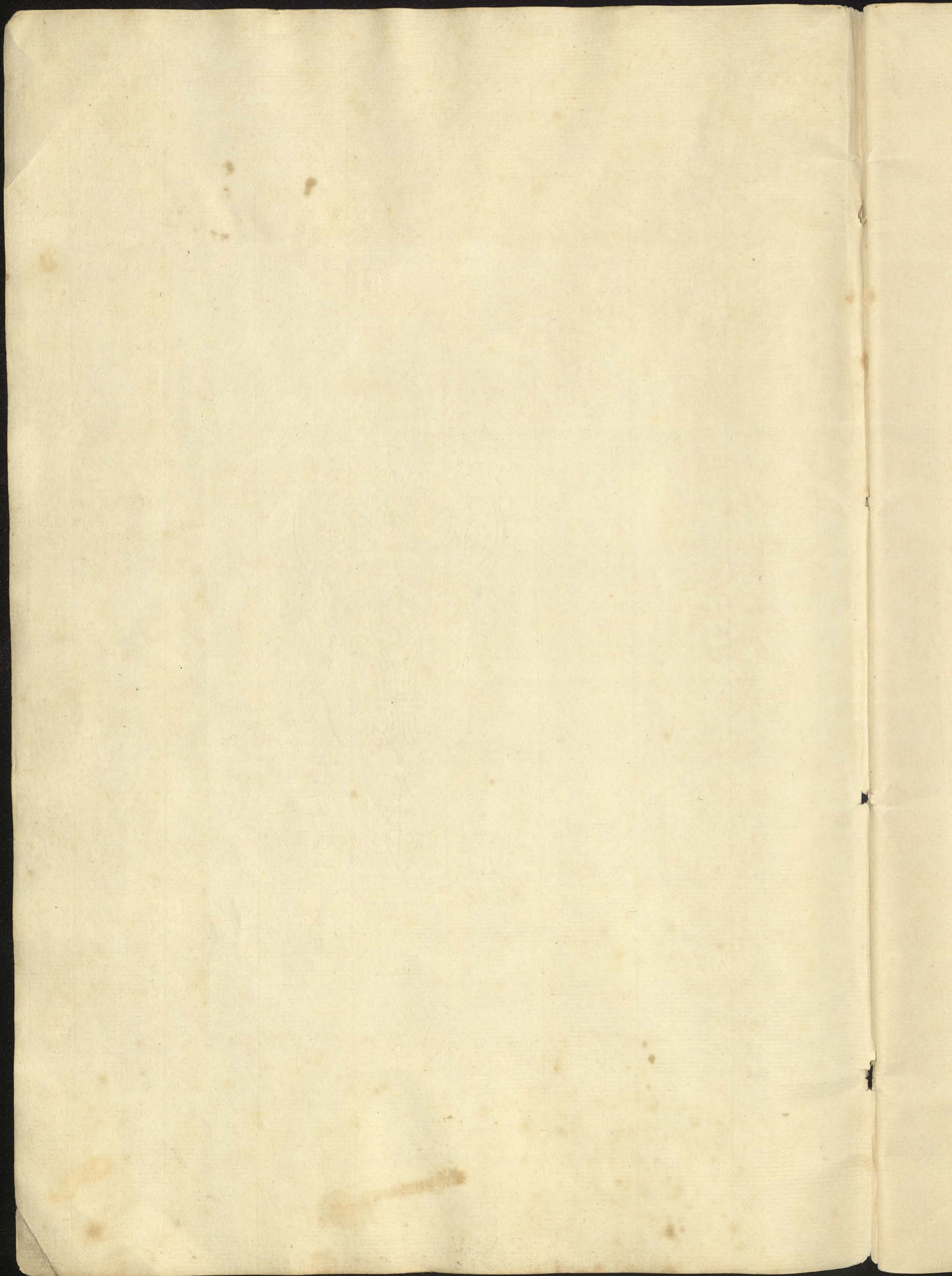
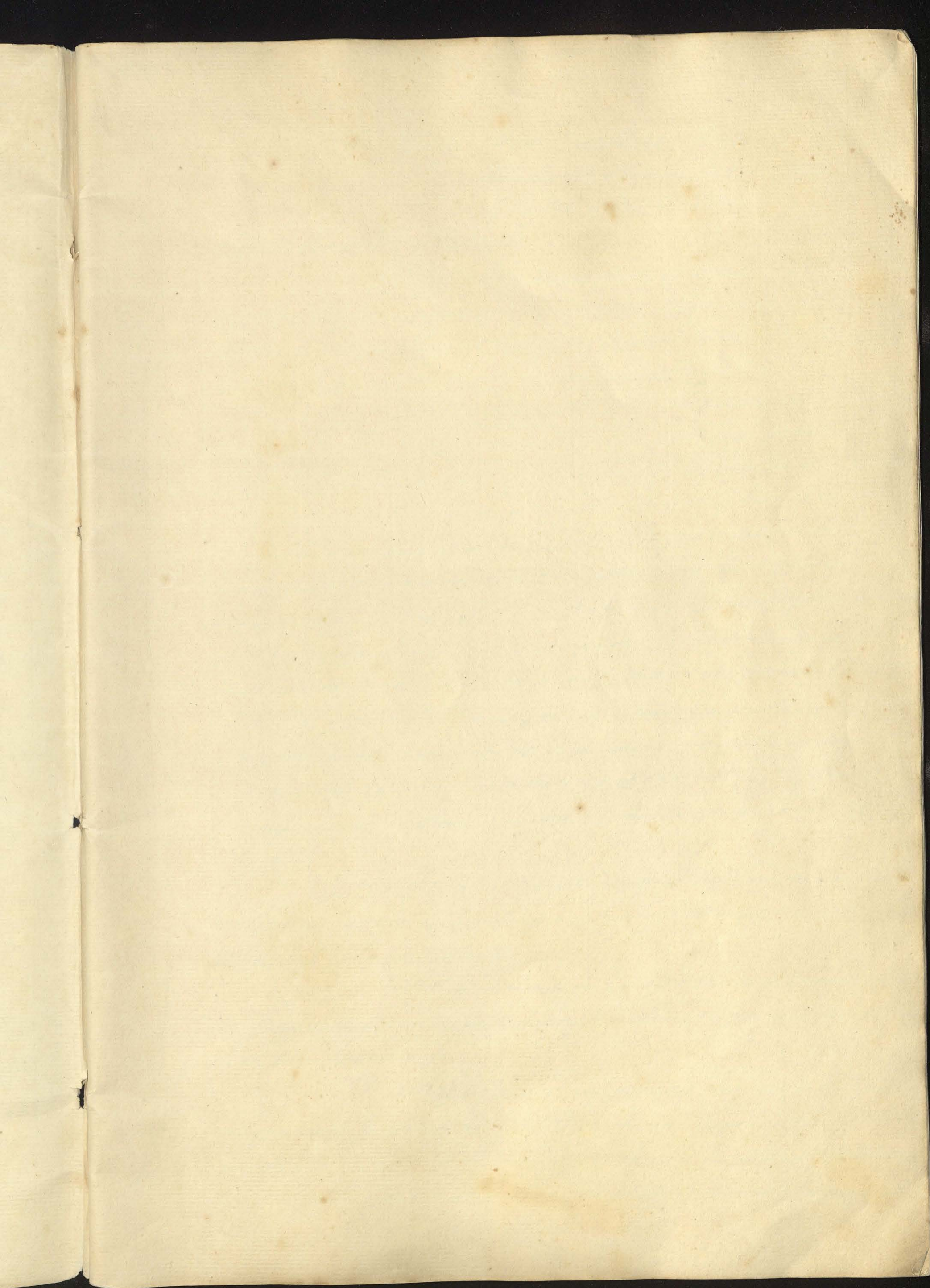


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Petition
of
Robert Wainwright
with respect to the
Sands forfeited by Sir William Hurly
on account of the Rebellion in 1688,
and with-held from the Crown:
To one fourth of which Sands the said
Robert Wainwright,
as
Representative of the late John Carr,
the first
Protestant Discoverer,
is
Intitled and lays Claim.
To which is added an
Appendix
containing
Copies of Papers, Letters, Memorials, &c,
that illustrate and verify the
Facts stated in the said Petition.
1767.





To the King's Most Excellent Majesty.

The humble Petition of Robert Wainwright
of the City of Dublin Clothier.

Most humbly Sheweth

That Sir William Hurly of Doone in the County
of Galway, Bar.^t was seized of a considerable Estate in Lands in said
County, and having been attainted, on account of the Rebellion in
1688, such his Estate thereby became forfeited to the Crown.

That by the Statute 11th W.^m 3^d The Lands of the attainted
Persons are vested in Trustees, named in the Act, upon Trust for Sale for the
benefit of the Publick; in which Act it is provided that any Persons who shall
make a Discovery to the Trustees, or any seven or more of them, of any real
Estate of such attainted Persons, concealed before and untill the time of the
Discovery, shall have a reward as the Trustees shall think fit, not ~~to~~ ~~exceed~~
exceeding one fourth of the value of the Lands; and the Names of the Discoverer,
with the Reward, being certified by the Trustees, the Lord Lieutenant, &c; ~~shall~~
shall pay the Reward out of the Treasury, without any further Certificate.
And by the Statute 1st 2^d Anne, c. 21; The Estates then unsold by the Trustees
were vested in the Crown, upon the same Uses as were vested in the Trustees;
and the Crown having delegated the power of administering the Trust to the
Commissioners of the Revenue in Ireland, they were to execute the Office
of Trustees.

That Lady Hurly Widow of Sir William was intituled to
an Estate for her Life in said Lands, and having accordingly put in her ~~claim~~
Claim, such Claim was allowed.

That said Lands were subject also to an Incumbrance
or Charge of 150 £, and the same having been claimed before said Trustees ~~and~~
such Claim was allowed.

That John Carr Esq^r, since deceased, was in the year ~~of~~
1715 appointed Collector of Loughrea District; and having between that time
and the year 1724 come to the knowledge of the said Sir William Hurly's ~~and~~
forfeiture of his Estate in said Lands, discovered to the Commissioners of ~~the~~

His Majesty's Revenue of Ireland the said Forfeiture, containing 1232 Acres Straffords Survey profitable, and 645½ Acres waste; whereupon the said Carr on the 27 January 1729 was entered and minuted in said Commissioners & Books as the first protestant Discoverer of the said Forfeiture, and their Secretary M. Allen was ordered to take the proper course therein.

That upon a second Memorial of said Carr, the said Commissioners, on the 30th July 1731, further confirmed his Title to such part of the said Forfeiture as they could allow, and directed him to inform himself fully of said Lands and the Bounds thereof, and on the death of said Lady Hurly to enter into possession of the same for His Majesty, and to give Notice thereof to the Board.

That since the Act of the 1st 2^d: Anne c. 21 the Commissioners of the Revenue, having no power to sell any forfeited Estate, have always used to reward the Discoverer of such forfeited Lands by appointing him Tenant of the same, at a yearly Rent of three fourths of the real value.

That Lady Hurly departed this Life in August 1741, at which time the said forfeited Lands ought to have come in the possession of His late Majesty, and the said Carr to have been rewarded with the fourth part thereof; but by some secret Management the Crown has, in this respect, been injured; and the said Carr notwithstanding many applications never permitted to enjoy the Benefit of his Discovery, which cost him much Labour, and upwards of £50.

That the said Carr in November 1758 died insolvent, and largely indebted to Your Petitioner, who is become his legal Representative, and intitled to such Reward as said Carr would be intitled to if living.

That your Petitioner in May 1762 presented his Memorial to the Commissioners of Your Majesty's Revenue in Ireland praying the Tenancy of the said forfeited Lands, which Memorial was referred to Gorges Edmond Howard Esq. the Solicitor for Your Majesty's Rents and the forfeited Estates in Ireland, for his Report thereon; That he made his

Report

Report accordingly, a Copy of which Your Petitioner applied for on the 2^d July 1762, and was refused it.

That your Petitioner under these Circumstances (and because he could get no satisfaction for other more important Discoveries, made by the said Carr) was advised to come to England, and to seek Redress of the Lords of Your Majesty's Treasury; Your Petitioner therefore presented Memorials to said Lords, who were pleased on the 21st December 1764 to refer the Memorial concerning said Hurly's Lands, to the Commissioners of the Revenue in Ireland, who returned thereon a Copy of the Report made to them by the said Gorges Edmond Howard in Your Petitioner's disfavour; to which said Report Your Petitioner having taken and delivered Exceptions, their Lordships on the 23rd September 1765 were pleased to declare that they did not think fit to enter into that Matter.

That the said Howard by his said Report attempts to invalidate the Claim of the said Carr, as first Discoverer, by alledging that one Robert Ridge had filed a Bill in Easter Term 1728 against said Lady Hurly, the Attorney General and others, for the Recovery of £204 Incumbrance Money on said Estate, which was near a year before Carr made the Discovery to the Commissioners — and that one James Daly having applied to the Commissioners in the year 1752 for a Lease of said Lands, a Case was thereupon laid before His Majesty's chief Council as well on the said Carr's Right to the Reward he claimed as Discoverer of the said Lands, as on the propriety of making a Lease of the said Lands to the said James Daly; and that the said Council were unanimously of Opinion that the said Carr could not be considered as Discoverer of said Lands so as to entitle him to any Share or Proportion thereof.

That your Petitioner in Answer to the foregoing Allegations in said Howard's Report, with all humble Submission and Deference to Your Majesty, observes that it is most clear that Carr was the first Discoverer, because the mode of the Discovery is prescribed by the Act of King William, viz^t. a Discovery made to the Trustees; and the Commissioners of the Revenue coming into the place of the Trustees, and Carr's Discovery being made

to them, and a Minute entered in their Proceedings, and no person being entered in their Proceedings as a Discoverer prior to him with respect to this Estate, he most certainly was the first; and the Bill filed by Ridge is most certainly no Discovery within the Act, being a Discovery made (if it was any) in the Courts of Cachequet, and not before the Commissioners of the Revenue. — Besides, Ridge himself never pretended to be Discoverer, nor could he under the Act be admitted as such, in regard he was an Irish Papist. As for James Daly's application, it has no connection with Carr's Claim; nor can, or should, any weight be given to Council's Opinion so loosely started, in said Howard's Report; more especially when your Petitioner has the Opinions of Joshua Davis and William Whittingham Esq. two eminent Council, in favour of Mr. Carr's Claim, and your Petitioner's Right as his Representative.

That although the said John Carr was intitled to one fourth part of the said Forfeiture, and your Petitioner as his Representative may (he is advised) justly claim the same; yet forasmuch as your Petitioner is 70 years of Age, and has nothing to support himself and his Family but the private Donations of two or three Friends, he is not only incapable of prosecuting such Claim with Effect, but has the melancholy prospect of passing the remainder of his Life in the utmost Penury, and Distress.

Your Majesty's incessant Contemplation for the Welfare of your Subjects in general, and of those in particular who have endeavoured to render Services to your Majesty and your Kingdoms, leads your Petitioner most humbly to prostrate himself at your Royal Feet, and to implore Your Majesty to grant him such Relief in the Premises as in your Princely Wisdom shall seem meet.

And your Petitioner shall ever pray

25.th July 1767.

Robert Wainwright.

Princes Court Storg's Gate

Westminster.

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containing Copies of Papers, Letters, Memorials, &c, that illustrate and verify the Facts stated in the foregoing Petition.

A Schedule of the several Lands forfeited in 1688 by the Attainder of Sir William Hurly Bar^t., as mentioned in the Inquisition remaining in the Chief Remembrancer's Office dated the 5th day of December 1696.

Denominations.	Total Number of Acres.		Hurly's Acres.		Tenants Names to Hurly's Acres.
	prof	Wast	prof	Wast	
<i>Kilconel Barony.</i>					
Lisdonebroe 1 Car ^t	26	9	26	9	} Charles Daly Esq ^r
Trust. 1 Du ^{al}	122	8	122	8	
Garry punt	22	16	22	16	
Carrowin Cortally	86	5	43	2½	
Coolronagh & Coolagh	408	155	408	155	} Bryan Ward.
Bogg belonging to Pallisor } Clonbiggin }	16	147	16	147	not sett.
Lunaghlon 2 Du ^{al}	307	100	1		} not sett.
Cloncannon	250	133	3	1½	
Gartronkive	43	9	1		
<i>Clonm^eknone Bar^y</i>					
Annaghbegg 2 Du ^{al}	1071	381	40	17	} Robt Mahon Esq ^r
Inwilloughtra 1 Du ^{al}	190	149	190	149	
<i>Hillian Bar^y</i>					
Ballinwoagher & Gortecossane	219	5	23		Cap. William Kelly.
Clonbrick	97	23	5	1	} not sett.
Leccarrowmunderdunny	318	58	1		
Moyrush	196	23	1		
<i>Bollamse Bar^y</i>					
Carlack	96	30	25	7	S. John Burke Bar ^t .

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Denominations.	Total Number of Acres.		Hurly's Acres.		Tenants Names to Hurly's Acres.
Killicappry & Shanleovan	81	71	17	14	S. ^r John Burke Bar. ^t
Creeghduffe 1 Car	280	41	73	10	
Gorcagh	369		92		
Sunnagh	138	47	8	2½	
Caldramichael	114		11		
Lisitrepsagh	94	60	6	4	
Hillm. ^r Richards	76	79	66	69	
Kilcolnagg	112	52	2		
Browrower	128	172	15	21	
Clonfaghny	151	259	7	12	
	5010	2032	1232	645½	

The Commissioners Letter to John Carr Esq^r Collector at Loughrea.

Custom House Dublin July 30: 1731.

Sir

We have considered your Memorial, setting forth That about two Years last past, there was a Memorial preferred to the Board in the Name and behalf of yourself, as the first Protestant Discoverer of several Lands and Fractions of Lands in the Patent of Sir Maurice Hurly Baronet, the Forfeiture of Sir William Hurly, his Son, and not disposed of by the Trustees, being by Marriage Settlement dated in June 1682, and by Inquisition taken at Galway the 5th December 1696 (as appears by Record in the first Remembrancers Office) settled on the Lady Hurly, Widow and Relict of the said Sir William, for Life, and after her decease, to be vested in the Crown; which said Lands, as taken from the said Inquisition or Record, are therunto annexed; you therefore humbly hope, that in regard you are entered and minuted as the first Protestant Discoverer of said Forfeiture,

that

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that you will be intitled to the fourth part of said Lands on the Demise of said Lady Hurly, who is now of great Age; And the Forfeiture of said Lands, after said Demise, is to be under the Government of this Board; You humbly crave a Reversionary Lease of said Lands, if proper, or otherwise that We will please to order you to be Minuted as Tenant to said Lands and Fractions, at Three Shillings and six pence per Acre, being as you conceive, one Acre with another, the most they are worth, considering the great difficulty that will attend the finding out and fixing the Meares and Bounds of said Fractions, being interspersed in much larger Numbers of Acres in the said Denominations, the Property of several Persons of considerable Fortune and Interest in the County of Galway, where the said Lands doth all lye.

The Board are of opinion that you are the first Discoverer to them of the several parcels of Lands forfeited to the Crown by the Attainder of Sir William Hurly in 1688, and which lye scattered in the County of Galway amongst other Properties, and which are now in jointure to Lady Hurly for her Life, and that you are intitled to such part of the said forfeited Interests as the Commissioners can allow; and think fit to direct you to inform yourself fully of the said Lands, and Bounds thereof, and on the death of the said Lady Hurly enter into possession of the same for His Majesty, and give Notice thereof to the Board, who thereupon will make such further Order as they shall see proper.

By Order of the Commissioners.
Rob.^t Allen.

To the Right Honourable and Honourable the Chief Commissioners and
Governors of His Majesty's Revenue.

The Memorial of John Carr Esq.^r late Coll.^t of Loughrea

Sheweth

That your Memorialist was in the Year 1715 Removed from

Strabane

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Strabane to Loughrea District, where was handed over to him by the former Collector Arrears of Quit, Crown and Composition Rents, amounting to the sum of £3366.8.5½, and the Bulk thereof standing out since the Revolution in 1688, which he reduced to £1127, and of that sum double Charges above £900, as may appear by the Clerk of the Quit Rents Certificate.

That your Memorialist over and above discovering and bringing to Charge several Lands concealed chargeable with Quit Rent, with the Arrears thereon, since the said Revolution which he levied and Accounted for—He did also on or before the year 1724 receive Informations that there were in the said District 1232 Acres of Lands by Straffords Survey, concealed and forfeited by the Attainder of Sir William Hurley Bar. in 1688, on which your Memorialist made a diligent Inquiry as to the several denominations of Lands so forfeited and by whom possessed as Tenants under Lady Hurley (Widow of the said Sir William Hurley) who was Intitled to Enjoy the said Lands during her Life Only; And at same time used his best Endeavours to find out the Meas and Bounds thereof, in regard the greatest number of them are small Fractions interspersed with other Lands part of the same denominations, the property of other persons; As also received Information of several large Woods being cut down standing and growing on part of the premises, since the said Attainder.

That your Memorialist had Recourse to the Chief Remembrancer's Office, and obtained an Attested Copy of the Inquisition taken of the said Attainder at Galway in the year 1696, and also procured the Survey of part of the said Lands.

That in the year 1729 your Memorialist by Memorial Represented to this Honourable Board his proceedings therein, as also to the then Attorney General, and at same time prayed to be admitted as the first Protestant Discoverer of the said Forfeiture; and which was accordingly ordered.

That in July 1731 your Memorialist preferred another Memorial setting forth the former, and praying a Lease of said Lands to commence on the Death of the said Lady Hurley, but the then Honourable

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Board thought such application too early, Lady Hurly being then living, & by their Letter dated the 30th July 1731, ready to be produced, declared their opinion that your Memorialist was the first discoverer, and that he was intitled to such part of the said forfeited Interests as they could allow.

That the said Lady Hurly died in August 1741, yet notwithstanding His Majesty is not yet in the actual possession of the said forfeited Lands, or received any Rent thereout, nor even the Quit Rent of the said Lands, altho' constantly paid before her death, or has your Memorialist received the benefit of any part thereof, altho' since the year 1724, he is at least £50 out of pocket on Account of said Service.

That said Lands since the demise of the said Lady Hurly are held and enjoyed by Papists excepting one of the Tenants, contrary to the Statute of the 11th and 12th of King William the 3^d. Sect 85, and by the said Statute it appears that the Discoverer is intitled to one fourth part of any Real Estate discovered after the Year 1700, and to 5th out of every 20th of any personal Estate.

That one Robert Ridge a Papist, or person Professing the Popish Religion, in Easter Term 1728 as administrator de bonis non of Thomas Burke, exhibited his Bill in the Chancery side of the Court of Cachequet in Ireland against the said Lady Hurly, His Majesty's then Attorney General, and others, thereby setting forth that the said Estate was vested in His Majesty for the use of the Publick, after the decease of the said Lady Hurly.

And that the said Thomas claimed the Sum of £150 before the Trustees of Irish forfeitures, which was charged by Sir Maurice Hurly Father of the said Sir William on the said Estate, and that Claim was allowed; and that there appeared due to the said Thomas on that account the Sum of £204, to which the said Thomas was decreed by the said Trustees, and that from the year 1694 the said Lady Hurly was to pay the Interest.

That on Saturday the 10th of July 1730, It was decreed by the said Court of Cachequet that the said Estate should stand charged with

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The said Sum of £204. and Interest since the year 1694, and that said Lady Hurly should account with said Ridge for said Interest since the said Year 1694 at the rate of 10 £ per Cent by the Year; and on the 31st January and 1st of February 1732, the Cause was on the said Lady Hurly's Petition Reheard and the former Decree Affirmed, except that the Interest at 10 £ per Cent should abate from the time it was Reduced.

That the Chief Remembrancer made his Report that there was due for Principal and Interest of the said £204 since the Year 1694, to the 8 February 1734 £878.14.5, and on the 26th of May 1737 the said Ridge was decreed to the said Sum of £878.14.5 with Interest from the Confirming the Report chargeable on the said Estate, and that said Lady Hurly should pay such Interest as Incurred in her time.

That your Memorialist has undoubted reason to believe that the said Ridge, Lady Hurly, and the other popish possessors of said Lands, caused the said Bill to be filed to prevent the Crown and the Discoverer from getting any immediate benefit by the said Forfeiture, because they well knew that the said Forfeiture (which lay concealed) had been enquired after and discovered by your Memorialist, for the following reasons, to wit.

First because it appears by the said Decree that the Interest of the said £204 was not paid from the year 1694 to the year 1737, yet there were no Steps taken for the recovery thereof till the year 1728.

Secondly it appears that the suit for the Recovery of said principal and Interest continued from Easter Term 1728, to the 26th of May 1737, in which the said Ridge manifestly appears to be willfully dilatory, for the Cause on the 10th of July 1730 appears to be first heard, and on the 31st of January and 1st of February 1732, was Reheard; and as no other proceedings, except Rehearing, appear to have been had from July 1730 to February 1732 (in which time the Account might have been made up and a final Decree upon the Merits) it's notorious that said Ridge willfully lay bye, and your Memorialist is informed that the said Defendants could not be Intitled to a Rehearing after so great a delay, without the

said

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said Ridge's own consent.

That the said Ridge in his said Bill used his Endeavours to continue the said Forfeiture a concealment, by charging in his said Bill That the said Estate was vested in His Majesty for the use of the Publick, after the decease of the said Lady Hurly.

That if the Honourable Board will permit your Memorialist to bring the several Possessors of the said Lands to an account for the profits thereof, he doubts not to be able to make it appear that the said Ridge, with an Intent to give the said popish possessors a Sanction for continuing in the possession of the said Estate; never received one Shilling of the said Interest Money from the said Lady Hurly (as he ought to have done pursuant to the said Decree) but hath received the same from the said Possessors as the profits of the said Estate.

May it therefore please your Honours to admit your Memorialist as the first Protestant Discoverer of the said Forfeiture pursuant to the said Letter of this Honourable Board, and give him a Lease as usually granted to commence from the death of the said Lady Hurly; as also to permit him to bring the several Possessors of the said Lands, claiming under the said Decree, and all others, to an account for the Profits thereof, as well for his Majesty as your Memorialist.

And your Memorialist will pray.

John Carr.

John Carr Esq^r late Collector of Loughrea came before me and made Oath and Deposition that in the Month of May 1715 he was Removed and entered into the Charge of the District of Loughrea; and saith that between which time and the year 1724 he discovered a Forfeiture of 1232 Acres of Land, and all of them lying in the said District, by the Attainder of Sir William Hurly Bar^t in 1688, and

untill

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untill that time concealed — and saith that since the year 1703, when the power of the Trustees for sale of the Irish Forfeitures determined, the Honourable Board of Commissioners of His Majesty's Revenue of Ireland did grant several Leases of parcels of Lands forfeited and concealed, and not sold and disposed of by the said Trustees, and which will more clearly appear by the said Leases, and as Deponent believes in the Custody of the Solicitors of His Majesty's Revenue; and further saith that on or about the year 1731 Deponent did by order of this Honourable Board, perfect a Lease to a Gentleman of the County of Roscommon of 41 Acres called Boughill parcel, lying in the County of Galway, and allowed him one fourth part of the Rent as Discoverer, and accounted for the three fourths untill November 1734 inclusive.

John Carr.

Sworn before me the 3 day of July 1752.

Delivered in at the Board
the 3 day of July 1752.

Geo Ribton.

Copy of a Letter from John Carr Esq^r to Gorges Edm^d Howard Esq^r.

November 22. 1753.

Sir.

Since my Residence in my present habitation, which has been since the beginning of last July, I have been (not daily only, but hourly) engaged in the Service of the Crown and publick, and frequently on the mornings of Sundays, by which I have been prevented from attending and prosecuting my Own personal Interest, as also that so very considerable and valueable on behalf of the Crown, as may appear by the Inclosed Abstract, which at the Castle is thought to be of great consequence. — I have had the labouring Oar to bring them to light; it's the province of other persons to put them in Execution. — I am advised and directed by two or three friends to remind you of the Memorial which the 3 of July 1752 I sent into your Honourable Board of Commissioners — relative to my legal Right to one fourth of Starly's Forfeiture, and the Copy of the Commissioners Letter to me dated the 30th July 1731, wherein that Right

is

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is allowed, notwithstanding your Opinion to the contrary; but that from good Opinions I shall not agree or submit to, but will, and that immediately, apply to Superior Authority. — I shall only add that this Forfeiture would never have come to the knowledge of the Board of Commissioners, if I had accepted the Offer made me to conceal it — which I not only Rejected, but am for several years past, to wit before 1735 £50 at least out of Pocket in and on Account of the said Forfeiture. — I hope Sir this Term, Earl of Antrim's Lands, the plough Acres, and other Lands, standing out in Arrears to the Crown will be placed in charge; and am —

NB: The said John Carr
died the 24th Nov^r which was two
days after writing the above Letter.

Sir
Yours &c
John Carr.

To the Right Honourable and Honourable the Chief Commissioners and
Governors of His Majesty's Revenue in Ireland.

The Memorial of Robert Mainwright.

Sheweth

That Sir William Hurly of Doone in the County of Galway Bart, was seized of a considerable Estate in Lands in the said County, & having been attainted on Account of the Rebellion in 1688, such his Estate became vested in the Trustees of Irish Forfeitures, according to the Acts of Parliament for such purposes made.

That Lady Hurly, Widow of Sir William Hurly, was intitled to an Estate for her Life in said Lands, and having accordingly put in her Claim such Claim was allowed.

That the said Lands were subject also to an Incumbrance or Charge of £150, principal money, and the same having been claimed before the said Trustees such claim was allowed.

That John Carr Esq^r since deceased, was in or about the year 1715 appointed Collector of Loughrea District, and having come to the
knowledge

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knowledge of the said Sir William Hurly's Forfeiture of his Estate in said Lands, discovered to the Right Honourable and Honourable the Commissioners of His Majesty's revenue in Ireland the said Forfeiture, and the several parcels of Lands forfeited, and which lie scattered in the said County of Galway amongst other Properties.

That the said John Carr was accordingly entered and minuted as the first Protestant Discoverer of the said Forfeiture, according to the usual form and manner of proceeding in such Cases.

That by the Act of the 11th and 12th of William 3rd the Discoverer of any such forfeited Lands is intitled to such proportion, not exceeding one fourth of the Value, out of the Lands discovered, as the Trustees should think fit.

That since the Act of the first Anne sect 2nd ch: 21. the Commissioners of the Revenue, having no power to sell any forfeited Estate, have always used to reward the Discoverer of such Forfeited Lands by appointing him Tenant of the same, at a yearly rent of three fourths of the real value.

That agreeable to such practice the Right Honourable and Honourable the Board of Commissioners was pleased to direct the said John Carr to inform himself fully of said Lands, and bounds thereof, and on the death of the said Lady Hurly to enter into the Possession of the same for His Majesty, and to give notice thereof to the Board, as by a Letter written by Order of the Commissioners bearing date July 30. 1731, and signed Robert Allen may appear.

That the said Lady Hurly sometime in or about the year 1741 departed this Life.

That in or about the month of November in the year 1753 the said John Carr departed this Life, without issue and intestate; And your Memorialist is intitled to the same Right the said John Carr had, being his principal Creditor and Assignee of his next of kin and Administratrix.

That the said John Carr during his lifetime, and his Representatives since his death, have been prevented from receiving any advantage of his said Discovery, by unjust pretences that the said Incumbrance was not
satisfied.

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satisfied, and by other groundless suggestions.

That by a return made by the said John Carr during his lifetime to this Honourable Board it appears the forfeited Lands so discovered by him contain 1232 acres profitable Lands.

That your Memorialist is informed the yearly value of the said Lands at the death of the said Lady Hurly in August 1741 was £190, and no more; and that the yearly value of the same the 30th of July 1731 was £215.12^s, and no more.

May it therefore please your Honours to take the Premises into Consideration and appoint your ~~the~~ Memorialist, as Representative of the said John Carr, Tenant of the said Lands in the usual manner; or to make such Orders and give such Relief as your Honours shall think proper.

Robert Wainwright.

6th May 1762.

To the Right Honourable and Honourable the Chief Commissioners and ~~the~~ Governors of His Majesty's Revenue of Ireland.

The Memorial of Robert Wainwright ~~the~~ ~~the~~ ~~the~~ Representative of John Carr Esq^r deceased.

Humblly Sheweth.

That your Memorialist presented his Petition to this Honourable Board the 6th May 1762, praying, as the Representative of John Carr Esq^r to be admitted Tenant as usual, to the Lands forfeited to the Crown, by the Attainder of Sir William Hurly in the Rebellion 1688, which was discovered by said Carr when Collector of Loughrea District.

That said Collector Carr presented his Information by Memorial to the Honourable Board of Commissioners, and to the then Attorney General Thomas Marlay Esq^r 1729, to which he annexed all the Denominations and fractions of Lands, as taken from the Inquisition in 1696, and not ~~the~~

disposed

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disposed of by the Trustees, and was accordingly Minuted and Entered as the first protestant Discoverer of said Lands, in the usual manner and form.

That this Honourable Board, as appears by Letter the 30th July 1731, Confirmed said Carr's Right to his proportion of said forfeited Lands, conformable to Statutes, with a promise to grant him all they could allow, which is the Tenancy, according to his petition, as always usually given to the Discoverer at a Moderate Rent, as an Encouragement in Right of His Majesty's Service.

That your Memorialist's said Petition of the 6th of last May, was by Order of this Honourable Board, referred to Georges Edmond Howard Esq^r to make his Report thereon, which Report, your Memorialist is informed he has made.

May it please this Honourable Board to Order a copy of said Mr Howard's Report upon said Memorial, to be delivered to your Memorialist.

And he will always pray.
Robert Wainwright.

2^d July 1762.

Note. The 10th of July, M^r Hamilton deputy Secretary, by verbal Answer, told me the Commissioners would not grant me a Copy of said Report.

Therefore I was advised to petition the Lords of the Treasury for Justice and Redress.

Robert Wainwright.

The Case of Robert Wainwright Representative of John Carr; with the Opinions of Joshua Davis and William Whittingham Esq^r.

That Sir William Hurly Bart was seized of a considerable Estate in Lands, in the County of Galway, and having been attainted on account of the Rebellion in 1688, his Estate became vested in the Trustees of

Irish

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Irish Forfeitures, according to the Acts of Parliament for such purposes made.

That Lady Hurly, Widow of said Sir William, was intitled to an Estate for her Life in said Lands, and having accordingly put in her claim, such claim was allowed.

That said Lands were also subject to an Incumbrance or Charge of £150 principal money, and same having been claimed before said Trustees such claim was allowed.

That John Carr Esq^r, deceased, was in the year 1715 appointed Collector of Loughrea District, and having come to the Knowledge of said Sir William's forfeiture, discovered same to the Honourable Commissioners of His Majesty's Revenue in Ireland.

That said Carr was accordingly entered and Minuted, by Order of the said Commissioners, as the first Discoverer of said Forfeiture, as by a letter written by Order of the said Commissioners, dated 30th July 1731, appears, Signed Robert Allen — See Letter.

1728 Easter — A Bill was filed in the Exchequer by Robert Ridge a Papist, against Lady Hurly, His Majesty's Attorney General, and others, setting forth that said Charge of £150 principal was vested in Ridge and praying an Account, &c.

1729/30 Feb. 13th — His Majesty's Attorney General answered such Bill.

1737. May 27th — A Decree was obtained by Ridge for the sum of £878.14.5. — See Decree.

1741. — Lady Hurly died, and Ridge entered into possession, and held said Lands.

1743. — An Information was filed in the name of the Attorney General against Ridge and others.

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1745. — Ridge Answered.

1745. May 18 — Order to set the Lands from year to year. — See Order.

Several Memorials were from time to time presented by the said John Carr.

A Memorial was presented by James Daly Esq^r & a praying a Lease of said Lands, which being referred by the Commissioners to their Sol^r,^r Gorges Edmond Howard Esq^r, he made up a report. — See a Copy of Report.

1753. — Said Carr died.

1762. — A Memorial was presented by his representative. See a Copy.

That said Carr in his life time, and his said Representative since his death, have not received any Advantage from said Discovery, on pretence that said Incumberance was not satisfied or discharged, and on other pretences.

Quer — Please to give your Opinion, whether the said John Carr is to be considered as the first Discoverer of the said forfeited Lands or not. — See Act 11th and 12th of William 3. and Act 1st 2^d: A. sec: 2. chap: 21. for the benefit of Discoverers.

I have read the Statutes mentioned in this Quer and apprehend that John Carr is to be considered as the first Discoverer of the forfeited Lands mentioned in the State of the Case, according to the Spirit and intention of those Statutes.

Joshua Davis.

I have read the several Papers, &c, referred to, and am of my opinion, that John Carr is to be considered as the first Discoverer of these forfeited Lands.

W^m Whittingham.

Quer

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Quer— And Whether is the Representative of said John Carr, ⁺ intitled to the Reward that said Carr might have expected if living?

I conceive that the Representatives of John Carr are intitled to such Reward as Carr would be intitled to if living, on Account of the ~~+~~ Discoveries made by him of the forfeited Lands.

Joshua Davis.

I am also of opinion, that the Representatives of John Carr are intitled to the Reward that said Carr might have expected, if living.

William Whittingham December: 4: 1762.

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To the Right Honourable the Lords Commissioners of His Majesty's Treasury in Great Britain.

The Memorial of Robert Wainwright.

Humbly Sheweth

That Sir William Hurly of Doone in the County of Galway Part was seized of a considerable Estate in Lands in said County, and having ⁺ been attainted, on Account of the Rebellion in 1688, such his Estate became vested in the Trustees of Irish Forfeitures, according to the Acts of Parliament for such ⁺ purposes made.

That Lady Hurly, Widow of said Sir William, was Intitled to an Estate for her Life in said Lands, and having accordingly put in her claim, such claim was allowed.

That said Lands were Subject also to an Incumbrance or ⁺ Charge of £150 Principal Money, and the same having been claimed before said Trustees, such claim was allowed.

That John Carr Esq^r since deceased, was in the Year 1715, ⁺ Appointed Collector of Loughrea District, and having come to the Knowledge of said Sir William Hurly's Forfeiture of his Estate in said Lands, discovered to the Right Honourable and Honourable the Commissioners of His Majesty's

Revenue

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Revenue of Ireland the said Forfeiture, and the several Parcels of Lands, forfeited, and which lie scattered in the said County of Galway, among other Properties.

That said Carr was accordingly Entered and Minuted as the first Protestant Discoverer of the said Forfeiture, according to the usual form and manner of proceeding in such Cases.

That agreeable to such practice, the Honourable Commis^{rs}, on the 30th of July 1731, caused a Letter to be wrote by their Secretary Rob^t Allen Esq^r to said Collector Carr, whereby they confirmed his right, and promised him all the forfeited Interests they could allow, as by a Copy of said Letter & hereunto annexed may appear.

That by the Act of the 11th and 12th of William 3. the Discoverer of any such forfeited Lands, is intituled to such proportion, not exceeding one fourth of the Value, out of the Lands Discovered, as the Trustees should think fit.

That since the Act of the 1st of 2: Ann^o, Sec 2. Ch: 21, the Commis^{rs} of the Revenue having no power to sell any forfeited Estate, have always used to Reward the Discoverer of such forfeited Lands, by appointing him Tenant of the same, at a yearly Rent of three fourths of the real Value.

That Lady Hurly departed this Life in August 1741.

That in November 1753 the said John Carr departed this Life without Issue, and Intestate; And your Memorialist is Intitled to the same Right the said John Carr had being his principal Creditor, and Assignee of his next of Kin and Administratrix.

That the said John Carr during his lifetime, and your Memorialist since his death, have been prevented from receiving any Advantage of his said Discovery, by unjust pretences that the said Incumbrance was not satisfied, and by other groundless suggestions.

That by a return made by said John Carr in his lifetime to said Honourable Board of Commis^{rs}, it appeared that the forfeited Lands so discovered by him contain 1232 Acres profitable Land.

That said John Carr (as appears by the annexed Letter) in

the

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the year 1731, Offered 3/6 an Acre, one Acre with another, for said Lands, the yearly Value whereof at that Rate would be £215.12.0.

That your Memorialist is informed that soon after the death of said Lady Hurly in 1741, the Commissioners were offered the yearly Rent of £190 for said Lands, at which time His Majesty ought to have been put into possession thereof, as the annexed Letter specifies.

That your Memorialist, in May 1762, presented his Memorial to the Honourable Commissioners praying the Tenancy of said Lands.

That said Memorial was referred to Gorges Edmond Howard Esq. His Majesty's Solicitor for the King's Rents and forfeited Estates in Ireland, for his Report thereon.

That said Mr. Howard accordingly made up his Report, a Copy of which Report your Memorialist applied for on the 2^d of July 1762, and was refused it.

That your Memorialist is advised by Council learned in the Law, that said John Carr is to be considered as the first Discoverer of said forfeited Lands, according to the Spirit and Intention of said Statutes; And that Your Memorialist, as his Representative, is Intitled to such Reward as said Carr would be intitled to if living, on Account of the Discoveries made by him, of said forfeited Lands.

May it therefore please your Lordships to Consider the above Memorial, and to Order that your Memorialist, as Representative of said John Carr, may be put into the possession of the said forfeited Lands, according to Law, and Usage, or make such Order in the Premises, as to your Lordships shall seem most meet for your Memorialist's Relief.

And he will always pray.

Robert Wainwright.

June 1763.

Whitehall

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Whitehall Treasury Chambers the 21 December 1764.

The Right Honourable the Lords Commissioners of His Majesty's Treasury are pleased to refer the aforesaid Memorial to the Comm^{rs} for Managing His Majesty's Revenue in Ireland, who are to Consider the same, and Report to their Lordships a State of the Facts, with their Opinion ^{&c} thereupon.

Thomas Whately.

M^r Wainwright Referred to Commissioners Revenue in Ireland.

Report of the Commissioners of the Revenue in Ireland.

To the Right Honourable the Lords of His Majesty's Treasury.

May it please your Lordships.

In obedience to your Lordships Commands of the 21st day of December last, referring to us the Memorial of Robert Wainwright, claiming as Assignee of John Carr to be intitled to the Reward as Discoverer of certaine Lands in the County of Galway, forfeited by the Attainder of Sir William Hurly on the Rebellion of 1688, and your Lordships directing us to consider the same and Report the Facts with our Opinion thereon.

We beg leave to inclose to your Lordships a Copy of the Report made to us by Gorges Edmond Howard Esq^r our Solicitor for the forfeitures, which as it contains a full State of the whole Case, and the Opinions of Council ^{&c} thereupon we humbly offer, as the best Information we can give your Lordships relative to this Matter.

All which is humbly submitted to your Lordships Consideration by

Your Lordships.

Most obedient and Most humble Servants,

Jⁿ Ponsorby.

J Bourke.

Newtown.

A Treas^r.

4th April 1765.

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To the Right Honourable and Honourable the chief Commissioners & Governours
of His Majesty's Revenue of Ireland.

May it please your Honours

In Obedience to your Honours Orders of the fourteenth of
January last on the Memorial of Robert Wainwright to the Lords of the Treasury,
praying, that he as Representative of John Carr Esq^r may be put into possession
of the forfeited Lands hereafter mentioned according to Law and Usage, &
which hath been referred by them to your Honours, I have perused the same;
also the Inquisition of the Forfeiture of Sir William Hurly; the Claim of Brian
O'Brien Esq^r and Cath: Plant his Wife, before the Trustees of the late Irish
Forfeitures in 1688; and the Decree thereon; the Bill filed by Robert Ridge as
Administrator to one Thomas Burke, and the Decree thereon; and the
Information heretofore filed by His Majesty's Attorney General against the said
Robert Ridge, and the Proceedings thereon; and also the amended Information
lately filed and the proceedings thereon; and find as follows —

I find by the said Inquisition that the said Sir William Hurly
was seized of the several Lands following to wit 48 Acres in two Quarters of
Annaghbeg; one Acre of Lanaghton; seven Cartrons of Land in Lisdollennan,
containing 26 Acres, 22 Acres in one Cartron of Land in Garry Parte; 43 Acres in
one Cartron of Carrowna Cantully; one Cartron of Trust containing 122 Acres;
Two Quarters of Cooleronagh, and Coolagh otherwise Doone, containing 408 Acres; one
Acre of Land of Erichlagh heighter containing 100 Acres; and of 16 Acres of Land
in a parcell of bog belonging to Glenbeggin, which said Lands are situate in the
Baroney of Kilconnel, and County of Galway; and of five Acres of Land in
Shanballyline otherwise Carronove; one Acre in the Half Quarter of Land of
Lecanromunterdony; one Acre in the three fourth of a Cartron in Moorish; five Acres
of Land in Clonbuckney; In Ballyglap 18 Acres; and 15 Acres of Breggamullay and
in 23 Acres of Land in Gortneconnan and Ballinooker; 1 Acre of Land in Cartronhan;
3 Acres of Land of Clonerevon situate in the Baroney of Hilligan and County of
Galway; and of 25 Acres of Land in a Quarter of Land of Coolack; and of 77 Acres of
Land in two Cartrons of Hlneacappoy and Shawlenvany; and in 73 Acres in a Cartron

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of Land in Corduffe; and of 2 Acres of Land in two Quarters of Gawagh otherwise +
 Garrah; and of 6 Acres in half a Quarter of Hilliacresagh; and of and in 66 Acres +
 in a Cartton of Land of Kilmericard; of 2 Acres of Land in two Cartton and an +
 half of Hillcolmagh; and of a parcel of Land containing 15 Acres in Brouserower;
 and of 27 Acres of Land in a Quarter of Clonfaghagh; and of 11 Acres in two
 Quarters of Caldtraghmihil, and of and in 8 Acres in Lunnagh scipate in the
 Baroney of Ballymoe, and County of Galway aforesaid.

And I find that the said Sir William Hurly was Attainted
 on Account of the Rebellion in this Kingdom in the year 1688, whereby the
 said Lands became forfeited to the Crown.

And I find that the said forfeited Lands were at the +
 Time of the said Attainder Subject to an Incumbrance charg'd on the same
 by the Will of Sir Maurice Hurly, Father of the said Sir William, pursuant
 to a power for that purpose reserved to him by a certain Deed of Settlement
 made on the Marriage of the said Sir William Hurly with the said Cath:
 Blunt; and that Thomas Butke and Lettice his Wife (which said Lettice was
 Daughter of the said Maurice) being intitled to £150 part of the said + + +
 Incumbrance under the said Will and Settlement claimed the same before
 the said Trustees, which was allowed; and the said Thomas Butke decreed
 to the sum of £204 which then appeared to be due thereon.

And I find that said Lands being in jointure to the said
 Lady Cathi, which jointure was secured to her by the said Trustees on the said
 Claim, and a solemn hearing thereon, Robert Bridge in whome the said £204 +
 became vested as Administrator of the said Thomas Butke, in Trust for himself +
 and others, filed a Bill in ^{Court of Exchequer} against the said Catherine Lady Hurly, His Majesty's
 then Attorney General, and others, for the recovery thereof; and that after several Proceedings were had +
 therein, a final Decree was obtained thereon on or about the 26th May 1737 for the
 sum of £870.14.5, with Interest from the Time of confirming the Officer's Report,
 with Costs of Suite and it was ordered, that such Intrest as incurred in Lady
 Hurly's Time; and such Intrest as should grow due during her Life, should
 be paid by her; and it was further Ordered and Decreed that such part of
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of the Principal and Interest, that should grow due and should not be paid during the Life of the said Lady Hurly should remain a Charge upon the said Lands.

And I am to acquaint your Honours, that during the said Lady Hurly's Life His Majesty was not intitled to the said Lands; and she having died some years agoe the said Robert Ridge the Incumberancer after her death entered into the Possession of the said Lands, and received the Rents thereof towards discharging his said Incumbrance; but it having been apprehended that the said Ridge would, by underselling the Lands and other practices, endeavour to keep the Possession of the same longer than was necessary for the discharge of his Incumbrance, an English Information was exhibited in the Name of the then Attorney General against the said Ridge, and others, and against the Tenants of the said Lands, for General relief, and for a Discovery of the Persons Interested in the Money Decreed to him as aforesaid; and of the Tenants of the said Lands, and the Rents by them payable; and to have a full Account of the value of the Premises, and application of the Rents, and that the same might be duly applied and Accounted for in discharge of the said Demand; and that the Surplus might be applied to the Use of His Majesty, and His Majesty let into the Possession of the said Lands.

Which Information the said Ridge on or about the 11th Novem^r. 1745 answered; and it appeared by his answer, that he was as to part of the said Demand a Trustee only for one M^r. Hugo in the Queen of Hungary's Service; whereupon the said M^r. Hugo applied to the Court of Exchequer by his Council and Attorney to have the Lands set by the Officer of the Court, from Year to Year, untill his Share of the said Sums so decreed was discharged; which was accordingly done by Order dated 18th May 1745 for one year from the 1st May 1746, at the Rents of £176^l. 8^s. 0 for such of them as were set; and it being thought expensive to the parties to renew the said Order Annually, the said Lands have, as I am informed, continued at the same Rent without being set againe untill the Year 1754 when such of them as there were Bidders for were set for £259^l. 15^s. 0 a Year.

And I am to acquaint your Honours, that the said Information has

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has been amended in several Particulars on the 6th of November 1762, by affixing a new Ingrossment, and several of the Defendants have answered the same; but one of the Defendants hath since died, and his Representatives have been Parties but they have not yet answered, And the said Lands were set up to Grant by the Chief Remembrancer in April 1768, and such of them as were set the Rents thereof amounted to £235 a Year.

And I am humbly to acquaint your Honours, that it appears from an Entry in the Minute Book in your Secretary's Office dated the 27th of January 1729 that John Carr Esq^r then the Collector of the District of Loughrea preferred a Petition to the Honourable Board of Commissioners setting forth the forfeiture of the said Sir William Hurly, and praying to be considered as the first protestant Discoverer thereof, which Entry is in the following Words, to Wit, "The Petition of M^r Carr Collector of Loughrea, being a Discovery of a forfeited Estate of Sir William Hurly in the County of Galway; refer it to M^r Allen with Order to take the proper Course therein, and in the mean Time ordered that M^r Carr be entered as the first Discoverer."

And afterwards in the year 1731 the said Carr preferred another Memorial, praying a Lease of the said Lands to commence from the death of Lady Hurly.

And I am also to inform your Honours, that on the 30th July 1731 the then Commissioners of His Majesty's Revenue caused a Letter to be written by their then Secretary Robert Allen Esq^r in which, among other things, are the following Words "The Board are of Opinion, that you are the first Discoverer to them of the several Parcels of Lands forfeited to the Crown by the Attainder of Sir William Hurly in the year 1688, which lie scattered in the County of Galway amongst other Properties, and which are in jointure to Lady Hurly for her Life; and that you are intitled to such part of the said forfeited Interests as the Commissioners can allow; and think fit to direct you to inform yourself fully of the said Lands and Bounds thereof, and on the death of the said Lady Hurly enter into possession of the same for His Majesty, and to give Notice thereof to the Board, who thereupon will make such further Order as they shall see proper."

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As for the Right which M^r Carr claimed, and which the Memorialist now claims under the said Letter, I am humbly to acquaint your Honours, that it appears by the said Entry in a Minute in your said Secretary's Office dated the 27 January 1729, that the first Discovery, which the said Carr alleges that he had made was at that time by Petition to your Honours, whereas the before mentioned Bill by Robert Ridge to which the Attorney General was a Party, and in which the whole Right of the Crown to these Lands is fully set forth, was filed in Easter Term 1728, more than a year earlier than M^r Carr's earliest application, which Bill was answered by His Majesty's then Attorney General on 13th Feb. 1729, who therein fully insisted upon the King's Title under the said Forfeiture.

And I am likewise to acquaint your Honours, that James Daly of Carronekelly in the said County of Galway Esq^r having applied to your Honours in the year 1752 for a Lease of the said Lands, a Case was thereupon laid before His Majesty's chief Counsel, as well on the said Carr's Right to the Reward he claimed as Discoverer of the said Lands, as on the propriety of making a Lease of the said Lands to the said James Daly, and the said Counsel were unanimously of Opinion, for the Reasons herein before mentioned, that the said Carr could not be considered a Discoverer of the said Lands, so as to entitle him to any Share or proportion thereof.

Which is humbly submitted
Gorges Edm^d Howard.

March 27th 1765.

Copy of a Treasury Minute 22nd April 1765.
Whitehall Treasury Chambers.

- Present.
M^r Grenville.
Lord North.
M^r Hunter.

Read Report of the Commissioners of the Revenue of Ireland on the Memorial of M^r Wainwright claiming a Title to certain forfeited Lands belonging

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to the Hurly Family as being Assignees of M^r Carr, the first Discoverer thereof; upon which the said Commissioners Report, that a Letter was written in 1731 by order of the then Commissioners of the Revenue, acknowledging M^r Carr to be the first Discoverer, but this appears to be a Mistake, an Information being filed on the Discovery of M^r Ridge, for the Establishment of the Title of the Crown to the said Lands before M^r Carr applied to the said Commissioners.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury, &c.
The Memorial of Robert Wainwright.

Sheweth

That he preferred to the late Lords Commissioners of the Treasury his Memorial setting forth his Claim as Representative of the late John Carr Esq^r first Protestant Discoverer of certain Lands forfeited in the Rebellion of 1688 in the Kingdom of Ireland, which their Lordships were pleased to refer to the Com^{rs} for managing His Majesty's Revenue in that Kingdom to consider it, and Report to their Lordships a State of the Facts, with their Opinion thereupon.

That said Commissioners referred said Memorial to their Solicitor for the Forfeitures to report unto them his Opinion thereon, which was accordingly done, and a Copy thereof transmitted to said Lords Commissioners; and in some time after the receipt thereof Memorialist obtained a Copy thereof, which not answering the Facts according to said Lords Commissioners Order of Reference, but made up of, and containing, manifest Insufficiencies, Incertainties and wrong & stated Facts, to all which Memorialist objects in right and vindication of himself. And in order to prove and support the same, has been obliged to make use of, and have recourse to many papers, Documents, and Records (some of which brought from a long distance) which, and the difficulty in reducing and bringing the whole into due form and order, took such Time, that it could not be accomplished untill the said Lords Commissioners were on the point of being removed, and as said Objections by way of Memorial has been addressed to said Lords Com^{rs} — and is hereunto annexed —

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said Memorial said Howard bundled up a Report containing prolixities & insufficiencies, incertainties, and wrong-stated Facts, with an Opinion founded thereupon, which your Memorialist does not doubt, but from authentic & Coidences to prove to your Lordships; And concludes said Report "And I am likewise to acquaint your Honours, That James Daly of Carronekelly in the said County of Galway Esq. having applied to your Honours in the year 1752 for a Lease of said Lands, A Case was thereupon laid before His Majesty's chief Counsel, as well on said Carr's, Right to the Reward claimed as Discoverer of said Lands, as on the Propriety of making a Lease of the said Lands to the said James Daly, and the Counsel were unanimously of Opinion, for the Reasons herein before mentioned, That the said Carr could not be considered as Discoverer of said Lands, so as to intitle him to any Share or proportion thereof; All which is humbly submitted.

That your Memorialist humbly sets forth unto your Lordships that the aforesaid Memorial preferred to said Commissioners in 1752 by James Daly Esq. praying a Lease of the forfeited Lands of Sir William Murray at the yearly Rent of £190 was referred to the said Gorges Esq. Howard to report his Opinion thereon to their Honours; which was accordingly done; as may appear by a Copy thereof in Memorialist's Custody, which said Report contains many Matters and Things not mentioned or taken Notice of in aforesaid Report to your Lordships, tho' highly necessary; And in order the more plain, and fully to shew unto your Lordships the insufficiencies, imperfections, and wrong-stated Facts contained in said Report to your Lordships, and the inconsistencies & contradictions between said two Reports, That Memorialist has been obliged, in aid thereto, to have recourse to said Report on Daly's Memorial, the Pleadings in the Cause, and Proceedings of Court, and to make the due References accordingly, and that the necessity of using Repetitions to render the points in Question the more obvious and clear, is the cause of spinning this to such a length; From all which and other material Circumstances, your Memorialist hopes to shew and prove to your Lordships, That the said Carr was first Discoverer of said forfeited Lands set forth in said Report to your Lordships; and that he was accordingly intitled to the Reward as set forth by Acts of the 11th and 12th of William the third King of England.

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That in or about the year 1724 it came to the said Carr's knowledge, that there were several Parcels of Lands, that lay concealed in the County of Galway and Kingdom of Ireland, and not disposed of by the Trustees for the forfeited Lands, and forfeited by the Attainder of Sir William Hurly in the Rebellion in that Kingdom in 1688, which as soon as he collected and gathered together, and fully informed himself of, from the Patent of Sir Maurice Hurly (father of the said Sir William) and the Inquisition taken at Galway 1696, he discovered the same to the Right Honourable and Honourable the Board of Commissioners for the management of His Majesty's Revenue there, in whom were the Management of the Forfeitures, from the Determination of the Trustee Act, as by the Act of the 1st and 2nd Queen Ann.

That in the Year 1729 said Carr by his Memorial to said Commissioners prayed in Consideration of said Discovery, that he might be minuted down and entered as the first Protestant Discoverer of said forfeited Lands, which was accordingly done, and so minuted down by Order of said Commissioners.

That said Carr in 1731 preferred another Memorial to said Board of Commissioners setting forth said Memorial of 1729, and his being minuted down as aforesaid, and praying as the first Protestant Discoverer of the several Lands in the Patent of Sir Maurice Hurly Bart the Forfeiture of Sir Will^m his Son, and not disposed of by the Trustees, being by Marriage Settlement dated in June 1682, and by Inquisition taken at Galway the 5 December 1696 as appears by Record in the first Remembrancer's Office, settled on Lady Hurly, Widow and Relict of said Sir William during her Life, and after her Decease to be vested in the Crown, which said Lands taken from the Inquisition or Record were thereto annexed: Therefore humbly hoped, as entered and minuted down as the first Protestant Discoverer of said Forfeiture, that he would be intitled to the fourth part of said Lands, on the Demise of said Lady Hurly, who was then of great age; and that as the Forfeiture of said Lands, after said Demise, is to be under the Government of said Board, humbly craved a reversionary Lease of said Lands, if proper; or otherwise, that said Commissioners would be pleased to Order him to be minuted as Tenant to said Lands, and Fractions, at 3/6 per Acre, being as he conceived one Acre with another the most they were worth, considering the great Difficulty that

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would attend the finding out and fixing the Meas and Bounds of said Tractions, & being interspersed in much larger Number of Acres in the said Denominations the Properties of several Persons of considerable Fortunes and Interests in the County of Galway, where said Lands do all lye; That in consequence thereof, the said Comm^{rs} caused a Letter to be written to said Carr by their then Secretary Robert Allen Esq^r of the 30th July 1731 which, after reciting said Memorial or such part as necessary, concludes as followeth, as by said Letter may appear, The Board are of opinion, that you are the first Discoverer to them of the several Parcels of Lands forfeited to the Crown by the attainder of Sir William Harly in 1688, which lye scattered in the County of Galway amongst other Properties, and which are now in jointure to Lady Harly for Life; And you are intitled to such part of said forfeited Interests as the Commissioners can allow; and think fit to direct you, to inform yourself fully of the said Lands and Bounds thereof, And on the death of Lady Harly enter into possession of the same for His Majesty; and give notice thereof to the Board, who thereupon will make such further Order as they shall see proper.

That the said Carr according to said Commissioners Directions proceeded on the Enquiry to find out the Meas and Bounds of said Lands, and had Surveys made, and was at above £50 Expences on the same without any Compensation made him; the Commissioners by whose Order he was minuted down and confirmed being either dead or removed from said Board before Lady Harly's demise.

That the Commissioners who presided at said Board when aforesaid Letter was caused to be wrote, and said Carr confirmed and allowed the first Protestant Discoverer were men of as known great Abilities as have governed there, Men known for their Qualifications both in England and Ireland, as was the usage of those Time to mix Persons of both Kingdoms, in the Direction and Management of that Board. Men all or most of them well acquainted with the Revolution, and the several Acts made and binding thereon, and nothing appearing to them of any other Discovery of said Forfeiture; but said Carr's, yet 'twas with caution and great deliberation (as appears by their Proceedings) before they unanimously allowed him to be the first Discoverer of said Harly's Forfeiture, as by said Letter, and intitled to the Reward as by the aforesaid Act of the 11th and 12th of King William the 3^d.

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That it does not appear, that the said Trustees knew of or were acquainted with said Lands, for if they had, they would have made such Disposition as directed by the Act of the 1st and 2nd Queen Ann That within 40⁺ days after the Determination of the said Trustee Act (which was the 24th June 1703) the said Trustees or the Survivors or major part of them shall deliver over to the Commissioners by Indenture to be enrolled in the Exchequer such Lands as were vested in them to be sold and not sold with all Deeds Papers &c.: relating to the Premises, if any such Disposition had been made, must be known to the Commissioners and on Record.

That said forfeited Lands were under jointure to Lady & Hurly Widow and Relict of Sir William Hurly the forfeiting Person during her Life.

That one Robert Ridge a Papist having an Incumbrance & affecting said Lands which lay bye and unnoticed from 1694 to 1728, thirty & four years, and Carr's Discovery coming to his knowledge, and fearing that such a length of time might prejudice his Claim on said Lands, In Easter Term 1728 filed his Bill in the side of the Exchequer, where His Majesty's Debtors and Farmers do for the Recovery of their Rights against said Lady Hurly, His Majesty's Attorney General, and others, and set forth the Right of the Crown & after the Demise of said Lady Hurly, to said Lands (being Matter of Course) & said Ridge well knew being a Popish Solicitor, and that his Bill otherwise & might prove ineffectual; and said Attorney General answered said Bill 13th Feb. 1729 (which was sometime after said Carr's being minuted down as aforesaid) & and said he was a Stranger to the several Matters and things in the said Bill set forth, but referred thereto, and submitted to such Judgement and Decree as the Court would make in the Premises, and insisted on His Majesty's Title to the Inheritance, being all Matter of Course in answer to Ridge's Bill. And 'tis to be observed, that there are but part of the Lands set forth by said Carr's Discovery comprized, and mentioned in said Bill. That after several Proceedings and Hearings therein a final Decree was obtained on or about the 26th of May 1737 for the Sum of £ 878. 14. 5, with Interest from the time of confirming the Officers Report, with Costs of Suit; and it was Ordered, that such Interest as incurred in Lady &

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Sturly's time, and such Interest as should grow due during her Life, should be paid by her; and it was further Ordered and Decreed, that such part of the Principal and Interest, that should grow due and should not be paid during the Life of the said Lady Sturly should remain a Charge upon the said Lands comprised in said Bill and Decree, as by Copy said Decree may appear.

That said Lady Sturly died in or about the year 1741, when His Majesty should have entered into Possession of said forfeited Lands, or at least of such of them as were discovered by said Carr and not comprised in said Bill, the proceedings therein, or Decree; But on said Demise the Incumbrancer entered into the Possession, and so remained untill May 1745, as by Report to your Lordships; but by Report on Dalry's Memorial as aforesaid in 1752 said Howard sets forth to the Commissioners aforesaid as followeth fo: 5. — Besides, I should imagine that the said Incumbrance must have been long since paid off by the Perception of the Issues and Profits of the said Lands; for it appears, that they were set 1745 pursuant to the Order of Court at the Rent of £76.8 and the Incumbrancer has been in Possession since the year 1737. And fo: 2 of said Report he further sets forth to their Honours, that an English Information was exhibited in the Attorney General's Name against the said Ridge & others for General Relief, and for a Discovery of the Persons interested in the Money decreed to him as aforesaid, the Tenants of said Lands, and the Rents by them payable; and to have a full Account of the value of the Premises, and Application of the Rents, and that the surplus might be applied to the use of His Majesty, and His Majesty put into the Possession of the said Lands, The Lands in Bill only set forth and mentioned in said Information filed 4th Feb. 1743.

That said Ridge stood out the Proceps of Contempt to a Writ of Rebellion before he answered, which was about 11th November 1745.

That your Memorialist further shews, that it does not appear that any such Account was entered into by said Reports, nor in anywise set forth what Sum was paid towards the Discharge of said Principal and Interest in Lady Sturly's Lifetime, nor what was made of said Lands from the time of her Decease to May 1745, which was four years, Being in the Possession of said Ridge the Incumbrancer.

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That your Memorialist further shews into your Lordships that from the Things Matters and Facts herein before mentioned, and hereafter set forth, he is advised and believes said Carr had an indubitable Right to the Reward & allowed by the Act of the 11th and 12th of William the 3rd to Protestant Discoverers of all such forfeited Lands, which was one fourth part; And that Memorialist, as his representative, is equally intitled thereto; and that after the Discharge of said Incumbrance he has a Right to the one fourth of the Issues and Profits of said forfeited Lands; Therefore humbly represents to your Lordships, that Lady Hurly died in 1741, and by said Decree it was ordered that such Interest as incurred in her time, and should grow due during her lifetime should be paid by her.

That said Lady Hurly and the Incumbrancer were in possession of said Lands in Decree from 1737 to first of May 1745 viz: eight years, and that for Lady Hurly's time the Incumbrancer is to account for what he received or might have received or made from said Lands without willfull neglect or Combination, and for the four years while in his own hands, or Possession, that he was to Account for the full Issues and Profits of said Lands.

That in 1745 upon application to said Court of Exchequer by one M^r. M^c. Hugo, who was interested in said Incumbrance, to have the said Lands set from year to year by the officers of the Court untill his share of said Sum so decreed was discharged, it was accordingly so done, by Order dated the 18th May 1745, for one year from the first May 1745 at the rent of £176.8 and remained at such rent until the year 1755, viz: Ten years.

That Memorialist further sets forth, that said yearly Rent of £176.8 for said Ten years would have discharged said Incumbrance of £878.14.5 the Interest and Costs of Suit, if duly collected and applied over and above the eight years in Lady Hurly's and Incumbrancer's hands.

That your Memorialist further shews, that by the proceedings in this Cause it appears, that a Consent was entered into by the Attorneys on both sides dated 3rd of May 1754, that the several Lands in the Pleadings in that Cause mentioned should be set by the chief Remembrancer, or his Deputy, by publick cont to the best and highest bidder, for one year from the first May which should be in the year 1755,

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And that on reading said consent it was ordered by the Court, that the same be received and made the Order of this Court as desired; as may more fully appear by the copy of said Consent in Memorialist Custody.

That according to said Consent, and Order thereon, an Advertisement was posted in Faulkener's Dublin Journal (one of which is ready to be produced) as followeth Whereas by an Order made in this Cause the 3^d day of May instant I am required to set by publick List, the several Lands in the Pleadings in this Cause mentioned; for one year from the first Day of May next, I do hereby give Notice, that in pursuance to said Order, ^{will} on Monday the 27th of May instant at the hour of eleven of the Clock in the forenoon at my Office in Henneds Lane Dublin set the said Lands to the best and highest Bidder dated the 4th day of May 1754. Palmerston.

and at the foot

A Rentroll of the several Lands to be set pursuant to the said Order in the County of Galway wherein are posted the whole Lands, and Denominations of Lands, discovered by said Cart (viz) the Lands not mentioned and comprised in said Ridge's Bill, nor Decree, which His Majesty ought to have been in possession of on the demise of said Lady Hurly, as well as the Lands mentioned in the Pleadings in the Cause, which are all the Lands by the said Order of Court said Officer was impowered to set; Nor does your Memorialist apprehend that the Court could take Cognizance of Lands not brought in suit before them, and of Lands that His Majesty ought to have been in possession of as aforesaid.

That your Memorialist further sets forth, that by said Howard's Report to your Lordships, that said Lands were not set again untill the year 1754, when such of them as there were Bidders for were set for £259.15. a year (Quere, what became of such as there were not bidders for?) but takes no notice of the Consent entered into by him and the Attorney on the other side, the Order obtained thereon, the postings in Faulkener's Dublin Journal; nor that the Lands ^{were} set by the Remembrance by Virtue of said Order, nor that the said Rent of £259.15. was not to commence untill the first of May following, viz 1755; as by said Consent, Order and Postings appear.

That by said Report to your Lordships is set forth as followeth
And I am to acquaint your Honours that the said Information hath been amended

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in several Particulars on the 6th November 1762, by offering a new Ingressment, and several of the Defendants have answered the same; but one of the Defendants hath since died, and his Representatives have been made Parties, but they have not yet answered

But hath not set forth in what particulars mended; Yet Memorialist th th th apprehended by inserting such Denominations of the Lands as not comprised in Ridge's Bill, Decree, Order of Court or former Information filed by the Attorney General as aforesaid, and fully set forth by said Carr's Discovery, as said Howard by said Report on Daly's Memorial confesses as followeth, p. 4. Besides, I am also humbly to inform your Honours, that there are several Denominations of Lands in the said Inquisition, of which the said Sir William Hawley is found to be seized in Fee at the time of his Attainder and outlawry, which are not set forth neither in the Bill filed by Ridge, nor in the said Information filed by His Majesty's Attorney General, nor in the aforesaid Order of the Court of Exchequer, nor in Daly's Memorial.

That your Memorialist humbly begs, for your Lordships better & fuller Information in the Conduct and Management of this whole affair, to lay before you the following taken from the said Howard's said Report, p. 3, I am also humbly to inform your Honours that I have found a Letter dated the 1st of December 1741, by Theophilus Glover Esq. then and now Collector of Loughrea wrote in answer of a Letter before wrote to him by Alexander Nesbit Esq. then Solicitor of the Honourable Board, in which he sets forth the particular Contents of the several and respective Denominations of said forfeited Lands amounting in the whole to 1211 Acres with the yearly acreable value of each, amounting in the whole to the annual value of £268.14. But in his said Letter says, that his then Clerk would give 5^s per Acre for said Lands, which would amount to the yearly Rent of £302.12. as by said Letter hereunto annexed may more fully appear. And in the following Paragraph p. 4 Remarks in the words following, But here I am humbly to inform your Honours, that the value of Lands in the whole Province of Connaught had considerably increased since the before mentioned Letter was wrote, so that the offer which the Memorialist had made for the said Lands (to wit) £190 a year, must be far short of the Real Value of them to a solvent Tenant.

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That your Memorialist humbly sets forth to your Lordships that tho' said Howard as before says, that the value of Lands was considerably $\&$ increased since the writing of said Letter by Theophilus Glover Esq; yet by the setting said Lands according to his said Reports to your Lordships, it doth not so appear, nor that the said Lands have been set any thing equal to 5 per Acre, being set from 1745 to 1755 at $\text{£}176.8$ per Annum; and from 1755 to 1763 at $\text{£}259.15$; and from 1763 to May last 1765 at $\text{£}230$ all which is much short of $\text{£}302.10$ the year's Rent at the agreeable rent of five Shillings per Annum for each and every Acre, as offered by Glover's Clerk; Tho' from 1745 to 1755 being ten years at $\text{£}176.8$ per Annum amounted to the sum of $\text{£}1768$ and no more; and from 1755 to 1763 being eight years at $\text{£}259.15$ per Annum $\&$ amounted to the sum of $\text{£}2078$ and no more; and that from 1763 to May last 1765 at $\text{£}235$ per Annum being two years amounted to $\text{£}470$ and no more; and that the several Rents for said ten years, eight years, and two years, making twenty years in the whole amounted but to the sum of $\text{£}4312$; and that if said Lands had been set at 5 per acre or $\text{£}302.10$ for the year as offered by said Glover's Clerk, the said twenty years Rent would have amounted to the sum of $\text{£}6050$, which makes the Difference or Loss of $\text{£}1738$ in said twenty years.

That your Memorialist further humbly sets forth unto your $\&$ Lordships, that tho' the said Suit had been pending in His Majesty's Court of $\&$ Exchequer in Ireland thirty seven years last laster Term past, there is no likelihood of its being put an End to; For that the Defendants have not put in their $\&$ Answer to the amended Information of the Attorney General, which, had it been the Property or Cause of any private Person, would long since have been determined; But your Lordships are to observe that it is an English Property, the Property of the People of England.

That the said Howard in the conclusion of his Report sets forth And the said Council were unanimously of Opinion, for the Reasons therein before mentioned, that the said Carr could not be considered as a Discoverer of said Lands as as to intitle him to any Share or Proportion thereof, viz: That said Ridge's Bill was filed before said Carr was minuted down for the first $\&$ Discoverer of said Lands; But your Memorialist as before set forth, shews, that said Ridge did not file his Bill as a Discoverer, nor could he, his being a Papist

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rendered him incapable thereof, as set forth in and by the aforesaid Acts; That he filed his Bill as an Incumbrancer only; nor are the whole of the Lands set forth therein; nor was his Bill filed in that side of the Exchequer where Informations of the kind ought; that the Attorney General's Answer fully insisted upon the King's Title, & under the Forfeiture, which he could not avoid in Answer to said Bill, being a matter of course; But set forth in said Answer, as before, that he was a Stranger to the several Matters and Things set forth in said Bill, but referred thereto; nor was said Attorney General better acquainted therewith, is plain at the time of filing his said Information in 1743, for therein he sets forth no other Lands than those comprised and mentioned in said Ridge's Bill, as per said Howard's Report on said Daly's Memorial as aforesaid, Answer put in 13 Feb. 1729, Carr minuted down first Protestant Discoverer the January preceding.

That said Carr came to the Knowledge of said Forfeiture in or about 1724, and in some time after, when he had collected all that he could relating thereto, informed the Commissioners of His Majesty's Revenue thereof; and on his Memorial in 1729 was by Order of said Commissioners minuted down as first Discoverer of said forfeited Lands as aforesaid; and in 1731, upwards of two years afterwards, was confirmed and allowed to be the first Discoverer, and to be intitled to what of the forfeited Interests they could allow. Such was their Care, Caution and Deliberation in confirming him, thro' two years and upwards minuted before, that can it be imagined or supposed where such Circumspection Caution and Time was taken as aforesaid, that said Carr was minuted down immediately on his first Information, as said Howard by his Report would insinuate? and to suspect even, that men known for their great Abilities in both Kingdoms and who left such high and unblemished Characters behind them, would act with ^{inadvertency and} precipitancy, & injustice to the Crown, to dispose of the Right thereof where no Right was due, & when, 'tis notorious, that never were there a set of Men presiding at that Board more firmly attached to the publick Interest, and always studying to promote the same; nor none that better understood the different Branches of the Revenue; and at this time of the day to call in question their Determinations, is doing injustice to their Memories, and at a time so remote to endeavour to invalidate the unanimous Opinion of a whole Board of Commissioners, most of whom were on the

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Stage of Action at the very time that gave rise to the Cause of those Transactions, and knew well the Revolution and all the Acts binding thereon.

That the only Avenue the discovery of said forfeited Lands came to said Commissioners by was thro' said Carr, and no other; and 'tis plain the Trustees knew not of them, for if they had, they would according to the direction of a foresaid Act of the 1st and 2nd Queen Ann have turned them over to said Commissioners by enrolled Indenture in the Exchequer; and if such had been done, the Commissioners could not have been Strangers to said Lands, forfeited as aforesaid, as 'tis plain they were untill Carr's Discovery; nor should it be thought strange for those Lands to lye concealed, when considered how they were surrounded and mixed in and with other Lands of the same Denominations; and also when 'tis further to be considered, that there is scarce a District in Ireland, where there are not several Denominations of Lands in Charge in His Majesty's Rent-Rolls of Quit-Rents to the Collectors, and in their Account returned in Arrear, and not to be found.

That said Carr found out and discovered all or most of said Lands returned not to be found, with several other parcells of Lands not brought into Charge, tho' they ought to be so; with other Lands not set off to any Patentee; which by repeated Letters and Memorials to said Commissioners and Officers, for years before his death, he laid before them, & offered to shew; but never could meet with the due Adherence, tho' to a very considerable annual Diminution of His Majesty's Revenue. And Memorialist has all the Instructions, Documents and Papers relating thereto in his Custody, as well as Memorials, Letters, and Answers.

That your Memorialist humbly sheweth from the Act of the 1st and 2nd Queen Ann that said forfeited Lands are an English Property, the Property of England; and that the said Commissioners of Ireland have no other or further Power delegated to them, than by said Act, viz^t, that said Lands so returned them as aforesaid by Indenture enrolled in the Exchequer, that after the said 24th of June, in the year 1703, when the Trustee Act determined, the said Commissioners or any three of them shall cause to be levied and collected

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all the Rents and Profits of the said forfeited Estates, & the Arrearages in
 Her Majesty's Name; and also sue for in the Name of Her Majesty, &c, all
 the said Debts, Sums of Money, and personal Estates, which shall be vested
 in Her Majesty by this Act as aforesaid, and cause the Money arising thereby
 (deducting the Charges of recovering and other incident Charges) to be paid into
 the Exchequer of Ireland, there to be kept apart from all other Her Majesty's
 Treasure, to be applied to the uses aforesaid, according to the Orders of the
 Parliament of England aforesaid — Which was to be applied towards the
 Expences England was at in the Reduction of Ireland. And said Howard
 in his Report on Daly's Memorial as aforesaid Questions any other or
 further power said Commissioners can assume, than as aforesaid, fo. 5.
 said Report.

That your Memorialist humbly apprehends, that this
 Matter is within the Sphere of your Lordships, and that it properly lies
 before your Lordships to determine.

Your Memorialist therefore humbly submits
 it to your Lordships on the due Merits of the
 Case, to make such Order or Determination in
 the Premises, as to your Lordships great
 Wisdom Justice and Equity shall seem meet.

And Memorialist will pray &c.
 Robert Wainwright.

Treasury Chambers 23. September 1765.

Present.

- Marquis of Rockingham.
- M^r. Chancellor of the Exchequer.
- Lord John Cavendish.
- M^r. Onslow.

Memorial of Robert Wainwright touching a Claim made
 by him as Representative of John Carr Esq^r. first Protestant Discoverer of
 certain

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certain Lands in Galway in Ireland, forfeited by the Attainder of Sir William Hurly in the Rebellion 1688.

My Lords do not think fit to enter into this Matter.

of Sir

Matter.

