

*The Resolution of the Doubts, by the Lord Lieutenant and Council,  
upon the Act of Settlement, and Explanation thereof.*

By the Lord Lieutenant and Council.

ORMONDE.

**W**HEREAS his Majesties commissioners for putting in execution the act, intituled, *An act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers, souldiers, and other his subjects there*; and one other act, intituled, *An act for the explaining of some doubts arising upon an act*, intituled, *An act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers, souldiers, and other his subjects there, and for making some alterations of and additions unto the said act for the more speedy and effectual settlement of the said kingdom*, have the second day of April one thousand six hundred sixty and six, presented unto us, the lord lieutenant and council, a writing under their hands and seals, which followeth in these words:

To his grace James duke of Ormond, lord lieutenant general and general governour of Ireland; and to the right honourable the lords of his Majesties privy council there;

The humble address of his Majesties commissioners for putting in execution the act, intituled, *An act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers, souldiers, and other his Majesties subjects there*; and one other act intituled, *An act for the explaining of some doubts arising upon an act*, intituled, *An act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers, souldiers, and other his subjects there, and for making some alterations of and additions unto the said act for the more speedy and effectual settlement of the said kingdom.*

**W**HEREAS in the said act, intituled, *An act for the explaining of some doubts arising upon an act*, intituled, *An act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the*

*several interests of adventurers, souldiers, and other his subjects there, and for making some alterations of, and additions unto the said act, for the more speedy and effectual settlement of the said kingdom, p. 868. it is enacted in these words; "And that in all cases which shall happen before the commissioners within the space of*

Recital of a  
clause in act  
of explanation,  
sec. 159.

two years next after their first sitting, wherein the construction of this or the said former act shall appear doubtfull to them, or that the act itself shall be found defective in some points necessary for the carrying on of the intended final settlement, and not clearly enough determined and provided for by this act, the commissioners, or any three or more of them, shall and may, by writing under their hands and seals, acquaint the lord lieutenant, or other chief governour or governours of Ireland, and council there for the time being, with there proceedings and doubts arising thereupon, and the defects appearing in this present act, and such order of amendment, enlargement of periods, explanation or direction as shall be thereupon made by the lord lieutenant, or other chief governour or governours and council, by act of council in writing, for the better and more easie execution of this act, and for promoting the ends thereof onely, shall be as binding to the commissioners, and all other persons, and effectual, as if the same had been part of this present act, so always that the said act and acts of council be made within the said two years, and inrolled in the high court of Chancery." We his Majesties said commissioners do humbly acquaint your grace and the council with these following doubts arising upon several cases happening before us, in which the construction of the said act doth appear doubtful unto us.

Doubts on  
construction  
of said act,  
proposed by  
the commis-  
sioners,

First.

*First,* Whether all honors, manners, castles, houses, places, lands, tenements and hereditaments, right, title, service, chiefry, use, trust, condition, fee, rent-charge, chattels real, mortgage, right of redemption of any mortgages, recognizances, judgements, forfeitures, extent, right of action, right of entry, statute, or any other estate of what nature or kinde soever, in all and every the counties, baronies, cities, townes corporate and walled townes within this kingdom, which did, on the three-and-twentieth day of October one thousand six hundred forty and one, or at any time since, belong to any Irish papist, Popish recusant, or Roman catholick, or which have been returned by the civil survey, or Down survey, or either of them, as belonging to any Irish papist, Popish recusant, or Roman catholick, and what at any time from and after the said three-and-twentieth day of October one thousand six hundred forty and one, were seized or sequestred into the hands, or to the use of his late Majestie King Charles the first, or of his Majestie that now is, which were allotted, assigned, given, granted,

granted, ordered, distributed, disposed, demised, set out, or set apart to or for any person or persons use or uses, for adventures, arrears, reprizals, or otherwise, or whereof his late Majestie, or his Majestie that now is, or any adventurer, souldier, reprizable person or others respectively, had and received the rents, issues and profits, or whereof the adventurers, officers, souldiers now or formerly of the English army in this kingdom, or transplanted or transplantable persons, or any of them, or their or any of their heir, heirs or assigns, were in seisin, possession or occupation by themselves, their tenants, agents or assigns, on the seventh day of May one thousand six hundred fifty and nine, or which were assigned, given, granted, laid out, set apart or reserved for or towards the satisfaction of any the said adventurers, souldiers or other persons for or in consideration of any money or provisions advanced, lent or furnished, or for arrears of pay, or in compensation of any service, or reputed services, or other accompt whatsoever, or reserved or mentioned to be reserved for or in order to a reprizal or reprizals for such incumbrances as then were, now are, or shall be adjudged due to any person or persons, out of the said lands, tenements or hereditaments, or for any other use, intent or purpose whatsoever, or whereof any *custodiam*, lease for year or years, or other disposition or grant whatsoever hath been made, excepting such lands, tenements and hereditaments, rights, titles and interests, as did on the said twenty-third day of October one thousand six hundred forty and one, rightfully belong unto such persons as by his Majesties late commissioners for executing the said act, intituled, *An act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers, souldiers, and other his subjects there*, have been already adjudged innocent, and excepting such lands, tenements and hereditaments, rights, titles and interests, as have been by his Majesties said late commissioners restored or decreed to any person or persons by virtue of and pursuant to any particular clause or proviso in the said act contained, for so much of the said lands, tenements and hereditaments, as in their respective clauses or provisos is mentioned, contained or comprehended, and excepting any judgement or decree, which hath been obtained by any protestant or protestants in the late court for adjudication of claims, or in the court of Exchequer, or any the four courts sitting at Dublin, before the twenty-second day of August one thousand six hundred sixty and three, shall not, at all times hereafter, in the four courts sitting at Dublin, and in all courts of justice, and in all tryals, actions and suits, both in law and equity, as well between his Majestie and any of his subjects, as between party and party, without any further proof, be



always taken, deemed, construed and adjudged to have been seized, sequestred, allotted, assigned, given, granted, ordered, distributed, demised, set out, set apart, possessed, reserved, granted, in *custodiam*, leased and disposed by reason of and upon account of the late horrid rebellion or war, which began or broke out in this kingdom upon the twenty-third day of October one thousand six hundred forty and one, and to have been and to be by the aforesaid several acts, as from the said twenty-third day of October one thousand six hundred forty and one, forfeited to his Majesties royal Father of ever-blessed memory, and to his Majestie that now is, his heirs and successors, and well and firmly by the said several acts vested in his Majestie, his heirs and successors, without any office or inquisition thereof found, or to be found, to the intents, uses and purposes in and by the said several acts limited, declared and appointed.

Secondly.

*Secondly*, Whether after the commissioners appointed, or to be appointed, by his Majestie for executing the said several acts, shall have adjudged any of the said lands, tenements or hereditaments, rights, titles or interests by the said acts declared to be forfeited and vested in his Majestie, unto any person or persons who by the said acts are intituled thereunto, and shall have granted their certificate accordingly, and letters patents shall be thereupon passed, as by the said acts is directed and appointed, the rights, titles and interests of all persons whatsoever, who have not by the said late commissioners for executing the said act, intituled, *An act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, souldiers, and other his subjects there*, been already adjudged innocent, as well such as are or were protestants as papists, are or shall be thereby concluded, barred, and determined, other than such rights, titles and interests, which shall be in the said letters patents particularly mentioned and reserved, and other than such rights, titles and interests, as are the proper act of the party to whom such letters patents shall be so granted, or of those under whom he claims as heir, executor or administrator, and other than such debts, leases and payments whereunto the same are by the said acts made lyable, and whether the said lands, tenements and hereditaments, rights, titles and interests in the said letters patents mentioned and contained, are or shall be by the said acts confirmed to the several persons therein named, according to such several and respective estates as shall be therein limited and appointed against the King's Majestie, his heirs and successors, and all persons claiming by, from, or under him or them, and against all other persons, bodies politick and corporate whatsoever.

Third.  
Thirdly, Whether all adventurers and souldiers, their heirs and assigns, shall have, hold and enjoy an estate of inheritance in fee-simple in such of the said lands, tenements and hereditaments by the said acts declared to be forfeited to and vested in his Majesty, as shall by the commissioners appointed, or to be appointed for executing the said acts, be certified to belong and be due unto them, unless some other and lesser estate shall, by the certificate of the said commissioners, be expressly and distinctly limited and appointed, and in case any such other or lesser estate shall be so limited or appointed in such certificate, then whether such adventurer and souldier to whom such certificate for such lesser estate shall be so granted, shall have such compensation and allowance out of other forfeited lands, as shall make up his two third parts, by the said acts intended to him, equal in worth and value to others who shall have estates of inheritance in fee-simple certified and granted unto them.

And we the said commissioners do humbly pray your grace and the council, to take the premises into your consideration, and to give therein such judgement, order, explanation, and direction as you shall think meet, that we may be the better enabled to proceed in the execution of the said acts, and in the carrying on the intended final settlement of adventurers and souldiers, and other his Majesty's subjects in this kingdom.

Dated at the King's Inns Dublin, the Thirteenth day of February 1665.

Edw. Smith. Edward Dering. A. Brodrick.  
W. Churchill. Edward Cook.

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WE the lord lieutenant and council, having duly considered of the said doubts in the said writing contained, do by this our act of council, for the better and more easie execution of the said act, intituled, *An Act for the better execution of his Majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers, souldiers, and other his subjects there, and for making some alterations of and additions unto the said act*, and for promoting the ends thereof, order and declare;

That all honors, manors, castles, houses, places, lands, tenements and hereditaments, right, title, service, chieffry, use, trust,

First,

trust condition, fee, rent-charge, chattels real, mortgage, right of redemption of any mortgages, recognizances, judgments, forfeitures, extent, right of action, right of entry, statute, or any other estate of what nature or kinde soever, in all and every the counties, baronies, cities, towns corporate, and walled towns within this kingdom, which did on the twenty third of October one thousand six hundred forty and one, or at any time since, belong to any Irish papist, popish recusant, or Roman catholick, or which have been returned by the civil survey, or Down survey, or either of them, as belonging to any Irish papist, popish recusant, or Roman catholick, and which at any time from and after the said twenty third day of October one thousand six hundred forty and one were seized or sequestred into the hands, or to the use of his late Majesty king Charles the first, or of his most gracious Majesty that now is, or which were allotted, assigned, given, granted, ordered, distributed, disposed, demised, set out, or set apart to or for any person or persons use or uses, for adventures arrears, reprisals, or otherwise, or whereof his late Majesty, or his Majesty that now is, or any adventurer, souldier, reparable person, or others, respectively had and received the rents, issues and profits, or whereof the adventurers, officers, or souldiers, now or formerly of the English army in this kingdom, or transplanted or transplantable persons, or any of them, or their or any of their heir, heirs, or assigns, were in seisin, possession or occupation by themselves, their tenants, agents, or assigns, on the seventh day of May one thousand six hundred fifty and nine, or which were assigned, given, granted, laid out, set apart or reserved for or towards the satisfaction of any the said adventurers, souldiers, or other persons, for or in consideration of any money or provisions advanced, leat or furnished, or for arrears of pay, or in compensation of any service, or reputed services, or other accompt whatsoever, or reserved, or mentioned to be reserved for or in order to a reprisal or reprisals for such incumbrances as then were, now are, or shall be adjudged due to any person or persons out of the said lands, tenements, or hereditaments, or for any other use, intent or purpose whatsoever, or whereof any *custodiam*, lease for year or years, or other disposition or grant whatsoever hath been made, excepting such lands, tenements and hereditaments, rights, titles, and interests, as did on the said twenty third day of October one thousand six hundred forty and one, rightfully belong unto such persons, as by his Majesty's late commissioners for executing the said act, intituled, *An Act for the better execution of his Majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of adventurers,*

*souldiers,*



*souldiers, and other his subjects there*, have been already adjudged innocent, and excepting such lands, tenements and hereditaments, rights, titles and interests, as have been by his Majesty's said late commissioners restored or decreed to any person or persons by virtue of, and pursuant to any particular clause or proviso in the said act contained, for so much of the said lands, tenements and hereditaments, as in their said respective clauses or provisos is mentioned, contained or comprehended, and excepting any judgment or decree which hath been obtained by any protestant or protestants in the late court, or pretended court for adjudication of claims, or in the court of Exchequer, or any the four courts sitting at Dublin, before the twenty second day of August one thousand six hundred sixty and three, shall at all times hereafter in the Four-courts sitting at Dublin, and in all courts of justice, and in all tryals, actions and suits, both in law and equity, as well between his Majesty and any of his subjects, as between party and party, without any further proof, be always taken, deemed, construed, and adjudged to have been seized, sequestred, allotted, assigned, given, granted, ordered, distributed, demised, set out, set apart, possessed, reserved, granted in *custodiam*, leased, and disposed by reason of and upon account of the late horrid rebellion or war, which began or broke out in this kingdom upon the twenty third day of October one thousand six hundred forty and one, and to have been, and to be by the aforesaid several acts, as from the said twenty third day of October one thousand six hundred forty and one, forfeited to his Majesty's royal father of ever blessed memory, and to his Majesty that now is, his heirs and successors, and well and firmly by the said several acts vested in his Majesty, his heirs and successors, without any office or inquisition thereof found, or to be found, to the intents, uses and purposes in and by the said several acts limited, declared, and appointed.

And we do hereby further order and declare, that after the commissioners appointed, or to be appointed by his Majesty for executing the said several acts, shall have adjudged any of the said lands, tenements or hereditaments, rights, titles, or interests, by the said acts or by virtue thereof declared to be forfeited to and vested in his Majesty, unto any person or persons who by the said acts are intituled thereunto, and shall have granted their certificate accordingly, and letters patents shall be thereupon passed, as by the said acts is directed and appointed, the rights, titles and interests of all persons whatsoever, who have not by the said late commissioners for executing the said act, intituled, *An Act for the better execution of his Majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several*

Second.

*interests of adventurers, souldiers, and other his subjects there, been already adjudged innocent, as well such as are or were protestants as papists, are and shall be thereby concluded, barred and determined, other than such rights, titles and interests which shall be in the said letters patents particularly mentioned and reserved, and other than such rights, titles and interests as are the proper act of the party to whom such letters patents shall be so granted, or of those under whom he claims as heir, executor or administrator, and other than such debts, leases and payments whereunto the same are by the said acts made liable, and that the said lands, tenements and hereditaments, rights, titles and interests in the said letters patents mentioned and contained, are and shall be by the said acts confirmed to the several persons therein named, according to such several and respective estates as shall be therein limited and appointed, against the King's Majesty, his heirs and successors, and all persons claiming by, from, or under him or them, and against all other persons, bodies politick and corporate whatsoever.*

Third.

And we do hereby further order and declare, that all adventurers and souldiers, their heirs and assigns, shall have, hold, and enjoy an estate of inheritance in fee-simple in such of the said lands, tenements and hereditaments, by the said acts or by virtue thereof declared to be forfeited to and vested in his Majesty, as shall, by the commissioners appointed or to be appointed for executing the said acts, be certified to belong and be due unto them, unless some other and lesser estate shall by the certificates of the said commissioners be expressly and distinctly limited and appointed; and in case any such other or lesser estate shall be so limited or appointed in such certificate, that then such adventurer and souldier, to whom such certificate for such lesser estate shall be so granted, shall have such compensation and allowance out of other forfeited lands, as shall make up his two third parts, by the said acts intended to him, equal in worth and value to others who shall have estates of inheritance in fee-simple certified and granted unto them. And it is ordered, That this act of council be inrolled in the high court of Chancery, as by the said explanatory act is directed.

Given at the Council Chamber in Dublin the ninth day  
of April, 1666.

God save the KING.

Ja. Armachanus. Mich. Dublin. Canc. Anglesey. Kingston.  
R. Coot. Hen. Tichborn. Rob. Byron. Paul Davys. Ro-  
bert Forth. Rob. Meredith. Theo. Jones.