Forfeiture Act (Ireland) 1639

1639 CHAPTER 3 15 Chas 1 Sess 2

An Act for the relief of patentees, tenants and farmers of crowne lands, or other profits or lands within the survey of the court of wards and liveries, in cases of forfeiture for not payment of their rents, or other service or duty.

Modifications etc. (not altering text)
C1 Short title given by Short Titles Act (Northern Ireland) 1951 c. 1

The Kings patentees too apt to take advantage of forfeiture, where the King himself has not required it. Many suits in equity thereby occasioned for relief.

Forasmuch as the Kings Majestie out of his gracious disposition is and ever hath been averse from taking any advantage, howsoever lawfull and just, against any of his subjects, growing by any forfeiture, breach of condition, or strict interpretation of his Highnesse grants or letters patents, or the grants or letters patents of any of his royal predecessors, of any mannors, lands, tenements or hereditaments, and yet the grantees or patentees deriving their estates by or from his Majestie or his predecessors, have been too apt and ready to exact the advantage of such forfeiture, where his Majestie himselfe or his predecessors have not required the same, which hath been ever held an unequal and extream course, and hath many times been relieved by suits in courts of equity, though with the great charge and trouble of the parties indangered thereby:

[I.] No advantage shall be taken by the King of forfeitures by his grantees on default of payment of rent, or performing service reserved, where such rent or service answered to the King before commission of inquiry or other process issued.

For remedy whereof, aswell where the King or any of his predecessors or successors have granted, or shall grant the said mannors, lands, tenements or hereditaments, or any part thereof, or the reversion or any part thereof to any other, as where the reversion, remainder, or estate thereof is or shall be in the Kings Majestie or his successors, in the right of the crown of Ireland, or otherwise, his Majestie of his aboundant grace towards his loving subjects is graciously pleased that it be enacted, That if any person or persons, bodies politick or corporate, having, holding

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or possessing, or which hereafter shall have, hold or possess any mannors, lands, tenements or hereditaments, by virtue or colour of any original grant or lease or assignment of the same, made by the Kings Majestie or any of his predecessors, or to be made by his said Majestie or any of his successors, for any number of years for life or lives, in fee tail or fee simple, or other estate whereupon any rent service or other duty hath been, is or shall be reserved or payable with or under any condition or limitation of reentry, cesser, or to be void for default of payment of such rent, or performance of such service or duty, heretofore hath made, or any other by, from or under whom he claimeth, hath made, or any which hereafter shall have, hold or possess, shall make any default therein, and yet after such default made, such rent, service or other duty hath been or shall be answered, paid or done unto his Majestie or any of his predecessors or successors, into his or their receipt of the exchequer or court of wards, or to any other having authority to receive the same as the case shall require before any advantage of such forfeiture, or cause of forfeiture hath been or shall be taken, and before any commission awarded to enquire, or other process issued touching the said forfeiture or non-payment of rent, that in all such cases no advantage shall be taken by his Majestie, his heires or successors of, for or by reason of any such forfeiture or cause of forfeiture.

II Nor by persons claiming under the King. but the estate shall continue as if no such default or forfeiture.

And no person or persons claiming, or which afterwards shall claim, by, from or under his Majestie, or any of his predecessors or successors, at any time after such cause or title of forfeiture given, shall in any wise have or take any benefit or advantage, by reason, means or colour of such default made or to be made; but that every such estate forfeited or forfeitable by means or occasion of such default of payment of rent, or performance of service or other duty, shall be adjudged to continue and have his being, as if no such default or cause of forfeiture had been had or made; any law, custome, or usage, to the contrary thereof in any wise notwithstanding.

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