afterwards by two several Acts of Parliament, 28 *Hen. 8.* Cap. 16. and 33 *Hen. 8.* Cap. 5th. given to, vested in, and adjudged to be in the very actual and real Seizin and Possession of his Majesty, his Heirs and Successors, for ever, in as large and ample Manner and Form as the then late Abbots, Priors, Commanders, and other Governors of the said Religious Houses had, held, and enjoyed the same, together with all and every the Rents, Services, and Rents Seck, and all other Services and Suits which were due, to be paid, or done to any Person or Persons from or out of the Premises, or any Part thereof.

Other Crown Rents.

And the Rents reserved on all Grants from the Crown of Fairs, Markets, Ferries and Fisheries, are called also Crown Rents.

Port Corn Rent what and from whence it is.

The Port Corn Rent, was a Sort of Rent formerly paid by many of the Tenants to the said Monastries and Abbies, by Service, or in Kind; by Port of Corn, or Marts, or by rendering of Corn, Sheep, Oxen, and other Produce of the Land, and it is called Port, from *Porto*, to carry, or *Quia ad Monasterii portum facebatur.*

And

And by the said Act, where any late Prior, Abbot, &c. within two Years next before the Dissolution, &c. had made any Lease for Life or Years, of any of the Lands, &c. belonging to their Houses, yielding any yearly Rents in Money which were not at any Time within four Years before the said two Years, so let, but only for Port of Corn or Marts, or for Port of Corn or Money, or Marts and Money, or Corn, Marts, and Money, to be paid and rendered for the same, then, in such Case, if the Inheritance of the Reversion, Rents, and Farms, reserved in Money upon any such Lease, were in the King's Possession, or of any of his Lessees or Grantees, for Life, or Years, such Persons, their Executors and Assigns, to surrender their Leases, or else to pay yearly to the King, during the Interest of their Leases, in the Place of their Rents reserved in Money, such Port of Corn, and Marts, or Port of Corn, or Money, or Marts and Money, and all other Profits as was used to be paid before for such Premises as aforesaid, the Lessees performing the same to be discharged, as well against the King as against his Lessees, of and for the Rents reserved in Money upon their said Leases.

Port Corn or Marts payable to the Governors of Religious Houses, and subsisting within the Meaning of the Act. of the 33. Hen. 8. to be to the King.

And the King's Grantees having in Farm, for Life, or Years, any of the said Houses,

And to his Lessees or Grantees.

Houses, and the Reversion, Rents, and Farms, reserved in Money upon Leases, made as aforesaid, shall receive yearly the said Port of Corn, and Marts, in Recompence of the Money reserved in Rents, for the better maintenance of Hospitality and good Housekeeping, in and upon the said Houses.

The Port Corn Rents given by the Crown to several State Officers.

And these Port Corn Rents, were given by the Crown to several of the State Officers, for the Time being, in Augmentation of their Salaries, and were saved and confirmed to them by the Act of Settlement.

The Rents on Grants in pursuance of the Commissions of Grace called Crown Rents.

The Rents compounded for, on the Commissions of Grace, for the Remedy of defective Titles, and reserved on the Grants in pursuance thereof, are also generally called Crown Rents, and are entered as such in the King's Rent Rolls. *Sed. vide Post.*

Crown Rents 14800l. a Year.

And the yearly Amount of the said Crown Rents, exclusive of the said Port Corn, is about 14,800 l. a Year.

Composition Rents, what,

The Composition Rents, are certain Rents reserved to the Crown, upon a Composition made in the Reign of Queen *Elizabeth*, between her Majesty and the Lords and Chieftains of *Conaught*, in lieu of Cesses, Impress and Quarteridge of Soldiers.

And when they arose.

And the Original of these Composition Rents, was in this Manner: Several Lands,

Lands in the Province of *Conaught* and *Munster*, and other Countries in this Kingdom, formerly held by *Irish* Custom, and not by Tenure, according to *English* Laws, were charged with heavy Cesses and Taxes, and subject to the Depredations of Men of War, wherefore, at the first quietting and settling those Parts under the *English* Government, the Lords and Chieftains of the said Provinces and Countries, petitioned her Majesty, by her then Lord Deputy, to accept of them the Surrender of all their Lordships, Manors, Lands, Tenements, and other their Possessions. To the End it might please her Highness, after the said Surrender so made, to Grant to them the same their Lands and Possessions; to hold of her Highness, her Heirs and Successors, by such Tenures, Rents, Services, and Attendance, as should be thought meet and convenient, respecting the Quantity and Quality of the said Lands, the Place where it should lie, and the Person that should receive the same.

Petition of the Lords and Chieftains of *Conaught* &c. to *Qu. Eliz.* to Surrender their Lands, and take them back on certain Rents.

And accordingly an Act of Parliament was made, in the 12th Year of the Reign of her said Majesty Queen *Elizabeth*, by which it was enacted, That Patents should be made out to such Persons, as should surrender to the Crown their Lands, so held by *Irish* Custom, to be holden of her Majesty, her Heirs and Successors,

Act to enable the Crown to make Grants of the Lands.

Successors, for such Estate, and by such Tenure, Rents, and Services, as should be expressed and reserved in the said Letters Patents.

Commission to
make Compo-
sition.

And afterwards in the 27th Year of the said Reign, a Commission issued giving Authority to Sir *Richard Bingham*, then Governor of *Connaught*, and Twenty-one other Commissioners, to make a Composition between the Queen and the Subject, and between the Lords and their Tenants of that Country, and of *Thomond*, for a Rent certain to be paid out of every Quarter of Land therein, in Lieu of all Manner of incertain Cesses, Cuttings, and other Exactions accustomed to be born to the Queen and her Predecessors for the martial Government thereof; and further the Commission impowered them to do all Things as to their Discretion should seem best, as well in the said Composition, as in the Divisions of Baronies into Manors, and to devise all other Things that should tend to the general Good and Quiet of the Country, and the good Subjects of the same.

Indentures of
Composition.

And accordingly Indentures were entered into on the 2d of *September* following, whereby it appears, 1st. That the Lord Deputy *Perrot*, did Covenant on behalf of the Queen, that the Chieftains,

Gentlemen,

Gentlemen, Freeholders, and Inhabitants and every of them, and their Assigns, should from the Date of the said Indenture be exonerated for ever from all Cesses, Exactions, Cuttings, Impositions, Purveying, Catings, finding or bearing of Soldiers, and from all other Burthens, other than the Rent, Reservations, and Charges in the Indentures specified, and to be enacted in Parliament. In Consideration whereof the said Chieftains, Gentlemen, Freeholders, and Inhabitants did Grant to the said Lord Deputy and his Heirs, to the Use of the Queen her Heirs and Successors, a yearly Rent Charge of Ten Shillings *Sterling* out of every Quarter of Land within that Province.

2nd. They agreed not only to Answer for ever to all Hostings, Roads, and Journies within *Connaught*, at such Time they should have Notice from the Government 50 able well armed Footmen upon their own Charges, besides the Rent aforesaid; and to all general Hostings proclaimed within the Realm, 20 well armed Footmen furnished with Carriages and Victuals at their own Costs during the Time of the said general Hosting, if the Government required it.

3d. That the Stiles and Titles of Captainships and Taniotships, and all other *Irish* Jurisdictions, together with all Elections and Customary Divisions of Lands should be abolished,

and

and the Lands and Inheritance should li-
neally descend according to the Course of
Common Law. 4th. That the Chief-
tains, Gentlemen, and Inhabitants, should
by Letters Patents have diverse Lands
in the Indentures specified free from the
Composition, to be held by common
Knight Service, and all Goods and Chat-
tles of Felons, and other Casualties and
Amerciaments.

Errors in the
Indentures of
Composition.

But it being afterwards found, that there
were various Errors and Defects in the said
Indentures of Composition, and many
erroneous Proceedings in the Execution
thereof; therefore, in order to rectify the
same, and to remove all Doubts concern-
ing the aforesaid Composition, and to
remedy all Defects which might be in the
several Titles which were derived under
the said Composition, and all other defec-
tive Titles, several Commissions of Grace
were granted, one in the 15th Year of
the Reign of King *James* the 1st, and
several in the Reign of King *Charles* the
1st, for the Remedy of all such defective
Titles, and Grants were made in pursuance
thereof, upon certain Compositions and
Fines, and Rents reserved thereon, which
Rents (as has been before said) have since
passed under the Denomination of Crown
Rents.

Commissions of
Grace.

Statute made in
Ireland, in the
10th of Charles
the 1st, Sess. 1st.

And by a Statute made in *Ireland*, in
the 10th of *Charles* the 1st, Sess. 1st. Ch.

3d. All the Grants of Estates in *Ireland* where Doubts have arisen about the Validity of the Title thereto are confirmed to all Persons and Bodies Politick, &c.

And by a Statute made the 10th *Ibidem.* of *Char.* I. Session 2. Ch. 4. All Grantees by Letters Patents of any Lands, Tythes, Reversions, &c. which did belong to Religious Houses, &c. or otherwise came to the King's Hands, are to have like Remedy against Lessees as the Lessor might, *et e contra*,

And by the Statute 10 *Charles I.* *Ibidem.* Session 3. Ch. 2. All Grants by Letters Patents from the King shall enure by Way of Grant, Confirmation, or other Assurance of all his Right, &c. as in such Patents shall be granted as shall be most beneficial for the Grantee.

And by the said Statute Patents *Ibidem.* granted for Remedy of defective Titles to be as good as if confirmed by Parliament.

And by the Statute 15 *Char.* *Ibidem.* I. Ch. 6. All Letters Patents passed by Virtue of any Commission of
C Grace

Grace are confirmed against the King.

The King adjudged, seized of an Estate of Inheritance.

And by the said last mentioned Statute, the King is adjudged, seized of an Estate of Inheritance of several Countries and Plantation Lands in *Ireland*, and the Patents granted of them confirmed.

Composition Rents, 1000 l. a Year.

And the Amount of these Composition Rents, is about 1000 l. a Year.

Quit-Rents, what, and when, and how induced.

Quit-Rent; is a Rent which arose, and was induced in this Kingdom, after the Rebellion in 1641, by the Acts of Settlement and Explanation, and it is an Acreable Rent, according to the *English* Statute Measure, reserved upon all the Estates in *Ireland*, which were forfeited by that Rebellion, and granted by the Crown to Adventures, Soldiers, and Debentures, and on Lands which were then seized, and afterwards restored to Innocent Papists; or on Lands granted to them as Reprisals, or to Transplanters.

And

And Note, that all the Estates that were forfeited upon the aforesaid Rebellion, in 1641, were vested in the King, his Heirs and Successors, and all the Lands granted, or in any Manner disposed of, in Pursuance of the said Act, are to be held of the Crown in Free and Common Soccage Tenure. See the said Acts.

The Forfeitures in 1641, vested in the Crown.

And the yearly Amount of these Quit-Rents is about 50841 *l.* a Year.

Quit-Rents 50841 *l.* a Year.

And by the Constitution and Law of the Land, the Estates of all attainted Persons are forfeited to the Crown, and are so absolutely vested in them, that they may dispose thereof as they shall think proper, unless controlled therein by Act of Parliament; and accordingly, the Lands so forfeited on the said Rebellion in 1641, were granted and disposed of pursuant to the said Acts, and many Grants were also made of the said Quit-Rents, and Remittals thereof granted to several Persons by their late Majesties, King *Charles* the Second, and King *William* the Third.

All forfeited Estates belong to the Crown.

But by a * Statute made the 11th and 12th of *William* the 3d. Sess. 2d. Ch. 2d. *Eng.* " All the Quit-Rents, " Crown-Rents, and Chiefries, belong- " ing to the Crown of *Ireland*, on the " 13th Day of *February* 1688, shall " for ever thereafter remain, and be for

Quit, &c. Rents, to be for the support of the Government.

* Note, this is an *English* Act.

“ the Support and Maintenance of the
 “ Government of the Kingdom of *Ire-*
 “ *land*, and are declared to be unalien-
 “ able ; and all Grants, Charges, and
 “ Incumbrances, since the said 13th Day
 “ of *February*, made or at any Time
 “ hereafter to be made of the same,
 “ or any Part thereof, wherewith, or
 “ whereby to Affect, Charge, and In-
 “ cumber the same, or any Part thereof,
 “ with any Annuity, Pension, Rent, Sum,
 “ or Sums of Money, Charge, or Incum-
 “ brance whatsoever, shall be, and are
 “ thereby enacted and declared to be
 “ Null and Void, to all Intents and Pur-
 “ poses whatsoever.”

Note, here is no Notice taken in this Clause of the Composition Rents, unless they be included under the Term Chiefries.

Hearth-money.
Revenue, and
from whence it
arises.

Secondly, The **Hearth-money** is another Branch of his Majesty's Revenue of *Ireland*, arising from an annual Payment of Two Shillings yearly, for every Fire-Hearth, or other Place for Firing and Stoves within the said Kingdom, and the gross Amount of this Revenue, for the Year 1752, was 52723 *l.* or thereabouts.

Hearth-money
for 1752. 52723 *l.*

Why granted to
His Majesty.

And this Duty was granted to his Majesty, his Heirs and Successors, by Stat. 14 and 15 *Char.* II. Ch. 17. in lieu of,
and

and to the Intent and Purpose, that his Majesty, his Heirs and Successors might receive a full and ample Recompence, and Satisfaction for the Profits of the Court of Wards and Liveries, and Tenures in Capite, and it is so expressly mentioned in the said Act.

Now the Profits which arose from these Courts were exceeding great, and did belong to the Kings of *England*, in Right of the Crown, and were considered as their own private Estate, and the Hereditary Revenue of the Crown; and as a Confirmation thereof, the Profits of these Courts and Tenures, and the several Offices belonging thereto, were granted by the Crown, *ad Libitum*, as appears by the said Statute, 14 and 15 *Char. II. Ch. 17.* And also by another Statute in the same Year, Ch. 19. by which the said Court and Tenures are taken away.

The Profits of Tenures in Capite, and of the Court of Wards and Liveries, the Hereditary Estate of the Crown.

If this be so, how then can it be insisted, (as it has been of late) that his Majesty is to have no Power whatsoever over the Income of this Revenue, nor even his Consent to be had in the Disposal of it. Let them but consider on what Account this Duty was granted. Does it not appear from the Preamble of the Act, that it was given in lieu of what was absolutely the undoubted Hereditary Revenue and private Estate of the Crown? But it is said, that there is a Recital in the said Act.

Doubts lately arisen concerning the King's Right to this Duty of Hearth-money.

Act, by which this Revenue is appropriated, which Recital is in these Words, “ For as much, as nothing
 “ conduceth more to the Peace and
 “ Prosperity of a Kingdom, and the
 “ Protection of every single Person there-
 “ in than that the Publick Revenue may
 “ be in some Measure proportioned to
 “ the Publick Charges and Expence.”
 And by the Purview of the said Act,
 “ The Revenue arising by the said Act,
 “ is to be paid and answered into the
 “ *Exchequer*, and shall not either before
 “ or after it be so paid into the *Exche-*
 “ *quer*, be charged or chargeable with
 “ any Gift, Grant, or Pension whatso-
 “ ever,”

As also to the
 Quit and Crown
 Rents.

They also insist, that the said Crown Rents, Composition Rents, and Quit-Rents, are not the Hereditary Estate of the Crown, or that they are also appropriated by the aforesaid Statute 11 and 12th *William* 3d. Sess. 2. Ch. 2.

The Parliament
 declaring a Revenue
 to be for the
 Uses of Govern-
 ment in general,
 not an Approp-
 riation.

But neither the said Recital in the said Statute 14th and 15th, *Char.* 2d, nor the said Clause in the said Statute, by which the Revenue arising by the said Act, is to be paid into the *Exchequer*, and not to be charged with any Grant or Pension, can by Law be construed to be an Appropriation of this Duty, nor can the said Clause in the said Statute 11th and 12th

William

William 3d. by which the said Quit, &c. Rents are declared to be for the Support and Maintenance of the Kingdom of *Ireland*, and unalienable, be construed as an Appropriation of these Rents: For Appropriation in such Cases, in its legal, strict, and proper Sense, signifies the Allotting or determining of some certain Revenue, or Duty, to some particular certain Use or Purpose, for as to the "Uses" of Government in General," they are various, and it often so happens, that many of them are not from Policy, or Prudence to be divulged, but for the Benefit and Advantage of the Publick, and of Government, ought to be kept secret and concealed. And where no such particular Appropriation is made of any Duties, or Revenue, the King is considered as a Royal Honourable Trustee, and has the Disposal thereof for the Uses of Government in General, according to his own Discretion, and accordingly we find it laid down in the 4th Book of *Cooke's Institutes of the Law*, pa. 44. as follows. "In the Reign of *Hen. 8th*,
 " on the King's Behalf, the Members of
 " both Houses were informed in Parlia-
 " ment, that no King nor Kingdom was
 " safe, but where the King had three
 " Abilities. 1st. To live of his own,
 " and be able to defend his Kingdom
 " upon

The King to
 have three Abi-
 lities.

“ upon any sudden Invasion or Infurrection.
 “ 2dly. To aid his Confederates,
 “ otherwise they would never assist him.
 “ 3dly, To reward his well-deserving
 “ Servants.”

Casual Revenue,
 what.

3dly, Another ancient Branch of the King's Revenue, is the Casual Revenue.

And it is so called, because it arises from Casualties, and chiefly from Fines and Amerciaments, which in their Nature, are accidental and uncertain; so that they cannot be reduced to any certain Charge or Account.

From whence it
 arise.

And this Branch of his Majesty's Revenue arose, and was collected from the several following Particulars, *to wit*, 1st, Escheats and Forfeited Estates. 2dly, Custodiam Rents. 3dly, Fines and Profers, Waifs, Estrays, and Felons Goods. 4thly, Forfeited Recognizances and Bonds, Fines of the *Four-Courts*, at Assizes and Sessions, and Commissions of *Oyer and Terminer*, and Fines before the Clerk of the Market. 5thly, Prize Ships and Goods. 6thly, Ballances of Accounts of Farmers, and other Officers accountable in the *Exchequer*, and Ballances of Accounts of Money imprested. 7thly, Profits of Silver Mines. 8thly, Sequestrations of Bishopricks, and other Ecclesiastical Promotions, and Profits of Sees during Vacancy. 9thly, Treasure and Trove.
 10thly,

10thly, a Moiety of a Moiety of the Profits of Faculties.

It has not as yet been disputed or doubted, but that this Branch of his Majesty's Revenue, is absolutely in his own Disposal; and it is said, that it amounts, *Communibus Annis*, to One thousand Five hundred Pounds a Year, or thereabouts.

Casual Revenue
1500l. a Year.

The first Fruits and twentieth Parts were also a Part of this Revenue. But these were granted by her Majesty Queen Anne, by Letters-Patent, dated the 7th of February, in the 10th Year of her Reign, to the then Arch-Bishop of *Armagh* and his Successors, Arch-Bishops of *Armagh* to certain Uses, which Grant was afterwards confirmed by Statute 2d Geo. 1st. Chap. 15. and they discharged of the King's Right.

Now, the total Amount of these several Revenues, is at present about 120,864 l. a Year, and they have all along been applied, together with the appropriated Revenues in defraying the publick Charges and Expences of the State and Government, and to pay the National Debt: If then it be true, that the Revenues which I have here set forth, or any of them, are really and absolutely the Hereditary Revenue or private Estate of the Crown, (and I believe it cannot be disputed or doubted, unless there be Men

Total Amount,
120,864l. a
Year.

D

who

who would dispute or doubt that it is Day-light when the Sun shined) shall it not be considered as an Act of Bounty, and of the greatest Grace and Favour, that the Crown hath so long suffered them to be applied to the Use and Benefit of the Kingdom, and in Ease of the Subjects?

Before I conclude, I will ask but one plain Question; if I am in Partnership with several others, will any Man say, they have a Right, without my Consent, to dispose of, or give away any Part of the common aggregate Fund, as they shall think proper?

I would also recommend it to my Fellow-Subjects, most carefully to consider, if several Estates in this Kingdom be not, at this Day, held under antient Grants from the Crown? And, if several of these Grants were not of Lands formerly belonging to dissolved Abbies and Monasteries, and several of them forfeited Lands? And also, if several Grants were not heretofore made of the Quit-rents? And, if several Quit-rents, and Arrears of Quit-rents, and other Rents, have not been remitted by the Crown, at different Times, to several Persons? And then I would have it further considered, whether any of the Persons who have either broached, or have abetted, that new-fangled Doctrine,

trine, that the Crown had no absolute Property in those Lands or Rents which they had so granted or remitted; but that, on the contrary, they belonged to the Publick, do now enjoy the Benefit of any of the Grants thereof, either as the Descendants of, or as deriving under, any of the several Persons to whom those Grants were made; and what might be the Consequence to them, in case this Doctrine was true?

The Force of Eloquence may make Things appear to weak Minds, what they are not; and it is an easy Matter to alarm the People, and to fill their Minds with Jealousies and Fears; but I hope, that in a Matter of such Importance, and of such great Consequence as the present Question is on every Hand allowed to be, that every Man will make it his Business to inform himself most fully of the Nature of it, and of his Majesty's Rights, and will coolly and dispassionately consider them in all their Lights, before he ventures to determine; as, I am most certain, that his Majesty's faithful Subjects of *Ireland* would be as unwilling, in any Sort, to attempt to take away, or even to lessen, any of his just Prerogatives, or Rights, as his Majesty has ever shewn himself most cautious of infringing theirs; and I am convinced, that it would be the
greatest

greatest real Concern that any of them could meet with, who, either from not fully understanding the Question, or by being misled by others, should unfortunately happen to make a wrong Judgement in a Matter of such prodigious Consequence ; and therefore, that every Man may make the best Use he can on this Occasion, of the Reason God has blessed him with, and act according to the Right and Justice of the Case, is the sincere Wish of him who owes the greatest Reverence, Fidelity, and Duty, to the best of Kings ; and, at the same Time, is an extream Well-wisher to my Fellow-Subjects, the faithful People of *Ireland*.

F I N I S.

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

HD
624
S4
1751

A short account of such
parts of His Majesty's
hereditary revenue in the
kingdom of Ireland.
2d ed.

