ANNO UNDECIMO

Georgii III. Regis.

CAP. LVI.

An Act for divesting out of the Crown, and to vest in *Gerald Fitzgerald* of *Rathrone*, in the County of *Meath*, in the Kingdom of *Ireland*, Esquire, and his Heirs, the Reversion in Fee of and in several Lands in *Ireland* therein mentioned.

WHEREAS His Majesty King Charles the Second, by Letters Patent, bearing Date the Twelfth of December, in the Thirty-sixth Year of His Reign, did grant unto Gerald Fitzgerald of Rathrone, in the Kingdom of Ireland, and to his Heirs and Assigns for ever, the Town and Lands of Rathrone aforesaid, and several other Lands in the Counties of Eastmeath, Westmeath, Kildare, and Cavan, to have and to hold the same to the said Gerald, his Heirs and Assigns for ever, subject to several yearly Quit-rents payable thereout, as by the said Letters Patent inrolled in the Rolls Office of His Majesty's Court of Chancery in Ireland may more at large appear: And whereas by an Act Preamble.

Act 11 & 12 *Gul.* III. of Parliament made and passed in the Eleventh and Twelfth Years of the Reign of His late Majesty King William the Third, intituled, An Act for granting an Aid to His Majesty by Sale of the forfeited and other Estates and Interests in *Ireland*, and by a Land-tax in *England*, for the several Purposes therein mentioned, all Honours, Manors, Lands, Tenements, Rents, Reversions, Remainders, and other Hereditaments therein mentioned, the Estates of Persons who stood convicted or attainted of High Treason or Rebellion, or other Treason committed in Foreign Parts since the Thirteenth Day of February, One thousand six hundred and eighty-eight, were thereby vested in Trustees therein named, and their Heirs, according to the several Estates and Interests which the said Persons had therein, to the End the same might be sold and disposed of for the several Purposes therein mentioned, subject nevertheless to such Decrees or Adjudications as the said Trustees should make in Favour of Persons interested in such Estates previous to such Attainders; and when any of the said Persons were seised of an Estate-tail only in the said Honours, Manors, Lands, and Hereditaments, the same were thereby enacted to be vested in the said Trustees and their Heirs, in Fee-simple, to be sold and disposed of as aforesaid, as by the said Act, Relation being thereunto had, may more fully appear: And whereas by another Act

Act 1 *Anne*, made and passed in the First Year of the Reign of Her late Majesty Queen Anne, all the Estates vested in the Trustees to be sold, which should not be sold before the Twenty-fourth Day of June, One thousand seven hundred and three, or otherwise disposed of pursuant to the former Acts, were vested in Her Majesty, Her Heirs and Successors, for the Uses therein mentioned: And whereas Gerald

Tender of Claim to the Commissioners. Fitzgerald and Edward Fitzgerald, Minors, by William Fitzgerald of Dublin, Gentleman, their next Friend, did make and tender their Claim to the Trustees or Commissioners appointed to put in Execution the first abovementioned Act of Parliament, and thereby set forth that the said Gerald Fitzgerald, their Uncle, being seised in Fee of and in certain Lands and Tenements therein mentioned, situate and lying in the said Counties of Meath, Kildare, Westmeath, and Cavan, by Indentures of Lease and Release, bearing Date the Fourth and Fifth Days of June, One thousand six hundred and eighty-five, made between the said Gerald Fitzgerald of the One Part, and Charles Moore, Christopher Cusack, and John Connor of the other

other Part; the said Gerald Fitzgerald by the said Lease, in consideration of Five Shillings, did bargain and sell the said Premises to the said Charles Moore and others, to have and to hold, for One Year from the Day next before the Date of the said Lease; and by the said Release, in consideration of Five hundred Pounds Sterling by him received from the said John Connor as a Marriage Portion with Mary Fitzgerald, alias Connor, then married Wife of the said Gerald, and for settling the said Premises in his Name, Blood, and Family, did grant, remise, release, alien, and confirm the said Premises unto the said Charles Moore, Christopher Cusack, and John Connor, and their Heirs, to the Use of the said Gerald, for and during his natural Life; and as to Part thereof to the Use of the said Mary his Wife for her Jointure; Remainder to the First and every other Son of the said Gerald in Tail-male; Remainder to Henry Fitzgerald, Brother of the said Gerald, for his Life; Remainder to the First and every other Son of the said Henry in Tail-male; to which Deed Thomas Darcy, John Connor, Gerald Fitzgerald, and William Connor, were subscribing Witnesses, as by the said Deed, ready to be produced, might appear; by virtue whereof the said Gerald became seised of the said Premises in his Demesne as of Freehold during his natural Life, with Remainder over as aforesaid: That the said Henry had Issue the Claimant Gerald Fitzgerald, his First Son, who was born in or about the Year One thousand six hundred and eighty-four, whereby he became intitled to the said Premises in Tail-male in Remainder as aforesaid; and the said Henry had also the Claimant Edward Fitzgerald, his Second Son, who was born in or about the Year One thousand six hundred and eighty-seven, whereby he became intitled to the said Premises in Tail-male in Remainder as aforesaid; that the said Henry was attainted, as the Claimants were informed, and the Claimants thereby represented their said Right and Title, to the Intent the same might not be prejudiced, but that they might respectively have and enjoy the same: And whereas the said Claim was heard on the Twenty-third Day of March, One thousand seven hundred and one, and it was certified by the said Trustees or Commissioners, that the said Gerald Fitzgerald made such Settlement as in the said Claim was set forth, and that thereby Henry Fitzgerald, attainted for the Treason in the said Act mentioned, was intitled to a Remainder for Life, with Remainder to his Son in

Tail-male after the said Gerald dying without Issue Male, and that the Claimants Gerald and Edward were the Sons of the said Henry; and it was thereupon adjudged, determined, and decreed by the said Trustees or Commissioners, that the said Claimants should be, and they were thereby respectively allowed their several and respective Remainders in Tail-male, limited to the Heirs Male of Henry, after Failure of Issue Male by the said Gerald Fitzgerald the Grantor, and the said Henry's Death: And whereas by an Act of Parliament, passed in the Fourth Year of His present Majesty's Reign, intituled, An Act for divesting out of the Crown, and to vest in *Gerald Fitzgerald* of *Rathrone*, in the County of *Meath*, in the Kingdom of *Ireland*, Esquire, and his Heirs, the Reversion in Fee of and in several Lands in *Ireland*, reciting or taking Notice to the Effect herein before recited; and also reciting, that the said Gerald Fitzgerald the Patentee, and Mary his Wife, and the said Henry Fitzgerald, died many Years ago, and that the said Gerald Fitzgerald the Patentee, and the Grantor in the said Settlement, died without Issue; and that after their Death the said Gerald Fitzgerald the younger, who was the eldest Son of the said Henry Fitzgerald, and was also the Nephew and Heir at Law of the said Gerald Fitzgerald the Patentee, being seised of an Estate in Tail-male of and in the said Lands and Premises, had levied Fines and suffered Recoveries of all the said Lands, except the said Lands in the County of Meath; and also reciting, that Elizabeth O'Farrell, Widow, in Easter Term, One thousand seven hundred and Twenty-five, did obtain a Judgement in the Court of Common Pleas in the Kingdom of Ireland against the said Gerald Fitzgerald for the Sum of Five thousand Four hundred Pounds; and that the said Gerald the younger afterwards died, leaving Issue Three Sons, John his eldest Son, Gerald the younger his second Son, and Christopher his third Son; and reciting, that the said John the eldest Son died without Issue soon after the Death of his said Father, and that thereupon the said Gerald Fitzgerald, the second Son of the said Gerald Fitzgerald the younger, became his eldest Son and Heir at Law, and was Heir at Law and Heir Male of the said Gerald Fitzgerald the Patentee, and had entered into and became seised of and intitled to the said Lands and Premises, subject to the above Incumbrance, and after the Death of the said Mary Fitzgerald, otherwise Connor (the Widow of the said Gerald Fitzgerald the Grantor) levied

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Fines

Fines and ſuffered Recoveries of Part of the ſaid Lands, and had contracted ſeveral Debts, ſecured by ſeveral Judgements; and alſo reciting, that it had been lately diſcovered that the Reverſion in Fee of and in the Lands and Premiſes in the ſaid Letters Patent, Claim, and Adjudication mentioned, expectant as aforeſaid, was, by virtue of and under the ſaid Act made in the Firſt and Second Years of the Reign of Her late Majeſty Queen Anne, intituled, An Act for advancing the Sale of the forfeited Eſtates in *Ireland*, and for veſting ſuch as remain unſold by the preſent Truſtees in Her Majeſty, Her Heirs and Succeſſors, and for the more effectually ſelling and ſetting the ſaid Eſtates to Proteſtants; and for explaining ſeveral Acts relating to Lord *Bophin* and Sir *Redmond Everard*, become veſted in His preſent Majeſty, His Heirs and Succeſſors, ſubject to the Order of Parliament; and that the ſaid Gerald Fitzgerald, the Grand Nephew and Heir of the ſaid Patentee, had no other Fund or Expedient to ſecure his Perſon, or to exonerate his ſaid Eſtate, but by ſelling ſome Part thereof, or mortgaging the ſame for that Purpoſe, which he was unable effectually to do without diveſting the Reverſion in Fee of the ſaid Eſtate out of His Majeſty; and that it had been uſual and frequent in ſuch Caſes for the Crown to extend their Grace and Favour to Proteſtant Subjects well-attached to His Majeſty, it was enacted, That the Remainder or Reverſion in Fee-ſimple, expectant on the Determination of the ſeveral Entails therein before mentioned, and all other Eſtates, Right, Title, and Intereſt of and in certain Towns and Lands, with their Appurtenances, ſituate in the Counties of Meath, Weſtmeath, Kildare, and Cavan, in the Kingdom of Ireland, therein particularly mentioned, which, in and by virtue of the ſaid Act of Parliament, were then veſted in His Majeſty, His Heirs and Succeſſors, ſhould be thereby diveſted, and the ſame was thereby diveſted out of the Crown, ſo that His preſent Majeſty, His Heirs or Succeſſors, or any of them, or any Perſon or Perſons whatſoever, claiming or to claim by, from, or under, or in Truſt for him, them, or any of them, or by, from, or under the ſeveral Acts of Parliament therein before recited, by reaſon of the Forfeitures therein before mentioned, or otherwiſe howſoever, ſhould not, nor might from thenceforth have any Right, Title, or Intereſt therein or thereunto; and that the ſaid Reverſion or Remainder in Fee-ſimple, and other the Eſtates and Intereſts of and in

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the

the Lands and Hereditaments therein mentioned, should, from and immediately after the passing of the said Act, be vested in, and the same were thereby from thenceforth vested in the said Gerald Fitzgerald, his Heirs and Assigns for ever: And it was thereby further enacted, That all and every Papist and Person professing the Popish Religion, should be disabled and made incapable to purchase, either in his or her own Name, or in the Name or Names of any other Person or Persons to his or her Use, or in Trust for him or her, any of the Lands, Tenements, Hereditaments, and Premises aforesaid, or any Rents, Profits, Terms, or Interests in or out of the same; and that all and singular Estates, Terms, and other Interests and Profits whatsoever in or out of the Premises, and all Conveyances and Declarations of Trust concerning the same, which should be made, suffered, or done to or for the Use, Benefit, or Behoof of any such Papist, contrary to the true Intent and Meaning of the said recited Acts of Parliament, should be utterly void and of no Effect to all Intents, Purposes, and Constructions whatsoever: And in the said Act was contained a Clause for saving to His Majesty, His Heirs and Successors, all such Crown-rents, Quit-rents, Compositions, Services, and Duties, as were due and payable, and ought to be paid or performed to His Majesty on account of the Premises, or any Part thereof; and also a Saving to all and every Person and Persons, Bodies Politick and Corporate, their Heirs, Successors, Executors, Administrators, and Assigns, of all such Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the said Lands, Tenements, and Hereditaments therein mentioned, or any of them, with the Appurtenances, or any Part thereof (other than and except His Majesty, His Heirs and Successors, and the Trustees named in and by the said Act of the Eleventh and Twelfth Years of the late King William the Third, and their Heirs) as they, every or any of them, have or had, or might have had at or before the making the said Act, as fully to all Intents and Purposes as if the said Act had never been made: And whereas the said Gerald Fitzgerald is seised of the Towns and Lands herein after mentioned, claiming Title thereto in the same Manner as in the said Act of the Fourth Year of His present Majesty's Reign was mentioned with respect to the Lands therein comprised, and His present Majesty is also seised of the Reversion in Fee of the Towns and Lands herein after mentioned, claiming

claiming Title thereto in the same Manner, and by virtue of the same Forfeiture, as was mentioned and set forth in the said Act of Parliament passed in the Fourth Year of His present Majesty's Reign: And whereas the Leases of the Lands in the last-mentioned Act, or the greatest Part thereof, expired, and the said Lands came into the Occupation of the said Gerald Fitzgerald, the Grand Nephew and Heir of the said Gerald Fitzgerald the Patentee, as the Owner thereof, in bad Condition, and by reason of the many Debts and Incumbrances charged upon the said Lands the said Gerald Fitzgerald hath not been able to put the said Lands into a State of Cultivation and Improvement so as to let the same to good and substantial Tenants; and in case the said Lands were offered to Sale in their present Condition, the same must be sold to a great Disadvantage; but the said Gerald Fitzgerald, for the Security of his Creditors, since the passing of the said last-mentioned Act, hath executed a Mortgage of the Lands in the said former Act mentioned, or Part thereof, unto the Reverend John Magill, Clerk, One of His Creditors, for securing Six thousand six hundred thirty-three Pounds, Two Shillings and Seven-pence three Farthings, being the Amount of his Demand, and the Demands of several other Creditors; which Mortgage is still subsisting: And whereas the Debt to Elizabeth O'Farrell, Widow, in the said former Act mentioned to be due on a Judgement in the Court of Common Pleas in Ireland appears to have been also secured by a Mortgage among other of the Lands herein after mentioned, with the usual Covenants in the said Mortgage Deed; and the said Gerald Fitzgerald, the Grand Nephew of the said Patentee, who is seised in Tail-male of the Lands so mortgaged, with Reversion in Fee to His present Majesty, is advised, that no Person will contract or treat for the Purchase of the Lands in the said former Act, unless they are discharged from all the Debts to which the same are liable, and put into proper Order and Condition, and let to Tenants, but a favourable Opportunity now offers for Sale of the Towns and Lands of Inniscoffy and Old Towne herein-after mentioned, at a high Price, which will raise Money sufficient to pay off the said Elizabeth O'Farrell's Mortgage, in case the Fee-simple and Inheritance thereof could be safely conveyed to the Purchaser thereof; whereby not only a more ready Fund for the Payment of the Debts affecting the said Lands, and for the Security of the said Gerald Fitzgerald's

Perſon, would be provided, but the ſaid Gerald Fitzgerald would be enabled to put the Lands in the ſaid former Act mentioned into proper Condition and Repair, whereby the ſame would alſo become ſaleable, and the many heavy Incumbrances, which now affect the ſaid Lands, be paid off and diſcharged; but the ſaid Lands herein-after mentioned cannot be mortgaged or ſold without diveſting the Reverſion in Fee thereof out of His Majeſty, in like Manner as in and by the ſaid laſt-mentioned Act of Parliament was done with reſpect to the Lands therein compriſed, and which ſaid laſt-mentioned Act paſſed by the Grace and Favour of His Majeſty, extended to the ſaid Gerald Fitzgerald, the Grand Nephew and Heir of the ſaid Patentee, who was then, and now is One of His Majeſty's Proteſtant Subjects; therefore Your Majeſty's moſt loyal Subjects the ſaid Gerald Fitzgerald, doth moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Remainder or Reverſion in Fee-ſimple, expectant on the Determination of the ſeveral Entails herein before mentioned, and all other Eſtates, Right, Title, and Intereſt, of and in the Towns and Lands of Enniſcoffy, otherwiſe Inniſcoffy, otherwiſe Iniſhcoffy, otherwiſe Iniſcooffy, otherwiſe Iniſhco, and Old Towne, lying and being in the Barony of Fertullagh, and County of Weſtmeath, in the Kingdom of Ireland, which, in and by virtue of the beforementioned Acts of Parliament, is now veſted in His preſent Majeſty, His Heirs and Succeſſors, ſhall be hereby diveſted, and the ſame is hereby diveſted out of the Crown, ſo that His preſent Majeſty, His Heirs or Succeſſors, or any of them, or any Perſon or Perſons whatſoever, claiming or to claim by, from, or under the ſeveral Acts of Parliament before mentioned and recited, by reaſon of the Forfeiture as aforeſaid, or otherwiſe howſoever, ſhall not, nor may, from and after the paſſing of this Act, have any Right, Title, or Intereſt therein or thereunto; and that the ſaid Reverſion or Remainder in Fee-ſimple, and other the Eſtates and Intereſts of and in the Lands and Hereditaments herein before mentioned, ſhall, from and immediately after the paſſing of this Act, be veſted in, and the ſame are hereby from henceforth veſted in the ſaid Gerald Fitzgerald, his Heirs and Aſſigns for ever.

And

And it is hereby further enacted by the Authority aforesaid, That all and every Papist and Person professing the Popish Religion shall be disabled and made incapable to purchase, either in his or her own Name, or in the Name or Names of any other Person or Persons, to his or her Use, or in Trust for him or her, any of the Lands, Tenements, Hereditaments, or Premises aforesaid, or any Rents, Profits, Terms, or Interests, in or out of the same; and that all and singular Estates, Terms, and other Interests and Profits whatsoever, in or out of the Premises, and all Conveyances and Declarations of Trust concerning the same, which shall be made, suffered, or done to or for the Use, Benefit, or Behoof of any such Papist, Contrary to the true Intent and Meaning of the said recited Acts of Parliament, shall be utterly void and of no Effect, to all Intents, Purposes, and Constructions whatsoever. Papists incapable to purchase Lands.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall in any-wise affect, impeach, or prejudise, or in any-wise strengthen, inforce, or confirm, or be construed, deemed, or taken to affect, impeach, or prejudise, or to strengthen, inforce, or confirm any Right, Title, or Interest, which the Representatives of Thomas Bomford late of Rathingstown, in the County of Meath, Esquire, deceased, now have or claim, or which they shall at any Time hereafter have or claim, in or to a certain Grant or Lease, bearing Date the Twentieth Day of July, One thousand six hundred and ninety-two, made by Gerald Fitzgerald of Rathrone, in the County of Meath, Esquire, to the said Thomas Bomford of the Town, Townland, and Land called Enniscoffy and Old Towne before mentioned, with the Appurtenances, or any Part thereof; but the Right, Title, and Interest of the Representatives of the said Thomas Bomford, deceased, in and to the said Grant or Lease, and the Benefit thereof, shall, from henceforth, be and remain in the same State, Plight, and Condition, and no other, as the same was before the passing of this Act. Nothing contained to prejudice the Interest of the Representatives of *Thomas Bomford*.

Saving to the King's most Excellent Majesty, His Heirs and Successors, all such Crown-rents, Quit-rents, Compositions, Services, and Duties, as are due and payable, and ought to be paid and performed to His Majesty on account of the Premises, or any Part thereof; and saving also to all and every Person and Persons, Bodies Politick and Corporate, their Heirs, Successors, Executors, Saving Clause.

Executors, Administrators, and Assigns, all such Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the said Lands, Tenements, and Hereditaments herein before mentioned, or any of them, with the Appurtenances, or any Part thereof, (other than and except Our Sovereign Lord the King's Majesty, His Heirs and Successors, and the Trustees named in and by the said Act of the Eleventh and Twelfth Years of the late King William the Third, and their Heirs) as they, every or any of them, have or had, or might have had therein or thereto, as fully to all Intents and Purposes as if the Reversion of the said Towns, Town-lands, or Lands, had never been vested in the Crown, or as if this Act had never been passed; any Thing herein contained to the Contrary thereof in any-wise notwithstanding. 4

FINIS.