

**An abstract of the laws, customs, and ordinances of the Isle of Man. Vol. 1 /  
compiled by John Parr ; edited with notes by James Gell.**

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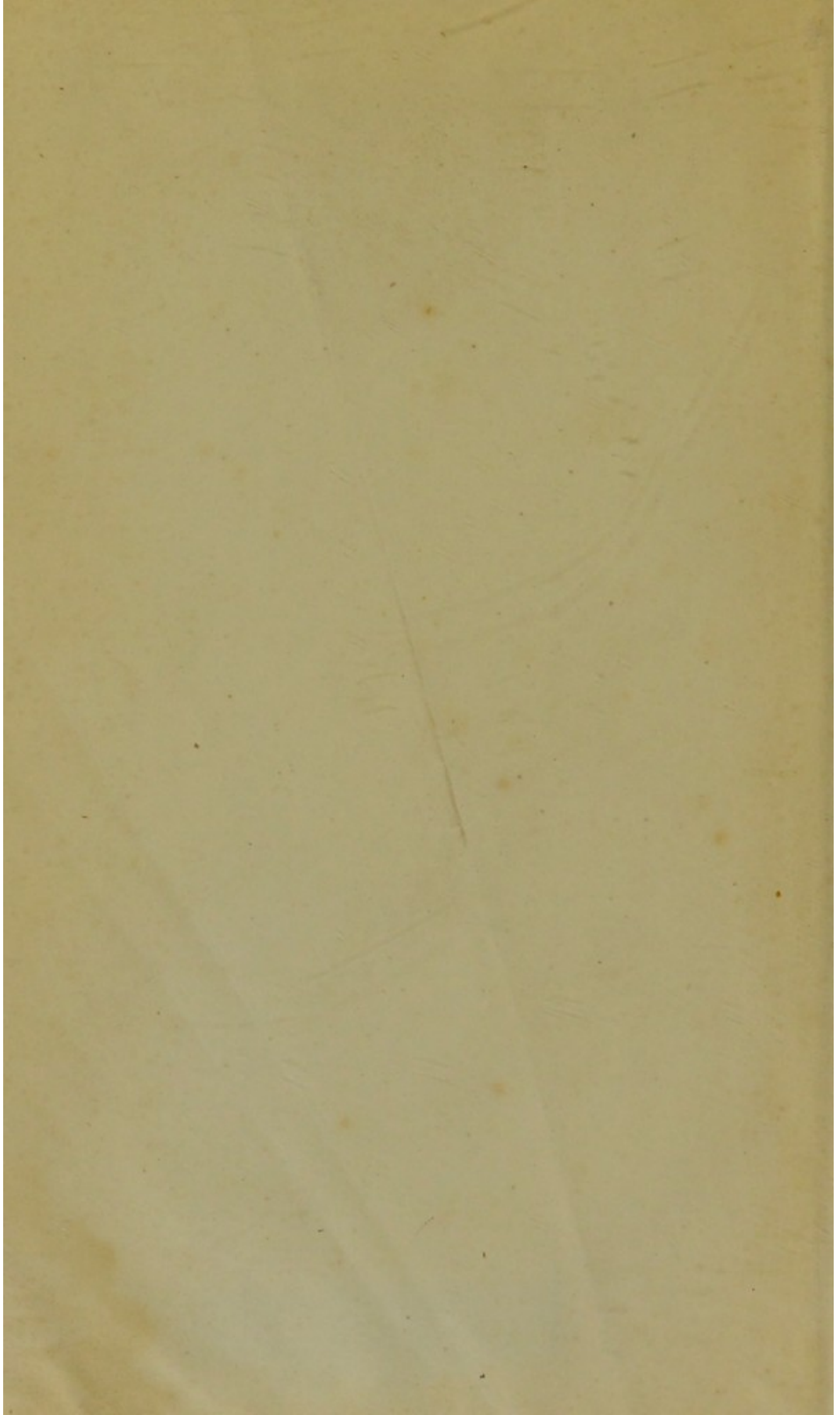




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~~William H. ...~~

William H. ...



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AN ABSTRACT  
OF THE  
LAWS, CUSTOMS, AND ORDINANCES  
OF THE  
*Isle of Man:*

COMPILED  
BY JOHN PARR, ESQ.,  
*Formerly one of the Deemsters of the Island.*

—  
VOL. I.  
—

EDITED, WITH NOTES, BY  
JAMES GELL, ESQ.,  
ATTORNEY-GENERAL OF THE ISLE OF MAN.

DOUGLAS:  
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MDCCLXVII.

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## THE EDITOR'S INTRODUCTION

TO VOL. I.

---

**A** COMPARISON of the Title-page, which professes to be an Abstract of the Laws, &c., of the Isle of Man, by Deemster Parr, with the contents of the present Volume, which has in it no part of the Deemster's work beyond the two Dedications, will, I fear, give cause to the reader to accuse me of bringing out the volume under false pretences. The Council of the Manx Society have, however, in their Report of May, 1867, made for me a very appropriate excuse, namely:—"This volume consists chiefly of preliminary matter which the Editor considered a necessary introduction to the body of his work." This is so; and I trust that the reader may form the like opinion of the necessity of introducing the "preliminary matter," and that such matter may prove both useful and interesting.

This volume is made up almost entirely of Notes on "The supposed true Chronicle of the Isle of Man, copied out of the original,"—being a very brief account of the Kings and Lords of the Island: the portion thereof which brought the history to the Author's time was introduced by him into his work, and it must therefore be considered a part of it.

In drawing up the Notes on the Chronicle my idea has mainly been, to set forth a more extended account of the various Sovereigns who *actually* reigned in the Island, and of the titles by which they claimed or exercised the Sovereignty;—copies of the Grants and Acts of Parliament (where obtainable) being given *in extenso*.\* I have endeavoured to state fully the questions which arose as to the succession, and as to the powers of the Lords to alienate their possessions in the Island. Such questions are not without interest in an historical point of view, but they have also important bearings in relation to the tenure of land, and the rights of the people. Much of the information which I have given can be obtained in other books, but I think that in no one work is the subject of the Sovereignty of the Island considered in the same manner, or is the information brought together in the same compendious form.

“Parr’s Abstract,” (as the work is generally designated,) though never printed, has always been considered a work of authority on the various subjects treated of at the time when it was written. It does not profess to be an Abstract of the Laws generally. In the Dedication to Governor Heywood, the learned Author states his work to be not “a succinct module of the *whole* Laws and Constitutions of this Isle, but as a *tithe* thereof, giving *only an abridgment or compendium of such Laws and Acts as are of use* ;” and in his Dedication to the Earl of Derby, he describes the work as “only an *abridgment* of the established and *practical* Laws.” To the present time it is the standard

\* I regret that I have been unable to obtain a copy of the Act of Parliament by which the Island, in 1649, was conferred on Lord Fairfax. (See p. 85.)

authority as to the Common Law. In a pamphlet written by James Clarke, Esq., formerly Attorney-General of the Island, and published in 1817,—“A view of the principal Courts of the Isle of Man,”—the author is referred to as “that great and learned man, Deemster Parr,” whose work “was written in 1678 for Governor Heywood, and is addressed to him by the title of the Right Worshipful Robert Heywood, Esq., Governor of the Isle of Man. It abounds with great learning, and cannot be too closely studied by the members of the Law. The style is clear and comprehensive, and places the author very high as a writer on Jurisprudence.” In the Introduction to the “Advocates’ Note Book,” by J. C. Bluett, Esq., Advocate, published in 1847, the work is thus referred to:—“From 1696 to 1713, John Parr, Esq. held the office of Deemster, and during that period compiled ‘An Abstract of the Laws, Customs, and Ordinances of the Isle of Man.’ This work was never printed, and only a very small number of manuscript copies have been made from it, although it contains much valuable information as to the state of the law in his day.”

Both Mr. Clarke and Mr. Bluett must be somewhat wrong in their dates. There is evidence in the Rolls’ Office that the author began the study of the Law in 1671, when he became clerk to Richard Tyldesley, Esq., Comptroller and Clerk of the Rolls. He was at this time about 20 years of age, and he would hardly have ventured in the short space of seven years to have dedicated a Treatise on the Law to the Governor of the Island, a treatise especially “undertaken” (as the author states,) “to serve” the Governor, and to give him “enlightening in the

State and Government of this poor Commonwealth." The Governor was appointed to his office in 1678, and from the tenor of the Dedication to him it is manifest that the work was written subsequently. The author was appointed Deemster in 1693, before which time the work was written, for Governor Heywood died in 1690. No reference is made in the Abstract to the Statutes passed after that year, except that appended to the matter under the title "Extortion," is a Note referring to the Usury Act of 1691, a Note probably made in the copy presented to the Earl of Derby, who was present at the promulgation of the Usury Act, and the copy was presented to him when he was in the Island.

Some account of the author will be given in a subsequent volume.

The originals of many of the documents given in the Notes are in Latin. I have considered that as the works brought out by the Manx Society are intended for popular rather than merely professional use, translations of the documents would be more generally acceptable.

Throughout his work the author refers by number to "Customary Laws." They were a brief compilation designated "The antient Customary Laws of the Isle of Man," and were arranged under 39 heads; by whom they were collected or drawn up is not now known, but they were evidently considered as of authority in the author's days. They exist only in manuscript. A copy will be inserted in an Appendix.

J. GELL.

*Castletown, Isle of Man,*

*10th June, 1867.*

AN ABSTRACT  
OF THE  
LAWS, CUSTOMS, AND ORDINANCES  
OF  
THE ISLE OF MAN.

---

DEDICATION TO THE EARL OF DERBY.

TO THE RIGHT HONOURABLE AND THRICE NOBLE LORD, WILLIAM,  
EARL OF DERBY, LORD OF MANN AND THE ISLES.

**R**IGHT Honourable,—Amongst those great and manifold blessings which we, the people of this your Honours Isle of Mann, (and ancient Feofe,) do receive by that benigne aspect of Sovereignitie your Honour has over us, we have (in especiall) that essential part of your Prerogative and Royaltys, of being governed by peculiar and suitable Lawes and Constitutions, such as the exigencies of this small Coimonwealth have in succession of time acquired: And now since the hand of Providence hath ushered and conveyed your Honour here amongst us, and that it is hoped it will not be ungratefull to your Hon<sup>r</sup> to be acquainted with those Lawes and Constituçons that are established in this your Hon<sup>r</sup>'s governm<sup>t</sup>; I have in considercôn thereof, humbly p<sup>r</sup>sumed to p<sup>r</sup>sent your Hon<sup>r</sup> with the annex<sup>t</sup> collections, which are only an abridgm<sup>t</sup> of the established and practical Lawes of the s<sup>d</sup> Isle. And because many of those Lawes have heretofore (and

partly yet) been held, retained, and exercised only traditionally, and no entrance made of them upon record, but such as did fall out upon the transacôn of certain cases, I can give no other authority for such, save only y<sup>e</sup> bare record, and the freq<sup>t</sup> occur<sup>t</sup> practice of them: And againe where I have p<sup>r</sup>sumed to enlarge and explaine certain ancient Statutes, (that do not by the express letter unfold themselves,) according to the use and practice that is now drawn from them: If therefore any errata may happen in either of these two kinds, I shall humbly crave y<sup>r</sup> Hon<sup>r</sup>'s gracious dispensation for them, since my endeavours herein have not been bestowed for public use, but only designed to give your Hon<sup>r</sup> some small insight into the State and Governmen<sup>t</sup> of this your Hon<sup>r</sup>'s little Co<sup>m</sup>onwealth; although a task of this nature and subject would have required a more excellent and plausible stile and forme to represent it in, than is here employed in these undigested and unpolished collections, which I humbly pray your Hon<sup>r</sup> to receive in no other esteem, but as an acknowledgement and token of the devoted service of him, that thinks it his chiefest hon<sup>r</sup> to be esteemed,

Right Ho<sup>n</sup>ble,

Your Hon<sup>r</sup>'s most obed<sup>t</sup> and faithfull serv<sup>t</sup>,

JON. PARR.

---

NOTES.

The Lord of Man named in this Dedication was William, the ninth Earl of Derby, and the twelfth Lord of Man of the House of Stanley. He succeeded his father Charles, the eleventh Lord, on the 21st December, 1672, and died 1702. (*Seacome*, 145 and 152.)

It appears that the work was dedicated to Lord William when in the Island. On the 30th July, 1691, he was present at a Tynwald Court at St. John's Chapel, when the Usury Act and four other Acts were passed and promulgated. (*Mills' Statutes*, 147.)

This dedication is transcribed from a copy of the work in the possession of Robert John Moore, Esq., High-Bailiff of Peel.

## DEDICATION TO GOVERNOR HEYWOOD.

TO THE RIGHT WORSHIPFULL ROBERT HEYWOOD, ESQ., GOVERNOR  
OF THE ISLE OF MANN.

**R**IGHT Worshipfull,—I have not presumed to dedicate this ensuing Tract unto your Worship, as a succinct module of the whole Laws and Constitutions of this Isle, but as a tithe thereof, giving only an abridgment or compendium of such Laws and Acts as are of use, contained and entered in the Statute Book of the said Isle, with some suitable and additional enlargements of customary Practices and Precedents, abstracted out of the antient Records. And because that many of the said customs and usages are held, retained, and exercised only traditionally, and no entrance made of them, but such as falls out upon the transaction of certain cases, I cannot therefore give any warrant for them, but only the bare record, and the frequent and occurrent practice of them. And again, where I have presumed to enlarge and explain certain antient statutes in the said book, that do not in their express letter unfold themselves, according to the use and practice that is now drawn from such old ordinances: I am, therefore, in case there be any errata that may present themselves to your Worship's view and discovery, in respect of either those two kinds, to crave your favourable dispensation of such, since my endeavours in this nature have not been bestowed for publick use, but altogether undertaken, and designed, to serve your Worship, and as much as in them lie, (in some measure,) to give your Worship enlightening in the State and Government of this poor Commonwealth. That doth not a little add to the happiness thereof, to have so prudent and upright a Justicier, for the exercise and maintenance of its Laws and Liber-



ties, as your Worship is singularly looked upon to be, in the succession of your memorable ancestor. And out of the consideration of the encouragement your Worship was pleased to afford me, in the undertaking of this weak and slender enterprise, (by a willing and free Resentment of my said endeavours therein,) I cannot deny myself the hopes of your indulgency towards it, and that you would please to admit it some share of patronage. Although talk of this nature and subject, would have far better become to have represented itself, in a more exquisite and plausible style and form, than by these indigested and implicate collections, which I humbly pray your Worship to receive in no other esteem, but as an acknowledgement of the devoted service of him that will always be found,

Right Worshipfull,

Your Worship's most obedient and faithful servant,

JOHN PARR.

---

#### NOTES.

Governor Heywood, to whom the learned author dedicated a copy of his work, was appointed Governor by the following Commission from William, the ninth Earl of Derby. The Commission is taken from *Liber Irrot.* 1678:—

To all Christian people to whom these presents shall come, William George Richard, Earle of Derby, Lord of Man and y<sup>e</sup> Isles, Sendeth greeting, Know yee y<sup>t</sup> I the said Earle reposing especiall trust and confidence in y<sup>e</sup> fidelity, integrity, and prudence of Robt. Haywood, of Haywood, in the County of Lancaster, Esq<sup>r</sup>, Have therefore constituted, appointed, and made, and doe by these presents constitute, appoint, and make y<sup>e</sup> s<sup>d</sup> Robt. Haywood Govrn<sup>r</sup> of my Isle of Mann, Hereby authorizing the said Robt. Haywood to take upon him y<sup>e</sup> whole Gov<sup>r</sup>m<sup>nt</sup> thereof, (dureing my good pleasure,) and fully in every respect to execute and discharge y<sup>e</sup> said office of Gov<sup>r</sup>no<sup>r</sup>, in all matters and things w<sup>t</sup>soever, as well military as civell, in as large and ample manner as any Govrn<sup>r</sup> in my s<sup>d</sup> Island hath heretofore used, or exercised y<sup>e</sup> same; and to execute and discharge y<sup>e</sup> s<sup>d</sup> office, according to y<sup>e</sup> ancyeut and knowne laws of my s<sup>d</sup> Island. And likewise to see y<sup>e</sup> s<sup>d</sup> laws put into due and just execution according to y<sup>e</sup> oath usually administered in y<sup>t</sup> behalf. And further I y<sup>e</sup> s<sup>d</sup> Earle doe hereby require, and firmly

injoine, and command y<sup>e</sup> said Robert Haywood to observe punctually all such orders, and instructions, as hee shall from tyme to tyme receive from me, relating unto my said Island. In witness whereof I y<sup>e</sup> s<sup>d</sup> Earle, have to these presents put my hand and seale, y<sup>e</sup> thirteenth day of April, in y<sup>e</sup> year of our Lord, according to y<sup>e</sup> English account, one thousand six hundred and seventy eight.

DERBY.

Governor Heywood died in 1690, being succeeded in his office by Roger Kenyon, Esq.

This Dedication is transcribed from a copy furnished to me by the late John Joseph Heywood, Esq., First Deemster, who was a descendant of the Governor.

THE SUPPOSED TRUE CHRONICLE OF THE  
ISLE OF MAN.

COPIED OUT OF THE ORIGINAL.

§ 1. **M**ANANAN MacLer, the first Man that had Mann, or ever was Ruler of Mann, and the Land was named after him, and he reigned many years and was a Paynim, and kept by necromancy the Land of Mann under mists, and if he dreaded any enemies, he would make of one man to seem an hundred by his art magick. And he never had any farm of the Coñons, but each one to bring a certain quantity of green Rushes on Midsummer Eve, some to a place called Warfield, and some to a place called Man, and yet is so called.

§ 2.—And long after St. Patrick disturbed him the said Mananan, and put Christian folks into the said land, and left a Bishop to govern all and to keep it, and so from Bishop to Bishop they did keep it many years.

§ 3.—And then there came a son of the King of Denmark. He conquered the land, and was the first that was called King Orrye. And after him remained twelve of the stock that were called King Orryes. Insomuch that the last named Reginald had no son, but one daughter named Mary, to whom the right descended, which Mary was Queen of Mann and Countess of Straherne; who taking with her all her Charters and Deeds of the Land of Mann fled to the King of England, Edward the First, in the twentieth year of his reign, being in St. John's Town in Scotland, otherwise called Perth, A.D. 1292.

§ 4.—For Alexander, King of Scots, arrived at Roynaldsway, and took possession of the Land of Mann, against whom the said Mary did complain before the King of England.

§ 5.—In the 33rd year of the King's reign, at the Parliament at Westminster, a request was exhibited by John Waldebyst, claiming the Isle of Man with the Islands adjoining, in the right of Mary his wife, and answer was made them that they should claim it before the King of Scots, who as then held the same Isles, thus she dying the suit, the right descended to William her son, and from the said William to John his son and heir.

§ 6.—In King Edward the Second his time, he gave to Pierce Gaveston, a Frenchman, the Earldom of Cornwall and the Lordship of Man, A.D. 1307. He being his principal Secretary of State and Lord Chamberlain of England.

§ 7.—Edward Bruce, the King of Scots brother, conquered the Island, A.D. 1308. Robert Bruce, King of Scots, gave the said Island unto Randle, Earl of Murray and of Mann, being Lieutenant-General, 1308.

§ 8.—In the eighth year of King Edward the Third, William Montague, Earl of Salisbury, conquered the Isle of Man, out of the hands of the Scots, which Isle the King gave unto the said Earl, and caused him to be crowned and entitled King of Man, 1344.

§ 9.—In the seventeenth year of the reign of King Richard the Second, William Scroope was made Vice Chamberlain, who about the same time bought of the Lord William Montague his son, named Montague, the Isle of Man with the Royalties thereof, (for it is a kingdom, as William Walsingham affirmeth,) 1394.

§ 10.—In the 22nd year of the reign of King Richard the Second, William Scroope, Earl of Wiltshire, and Treasurer of England, and Lord of Man was found guilty of Treason for misgoverning the King and Realm, and he with others were bound prisoners and brought forth into the camp before Henry, Duke of Lancaster, and had their heads smitten off, A.D. 1398.

§ 11.—At the coronation of King Henry the Fourth, the King gave the said Isle unto Henry Piercy, Earl of Northumberland, and to his heirs, A.D. 1402. He was impeached for

rising against the King, A.D. 1403. The Earl was restored to his former dignity, lands, and goods, the Isle of Man only excepted, and presently deprived thereof by authority of Parliament: who being afterwards slain at the Battle of Shrewsbury,

§ 12.—The said King gave the said Isle of Man unto Sir John Stanley, Knight, Lieutenant of Ireland and Treasurer of his household, A.D. 1403: who left the same to

§ 13.—Sir John Stanley, his son, Father to

§ 14.—Sir *Henry* Stanley, Knight of the Garter, Lieutenant of Ireland, and Lord Chamberlain of King Henry the Sixth, who created him Lord Stanley,

§ 15.—And he had issue Thomas, Lord Stanley and of Man, after created Earl of Derby by King Henry the Seventh, and made Constable of England and Knight of the Garter, who had issue George, Lord Stanley, who in the right of his wife was also Lord Strange of Knockin, and died, his father yet living, but left his son called

§ 16.—Thomas, who was Earl of Derby, Lord Stanley, Strange, and Man; who had issue

§ 17.—Edward, Earl of Derby, Lord Stanley, Strange, and Man; father to

§ 18.—Henry, Earl of Derby, Lord Stanley, Strange, and Man; father to

§ 19.—Ferdinand, Earl of Derby, Lord Stanley, Strange, and Man; brother to

§ 20.—William, Earl of Derby, Lord Stanley, Strange, and Man; father to

§ 21.—James, Earl of Derby, Lord Stanley, Strange, and Man, who was beheaded at Bolton for his loyal adherence to King Charles the First; father to

§ 22.—Charles, Earl of Derby, Lord Stanley, Strange, and Man; father to

§ 23.—William, Earl of Derby, Lord Stanley, Strange, and Man, who died November, 1702; brother to

§ 24.—James, Earl of Derby, Lord Stanley, Strange, and Man, &c., who died 1st February, 1735–6, and he dying without issue the Isle and Dominion of Mann descended to

§ 25.—James, Duke of Atholl, great-grandson and heir of the said James, Earl of Derby, who was beheaded at Bolton, and heir general of the Derby Family: who dying the 8th day of January, 1764, was succeeded by

§ 26.—Lady Charlotte, his only child, with His Grace John, Duke of Atholl, her husband, who died the 5th November, 1774.

§ 27.—Anno 1765, the Lords of His Majesty's Treasury by virtue of the Act 12 Geo. I., treated with their Graces, and purchased the Royalties and Jurisdictions of the said Isle for seventy thousand pounds, and also two thousand pounds annuity out of the Irish Revenues during the survivor's life.

§ 28.—And by the 5th Geo. III. this Isle, save the territorial estates, rents, &c., became vested in the Crown.

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#### NOTES.

The original Chronicle from which the foregoing is stated to be a copy, is supposed to be that in the Rolls Office prefixed to the old copies of the Statute Book. The Chronicle in the Rolls Office has been continued by successive Clerks of the Rolls until the Revestment in 1765. I have given the Chronicle in the complete form in which it is in the Rolls Office. In Mr. Moore's copy of the author's work, the Chronicle is not transcribed beyond § 3, but in my own copy it is continued to § 20.

#### § 1.

“ Mannan-Mac-Lear whom they believe the father, founder, and legislator of their country, and place him at the beginning of the fifth century; they pretend he was a son of a King of Ulster, and brother to Fergus the Second, who restored the kingdom of Scotland, A.D. 422. As it is probable the Prince, by the rule laid down had his share or proportion in lands, so, the tradition says, he exacted no tax or subsidy from his people, but only a quantity of rushes, which were brought him on Midsummer Day. This easy service, it is probable, made him greatly beloved, and almost adored for his wisdom, (for the subjects will always

believe the prince wise that makes them rich,) and because they could express it in no better, reported him a magician, a craft not uncommon in legislators, (as Zoroaster and Numa,) to make the people believe they act by some superior or supernatural power, that so their dictates may be received as oracles among the ignorant and vulgar. And what seems to complete their happiness so, towards the latter end of his reign St. Patrick landed here, in his second voyage for Ireland, and was greatly opposed by one Melinus, a famous magician, (says Jocelinus in *Vita Patricii*,) who, in imitation of Simon Magus, attempting to fly in the air, was mortally bruised by a fall, but, upon his repentance and conversion, immediately restored to his health. Such wonders religion can do, or so much have the writers of ecclesiastical history deceived us. Whether Mannan and Melinus were the same we are not informed, nor what became of him; but the Manks tradition says that St. Patrick, proceeding on his voyage, left Germanus Bishop, and Jocelinus concurs with him in these words—*Ad regendum et erudiendum populum in fide Christi*. This Germanus was Canon of the Lateran, a prudent and holy man, one of the first assistants of St. Patrick in the conversion of Ireland, who by his wisdom, conduct, and virtuous example, absolutely settled the Christian religion, whether by the death, conversion, or voluntary abdication of Mannan-Mac-Lear, is uncertain, for methinks expulsion sounds too harsh. These were the saints of a later date who expelled the natives to enjoy their lands, and by rapine and murder made room for what they call religion. How long this pious person filled the chair we know not; that he died before St. Patrick is evident. The Church celebrates his memory among the blessed, and the cathedral in Peel Castle is dedicated to him." (*Sacheverell* 24.) "Manana Mac Bar, a Pagan and Necromancer, who by raising of storms and mists, is said to secure himself in that Government from forrain invasion; or rather by the natural situation of the place, subject to storms and mists; who took of the people no other acknowledgment for their land, but the bearing of rushes to certain places called Warefield, and Mame, on Midsummer even." (*Chaloner* 9.) "This Island has had many masters. They have an old tradition, and it has got a place in the records, that one Mananan Mac-Ler, a Necromancer, was the first Proprietor, and that for a long time he kept the Island under mists, that no stranger could find it, till St. Patrick broke his charms. But a late Irish Antiquary gives a particular account of this Mananan, namely, That his true name was Orbsenius, the son of Alladius, a Prince of Ireland, that he was a famous merchant, and from his trading betwixt Ireland and the Isle of Man, had the name of Mananan, and Mac-Ler, that is, the Son of the Sea, from his great

skill in navigation, and that he was at last slain at Moycullin, in the County of Galway in Ireland. And it is not improbable that the story of his keeping the Island under a mist might arise from this, that he was the only person in those days that had a commerce with them." (*Bishop Wilson's History* 479.) In *Gibson's Camden's Britannia* 392, in which this account given by Bishop Wilson is copied, is the following note referring to the Irish Antiquary, "*Flaharti* p. 172." "It is, I think, much more probable that the great Magician and Legislator, owed identity with Mainus, the son of Magnus I. King of Scotland. Mainus ascended the Scottish throne B.C. 290, fifteen years after the death of his father, his uncle Feritharas having in the interim, wielded the sceptre. He had, it is probable, after the custom of that age, received his education in the Isle of Man. The traditionary character ascribed to Mannanan Beg agrees in many respects with that recorded of King Mainus." (1 *Train* 40.)

Probably the old custom, which is still continued, of strewing with green rushes the pathway from St. John's Chapel to the Tynwald Hill, when Tynwald Courts are held there, has been derived from the alleged customary service in the days of Mananan Mac Ler.

## § 2.

Instead of the rule of the Bishops as asserted in the Chronicle, *Train* supplies a list of Manx Kings of a Welch line, the last of whom was conquered about A.D. 888 by Harold Harfagr, who placed in the Island a Viceroy, Ketill, who established an independent dynasty which continued until about A.D. 920, when Orrye conquered Man. (*Train* 58, &c.) *Cumming*, in the appendix to his *Story of Castle Rushen*, agrees in the main with *Train*. I attempt not to reconcile the Chronicle with the historians, nor the historians with each other, as to the government of the Island in these ancient times, neither do I venture to express an opinion as to the authenticity of any one account more than another, See note on § 1 as to the Bishop left in the Island by St. Patrick.

## § 3.

In this account I cannot but think that the Chronicle is at fault. It is hardly open to me, or to any lawyer, to question the existence of King Orry, (the first of the name,) since this King was declared by the Deemsters and Keys in 1422 to have existed. "Also we give for Law that there were never 24 Keys in certainty, since they were first that were called *Taxiawi*, those were 24 free holders, viz., 8 in the out Isles, and 16 in your Land of Man, and that was in King Orrye's Days."



(*Mills' Statutes* 17.) But between Orry (the first) and Reginald, the various historians frame a list of about twenty-four Kings at least, all of whom were not of the race of Orry. They are not agreed as to the names, though all appear to make up about twelve of the race of Orry, the last of whom was Fingall. Lists of the names are given in *Sacheverell* 27 &c., 1 *Train* 74, *Cumming's Castle Rushen App.* With respect to some of the names, *Sacheverell* says:—"I doubt the whole number are no better than the invention of their monks to amuse the people, especially since they have omitted almost the only real King that deserved that honour: his name was Macon or Macutus, who lived about the middle of the tenth century." (*Sacheverell* 28.) This King in some writers is called Hacon.

The date of Orry's arrival is supposed to be about A.D. 920. In the Chronicle he is alleged to have been a son of the King of Denmark. *Sacheverell* describes him as being the son of the King of Denmark and Norway. (*Sacheverell* 27.) *Train*, though he presumes Orry to have been a Scandinavian, disputes his having been a son of a King of Denmark and Norway. (1 *Train* 64.)

Fingall, the last of the race of Orry, appears to have been dispossessed of his kingdom about A.D. 1077 by Goddard Crovan, son of Harold the Black of Iceland, of whose race Mary referred to in the Chronicle was the last. The following is a list of the Kings of this race. The historians are not agreed as to the dates at which the first four of these kings began to reign. The variations in the dates are given in 1 *Train* 103.

I give those taken from the *Norse Sagas* and *Irish Annals*, but without meaning to imply that I consider such dates more authentic than the others. (See *Sacheverell* 32 &c., *Cumming's Castle Rushen, App.*)

	KINGS.	BEGAN TO REIGN.
1	Goddard Crovan ... ..	1077
2	Lagman, his son ... ..	1103
3	Olave I. (surnamed Kleining) his brother ... ..	1114
4	Godred or Goddard II., his son... ..	1154
5	Reginald I., his illegitimate son, (an usurper)... ..	1187
6	Olave II., (surnamed the Black) son of Goddard II. ... ..	1226
7	Harald I., his son ... ..	1237
8	Reginald II., his brother ... ..	1249
9	Harald II., son of Godred Don, son of Reginald I. (an usurper)	1250
10	Magnus, brother of Reginald II. ... ..	1252

From this list are excluded the names of various persons who by conquest or otherwise for limited periods, acquired the rule of Man and the Isles. Amongst those omitted is Magnus, King of Norway, who is alleged to have possessed himself of the Isles during the reign of Goddard Crovan.

The kings of this race were considered as holding their sovereignty from the Kings of Norway, to whom they were expected to do homage.

About the year 1205 the usurper Reginald, the fifth of this race, agreed to do homage to King John of England for the Isle of Man and the out Isles, for which by charter of that king, Reginald was to receive a knight's fee of two tuns of wine and 120 quarters of corn yearly in Ireland. (*Sacheverell* 45, 1 *Train* 112.) Dr. Twiss in his report to the Convocation of Canterbury in 1853, on the claim of the Bishop of Cape Town to sit in Convocation, thus refers on the authority of *Prynne 4 Inst. p. 201*, to this transaction :—"The Isle of Man had become a possession of the Crown of England by voluntary surrender to King John in the sixth year of the reign of that King, who granted it by letters patent to Reginald Lord of Man, to be held by him of the Crown of England by liege homage." (*Warren's Synodalia* 315.) This surrender to King John was of equal validity, or rather *invalidity*, with Reginald's surrender of his dominions to Pope Honorius in 1219. A copy of the surrender and a translation are given in *Seacome's History of the House of Stanley* 201. The following is the translation. (See also *2 Oliver's Monumenta* 53, and *West's Antiquities of Furness, App. No. 12*):—

Reginald, King of the Isle of Man, constitutes himself a Vassal of the See of Rome and of his Island makes the offered Grant at London, 22nd of September, 1219.

To the most Holy Father and Lord Honorius, by the Grace of God, Supreme Pontiff, Reginald, King of the Isles, kisseth his feet and sendeth Greeting. Be it known to your holy Paternity, that we, as being partakers of the benefits derived from those things that are done in the Roman Church, according to the admonition and exhortation of the beloved Father in God, Peter, Lord Bishop of Norwich, Elect Chamberlain and Apostolick Legate, have given and offered in the name of the Church of Rome, and yours, and of your Catholic Successors, our Island of Man, which belongs to us by right of inheritance, and for which we are not bound to do service to any; and henceforwards we and our heirs for ever will hold the said Island as a grant from the Church of Rome, and will do homage and fealty to it; and as a recognition of dominion, in the name of a tribute, we and our heirs for ever will pay annually to the Church of Rome twelve marks sterling, in England, at the Abbey of Furnes, of the Cistercian Order, upon the Feast of the Purification of the B. V. Mary. And if there should not be any person there on the behalf of you or your successors, the said twelve marks shall be deposited by us and our heirs with the Abbot and Convent in the name of the Church of Rome. This Grant and Oblation the said Lord Legate accepts according to your will and pleasure; and after acceptance so made by him, he the said Lord Legate gave to me and my heirs the said Island to be

possessed and held in Fee for ever, in the name of the Church of Rome; and thereupon invested me therewith by a ring of gold, &c.

Done at London, in the House of the Knights Templars, the 22nd of September, Anno 1219; and that no doubt may remain concerning the premises, We have caused this Instrument to be made and sealed with our seal.

In the same year King Henry III. granted to Reginald letters of safe conduct to come to England to do him homage. (*Sacheverell* 45.) *Sacheverell* (46) with reference to Reginald remarks, "If it be lawful to compare so small a Prince with an English Monarch, there never was a nearer resemblance than in the fortunes of these two; both had obtained their government by injustice to the lawful heirs; both lost it by their ill-treatment of their people; both of mischievous designing tempers, and both lived to feel the dreadful effects on their own heads; only in this they differ, John had offended the clergy, Reginald his people; John had some years before made the most infamous submission to the Pope that ever was heard of in story, Reginald to complete the similitude must do the like, either because it was the fashion, or that he could hope for no assistance without it. Into such mean compliances men's interests betray them, when justified by a blind devotion or a bad example."

Harald II. in 1250 applied to King Henry III. for letters of safe-conduct to enable him to go into England, which letters were granted. (See letters and translation 2 *Oliver's Monumenta* 83.) In Calvin's case, in the Court of King's Bench, in 1608, (reported in the 7th part of *Coke's Reports*; 4 *Coke's Reports by Fraser* 36,) the letters to Harald are thus referred to. (By this case it was decided that a man born in Scotland, after the accession of King James the First to the English throne, and during his reign, might hold lands in England) :—

"But leave we Normandy and Anjou, and speak we of the little, but yet ancient and absolute kingdom of the Isle of Man, as it appeareth by diverse ancient and authentic records, as taking one for many. Artold [Harald]. King of Man, sued to King H. 3 to come into England to confer with him, and to perform certain things which were due to King H. 3. Thereupon King H. 3. *Decemb. ann. regn. sui* 34 at Winchester, by his letters patent gave licence to Artold, King of Man, as followeth :—*Rex omnibus salutem. Sciatis, quod licentiam dedimus, &c. Artoldo Regi de Man veniendo ad nos in Angl' ad loquend' nobisc' et ad faciend' nobis quod facere debet; et ideo vobis mandamus quod ei Regi in veniendo ad nos in Angl', vel ibi morando, vel inde redeundo nullum faciat, aut fieri permittatis damnum, injur', molestiam, aut gravamen, vel etiam hominib' suis quos secum ducet et si aliquid eis forisfact' fuerit. id eis sine dilat' faciat' emendari, In cujus. &c., duratur' usque ab fest' S. Mich.* Wherein two things are to be observed. 1. That seeing that Artold, King of Man, sued for a licence in this case to the King, it proveth him an absolute king; for that a Monarch or absolute Prince cannot come into England without leave of the King, but any subject, being in league, may come into this

realm without licence. 2. That the King in his licence doth style him by the name of a King. It was resolved in 11 H. 8 that where an office was found after the decease of Thomas, Earl of Derby, and that he died seized, &c., of the Isle of Man, that the said office was utterly void, for that the Isle of Man, Normandy, Gascoign, &c., were out of the power of the Chancery, and governed by several laws; and yet none will doubt but those that are born within that Isle are capable and inheritable of lands within the realm of England." (See Notes on § 16 and § 20, and Appendix No. 2 to these Notes, *post.*)

*Ibid.* 45.—"If *postnati* [persons born in Scotland after its union with England under one king,] or Irishmen, men of the Isles of Man, Guernsey, Jersey, &c., have lands within England, and dwell here, they shall be subject to all services and public charges within this realm, as any Englishman shall be. So as to services and charges, the *postnati* and Englishmen are all in one predicament." One objection made against the claim to hold lands in England was, "Whether one born within the kingdom of Scotland or no, is not triable in England, for that it is a thing done out of this realm, and no jury can be returned for the trial of any such issue;" and it was answered by the Court, "That the like objection might be made against Irishmen, Gascoigns, Normans, men of the Isles of Man, Guernsey, and Jersey, of Berwick, &c., all which appear by the rule of our books to be natural-born subjects; and yet no jury can come out of any of those countries and places, for the trial of their births there."

The chronicle is manifestly in error in describing Reginald, the eighth of this race, as being the last thereof, he having been succeeded by his brother Magnus, who if not *de jure* was *de facto* king. Magnus by charter granted to Richard, Bishop of Man, and his successors, baronial and ecclesiastical rights and privileges. (See Notes on title "Abbot," *post.*) "This little kingdom, deprived of the protection of Norway, could not support itself much longer, for Magnus dying anno 1265, in his Castle of Rushen was buried in the Abbey Church he had lately caused to be dedicated, and left no child behind him. He was the ninth and last of the race of Goddard Crownan, who for 200 years had enjoyed the name of kings, but were in truth little better than Lieutenants to the Crown of Norway; and their inheritance became an insensible addition to the kingdom of Scotland." (*Sacheverell* 53.)

According to *Train* (*Vol. i, p. 132.*) Magnus, in 1264, despairing of assistance from Norway, and being unable to resist the power of Alexander III., King of Scotland, met that King at Dumfries and did homage to him there,—Alexander granting him a charter by which he was to hold the Island from the Crown of Scotland. But in 1266, by a treaty signed at Perth, Magnus, King of Norway, ceded the Island and the Hebrides to Alexander, (*1 Train* 139, 155,) who in 1270 sent an army which disembarked at Raynaldway, (now Derbyhaven,) and reduced the Island to obedience to his rule. Until his death in 1285, and until 1290 the Island was governed by Thaners or Governors appointed by King Alexander. (*Sacheverell* 55; *1 Train* 140.)

In 1290 the Inhabitants of the Island placed themselves under the protection of Edward I., King of England, by a document, a copy of which taken from *Rymer* is given in the Notes to *Sacheverell* 152. The following is Mr. Cumming's translation of the document. (See also 2 *Oliver's Monumenta* 110) :—

A Letter of the Men of the Isle of Man, who place themselves under the protection of the King, in the 18th Year of Edward I., 1290. To all the Sons of Holy Mother Church, who shall see or hear these present letters, all the men inhabiting the Isle of Man, send geeting. Whereas the Most Noble Prince the Illustrious Lord King of England, has taken into his own hands, for protection and defence, the aforesaid Island, which has lately been left desolate and oppressed with many miseries, from lack of defence and protection. And whereas we desire to place ourselves under his rule and government, and to obey his injunctions, and to answer in all things to him as our Lord, We henceforth engage ourselves under a penalty of two thousand pounds of silver, which, if it shall happen that we in any manner rebel against his rule, or become delinquents, or injure or maliciously afflict any of his subjects, we promise and absolutely protest we will fully pay. And to the observance of the aforesaid premises, we wish to bind ourselves, and grant all our possessions, wherever they may be found, together with our bodies in such penalties as he may please, to be taken and held, all secular remedies of law, and the rights of nations being set aside, and by no means availing us. In testimony whereof we have affixed to these presents our common Seal. Given at the Abbey of Rushen, in the aforesaid Isle, in the Year 1290.

Edward I. committed the care of the Island to Walter de Huntercombe, who in 1292, by order of his master, (who styled himself King and Lord Superior of Scotland,) surrendered the Island to John Baliol, King of Scotland. The following is Mr. Cumming's translation of the order of Edward I., as given in his Notes on *Sacheverell* 155 :—

Jan. 5, Anno 1292.

Concerning the restoring the Isle of Man to John, King of Scotland, The King and Lord Superior of the Kingdom of Scotland, to his beloved and faithful Walter Huntercombe, Governor of Man, greeting. Whereas, of our special grace, we have restored to our beloved and faithful John Baliol, King of Scotland, such seizure of the Isle of Man with its appurtenances, as Alexander, the last King of Scotland, his predecessor, and whose heir he himself is, had of that Island on the day he died; saving our rights, and those of any other, and saving to us and our heirs, the revenues, wards, heritages, reliefs, escheats, fines, amercements, arrears of farms and rents, which were due at the time when we had seizure of the same land; and saving to us and our heirs any recognitions, decrees, and attachments of our bailiffs and magistrates at the time aforesaid; together with cognizance of the charge laid against Duncan Malcolm, and of the Judgments delivered upon the same; and in like manner that all the Judgments delivered in the aforesaid time of our seizure, by our bailiffs and magistrates, in the same land, be held, executed and demanded. We enjoin you more especially that you cause to be made over to the said King, seizure of the aforesaid land, with its appurtenances, in form aforesaid, saving our rights and those of any other.—Witness the King at Newcastle-upon-Tyne, the 5th day of January.

When Mary, as stated in the Chronicle, fled to Edward I. at Perth, he was there in the capacity of arbitrator of the differences between the factions of Bruce and Balliol. Mary made her claim to the Island and offered to do homage for it to Edward, but she was answered that she must claim it of the King of Scotland who then held it. (*Sacheverell* 57, and notes to same 156.)

It is very questionable whether the right to the Crown of Man, did or could descend to Mary as alleged in the Chronicle,—if it did, it descended to her on the death of Reginald her father, and Magnus who succeeded him was not King *de jure*. *Sacheverell* (51) states; “Though we do not find in the whole Norwegian line any pretence to a female succession, yet this gave ground for a plea near 400 years after, upon which sentence was pronounced in favour of the heirs general of Ferdinand Earl of Derby, against his brother Earl William, but it was afterwards settled by Parliament in favour of the males, for during the race of Goddard Crownan three qualifications seemed requisite for the descent of the Government,—a male succession, the consent of the people, and the approbation of the King of Norway, who was then acknowledged for Sovereign; and where either of these was wanting, it generally proved fatal to the prince and people.” Whatever may have been the plea of Earl William in support of his right to the succession, the decision was given in favour of the heirs general,—the three daughters of Earl Ferdinand,—on the ground that the grant of the Isle by the letters patent to Sir John Stanley, was governed by the Common Law of England. (*Coke’s Institutes*, Part 4.) But see Notes on § 5, as to claims of Aufrica, daughter of Olave II.

#### § 4.

The Chronicle here refers back to the conquest by Alexander III. in 1270, (see Notes on § 3), and it was against the act of Alexander in seizing the Island that Mary must have complained; Alexander being dead in 1292.

#### § 5.

The Chronicle here evidently confuses the facts relative to the pedigree of the claimant John Waldebyst or Waldeboef, who made his claim in the right of Mary, his grandmother, (not his wife), daughter of Reginald II., and wife, first of the Earl of Straherne, (see § 3,) and secondly of John de Waldeboef. The correct state of the case appears from the following extract from *Rotuli Parliamentorum*, translated by Mr. *Cumming* in his notes to *Sacheverell* 165. (See also 2 *Oliver’s Monumenta*, 135.)

A.D. 1304, 33 ED. I.—On the petition of John de Waldeboef, seeking the land of Man, with the Islands adjacent, as the true heir to them, in that Reginald, formerly King of the said land of Man, had died seized of the same, from whom the right descended to a certain Mary, daughter of the same, who was the wife of John de Waldeboef, which said Mary at another time prosecuted her right before the King of England, and the answer to her then was, that she should prosecute her claim before the King of Scotland, in that the said land was at that time held by the said King of Scotland, which Mary died in the prosecution of her right; from which said Mary the right descended to a certain William, son and heir of the said Mary, and from this William the right descended to John de Waldeboef, son and heir of the aforesaid William, who now petitions, &c.

Answer.—It is thus answered,—Let it be prosecuted before the Justices of the King's Bench, and let it be heard, and let justice be done; and let the said petition be sent to the said Justices, under the King's Great Seal.

The reason of the answer given would appear to be, that the King of England claimed to be Superior of the King of Scotland, and therefore that the suit being in fact against the King of Scotland, it was cognizable in the English Courts.

But during the interval between the claim of Mary in 1292, and that of her grandson in 1304, another claimant to the Manx throne had arisen in the person of Affrica or Aufrica, commonly called Aufrica de Connaught, daughter of King Olave the Black, and sister of Magnus, the last king of the line of Goddard Crovan. If the crown could descend to a female, the claim of Mary was the preferable one, she being the daughter of Reginald II., whereas Aufrica could have no right except on failure of the issue of her three brothers Harald, Reginald, and Magnus. Aufrica also applied to King Edward I. against John Baliol, King of Scotland, to have her claim allowed, and a writ commanding the appearance of the Scottish king in England was issued. The following is Mr. *Cumming's* translation of the writ in his notes on *Sacheverell* 164. (See also 2 *Oliver's Monumenta* 127.)

Rolls of Scotland, 21 ED. I., 1293.—The King of Scotland is cited to appear in the Court of the King of England, on the suit of Aufrica, the heiress of Magnus, formerly King of Man. The King and Lord Superior of Scotland, to his beloved and faithful John, by the same grace, the illustrious King of Scotland, greeting. Aufrica, the kinswoman and heiress, as she asserts, of Magnus, formerly King of Man, we have heard, setting forth that when she had come herself into your presence, asserting that the land of Man is her right and inheritance, and had asked of you instantly and oftentimes that you would take care to listen to her, as respects her right, and upon her petition which she made concerning the aforesaid land, that you would render to her right and full justice, offering to give proof of her aforesaid rights in due form, according to the law and custom of those parts, you unjustly denied to render to her those things aforesaid, contrary to justice. Wherefore the aforesaid Aufrica, through defect of law, or denial of

justice on your part, has appealed to us, as Lord Superior of the King of Scotland himself, seeking and supplicating that by us should be exhibited the justice wanting on your part to her, according to what, by reason of the royal superiority of government which we have in the same kingdom, she perceives pertains to us. But since a hearing is not to be denied to those seeking their rights, and we are debtors to all in the administration of justice, we call upon you to appear before us within fifteen days after Michaelmas, wherever we may then be in England, to answer to the aforesaid Aufrica, upon the premises, and to do and promise whatever shall be just, which same day we have appointed to Aufrica to do and promise before us in like manner, in those things which justice shall direct. In testimony whereof, witness the King at Westminster, the 15th day of June.

It does not appear that either suit of Aufrica or Mary was prosecuted in England, or that the jurisdiction of the English king as claimed by him, was submitted to.

Aufrica in 1305 made over her right in the Island to Sir Simon de Montacute, who is alleged to have been her husband. (1 *Train* 145, *Cumming's Notes on Sacheverell* 169.) A copy of the grant from *Dodsworth's Collections* is given in *Sacheverell* 58. (See also 2 *Oliver's Monumenta* 137.)

### § 6.

There is considerable difficulty in reconciling the historians as to the events of this period, and as to the connexion of Sir William Montague or Montacute, mentioned in § 8, with the Island. Mr. *Cumming*, in his notes to *Sacheverell* 155, has very ably attempted the reconciliation, and in the notes on this and on sections 7 and 8, I will briefly give what I suppose to be Mr. *Cumming's* and also my own conclusions.

We find the King of Scotland in possession in 1304, when John de Waldeboef petitioned the Parliament for redress. (See notes on § 5.)

In 1305 Aufrica de Connaught made over her right to her husband Sir Simon de Montacute, but it does not appear that *possession* as well as the *right* was transferred. (See notes on § 5.)

Between 1305 and 1307, Sir William Montacute, son of Sir Simon and of Aufrica his wife, conquered the Island from the Scots, and mortgaged it to Anthony Beck, Bishop of Durham and Patriarch of Jerusalem, who in 1307 was in possession.

In 1307 a *scire facias* was issued to Anthony Beck by King Edward I. to shew cause why the King should not resume the Island into his own hands, (see the writ in *Cumming's* notes on *Sacheverell* 157, and 2 *Oliver's Monumenta* 139,) and the King would appear to have obtained possession; for

In 1307 King Edward II. (who succeeded his father Edward I. in that



year,) made two successive grants of the Island to (1) Pierce Gaveston (or Percy de Gaveston) as mentioned in the chronicle, and (2) to Gilbert de Mac Gascall. It is very probable that these persons were but Lieutenants to the King. In my copy of the Chronicle is the following note:—"This Pierce Gaveston was seized by the Barons, and executed without any form of law in Black Mill, near Warwick, by the Earl of Warwick."

In 1308 Edward II. granted the Island to Henry de Bello Monte or Henry Beaumont. The following is Mr. *Cumming's* translation of the grant in his notes on *Sacheverell* 164. (The grant is given in *Challoner* 13; see also 2 *Oliver's Monumenta* 141.)

The King to all to whom these presents shall come, greeting. Know ye, that, for the good service which our beloved and faithful cousin, Henry Beaumont, hath hitherto rendered to us, we have given and granted to the said Henry for the term of his life, for ourselves and our heirs, freely, quietly, well, safely, and in peace, to have and possess all our land of Man, together with the entire lordship and regal justice, as well as with knight's fees, the advowson of churches and religious houses, the liberties, free customs, escheats and all other things pertaining to the aforesaid land, or seeming to pertain, in whatever manner, by the service which the lords of the aforesaid land were accustomed thence to render to the Kings of Scotland. In testimony whereof, witness the King at Newcastle-upon-Tyne, the first day of May, 1308. By the King himself.

In 1310 Edward II. revoked the grant and resumed possession, (see translation of the order for the resumption in *Cumming's* notes to *Sacheverell* 166, and 2 *Oliver's Monumenta* 143,) and committed the custody of the Island to Gilbert de Mac Gascall.

In 1310 Edward II. granted the Island for life to Anthony Beck, who died in 1310 or 1311.

### § 7.

The Chronicle is in error as to the dates, the Island having been conquered by the Scots in 1313. Some of the historians assert that King Robert Bruce conquered the Island in person.

In the same year, 1313, King Robert Bruce granted the Island to Thomas Randolph, or Ranulph, (named in the Chronicle Randle,) Earl of Moray.

The following is Mr. *Cumming's* translation of the grant, from his notes on *Sacheverell* 167. See also *Oliver's Monumenta* 162:—

Charter of Robert Bruce to Thomas Randolph, Earl of Moray, A.D. 1313.

Robert, by the grace of God, King of the Scots, to all honest men of his land, clergy and laity, greeting. Know that we, &c., have confirmed to Thomas Randolph, Earl of Moray and Lord of Annandale, our dearest nephew, for his homage and service, the whole Island of Man, with appurtenances, together with a certain other Island adjacent thereto, which is called Calf's, with appurtenances: To have and to hold to the said

Thomas and his heirs, of us and of our heirs, in fee and heirship, and for a free royalty, without any restraint, freely, peaceably, fully, and honorably, with the advowsons of churches and monasteries, and with all and singular actions and complaints to our Royal Crown appertaining; and with all other kinds of liberties, conveniences, easements, and just appurtenances, in all, and through all, as well unmentioned as mentioned, without the aforesaid Islands, together with royal government and justice, to be administered over all men inhabiting the aforesaid Islands, as well as over all men of the Bishopric there, as of all other men whomsoever, as well as during the time of the vacant Bishopric as without: So that no minister of ours may from henceforth enter upon the premises within the aforesaid Islands: Save and except to us and our heirs, the patronage of the episcopal see there, and its government in all other respects: Finding for us and our heirs, the said Thomas and his heirs, six ships annually, each of twenty-six oars, with men, and provisions for six weeks, after a reasonable warning; and making a personal appearance at the Parliament of us and our heirs, to be held within our kingdom, by reasonable summonses of forty days; and rendering, moreover to us and to our heirs annually, at the feast of Pentecost, Inverness, a hundred marks sterling, by the name of white mail, only in lieu of all earthly services, exactions, customs, or demands which may be required or demanded by any person in the aforesaid Islands, with appurtenances. And we and our heirs will warrant, acquit, and fully defend the aforesaid out Islands, with their appurtenances, in all things as aforesaid, to the said Thomas and his heirs against all people. These being witness:—the Venerable Fathers in Christ William, John, William, David, and David, by the grace of God, Bishops of the Churches of St. Andrew, Glasgow, Dunkeld, Moray, and Sodor; Duncan, Earl of Fife; Patrick of Dunbar, Earl of March; Malise, Earl of Strathern; Hugh, Earl of Ross; Walter, Seueschal of Scotland; James, Lord of Douglas; and Gilbert de Haya, our Constable, knights, at Berwick-upon-Tweed, the 20th day of December, in the 19th year of our reign.”

The Earl of Moray, by charter, A.D. 1329, confirmed the grant of King Magnus to the Bishops of Sodor and Man. (See notes on § 3, and on Title “Abbot” *post.*)

Subsequently King Robert Bruce made two successive grants of the Island (1) to the Duke of Albany, and (2) to Martholine, the King’s almoner. (*Sacheverell* 59.) The uncertainty as to the history of this period is thus observed on by *Sacheverell* 60:—“To say truth, we have so little certainty of these times, that we rather expose their ignorance than inform ourselves.”

### § 8.

The date of the Earl of Salisbury’s conquest, as given in the Chronicle (8 Ed. III., 1335), differs from that given by various historians. The conquest appears to have been made sometime between 1335 and 1343, by Sir William Montague, or Montacute the second, the first Earl of Salisbury. It must be admitted that there is considerable doubt as to there having been two conquests of the Island from the Scots by the Montacute family; but if it be true that a Sir William Montacute

conquered the Island and mortgaged it to Anthony Beck, (who died about 1310 or 1311), (see notes on § 6), and that Sir William Montacute made a conquest of the Island in or after 1335, there must have been two conquests,—the first of which would have been by Sir William Montacute the first, son of Sir Simon, and the second by Sir William Montacute the second, the grandson of Sir Simon.

The grant by Edward III. to the Earl of Salisbury is supposed to have been in confirmation of his alleged right to the throne of Man as the lineal representative of Aufrica, daughter of Olave II. It is also supposed to be probable that he united in his own person the rival claims of Mary and of Aufrica, (see notes in § 5,) in this manner:—

(1) Mary, daughter of Reginald II., married Sir John de Waldeboef, and by him had issue William de Waldeboef, who had issue John de Waldeboef, who in 1304 claimed the Island in the English Parliament (see notes on § 5), and who left issue a daughter, Mary de Waldeboef, who married Sir William Montacute II.

(2) Aufrica, daughter of Olave II., married Sir Simon de Montacute, and by him had issue William de Montacute I., who had issue William de Montacute II., (first Earl of Salisbury,) who married Mary de Waldeboef.

The following is the translation of the grant of Edward III. to Sir William Montacute II., taken from Mr. *Cumming's* notes to *Sacheverell* 171. (See also 2 *Oliver's Monumenta* 183.)

Anno 7, Ed. III. (1333). The King to all to whom these presents may come, greeting. Know ye, that by the consent of the Prelates, Lords, Barons, and other nobles, our assessors, we have remitted, surrendered, and altogether on our part, and that of our heirs, assigned peaceful possession, to our beloved and faithful William de Montacute, of all the rights and claims which we have, have had, or in any way could have, in the Isle of Man, with all its appurtenances whatever; so that neither we nor our heirs, nor any other in our name, shall be able to exact or dispose of any right or claim in the aforesaid Island. In testimony whereof witness the King at Topcliff, the ninth day of August. By the King himself.

It is worthy of note that in this grant there is no reservation of any service, to be rendered by the grantee to the King of England.

### § 9.

It is not clear when the Lord William Montague (second Earl of Salisbury), named in this section, succeeded his father, the first Earl, in the kingdom of Man. Mr. *Cumming*, in his appendix to *Rushen Castle*, gives the date as 1388, and in his notes to *Sacheverell* 170, as 1344.

The following is a translation of a record of the purchase of the Island by Sir William Scroop, afterwards Earl of Wiltshire, given in *Sacheverell* 61. (See also *Oliver's Monumenta* 210.)

William le Scroop buys of the Lord William Montacute, the Isle of Eubonia, that is, Man. It is forsooth the law of that Island, that whoever may be the Lord thereof shall be called *King*, to whom also appertains the right to be crowned with a golden crown.

It is presumed that this transaction of the sale of the Island and its Royalties, must have been with the approbation of the English King Richard II.

## § 10.

“ This Sir William Scroop, afterwards Earl of Wiltshire, had all the vices of a great statesman, subtle, fawning, false, designing, timorous, unjust, covetous, and ambitious, and to support his own authority, misled a weak prince into a separate interest from his people, which in the end proved the ruin of them both; for the nobility, not able to support his insolence, rose against the King, though unsuccessfully, among whom the great Earl of Warwick, a true maintainer of the English liberties, was banished to the Isle of Man, but soon after recalled; for the Duke of Lancaster (afterwards King Henry IV,) landing in England was universally received by the nobility and people, and Sir William Scroop, Earl of Wiltshire, had his head struck off, without any formal process, for misgoverning the King and Kingdom.”—*Sacheverell* 61.

## § 11.

The following is a translation of the grant of Henry IV. to the Earl of Northumberland, anno 1 Henry IV. (1399). See *Gibson's Camden's Britannia*, and 2 *Oliver's Monumenta* 215. The Chronicle appears to be in error as to the date of the grant.

The King to all to whom, &c., greeting. Know that we inwardly reflecting on the magnificent, and to us and our whole kingdom fruitful, and highly necessary labors, costs and services, which our beloved and faithful kinsman, Henry de Percy, Earl of Northumberland, for the extirpation and reformation of divers defects and errors, lately sprung up in the kingdom aforesaid, and tending to the probable extinction and final destruction, both as regards rulers, magistrates, and others of the nobility, as well as of the community of the said kingdom, hath in many ways offered and performed, and unweariedly doth show in our presence ever since we, by the guidance of God, with the premised object, arrived in the kingdom aforesaid. And being desirous, therefore, of conferring some suitable recompense on our kinsman aforesaid, albeit not an unworthy one according as his many and noble deeds impel us,—We have given and granted, of our especial grace and certain knowledge, to the said Earl of Northumberland, the Island, Castle, Peel, and lordships of Man, and all the islands and lordships appertaining to the said Isle of Man, which belonged to Sir William le Scrop, deceased, whom in his life we lately conquered, and so have decreed him conquered, and which by reason of that conquest, as having been conquered, we seized into our hands. Which decree and conquest, as touching the person of the said William, and all his lands and tenements, goods and chattels,

as well within as without our said kingdom, in our Parliament, by the assent of the Lords temporal in the same Parliament assembled, at the petition of the Commons of our said kingdom, are confirmed; to have and to hold to the said earl and his heirs, all the Islands, Castles, Peel, and lordships aforesaid, together with the royalties, regalities, franchises, liberties, seaports, and everything truly and properly belonging to the same, homages, fealties, wardenships, marriages, reliefs, escheats, forfeitures, waifs, strays, courts baron, views of frankpledge, leets, hundreds, wapentakes, sea-wreck, mines of lead and iron, fairs, markets, free customs, meadows, pastures, woods, parks, chases, lands, warrens, assarts, purprestures, highways, fisheries, mills, moors, marshes, turbaries, waters, pools, vineries, ways, passages, and commons, and every other the profits, commodities, emoluments, and appurtenances whatsoever to the Islands, Castle, Peel, and lordship aforesaid, belonging or appertaining, together with the patronage of the bishopric of the said Island of Man, also knight's fees, advowsons and patronage of abbies, priories, hospitals, churches, vicarages, chapels, chantries, and every other ecclesiastical benefices whatsoever to the said Island, Castle, Peel, and lordship in like manner belonging, of us and our heirs for ever, by service of carrying on the coronation days of us and our heirs, at our left shoulder, and the left shoulders of our heirs, by himself, or a sufficient and honorable deputy, that naked sword with which we were girded when we landed in the parts of Holderness, called the *Lancaster sword*, during the procession, and the whole time of the ceremony of the coronation above mentioned, as fully, freely, and entirely, (the service aforesaid excepted,) as the aforesaid William, or any other Lord of the said Island held or might have possessed, the Islands, Castle, Peel, and lordships, with everything before mentioned in times past.

We give, moreover, and concede to the said Earl, all the goods and chattels which belonged to the aforesaid William, existing within the said Island of Man, and which belongs to us by reason of the conquest before mentioned, to hold as our gift.

In testimony of which, &c., witness the King at Westminster, the 19th day of October. By the King himself.

In this grant it is alleged that King Henry IV. had in the lifetime of Sir William Scroop conquered him, and that by reason of the conquest the King had seized the Island into his hands; and it would appear that as there might be doubt as to the alleged *conquest* in a legal point of view, the King *decreed* that Sir William Scroop was *conquered*, and the *conquest* and *decree* as to his person, and real and personal estate, both within and without the kingdom, were ratified and confirmed by the Parliament. On this allegation *Selden* (p. 25, *Oliver's Monumenta* 108, and extract from *Selden* contained in App. 2 to these Notes,) observes:—

Whereas indeed the *conquest* was no otherwise than that Sir William Scroop was taken at Bristow, and beheaded by those which were of the part of this king, while he was Duke of Lancaster, and made his way for the Crown. But it is not so much a wonder to see him give it as a Territorie acquired by *conquest*, if withall it be remembered, that he had a purpose to have challenged the crowns of England and Ireland by a title of the sword, and not by inheritance. But he was dissuaded from that claim by Sir William Thirning, Chief Justice of the Common Pleas, who was imploied under him in his greatest affaires of State, and thence was it also that to give some satisfaction to the Parliament

that doubted it, he made a publique protestation that he would not that any man should thinke that by way of *conquest* he would disinherit any man of his heritage, franchis, or other rights, &c., and therefore also he claimed the crown by pretence of hereditarie discent. But for the title to the Isle of Man he altered not his purpose, it seems, nor did he continue in it without the consent of the Parliament that thus affirmed it to be by *conquest*.

The following references to the proceedings of the Parliament in the first year of Henry IV. (abridged from the Printed Rolls of Parliament), are taken from *Tomlin's Statutes at Large*, vol. I, p. 519 :—

Immediately it appearing from the premises, and by reason thereof, that the kingdom of England with its appurtenances was vacant [viz., by the deposition of Richard II.] Henry Duke of Lancaster challenged the said kingdom of England, so as aforesaid vacant, together with the crown and all its members and appurtenances, in a short speech in English. After which challenge and claim the Lords Spiritual as well as Temporal, and all the States there present, *singillatim et communiter*, being asked what they thought of the said challenge and claim, the said Estates, *cum toto populo*, without any difficulty or delay, unanimously consented that the said Duke should reign over them; and the Duke (thereupon shewing the signet of King Richard, delivered to him as a sign of his wishing him to be his successor,) was led by the Archbishop to the Throne, and placed by him thereon, *populo pre nimio gaudio fortiter applaudante*. After which the Archbishop made the sermon or address alluded to by him at the opening of this Parliament, and the King delivered a short address of thanks to the Lords Spiritual and Temporal, and the Estates of the land, *declining all Right of Conquest*, except as to those who had been against the common profit of the Realm. (Page 520.) On Petition of the Commons.—Proceedings against William Scroope, Henry Green, and John Bussey, declaring all their Lands and Tenements forfeited to the King by *Right of Conquest*, as those whom the King held guilty of all the evil that had happened to the realm. This forfeiture was affirmed by the Lords, with a saving of Trust Estates, and a declaration that the Statute (34 E. III., c. 12) concerning forfeitures should remain in force.

By this statute of 34 Ed. III. provision was made, that there should be no forfeiture of lands for the treason of persons dead, unless attainted in their lives. The only strict sense in which the seizure of the Island by Henry IV. could be designated a *conquest*, was so far as the word *conquest* signifies an *acquisition* gained otherwise than by inheritance.

What we call *purchase*, *perquisitio*, the feudists called *conquest*, *conquaestus*, or *conquisitio*; both denoting any means of acquiring an estate out of the common course of inheritance. And this is still the proper phrase in the Law of Scotland, as it was among the Norman jurists, who stiled the first purchaser (that is, he who brought the estate into the family which at present owns it,) the *conqueror* or *conquereur*, which seems to be all that was meant by the appellation which was given to William the Norman, when his manner of ascending the throne of England was, in his own and his successors' charters, and by the historians of the times, entitled *conquaestus*, and himself *conquaestor* or *conquisitor*, signifying that he was the first of his family who acquired

the crown of England, and from whom therefore all future claims by descent must be derived; though now, from our disuse of the feudal sense of the word, together with the reflexion on his forcible method of acquisition, we are apt to annex the idea of *victory* to this name of *conquest* or *conquisition*, a title which however just with regard to the crown, the conqueror never pretended with regard to the realm of England, nor in fact ever had. (2 *Blackstone's Commentaries* 242.)

Although Parliament declared the acquisition of the Island to be a conquest, it is manifest from the reservation of the House of Lords, that they considered the acquisition by the King was more in the nature of a forfeiture for treason, than a conquest by the sword, and they guard against the act of forfeiture as for treason, the traitor not being attainted in his lifetime, being made a precedent for the future. At the same time if Sir William Scroope were guilty of treason, it was against Richard II., who was in fact deposed by Henry IV., he being himself neither more nor less than a successful traitor. The confirmation by Parliament of the acquisition as a conquest, could have no effect further than as an enactment, that the property and possessions of Sir William Scroop should be dealt with as if they had been acquired by conquest; it could not in reality make that a conquest which was not one.

The Chronicle is incorrect as to the impeachment and death of the Earl of Northumberland. The rising against Henry IV. in 1403 virtually terminated in the battle of Shrewsbury, in which battle Henry Percy (surnamed Hotspur), son of the Earl, was slain, and Robert Percy, Earl of Worcester, uncle of Hotspur, was taken prisoner, the latter being afterwards beheaded. The Earl of Northumberland was not personally engaged in the battle, he having been detained by illness at Berwick. (*Hume's History of England*, chap. 18). By Act of Parliament, 5 Henry IV. (1404) *cap.* 1, the property of Hotspur, of his uncle the Earl of Worcester, and of other traitors engaged in the battle of Shrewsbury, was declared to be forfeited. (1 *Statutes at Large by Tomlins* 547). The Earl, after the battle, submitted to the King and was pardoned, (*Hume*, chap. 18,) but it would appear that although he was not attainted, his property, or at any rate the Isle of Man, was seized to the King's use, and the Island was not restored to him on his submission. The following is the King's commission, issued under the great seal, for the seizure of the Island. (2 *Oliver's Monumenta* 228.)

Respecting the taking and seizing of the Castle and Island of Man into the hands of the King.

6 Hen. IV. (1405).—The King to his beloved and faithful John Stanley and William Stanley, greeting,

Know, &c., that so far as above severally relates to the taking and seizing of the Castle and Island of Man, with its appurtenances, into our hands.

And respecting which, when they shall have been so taken and seized into our hands, safely and securely, that ye hold the same as long as ye have things in charge from us, to keep in our name.

Therefore we command you, and each of you, as far as relates to the foregoing, &c., and the aforesaid things as above set forth, &c.

And we give to all and to every, our honest and faithful men in the Island aforesaid, and to you and each of you, &c., as above. Witness as above.

In 1405 Henry IV. granted the Island to Sir John Stanley for life. By this grant, which is recited in the grant of 1406 (see Notes on § 12), it is declared that the Island, &c., “were possessed by the aforesaid Earl, who against us and his allegiance traitorously rose up, and which appertained to us both by confiscation, as well as by reason of the forfeiture of the same Earl.” The absolute grant of 1406 was made very shortly after that for life. In 1405 the Earl, with Lord Bardolf and others, was again in rebellion against the King. In 1 *Tomlins’ Statutes at Large*, p. 555, are the following references to the printed *Rolls of Parliament*, 7 Henry IV. (1406):—“The Record of the Process against Henry Percy, Earl of Northumberland, and Thomas Bardolf, Lord Bardolf.—The Process against these noblemen in the Court of Chivalry, before the Constable (in An. 6 H. 4) for having appeared in arms against the King, and for having treated with Scotland and France for the restoration of King Richard II. if living, or revenging his death, if dead, is recited before Parliament, and thereupon several proclamations for the appearance of the accused are ordered to be made, and being made and returned, both the noblemen making default in appearance, are declared convict of treason, and sentenced accordingly.” By an Act of the same year, (7 Henry IV., 1406, cap. 5,) provision was made that any property of which the Earl of Northumberland and Lord Bardolf were seized, to the use of others, should not be forfeited to the King, but declaring all lands of which they were seized to their own use to be forfeited. (1 *Tomlins’ Statutes at Large* 557.)

The circumstance of the grant of the Island to Sir John Stanley before the attainder of the Earl, rendered the title of the Stanley family of doubtful legality. The defect does not appear to have been observed until the reign of Queen Elizabeth, when a dispute arose between the heir male and the heirs general of Ferdinand, the eighth Lord of Man of the Stanley line, as to the right to the Island. The title of the Stanley family to the Island was examined by referees appointed by the Queen, and amongst other things they resolved:—“That seeing no office could be found to entitle the King to the forfeiture for treason, that the King might grant by Commission under the Great Seal to seize the same



into the King's hands, &c., which being done and returned of record is sufficient to bring it into the King's seisin and possession, and into charge, &c." (See Notes on § 20, and Appendix No. 2 to these notes.)

The Earl of Northumberland and Lord Bardolf were slain in an engagement at Bramham in 1407. (*Hume*, chap. 18.)

### § 12.

King Henry IV. in 1405 granted the Island to Sir John Stanley for life. The grant was surrendered, and the King in 1406 made a new grant to Sir John and his heirs. The Chronicle gives the date as 1403, which appears to be incorrect. The following is *Dr. Oliver's* translation of the grant of 1406, in which the grant for life is recited. (2 *Oliver's Monumenta* 235, and as to legality of the grant see Notes on § 11 and 20.)

Charter of Henry IV. to Sir John Stanley.—A.D. 1306. (7 Hen. IV.)

The King, to all to whom, etc., greeting. Know that whereas we, on the nineteenth day of October, in the first year of our reign, of our special grace and certain knowledge, had given to Henry de Percy, Earl of Northumberland, the Island, Castle, Pele, and lordship of Man, and all the Islands and lordships to the same Island of Man belonging, which were possessed by William Lescrop, chivalier, whom lately in his life we conquered, and decreed him to be so conquered, and which, by reason of that conquest, as well as of the conquest we took into our hand; which said decree and conquest in our present Parliament, in the first year of our reign, by the assent of the Lords Temporal in the same Parliament, as regards the person of the aforesaid William, and all his lands and tenements, goods and chattels, as well within our said kingdom as without, at the supplication of the Commons of our said kingdom were affirmed; To have and to hold to the said Earl and his heirs, all the Islands, Castle, Pele, and lordship aforesaid, together with the royalties, regalities, franchises, liberties, seaports, and all things to a port reasonably and duly belonging, the homages, fealties, wardships, marriages, reliefs, escheats, forfeitures, waifs, strays, courts baron, views of frankpledge, leets, hundreds, wapentakes, seawrecks, mines of lead and iron, fairs, markets, free customs, meadows, pastures, woods, parks, chases, lands, warrens, assarts, purprestures, highways, fisheries, mills, moors, marshes, turbaries, waters, pools, vivaries, ways, passages, commons, and other profits, commodities, emoluments, and appurtenances whatsoever to the Islands, Castle, Pele, and lordship aforesaid in anywise pertaining or belonging, together with the patronage of the bishopric of the said Island of Man, and also knights' fees, advowsons and patronage of abbies, priories, hospitals, churches, vicarages, chapels, chantries, and all other ecclesiastical benefices whatsoever to the same Islands, Castle, Pele, and lordship likewise appertaining, of us and our heirs for ever, by the service of carrying on the coronation days of us and our heirs, during the procession, and the whole time of the solemnization of the coronation abovesaid, on the left side of us and our heirs, during the procession, and the whole time of the solemnization of the coronation abovesaid, on the left side of us and our heirs, by himself or his sufficient and honourable deputy, that naked sword called *Lancaster sword*, with which we were girded when we landed in the parts called Holdernes, as fully, freely, and entirely, (except as to the service aforesaid,) as the aforesaid William,

or any other lord of the same Isle hath better had and held the said Islands, Castle, Pele, and lordship, with all things aforesaid in byegone times. And Lord Richard, late King of England, the second after the conquest, by his letters patent, which were confirmed by us on the third day of November, in the first year of our reign, by his special grace, with the assent of his council, grants to his well-beloved and faithful knight John de Stanley the payment of one hundred marks each year, on the festivals of Easter and Michaelmas, in equal portions, during the whole life of the said John; and also both by letters of the late king himself, as well by our letters of confirmation recorded in our chancery, we have conceded to the said John, the Castle, Pele, and lordship aforesaid, and all the Islands and lordships to the same Island of Man belonging, which were possessed by the aforesaid earl, who against us and our allegiance traitorously rose up; and which appertained to us both by confiscation, as well as by reason of the forfeiture of the same earl; To have and to hold to the same John for the term of his life, all the Islands, Castle, Pele, and lordship aforesaid, together with the royalties, regalities, franchises, liberties, fees, advowsons, and patronages, and all others abovesaid to the same Island, Castle, Pele, and lordship likewise belonging, as fully, freely, and entirely as the beforesaid Earl or any other Lord of the same Island of Man better had or held of the Islands, Castle, Pele, and lordship, with all things abovesaid in times past, according to our letters to the same John respecting the beforesaid Islands, Castle, Pele, and lordship in this respect is more fully set forth. And inasmuch as the said John has restored to us our said letters recorded in our chancery to be cancelled, we, of our special grace and certain knowledge have given and conceded to the same John, the Island, Castle, Pele, and lordship beforesaid, and all the Islands and lordships to the same Island of Man belonging, not exceeding the value of four hundred pounds per annum, to have and to hold to the same John, his heirs and assigns, all the Islands, Castle, Pele, and lordship aforesaid, together with the royalties, regalities, franchises, liberties, seaports, and every other thing to a port truly and duly belonging, with the homages, fealties, wards, marriages, reliefs, escheats, forfeitures, waifs, strays, courts baron, views of frankpledge, leets, hundreds, wapentakes, sea-wrecks, mines of lead and iron, fairs, markets, free customs, meadows, pasturages, woods, parks, chases, lands, warrens, assarts, purprestures, highways, fisheries, mills, moors, marshes, turbaries, water pools, vivaries, ways, passages, and commons, and all other profits, commodities, and emoluments appertaining whatsoever to the Islands, Castle, Pele, and lordship aforesaid, or in anywise pertaining or belonging to it; together with the patronage of the bishopric of the said Island of Man, also knight's fees, advowsons, and patronage of abbies, priories, hospitals, churches, vicarages, chapels, chantries, and all other ecclesiastical benefices whatsoever, to the same Islands, Castle, Pele, and lordship belonging, of us and our heirs for ever, for the homage, allegiance, and service of rendering to us two falcons, on one occasion only, namely, immediately after making homage of this kind, and rendering to our heirs, future kings of England, two falcons on the days of their coronation, in lieu of all other services, customs, and demands, as freely, fully, and entirely as the said William or any other lord of the Island aforesaid, with the Islands, Castle, Pele, and lordship belonging thereto, together with the royalties, regalities, franchises, liberties, seaports, and everything to a port reasonably and truly belonging, the homages, fealties, wards, marriages, reliefs, escheats, forfeitures, waifs, strays, courts baron, views of frankpledge, leets, hundreds, wapentakes, sea-wrecks, mines of lead and iron, fairs, markets, free customs, meadows, pasturages, woods, parks, chases, lands, warrens, assarts, purprestures,

highways, fisheries, mills, moors, marshes, turbaries, pools, vivaries, ways, passages, and commons, and all other profits, commodities, emoluments, and every other thing belonging to the Islands, Castle, Pele, and lordship aforesaid, in any manner appertaining or belonging, together with the patronage of the bishopric of the said Island of Man, also knights' fees, advowsons, and patronage of abbies, priories, hospitals, churches, vicarages, chapels, chantries, and all other ecclesiastical benefices whatsoever to the same Islands, Castle, Pele, and lordship likewise belonging, as he was accustomed to freely have and hold in times past, the said homage, allegiance, and rendering of falcons always excepted; We willing, nevertheless, and conceding that whensoever the said John or his heirs, or their assigns, shall happen to die, whether of full age or under, then those heirs existing immediately after the death of the said John, his heirs or assigns, or their heirs and assigns, from time to time for ever shall succeed, namely, whichever of them immediately after the death of him to whom by hereditary right, or any other manner, shall succeed to the Islands, Castle, Pele, and lordship aforesaid, with their appurtenances, together with the royalties, regalities, franchises, liberties, sea ports, and all and every other thing to a port reasonably and duly belonging, the homages, fealties, wardships, marriages, reliefs, escheats, forfeitures, waifs, strays, courts baron, views of frankpledge, leets, hundreds, wapentakes, sea-wrecks, mines of lead and iron, fairs, markets, free customs, meadows, pastures, woods, parks, chases, lands, warrens, assarts, purprestures, highways, fisheries, mills, moors, marshes, turbaries, pools, vivaries, ways, passages, and commons, and all other profits, commodities, emoluments, and appurtenances whatsoever to the Islands, Castle, Pele, and lordship aforesaid, in any manner appertaining or belonging, together with the patronage of the bishopric of the said Island of Man; also knights' fees, advowsons, and patronage of abbies, priories, hospitals, churches, vicarages, chapels, chantries, and all other ecclesiastical benefices whatsoever to the same Islands, Castles, Pele, and lordship similarly belonging, shall successively enter upon and peacefully hold possession for himself, his heirs and assigns, of us and our heirs, by the homage and allegiance of the said service of rendering two falcons on the aforesaid coronation days only, in lieu of all other services, customs, and demand, without any seisin or sequestration of the same into the hands of us and our heirs, by reason of the homage aforesaid, or on account of any other lands and tenements which the beforesaid John otherwise holds of us, or himself, or heirs, or assigns aforesaid, hold or shall hold of us or our heirs, by reason of their minority or the minority of any of them, and without any other profits commodities, exactions, customs, or demands, by us or our heirs aforesaid, of John himself, or his heirs or assigns, by way of reason, occasion, pretext, or colour of homage or homages, of the Islands, Castle, Pele, and lordship aforesaid, from this time to be taken or exacted, or in any manner challenged for ever, without us or our heirs having taken in marriage the heir or heirs of the said John, or of their heirs, on any occasion, pretext, or reason, of the Castle, Pele, lordship, homages, or returns aforesaid, or of our heirs having it in future in any way. Moreover the said John Stanley holds for the term of his life, as the gift and concession of our dearest first-born Henry, Prince of Wales, the keepership of the Forest of Macclesfeld de la Mare and Moudrem, with the fees and profits to the same keepership appertaining, to the value of one hundred marks yearly, and twenty pounds per annum, for the term of his life, to be taken out of the issues and profits of the city of Chichester, the grant of our predecessor Lord Richard, the late King of England, notwithstanding. In testimony of which witness the King, at Westminster, the 6th day of April.

By Writ of Privy Seal.

It would appear that Sir John Stanley I., the first King or Lord of Man under the foregoing grant, never visited the Island.

He was the second son of Sir William Stanley. The honor of knighthood was conferred on him by King Edward III. King Richard II., *cir.* 1379, appointed him Governor or Lieutenant of Ireland, in which office he continued until 1389. In 1390 he was appointed Lord Justice of Ireland, and in 1395 the King made him Constable of Roxburgh Castle in Scotland. He was soon afterwards again appointed to the Government of Ireland, where he continued until the accession of Henry IV., who in 1400 appointed him Lord-Lieutenant of Ireland. He was shortly afterwards recalled from Ireland to assist the King in a time of rebellion, and he was appointed Steward of His Majesty's Household. In 1405 Sir John was appointed Attorney-General to the King's younger son Thomas, Earl of Lancaster, when made Lord-Lieutenant of Ireland. In 1408 the King appointed Sir John constable of Windsor Castle, and made him a Knight of the Garter. He was again appointed Lord Lieutenant of Ireland in 1413 by King Henry V. He died in Ireland on January 6, 1414, being the ninth year of his reign as King or Lord of Man. (*Seacome* 13—20.)

### § 13.

Sir John Stanley II., the second King of Man of the House of Stanley, was about twenty-three or twenty-four years of age when he succeeded his father the first king in 1414. He was at an early age made Steward of the Household of King Henry VI., and in 1427 he was made Constable of Carnarvon Castle in Wales. In 1439 he was appointed Governor of Carnarvon, and Constable of the Castle there, and Sheriff of Anglesea for life. The King also conferred on him the honour of knighthood. Shortly before his death he was appointed one of the Judges itinerant for the County of Chester. He died *cir.* 1432, having reigned as King of Man about eighteen years. (*Seacome* 27, 28.)

He visited the Island in 1417, and again in 1422. In 1417 he held a Court of Tynwald at the Tynwald Hill, St. John's, when the ancient mode of holding a Tynwald was declared, and certain old customary laws were declared and confirmed. (*Mills* 1.) In 1422 he held a Court at the Hill of Reneurling (Cronk Urleigh) in Kirk Michael, when the barons of the Island were called to do homage to him as king. (*Mills* 8). He also held a Tynwald at Castle Rushen, when certain customary laws were committed to writing.

## § 14.

The Chronicle and *Sir E. Coke* (see App. No. 2 to Notes) appear to have been both in error in naming the third King of the House of Stanley *Henry*. According to *Seacome* (29) and *Burke's Peerage* (287) his name was *Thomas*, and this is the name given by the other historians.

Thomas I. succeeded his father the second King *cir.* 1432, having previously had the honour of knighthood conferred on him by King Henry VI. In 1432 he was made Lieutenant of Ireland, and soon afterwards Comptroller of His Majesty's Household. In 1440 he was appointed Deputy to the Earl of Suffolk, the judge of Chester, and in 1441 he and another were appointed by the same Earl Lieutenant-Justices of Chester. In 1448 Sir Thomas and others were commissioned by the King to treat with the Scots for a truce, and in 1449 he was appointed one of the conservators of the truce. In 1450 he, with others, was put in commission for the defence of Calais, and in 1451 he was again appointed a conservator of the truce with Scotland. In the same year he was made sole Judge of Chester, and in 1452 he was commissioned to treat for a new truce with Scotland. In 1456 he was created Baron Stanley, and made Lord Chamberlain of the King's Household. In 1457 he was appointed one of the Council to Edward, Prince of Wales, and in 1460 he was again appointed one of the ambassadors to treat with those of Scotland. He died in 1460; being the twenty-eighth year of his reign as King of Man. (*Seacome* 29, 30.)

There is no account of his having visited the Island.

## § 15.

Thomas II., the second Lord Stanley and fourth King of Man of the House of Stanley, succeeded his father the third king in 1460. He was made Judge of Chester in 1472. In 1483 King Richard III. made him Constable of England for life, and installed him a Knight Companion of the Garter. In 1485 his step-son King Henry VII. created him Earl of Derby, and constituted him one of the Lords Commissioners for executing the office of Lord High Steward of England at the coronation of the King, and in 1488 he filled a like office at the coronation of Elizabeth, the Queen Consort. In 1486 a new grant was made to him of the office of Constable of England for life, and in 1487 he was one of the godfathers to Prince Arthur, the eldest son of Henry VII. In 1496 he was one of the guarantees of peace between the King and the Arch-Duke of Austria, and one of the Lords assenting to the peace made with France. He died

in 1504; being the forty-fourth year of his reign as King of Man. (*Seacome* 30—33, 37.) It does not appear that he ever visited the Isle of Man.

The succession is traced through his son George, who was his third son, the two elder sons having died young and without issue. George was married to Joan, the only daughter and heiress of John, Baron Strange of Knocking, and in right of his wife he had a summons to Parliament as Baron Strange. He died in 1497. (*Seacome* 35, 36.)

### § 16.

Thomas III., the second Earl of Derby and fifth King of Man of the House of Stanley, son of George, Lord Strange, succeeded his grandfather the fourth king in 1504. In 1508 he with other nobles became bound for the due performance of the marriage contract of Mary, third daughter of Henry VII., and the Prince of Spain. In 1514 he attended Henry VIII. in his expedition to France, and in 1521 he was one of the peers who sat on the trial of the Duke of Buckinghame. He died 24th May, 1521, being the seventeenth year of his reign as King or Lord of Man. (*Seacome* 37, 42, &c.)

According to *Train* (Vol. I., p. 167) he visited the Island in 1507, but this is by no means certain. During the reign of Edward IV. he dropped the title of *King*, and made use of that of *Lord of Man and the Isles*, the title continued by his successors. Two reasons for the change of title are alleged,—(1) that as the Island was granted to the Stanley family by Henry IV., the chief of the House of Lancaster, it was prudent and politic to drop a title which might occasion jealousy and mistrust on the part of Edward IV., the chief of the House of York; and (2) that it is not fit for a King to be subject to any but the King of Kings,—that it doth not please a King that any of his subjects should affect that title, and that to be a great Lord is more honorable than a petty King. (*Seacome* 43, 132) The change of title did not of course derogate from the Sovereign rights of the Lords, or affect the relationship between them and their subjects.

On the decease of Thomas, the second Earl, his widow Ann, Countess of Derby, claimed dower in the Isle of Man. The case is reported by *Kelway*, Michaelmas 14 Henry VIII., (1523,) and is cited in 4 *Coke's Institutes* 201, to the following effect:—

An office was found that Thomas, Earl of Derby, at the time of his death was seized of the Isle of Man in fee, whereupon the Countess his wife, by her counsel, moved to have her Dower in the Chancery; but it was resolved by Brudenole, Brooke, and Fitzherbert, Justices, and all

the King's Counsel, that the office was merely void, because the Isle of Man was no part of the Realm of England, nor was governed by the Law of this Land; and the Statute *de donis*, of Uses, and of Wills, nor any other general Act of Parliament did extend to the Isle of Man, but by special name an Act may extend to it. (See Appendix No. 2 to these Notes.) This decision was adverse to the claim for Dower. It is difficult to understand how the widow of a deceased Sovereign could have dower in the Sovereignty.

### § 17.

Edward, the third Earl of Derby and sixth Lord of Man of the House of Stanley, succeeded his father the fifth Lord in 1521, he being then a minor of the age of fourteen years. By the will of his father, the Governor and the civil authorities in the Island were to be continued in office during the minority of Edward, his affairs being managed by the Executors and Supervisors named in his father's will, among whom were Cardinal Wolsey, Archbishop of York and Lord High Chancellor of England, and the Bishops of Exeter, Chester, and Man.

Edward became of full age in 1528, when he was one of the principal persons appointed to attend Cardinal Wolsey on an embassy to France, touching the making war in Italy for setting free Pope Clement VII., then a prisoner. In 1530 he was one of the peers who subscribed the declaration to Pope Clement VII. that if he refused his confirmation of the divorce of Queen Catherine, his supremacy in England would be in danger, and that a remedy must be sought elsewhere. In 1532 on the occasion of the coronation of Queen Anne Boleyn, he was made a Knight of the Bath, and after the ceremony he became her cup-bearer. On the accession of Edward VI. in 1547, he was made a Knight Companion of the Garter, and in 1550 he was one of the Peers who were parties to the Articles of Peace with the Scots and French. In 1553 he was appointed Lord High Steward of England on the occasion of the coronation of Queen Mary. In 1558 the office of Chamberlain of Chester was conferred on him, and in 1559 he became one of the Privy Council of Queen Elizabeth. He died 24th October, 1572, in the fifty-second year of his reign as Lord of Man. It does not appear that he visited the Island. (*Seacome* 44—51.)

### § 18.

Henry, the fourth Earl of Derby and seventh Lord of Man of the House of Stanley, succeeded his father the sixth Lord in 1572. He was by Queen Elizabeth made a Knight of the Garter, and he was at the

head of the Commission sent to Flanders to treat of a peace with the Prince of Parma, on behalf of the King of Spain. Soon afterwards he was honored by the Queen to carry the ensigns and invest the King of France with the Order of the Garter. In 1564 he was appointed to attend the Queen on her visit to the University of Cambridge, and again in 1566 on her visit to the University of Oxford, on which latter occasion the degree of M.A. was conferred on him. He and other Peers were the Judges for the trial of Mary, Queen of Scots, and he was constituted Lord High Steward of England for the trial of Philip, Earl of Arundel, for treason. In 1588 he was appointed Lord Chamberlain of Chester. He died 21st September, 1594, in the twenty-second year of his reign as Lord of Man. (*Seacome* 61, 62.)

Earl Henry visited the Island in 1577. He presided at the Common Law Court held in May, and at a Tynwald Court held at St. John's on the 13th July, 1577, at which court the Bishop did homage for his Barony. (*Liber Plitor.* 1577.) He was also present at a Tynwald Court held on the 24th June, 1583. (See Abstract, title "Salmon," *post.*)

## § 19.

Ferdinand or Ferdinando, the fifth Earl of Derby and eighth Lord of Man of the House of Stanley, succeeded his father the seventh Lord in 1594. He died from the effects of poison in May, 1595, in the first year of his reign as Lord of Man. (*Seacome* 63, 64.) It does not appear that he visited the Island.

## § 20.

Ferdinand, the eighth Lord of Man, on his decease left issue three daughters,—Anne, of the age of thirteen, afterwards wife of Grey Bridges, Lord Chandoy's; Frances, of the age of eleven, afterwards wife of Sir John Egerton; and Elizabeth, of the age of seven, afterwards wife of Henry, Earl of Huntingdon; there being no male issue. (*Seacome* 64.) A question was raised between these daughters as heirs general, and William, the sixth Earl of Derby, as brother and heir male of the deceased Ferdinand, as to the right to the Island. Queen Elizabeth,

Reign of Queen Elizabeth. pending the settlement of the dispute, took possession of the Island,—the following being her Order for the assumption of such possession, and appointing Sir Thomas Garrett or Gerrard (afterwards Lord Gerrard,) Governor or Captain. (*Liber Cancellar.* 1595, No. 34.)



Elizabeth R :

By the Queene.

Trusty and wellbeloved we greete you well. Forasmuch as synce the death of Randulph Stanley, appoynted Captaine of the Isle of Man by our Cosen Fferdinando, the late Earle of Derby deceased, the said Isle hath remained without a Captaine, whereby the place is unprovyded of some superior person above the rest, to command such forces as are appointed for the resyding of any sodanne attempt by the enemies, the same place having bene longe shott att, (as by dyvers advrtisements is dayly confirmed) : And where in regard of the questyon yet undetermynd betweene the Earle that now is, and the heires generall of his brother yt is uncertaine by w<sup>ch</sup> of them the Capten should be appoynted, We have thought fitt for avoyding any prejudice to that place by such default, to take the care and proteccion of the same untill the matter may be decyded to w<sup>ch</sup> of them the right doth appertaine, w<sup>ch</sup> will easylye appeare after some convenyent tyme, that an exact perusall may be made of the evidences. We therefore having good experience of the valour and fidelity of this gent our servant Sr Thoms Garrett Knight, and knowing that he is fittest in regard of his habitacon in those partes, upon all occasions to comand any forces or succours, w<sup>ch</sup> might be sent by us at any tyme, in case of extremytie to defend the same ; Wee have comanded him to make his speedy repaire to that Island, and there upon conference had with you to consider and putt in execution what is fitt to be done for the better securitie of the place, the rather for that Wee are informed that the forces are but meanelly provyded, either of necessaries or souldiers of any experyence to defend it with ; being fitt in all places of such consequence, specially at these tymes, to be duely reformed, and being that w<sup>ch</sup> doth concerne us in hono<sup>r</sup> and you in yo<sup>r</sup> safeties of lyves and fortunes, We have thought yt our parte to comand you and every of you to be assistante to our said servant, and both to advise with him and to followe his dyreccion, whose experience and discreccion we knowe to be such as he will no way move you to any thinge unnecessarie or inconvenient, neither will in any sort offer to disturbe or inovate the civil government of the contry and people, nor any way seek to wrest their usuall constytucons propper and belonging to the same : but with all love and kyndness there remaine under us as other Captens have done under the former Earles, until the tytle be so determynd, as by the parties to whom the right apperteyneth, some other course may be taken : In consideration whereof, we do assure ourselves of that obedience and conformytie in you and every of you, towarde this gent now appoynted Capten, w<sup>ch</sup> agreeth w<sup>th</sup> yo<sup>r</sup> p<sup>r</sup>sent duties, and may confirme yo<sup>r</sup> former love and loyalty to us, for w<sup>ch</sup> We ever have esteemed you, and will take no lesse regard of your welldoing than those that lyve daylie neerer us, wherein you may approve and comfort yorselves at all tymes in spyte of any proude or vaine boastes of our enemies, for whose malicious and vaine attempts we have bene ever to their own shame and confusion sufficiently provyded. Given under our Signet at our Manor of Greenwiche the first day of August in the xxxvij<sup>th</sup> year of our reigne, 1595.

To our trustie and welbeloved the Receyvers, Comptroller,  
Demsters, and other the Officers in the Island of Mann.

It is probable that Queen Elizabeth took the charge of the Island at the instance of Earl William, and of Alice, the widow of the late Earl Ferdinand, on behalf of her three infant daughters, as on the same day and from the same place, they issued to the Officers in the Island the following letters. (*Liber Cancellar.* 1595, No. 36.)

After our very hartly commendacons: Forasmuch as by the death of Ferdynando the late Erle of Derby, the beloved brother of me the present Erle, and dearest husband of me the Countesse, there is some questyon risen to whom the possesson of that Island of Mann in right is descended, whether to me his brother, or to the heires genrall of my husband so deceased, by reason of w<sup>ch</sup> incerteinty the Island hath remayned for a longe tyme unprovdyed of a Captaine; And seeing it hath pleased Her Most Excellent Ma<sup>tie</sup> our gracious Sovereigne, to vouchsafe in the meane tyme in regard of hir pryncely care of that Island and people, to spare a servant of her own, S<sup>r</sup> Thomas Garrett, Knight, a gent of good reputacon and experience, and borne neere those partes, to repair thither for the better safetie and government of that place, and hath for that purpose written her owne pryncely letter unto you that have the charge of the Isle: Althoughe we are not so ill advised, as to doubt of your ready and obedient conformitie to Her Ma<sup>ties</sup> pleasure, whose authoritie is absolute over us all, yet could we nott forbear for further demonstracon of our duties and thankfulness to Her Ma<sup>tie</sup> for this great favour, to requyre and charge you by all the interest that any of us or oures either have or can have in yo<sup>r</sup> loves and duties, that you do so conforme yo<sup>r</sup>selves to this gent during his residence amongst you, as that he may neither fynd you backward or froward in anything wherein he shall advise or direct you for the good of the Isle, nor yet her Ma<sup>tie</sup> have cause to repent her of this Her gracious proceeding w<sup>th</sup> you, for which both we and you are infynitely bounden unto her. And thus referring the rest to her Ma<sup>ties</sup> letters by which you are to be wholly directed, we commit you to God's protecon. From the Court att Greenwich the first of August, 1595.

Yo<sup>r</sup> very loving and assured friends,

WILL: DERBY.

AL: DERBY.

To our very loving friendes the Receyvers, Comptroller,  
Deemsters, and other the Officers in the Island of Mann.

In the following year Peter Legh, Esq., was appointed Governor or Deputy-Governor of the Island, during the absence of Sir Thomas Gerrard, by the following letters, issued on behalf of the Queen by Sir Thomas Egerton, Knight, Lord Keeper; Thomas Sackville, Lord Buckhurst, Lord High Treasurer; and Lord Hunsdon, Lord Chamberlain of the Household. (*Liber Scaccar.* 1596, No. 27.)

After our hartie comendacons, Whereas yt pleased her Ma<sup>tie</sup> to signifie her pleasure by her l<sup>r</sup>es bearing date at Grenewich the first of August 1595, that forasmuch as since the death of Randolph Stanley late Cap<sup>n</sup> of the Isle of Man, the sayd Isle hath remayned w<sup>thout</sup> a Cap<sup>n</sup>, whereby the place being unprovided of some superior person, to comand such forces as are appointed for resisting any sodeyn attemptes by the enemye, the same having beene longe shott at, her Highnes, as well in her princelie care to prevent such dangers, as also in regard of the question not yet determined between the Earle that nowe is, and the Heires genrall of his brother, (to w<sup>ch</sup> of them in right the nominatinge and appointing of the sayd Cap<sup>n</sup> should appertayne,) thought good in her wisdom to take protecon of the Isle untill the controversie might be decyded, to w<sup>ch</sup> of them the true right belonged: And thereuppon for the good experience of the valor and fidelitie of her servant S<sup>r</sup> Thomas Gerrard, Knight, (as fittest in regard to his habitacon in those partes as for divers other good respectes,) her Ma<sup>tie</sup> comanded him to make his speedie repayre to

that Island, and to take the charge and Captenshipp thereof upon him: And forasmuch as Sr Thomas being nowe otherwise imployed in Her Highnes service, is enforced for a tyme to be absent from his charge there: Wee have thought good to lett you und<sup>r</sup>stand that for the good report Her Mat<sup>tie</sup> hath received of yo<sup>r</sup> worthiness and sufficiencie to execute the same place, being her sworne servant, and one in whom she doth repose a speciall trust, her Highnes hath comanded us to signifie unto you that Her pleasure is, you doe putt yo<sup>r</sup>self in order w<sup>th</sup> all convenient speede to repayre to the said Isle, and there to remain as Cap<sup>n</sup> and Governo<sup>r</sup>, for and during the absence of the sayd Sr Thomas Gerrard, doing and performinge all thinges w<sup>ch</sup> to the sayd office of Capteinshipp belongeth, as fullie and as amplie as the sayd Sr Thoms Gerrard might or should have done, yf he himself had there still continued and remeyned present: And to the entent you maye the better performe and discharge the sayd office, Her Mat<sup>ties</sup> pleasure is, that you do publish thees our l<sup>r</sup>es to all the officers and inhabitants of the said Isle, whom Her Mat<sup>tie</sup> expreselie comandeth that they doe offer and accomlishe all due obedience unto you, thus appointed the Cap<sup>n</sup> thereof during Sr Thoms Gerrard's absence in all dutifull and loyall course as apperteyneth. And soe not doubting but you will have care to accomplish this Her Mat<sup>ties</sup> pleasure: we doe bid you farewell. From the Court the 3rd of July 1596.

Yo<sup>r</sup> verie loving friends

THO: EGERTON, C.S.  
T. BUCKHURST.  
HUNSDON.

To our very loving friend Mr Peter Legh, Esquier, be thees &c.

Her Majesty referred the contention to Lord Keeper Egerton, to several Lords of the Council, to Popham, Chief Justice of England, Anderson, Chief Justice of the Common Pleas, and Peryam, Chief Baron, who after hearing counsel on both sides in 1598, came to the following decision. (*4 Coke's Institutes, App. No. 2 to these Notes.*)

1.—That the Isle of Man was an ancient kingdom of itself, and no part of the Kingdom of England.

2.—They affirmed a case reported by *Kelw.* anno 14 Henry VIII. to be Law. An office was found that Thomas Earl of Derby [2d Earl] at the time of his death was seized of the Isle of Man in fee, whereupon the Countess his wife moved by her Counsel to have her Dower in the Chancery, but it was resolved by Brudnell, Brooke, and Fitzh., Justices, and all the King's Counsel, that the Office was merely void, because the Isle of Man was no part of the realm of England, nor was governed by the Laws of the land, but was like to Tourny in Normandy, or Gascoign in France, when they were in the King of England's hands, which were merely out of the power of the Chancery: which was the place to endow the Widow of the King. It was resolved by them that the Statute of West. 2 *De donis conditionalibus*, nor of 27 H. 8 of Uses, nor the Statutes of 32 or 34 H. 8 of Wills, nor any other general Act of Parliament did extend to the Isle of Man for the cause aforesaid, but by special name an Act of Parliament may extend to it.

3.—It was resolved, that seeing no office could be found to entitle the King to the forfeiture of treason, that the King might grant by Commission under the Great Seal to seize the same into the King's hands. &c., which being done and returned of record, is sufficient to bring it into the King's seisin and possession, and into charge, &c.

4.—That the King might grant the same under the Great Seal, because he cannot grant it in any other manner. And herewith agreeth divers Grants under the Great Seal, of this Isle, viz. 4 Junii, 8 E. 1., *Rex E. 1. concessit Waltero de Huntercombe, &c.* *Rex E. 2. concessit Petro de Gaveston, &c.* 1 Maii, 5 E. 2., *Gilberto Magaskill*, and in the same year grants *Henrico de Bello monte Insulam prædictam cum omni Dominio et Justitia regali pro termino vite, &c.*

5.—It was resolved that a fee simple in this Isle passing by the letters patent to Sir John Stanley and his Heirs, is descendible to his heirs according to the course of the Common Law, for a Grant itself by letters patent is warranted by the Common Law in this case, and therefore if there be no other impediment, the Isle in this case shall descend to the Heirs general, and not to the Heir male, as the grand Seigniors and Cannots in Wales were impleadable at the Common Law, but the Lands holden of them by the Customs of Wales, &c., which resolutions we have thought good to report; because they are the best directions that we have found, both in these and for the like cases.

The third resolution refers to the defect in the grants to Sir John Stanley I. in 1405 and 1406, by reason of the non-attainder of the Earl of Northumberland, the former King of the Island, when the grants were made. (See Notes on § 11, in which Notes see also the Commission for the seizure of the Island referred to.)

The effect of the resolutions, so far as they affect the title to the Island, appears to be:—That the grant of 1406 by Henry IV., although made after the commission of treason by the Earl of Northumberland, the former Lord of the Island, and after its seizure by the King, was not legal,—the King having no power to make the grant before the actual attainder of the Earl; that no grant having been made since the actual attainder, the right was in Queen Elizabeth; that by the Common Law of England it was competent for the Sovereign of England to grant the Island under the Great Seal; but that whatever right Sir John Stanley I. took under the grant of 1406, the grant being by letters patent under the Great Seal of England, such right would descend according to the Common Law of England to the heirs general, and not to the heirs male. The decision therefore (irrespective of the original defect, which from its pure technicality was one of which it is not to be presumed the Crown would have taken advantage,) was adverse to Earl William.

The Island continued in possession of Queen Elizabeth until her decease on the 24th March, 1603, and thereupon the Government was administered in the name of her successor King James I. The following extracts from the records shew that he appointed Mr. Ireland as Governor:—(*Liber Scaccarius*, 1609, No. 31.) “Inquisition at Castle Rushen, the 3rd May, 1609, before John Ireland, Esq., Governor of the Isle of Man under His Majesty,” &c (*Ibid*, No. 45.) “Exchequer Court holden at Castletown, within the

Chapple there, the 20th of June, 1609, before John Ireland, Esquier, Gov<sup>r</sup>nor of this Isle under the King's Ma<sup>tie</sup>, by force of His Highnes L<sup>r</sup>es Patente under the Great Seale of England, directed unto him the sayd John Ireland, Esquier, and John Birchall, Gentleman, jointly and severallie," &c. (*Ibid*, No. 57.) Gaol Delivery, 11th July, 1609, "before John Ireland, Esq., Gov<sup>r</sup> of this Isle by force of His Majesty's Letters Patent."

It is probable that the Island continued in the possession of the Crown of England, in order to enable Earl William and his nieces to effect an arrangement; and that such arrangement was postponed until the whole of the nieces were of full age. The youngest of them, the Countess of Huntingdon, attained her majority about 1609.

King James I., by letters patent under the Great Seal of England, dated the 14th August, 1607, at the petition of the Earl of Derby, the  
 Reign of the Earl of Huntingdon and wife, Lord Chandoys and wife, and  
 Earls of Sir John Egerton and wife, granted to Henry, Earl of  
 Northamp- Northampton, and Robert, Earl of Salisbury, the Island,  
 ton and Castle, Pele, and Lordship of Man, and all the Islands and  
 Salisbury. Lordships to the same appertaining, and all and singular  
 the Royal Regalities, Franchises, Liberties, and all other the Rights,  
 Profits, and Commodities thereunto belonging, (except all those Houses,  
 Sites, Circuits, and Precincts, formerly the Monastery and Priory of  
 Rushen and Douglas, and the Friars Minors, commonly called the Gray  
 Friars of Brimaken, otherwise Bymaken, and the Rectories and Churches  
 of Kirk Christ in *Sheldinge* and Kirk Lonan, formerly to the Monastery  
 of Rushen belonging and appertaining, and parcel of the possession of  
 the same, with their Rights, Members, and Appurtenances therein more  
 particularly described,) to be had and holden by them the Earles of  
 Northampton and Salisbury, their Heirs and Assigns, of the King, his  
 Heirs and Successors for ever, by the Liege Homage, and by the service  
 of rendering two falcons on the days of their coronation. (See Preamble  
 to the Revesting Act, 5 Geo. III., cap. 26, in Note on § 28.)

This grant, made at the instance of the disputants in the Derby family, was also made for their benefit so far as related to the profits of the Island, as appears by a warrant, dated the 10th May, 1608, from the grantees the Earls of Salisbury and Northampton, to Lord Gerrard formerly Governor of the Island, as to the collection of the revenues, from which the following extracts are made. (*Liber Cancell.* 1608, No. 21.)

To all to whom these p<sup>'</sup>nts shall come, The Right honorable Rob<sup>t</sup> Earle of Salisburie lord high Treasurer of England, principall secretarie to the King's most excellent ma<sup>tie</sup>, m<sup>r</sup> of

his highness Court of wardes and lyveries, knight of the most noble order of the Garter, and one of the lords of his mat<sup>s</sup> most honorable privye counsell, and the right honorable Henrie, Earle of Northampton, lord privey seale, lord warden of the Cinque portes, knight of the noble order of the Garter, and one other of the lords of his mat<sup>s</sup> most honorable privy counsell: send greeting: That whereas the King's most excellent mat<sup>ie</sup>, in and by his highness l'res patente under the great seale of England, bearing date at Westminster the ffourteenth daie August in the year of his highness reign of England, Scotland, Ffraunce, and Ireland, (that is to say, of England, Ffraunce, and Ireland the fyfthe, and of Scotland the one and fforteth), did grant unto the said Rob<sup>t</sup> Earle of Salisburie, and Henrie Earle of Northampton, by the names of Rob<sup>t</sup> Earle of Salisburie and Henrie Earle of Northampton, the Isle, Castle, Peele, and Dominion of Mann, and all Islands and Segniories to the same Isle appertaining, and furthermore his highness did grant in and by the said l'res patente unto the said Earles all and everie the rents, revenues, yssues, and proffitts of the sayd Island, Castle, Peele, and Dominion of Mann, and of all Islands to the same belonging, or of any p'te or p'cell thereof before then not payd unto the late Queene Elizabeth or to his mat<sup>ie</sup>, without any accompt or other thing to be rendered, paid, or done for the same; and further, as by the sayd l'res patente maie more at large appeare, w'ch sayd l'res patente albeit they were made unto the sayd Earles of Salisburie and Northampton, yet were the same made at the humble petition of William Earl of Derby, and the right honorable Henrie Earl of Hunttington, and Elizabeth his wief, Gray Bridges Lord Chandoyes, and Anne his wief, John Egerton, knight, sonne and heire male appa'nt of the right honorable Thomas Lord Ellesmere, Lord Chancellor of England, and Ffrances wief of the sayd Sir John Egerton; and upon special trust reposed in the sayd Earles of Salisburie and Northampton by the said Will<sup>m</sup> Earle of Derby and the sayd Lady Anne, Ffrances, and Elizabeth, to weete, that the one half and full moytie of the sayd Isle and other the premisses should be to and for the use of the sayd Earle of Derby; and for the other moytie should be to the use of the sayd Ladyes Anne, Ffrances, and Elizabeth, &c.—Knowe ye us therefore the sayd Earles of Salisburie and Northampton, in p'formance of ye sayd agreemente and truste in us reposed, to have authorized and requested, and by this our p'рте commission doe authorisze and requeste, the right honorable Thomas Gerrard, knight, Lord Gerrard, to take, receive, and collect, or cause to be taken, received, and collected of all and everie the receivers, controller, water baylieffe, and officers of the sayd Island, and all ether that have received or are owing any of the rents, revenues, yssues or other p'ffitts whatsoever of the sayd Island synce the ffeste daie of Sainte Michaell the Archangell, w'ch which was in the yeare of our Lord one thousand fyve hundred ninety seaven, all and ev, ye such some and somes of monie, rents, revenues, yssues, p'ffitts, and p'quisites whatsoever in any wise due, payable, or accrewed sythenne the sayd ffeste of Sainte Michaell the Archangell, in the year of our Lord one thousand five hundred nynetie seaven aforesaid; and the same at and upon the adventure of the sayd Earle of Derby, Earle of Hunttington, Lord Chandoyes, and Sir John Egerton to transport, send, or bring over out of the sayd Island and the same to deliver in the Countie of Laucaster unto such p'son and p'sons as the said Earle of Derby Earle of Hunttington, Lord Chandoyes and Sir John Egerton shall appoint, to be sent and conveyed to us the said Earles of Salisbury and Northampton, to London, with what convenient speede maie be, and by us to be payd over unto or to the use of the said Earle of Derby, Earle of Hunttington, Lord Chandoyes and Sir John Egerton, according to their p'tes and purporte aforesaid, &c.

In witness whereof, we the sayd Earles of Salisburie and Northampton have hereunto put our hands and seales. Gyven the tenth daie of Maye, in the yeare of the reigne of our sayd Sov<sup>r</sup>aigne Lord James, by the Grace of God King of England, Scotland, Ffrance, and Ireland the sixte, and of Scotland the one and fforteth.

## SALISBURY. NORTHAMPTON.

By deed dated the 14th February, 1609, the three daughters of Earl Ferdinand and their husbands, in consideration of divers sums of money paid to them by Earl William for their claim, right, and title in the Isle, agreed to give their consent for the passing of an Act of Parliament for the giving and extinguishing such right, title, and interest against the heirs of Earl Ferdinand and against Thomas Ireland, Esquire, his executors, administrators, and assigns. (See Act of Parliament 7 James I. *post.*) What the rights in the Island of Mr. Ireland were I have not discovered.

By Indenture enrolled of record, made the 18th June, 1609, between King James I. of the one part, and the Earls of Salisbury and North-  
Surrender ampton, the Earl of Derby, the Earl of Huntingdon and  
to King wife, Lord Chandoyes and wife, and Sir John Egerton and  
James I. wife, of the other part, the parties of the second part, (except the Earl of Derby by whom the deed was not executed or acknowledged of record,) gave, granted, bargained, sold, surrendered, and confirmed to the King, his heirs and successors for ever, the Island and all the rights mentioned in the letters patent of the 14th August, 1607. (See Preamble to the Revesting Act, 5 Geo. III., cap. 26, in Note on § 28.)

King James I. by letters patent under the Great Seal of England, dated the 28th June, 1609, demised, granted, and to farm let to Robert,  
Reign of Earl of Salisbury, and Thomas, Earl of Suffolk, the Island  
the Earls of (except the Monastery and Priory of Rushen and Douglas,  
Salisbury the Friars Minors of Brimaken, and the rectories and  
and Suffolk. churches of Kirk Christ in *Shelden* and Kirk Lonan,) to be holden by them, their executors and assigns, from the Feast of Saint Michael the Archangel, (29th September 1608,) for the term of twenty-one years, under the yearly rent of twenty shillings. This grant or lease is very fully recited in the letters patent of the 7th July, 1609, granting the Island to Earl William. The object of making the lease is not expressed, but it is manifest from the manner in which it is recited in the letters patent, from its being made but nine days previously, and from the circumstance of its following so quickly the agreement of the 14th February, 1609, and the indenture of the 18th June, 1609, that it was intended for the benefit of Earl William and his family. It is not likely that the grant to the Earls of Northampton and Salisbury, which was for the benefit of Earl William and his nieces,

would have been relinquished except in view of a new grant being made in favour of Earl William, who had agreed with his nieces as to their interests.

The Earls of Salisbury and Suffolk exercised the sovereign rights in the Island for at least two years, as the records of the Island shew. (*Lib. Scaccarius*, 1609, No. 77.) "A Court of Exchequer holden at the Castle Rushen, the 11th of September, A° D<sup>n</sup>i 1609, for and in the name of the Right Honble Lord Rob<sup>t</sup> Earle of Salisbury, Lord High Treasurer of England, and Thomas, Earle of Suffolk, Lord High Chamberlaine of England, before John Ireland, Esquier, Livetenante and Capten under the sayd Hon<sup>l</sup>able Earles, and before," &c. In *Lib. Scac.*, 1610, No. 35, is a Petition addressed to "the Right Worshippfull John Ireland and Richard Hooper, Esquyres, Commissioners for the Right Honourable Lord Robert, Earle of Salisbury, Lord High Treasurer of England, and Thomas, Earle of Suffolk, Lord Chamberlayne of His Maiestie's Houshold, now interested in the states of this Isle of Man." (*Lib. Cancellar.* 1611, No. 13.) Feb. 25, 1610 [16 $\frac{1}{4}$ ], John Ireland, Esquier, Livetennte and Capten of this Isle of Manne, under the Right Hon<sup>l</sup>able Lord Rob<sup>t</sup>, Earle of Salisbury, Lord High Treasurer of England, and Thoms, Earle of Suffolke, Lord Chamberlaine of His Ma<sup>tie</sup> Houshold, comp<sup>l</sup> against Thoms Barrie, of Castletowne, w<sup>th</sup>in the sayd Isle in an accon of the case to valewe of one thousand pounds, for that he hath slandered and defamed him in these words—"he hath taken all that I had from me, and he can doe noe more."

On the 1st April, 1609, King James I. by letters patent under the Great Seal of England, confirmed the right of the inhabitants of the Island to transfer at their pleasure their estates real and personal, and the laws of the Island in relation to the transfer of property, and made other provision in that behalf. It sets out with declaring the right of the King to ordain laws in countries "acquired" or "conquered by the force of arms." The Island had certainly been *acquired* by the Crown of England, but not *conquered* by force of arms. The question as to how far it was a *conquest* at all has been considered in the Notes on § 11. In King James, the Island was an acquisition simply by reason of his being the heir of Queen Elizabeth, who had taken possession in consequence of the dispute as to the succession on the death of Ferdinand, Earl of Derby, it being afterwards decided that the right was in the Crown, on account of the informality in the grant by King Henry IV. to Sir John Stanley. At the date of the grant to the people, the Island was held by the Earls of Salisbury and Northampton, under the grant of the 14th



August, 1607 ; but the King had not by such grant been divested of his rights as Lord Paramount, and it is apprehended that subject to the right of the Earls of Salisbury and Northampton, the grant would operate so as to control the future grants of the Island. The following is a copy of this very important grant, furnished to me by Mark H. Quayle, Esq., Clerk of the Rolls :—

The 39th part of the Patents, in y<sup>e</sup> 7th year of the Reign of King James.

The King's Grant to his People and Subjects of the Isle of Man.

To all whom, &c. The King sends Greeting. Whereas by our Royal Prerogative and the Laws and Customs of our Kingdom of England, it wholly appertains to us from the fulness of our power, at our free will and Royal pleasure, from time to time, to make, declare, and ordain in all such Territories, Countries, and Places which have been acquired or conquered by the force of our arms, such Ordinances and Laws which all our Subjects residing in those parts and have lands of inheritance or goods or chattells there may use, enjoy, hold, and be obliged to observe. Know ye therefore, that we by the force of our Royal authority, of our special grace, certain knowledge, and mere motion, have ordained, constituted, and established a firm and perpetual Law, and do grant to all our Subjects and other Persons whatsoever, living and residing, and who may have any inheritance in possession, and right, and goods, and chattles in our said Island, or any part thereof belonging or which now do or hereafter may belong to them, That they and every of them may for the future transfer, alien, grant, and demise as well the whole Island or any part thereof, and also all and whatsoever lands of inheritance, free tenements, rights, goods, and chattles they or any of them may have within the Island aforesaid or the seas adjoining the same, by their Deed or Instrument sealed and delivered under their seal ; and that such grant, alienation, or demise shall be good, firm, valid, and effectual in Law, according to the tenor of the said Deed or Writing, without any other delivery of seizin or acknowledgment of a Notary Publick intervening, or any other ceremony, solemnity, or form of right for that purpose to be further used or required, (any Law, Custom, Statute, or Ordinance of our Kingdom of England or the Isle of Man afforesaid notwithstanding.) And further by virtue of our Royal pleasure, and of our especial grace, certain knowledge, and mere motion, We do ordain, constitute, and establish a perpetual and firm Law by these presents, and do give and grant to all and singular our subjects whatsoever and to all and every other person residing and who have any inheritance, possession, and right in our said Island of Man afforesaid, and also to all and every our subjects to whom the inheritance of the said Island afforesaid or any part thereof or any other estate of and in the Island aforesaid or any part thereof do or may belong. That in case the Person in whom the Inheritance of the Island afforesaid or any part thereof, or any other estate of or in the Island afforesaid or any part thereof, or any inheritance, fee simple, possession, or right within y<sup>e</sup> said Island, or sea adjoining thereto shall descend, or in any other manner come to a woman being a Feme Covert, every such woman may and shall be able to transfer, alien, grant, or demise such her inheritance, estate, or right by Deed signed as well by her as her husband, under their seals, and acknowledged in our Court of Chancery in England, (notwithstanding any Law, Statute, Custom, or Ordinance of our Kingdom of England, or any Law or Custom of the said Island of Man to the contrary thereof.) And we do nevertheless will, grant,

and declare that any Laws and Customs in our Isle afforesaid had and used for transferring, alienating, or granting of their inheritance or possessions shall be and remain in full force, and no way weakened by this our Ordinance and Constitution of such Laws and Customs, but that any alienation, grant, or demise may be made agreeable as well to the form of the Laws in the said Island heretofore had and used, as by the form of these presents of new added, ordained, and constituted. In Testimony whereof, &c. At Westminster, first day of April. By Writ of our Privy Seal, &c.

The Agreement made between Earl William and his nieces and their husbands as to the sovereignty of the Island, received the sanction of King James I., who by letters patent under the Great Seal of England, dated the 7th July, 1609, granted the Island to Earl William and Elizabeth his Countess, for and during the terms of their natural lives, and to the longer liver of them, and after their decease to James, Lord Stanley, (son and heir apparent of the Earl,) and his heirs forever, to be holden of the King and his successors by homage and allegiance, and by the service of presenting to them on the days of their coronation two falcons. The following is the grant :—

The Twenty-first Part of Patents in the Seventh Year of the Reign of King James.

The King to whom, &c., greeting. Whereas we by our letters patent, under our Great Seal of England, bearing date at Westminster the Twenty-eighth day of June, in the Seventh year of our reign of England, France, and Ireland, and of Scotland the Forty-second, for the considerations therein expressed and contained, have given, granted, and demised to our well-beloved and faithful cousin and counsellor Robert, Earl of Salisbury, our Treasurer of England, and Thomas Earl of Suffolk, Chamberlain of our Houshold, all that Isle, Castle, Peel, and Lordship of Man, with all their rights, members, and appurtenances, and all our Isles, Lordships, Peels, Castles, monasteries, abbys, priorys, farms, messuages, lands, tenements, and hereditaments whatsoever to the said Isle of Man belonging or appertaining, or in or near the same situate, lying, or being, with all and singular its rights, members, and appurtenances, and also all and singular our royalties, regalities, franchises, liberties, ports of the sea, and all things to ports properly and of right belonging, lands heretofore overflowed by the water of the sea, and which have since been gained from the sea and reduced to dry ground, lands which are not overflowed by the water of the sea, and which shall hereafter be gained and reduced to dry ground, homages, failties, knights' fees, wardships, marriages, reliefs, escheates, forfeitures, goods and chattels strayed, goods and chattels of felons, as well of themselves as of all other felons, fugitives, persons attainted, condemned and put in exigent, and outlawed, deodands, services as of free as customary tenants, works of tenants, estovers, courts leet, view of frankpledge, courts baron, courts admiral, courts portmote, leet, hundred, wapentake, and all fees, perquisites, and profits of courts leet, view of frankpledge, courts baron, courts admiral, courts portmote and leet, and all other things which do belong or hereafter can or ought to appertain to courts leet, view of frankpledge, courts baron, courts admiral, and courts portmote, wrecks of the sea, mines of lead and iron, quarries, fairs, tolls, markets, customes and imposts, free customes, rights, jurisdic-

tions, franchises, privileges, manors, villages, towns, castles, granges, messuages, houses, edifices, milns, barns, stables, dovehouses, gardens, orchards, crofts, cottages, courts, lands, tenements, meadows, pastures, feedings, demesne lands, glebe lands, leasaws, wasts, with furze and heath moors, marshes, waste grounds, paths, easements, woods, underwoods and woodlands, and trees whatsoever, and the soil and ground of such woods, underwoods and trees, and our tythes and the tythes of sheaf corn and grain, and of hay, wool, flax, hemp, and lambs, and all other tythes whatsoever, as well great as small, and also rectories, advowsons, donations, and right of patronage of all and singular hospitals, churches, vicarages, chappels, and all other ecclesiastical benefices whatsoever, and also oblations, obventions, fruits, profits, waters, watercourses, streams, and pools of water, suit, soken, and grist of milns, and also all and singular forests, parks, chases, lawns, warens, asserts, purprestures, and tolls payable for passing through the same, fishings, fishing places, rents, pensions, portions, free foldings, and turberys, pools, ponds, ways, passages, commons, rents, reversions, and services, rents charge, rents seck, rents of assize, and rents and services, as well of the free as the customary tenants, work of tenants, annual rents of farms, fee farm rents, annuities, herriots, fines and amercements, tolls and freedom of toll, anchorages, groundage, profits, commoditys, advantages, emoluments, hereditaments, and appurtenances whatsoever, as well spiritual as temporal, with all their appurtenances whatsoever, of what sort, nature, or kind soever, or by whatsoever names or name they are known, esteemed, called, or distinguished; situate, lying, or being, coming, growing, renewing, or arising in or within the said Isle, Castle, Peel, and Lordship of Mann, or within the sea to the said Isle belonging and adjacent, or in or within any other Isles, Lordships, Peels, Castles, farms, or lands to the said Isle of Mann, or to the same or any of them belonging, incident, adjoining, or appertaining, or at any time heretofore had, known, accepted, occupied, used, demised, taken, or reputed as member, part, or parcel of the said Isles, Castles, Peels, Lordships, lands, tenements or any other the premises, or any of them, or any part or parcel thereof; and the patronage of the bishoprick of the said Isle of Man, and the patronage of the bishoprick of Sodor, and the patronage of the bishoprick of Sodor and Mann, and also the temporalities of the said bishoprick of the Isle of Mann, and the bishoprick of Sodor, and the bishoprick of Sodor and Mann, as often as it shall happen that the said bishopricks become vacant; and our reversion and reversions, remainder and remainders whatsoever of all and singular the aforesaid Isles, Castles, Peels, Lordships, patronages of bishopricks, rectories, parks, farms, granges, messuages, lands, tenements, and hereditaments whatsoever, and other the premises herein before by these presents granted, or any other parcel dependant or belonging from, in, or upon any gift or gifts, demise or demises, grant or grants, for any term or terms of life or lives or years, or in fee tail, or otherwise concerning the premises by these presents before granted, or concerning any other parcel in anywise entered upon record or remaining of record; and also all and singular rents, revenues, services, and profits whatsoever, reserved upon any gifts, demises, or grants soever of the premises herein before by these presents granted, or of any parcel thereof howsoever entered upon record, or remaining of record, (except and always reserved to us, our heirs and successors, all those our houses, scites, circuits, and precincts, formerly belonging to the Monastery and Priory of Rushen and Douglas, and the Fryers Minor, commonly called the Gray Fryers of Brimaken, otherwise Bimaken, with all their appurtenances in the said Isle of Mann, and all other our rectories and churches of Kirk-Christ in Shelding, and Kirk Lovan, with all their appurtenances in the

Isle of Mann aforesaid, formerly belonging to the Monastery of Rushen, and parcel of the possessions thereof, with all our houses, edifices, barns, stables, dove-houses, orchards, gardens, pools and ponds of water, lands, ground and soil, and all their appurtenances within the said scite, circuit, and precinct of the said late monastery and priory, or either of them, or any parcel of them, and also all and singular our messuages, milns, granges, houses, edifices, buildings, crofts, cottages, lands, tenements, meadows, pastures, feedings, commons, waste lands covered with furze and heath, moors, marshes, waters, water courses, streams of water and the banks thereof, pools, ponds, fishings, fishing places, rents, reversions, and services; and also the tythes of sheaf corn and grain, and of hay and all other our tythes whatsoever, as well great as small, and all oblations, obventions, fruits, profits, commoditys, advantages, emoluments, and hereditaments whatsoever, as well spiritual as temporal, with all their appurtenances in the said Isle of Mann, which to the said late Monastery and Priory of Rushen and Douglas, and Fryers Minor of Brimaken, otherwise Bimaken, and the rectorys of Kirk Christ in Shelding, or Kirk Lovan, or either of them, or any parcel of them, in anywise belonging or appertaining, or had, known, excepted, used, demised, lett, or reputed to be as member, part, or parcel of the said late Monasteries, Priorys, rectorys, or any of them, heretofore held for or under the annual rent of one hundred and one pounds fifteen shillings and eleven pence, with their appurtenances, and all manner of woods, underwoods, wardships, marriages, mines, and quaries, within the premises before excepted, and the reversion and reversions of all and singular the premises before excepted; and all manner of rents reserved and to be reserved to us, our heirs and successors, from and out of the said premises before excepted, and every part and parcel thereof,) to have and to hold the said Isle, Castle, Peel, and Lordship of Mann, and all Islands and Lordships to the said Isle of Mann belonging, and also all and singular royalties, regalities, franchises, liberties, ports of the sea, and every thing to ports properly and of right belonging, homages, failtys, wardships, marriages, reliefs, escheats, forfeitures, goods and chattels strayed, goods and chattels of felons, as well of themselves as all other felons, fugitives, and outlaws, attainted, condemned, and put in exigent and outlawed, courts baron, view of frankpledge, leet, hundred, wapentake, wrecks of the sea, mines of lead and iron, quaries, fairs, markets, free customes, messuages, houses, edifices, lands, tenements, meadows, pastures, feedings, woods, underwoods, forests, chaces, parks, lawns, warens, asserts, purprestures, tolls, fisherys, moors, marshes, turberys, waters, pools, ponds, ways, passages, and commons, and all other profits, commodities, emoluments, hereditaments, and appurtenances whatsoever, situate, lying, and being within the said Isle, Castle, Peel, and Lordship of Mann, or within the sea to the said Isle belonging and adjoining, or within any other Islands, and Lordships to the said Isle of Mann, or to the said Isle, Castle, Peel, or Lordship of Mann in anywise belonging or appertaining: And the patronage of the bishoprick of the said Isle of Mann, and the patronage of the bishoprick of Sodor, and the patronage of the bishoprick of Sodor and Mann, as often as it shall happen that the said bishopricks be vacant, and also knights' fees, advowsons, and patronages of hospitals, churches, vicarages, chappels, and all other ecclesiastical benefices whatsoever, within the said Isle and Lordship of Mann, or within any other Isles or Lordships to the said Isle of Mann belonging, and to the said Isle, Castle, Peel, and Lordship of Mann appertaining, and all and singular other the premises herein before mentioned, to be in and by the said letters patent demised and granted, with their and every of their rights, members, and appurte-

nances, (except as in the said letters patent are excepted,) to the said Robert, Earl of Salisbury, and Thomas, Earl of Suffolk, their executors and assigns, from the Feast of St. Michael the Archangel last past before the date of these presents, to the end and term, and for the term of twenty-one years from thence next ensuing, and fully to be complete, yielding thereout yearly to us, our heirs and successors, out of and for the said Isle, Castle, Peel, and Lordship of Mann, and other the said premises with their appurtenances, twenty shillings of lawful money of England, as by the said letters patent doth more fully and at large appear. Know ye that we for diverse good causes and considerations, us to these presents especially moving, out of our special favour, certain knowledge, and mere motion, have given and granted, and by these presents for ourself, our heirs and successors, do give and grant, unto our well-beloved and most faithful cousin William, Earl of Derby, and Elizabeth, his Countess, and James Stanley, Lord Stanley, son and heir apparent of the said Earl, all that Island, Castle, Peel, and Lordship of Mann, and all the aforesaid islands and lordships to the said Isle of Mann belonging, and also all and singular royalties, regalities, franchises, liberties, ports of the sea, and all things to ports properly and of right belonging, homages, failtys, wardships, marriages, reliefs, escheats, forfeitures, goods and chattels estrayed, goods and chattels of felons, as well of themselves as of other felons, fugitives, outlaws, attainted, condemned, and put in exigent, and outlawed, courts baron, view of frankpledge, leet, hundred, wapentake, wrecks of the sea, mines of lead and iron, quarries, fairs, markets, free customes, messuages, houses, edifices, lands, tenements, meadows, pastures, feedings, woods, underwoods, forests, chaces, parks, lawns, warrens, asserts, purprestures, tolls, fisheries, moors, marshes, turberys, waters, pools, ponds, ways, passages, and commons, and all other profits, commodities, emoluments, hereditaments, and appurtenances whatsoever, situate, lying, or being within the said Isle, Castle, Peel, and Lordship of Mann, and within the sea to the said Isle belonging and adjacent, or within any other isles and lordships to the said Isle of Mann in anywise appertaining or belonging; and the patronage of the bishoprick of the said Isle of Mann, and the patronage of the bishoprick of Sodor, and the patronage of the bishoprick of Sodor and Mann, and also the temporalities of the bishoprick of the said Isle of Man, and the bishoprick of Sodor, and the bishoprick of Sodor and Mann, as often as it shall happen that the said bishopricks be vacant, and also all knights' fees, advowsons, and the patronage to all hospitals, churches, vicarages, chappels, and other ecclesiastical benefices whatsoever, within the said Isle and Lordship of Mann, or within any other Isles and Lordships to the said Isle of Mann belonging, or to the said Isle, Castle, Peel, and Lordship of Mann appertaining, and all and singular other the premises in the said letters patent before mentioned to be demised and granted, with all their rights, members, and appurtenances, (except and always reserved to us, our heirs and successors, all those our houses, scites, circuits, and precincts, formerly to the Monastery and Priory of Rushen and Douglas, and the Fryers Minor, commonly called the Gray Fryers of Brimaken otherwise Bimaken, with all their appurtenances, in the said Isle of Mann, and all those our rectories and churches of Kirk Christ in Shelding, and Kirk Lovan, with all their appurtenances in the said Isle of Mann, formerly to the said Monastery of Rushen belonging and appertaining, and parcell of the ancient possessions thereof, with all our houses, edifices, barns, stables, dove-houses, orchards, gardens, waters, ponds, pools, lands, grounds, and soil, with all their appurtenances within the scites, circuits, and precincts of the said late Monastery and Priory, or either of them, or

any parcell thereof, and also all and singular messuages, milus, granges, houses, edifices, buildings, crofts, cottages, lands, tenements, meadows, pastures, feedings, commons, wastes covered with furze and heath, moors, marshes, waters, watercourses, streams, banks, pools, ponds, fisheries, fishing places, rents, reversions, and services: And also the tyths of sheaf corn and grain, and of hay, and other our tyths whatsoever, as well great as small, and our oblations, obventions, fruits, profits, commoditys, advantages, emoluments, and hereditaments whatsoever, as well spiritual as temporal, with all their appurtenances in the said Isle of Mann, which formerly to the said monastery and priory of Rushen and Douglas, and Friers Minor of Brimaken otherwise Bimaken, and rectorys of Kirk Christ in Shelding and Kirk Lovan, or any of them, or to any parcel of them in anywise belonging or appertaining, or as member, part, or parcel of the said late monastery and priory, rectorys, or any of them, heretofore used for or under the annual rent of one hundred and one pounds fifteen shillings and eleven pence, held, known, excepted, used, lett, demised, or reputed, with all their appurtenances, and all manner of woods, underwoods, wardships, marriages, mines, quarrys of the premises before excepted, and also the reversion and reversions of all and singular the premises before excepted, and all manner of rents, to us, our heirs and successors reserved and to be reserved out of and from the premises before excepted, and every part and parcel thereof. And further out of our gracious and special favour, and out of our certain knowledge and mere motion have given and granted, and by these presents for ourselves, our heirs and successors, do give and grant to the said William Earl of Derby and Elizabeth his Countess, and James Stanley Lord Stanley, son and heir apparent of the said earl, their heirs and assigns, that they the said Earl of Derby and Elizabeth his Countess, and James Stanley Lord Stanley, son and heir apparent of the said Earl, and the heirs and assigns of the said James, may for ever hereafter have, hold, and enjoy, and shall have, hold, and enjoy the said Isle, Castle, Peel, and Lordship of Man, and all and every and singular other the premises hereinbefore by these presents granted, and every parcel thereof, and all and singular such other and the like courts leet, view of frankpledge, courts portmote, courts admiral, and all other things, which to view of frankpledge, courts admiral, and courts portmote can or ought to appertain or belong, assizes and assize of bread, wine and beer, goods and chattels estrayed, goods and chattels of felons and fugitives, felons of themselves, of clergy, convicted or attainted of treason, or misprision of treason, murder, and felony, or any other offence done or committed contrary to the law and custom of our kingdom of England, or those who will not answer, or out of malice stand mute, or will not stand judgment to be pronounced upon their offence, or any other kind of conviction or damages, deodands, knights' fees, wardships, marriages, reliefs, escheats, herriots, forests, chaces, free wares, parks, free parks, wrecks of the sea, anchorages, and groundages, and all and other rights, royalties, regalities, jurisdictions, franchises, liberties, customes, privileges, profits, commoditys, advantages, emoluments, and hereditaments whatsoever, as well spiritual as temporal, or what kind or nature soever, and in so full, free, entire, ample manner and form, as William Lescrope knight, Henry Percy Earl of Northumberland, John Stanley knight, or any of them, or any other person or persons, the said Isle, Castle, Peel, and Lordship of Mann, and all Islands, Lordships, Peels, Castles, farms, messuages, lands, and hereditaments whatsoever, in or within the said Island, Peel, or Lordship, or any of them, or within the seas to the said Isle belonging and adjacent, or to the said Isle of Mann belonging and appertaining, and all and singular other the pre-

mises hereinbefore by these presents granted, or any parcell thereof heretofore held, possessed, or seized, or any parcell having, possessing, or being seized thereof, ever had or ought to have held, used, or enjoyed in the said Isle, Castle, Peel, and Lordship, farms, messuages, lands, and hereditaments, and other the premises hereinbefore by these presents granted, or any part or parcell thereof, by reason or by virtue of any charter, gift, grant or confirmation, or any letters patent by us, or by any of our progenitors or predecessors, Kings and Queens of England, or at any time heretofore had, done, granted, or confirmed, or by reason or by virtue of any Act or Acts of Parliaments, or by reason or by virtue of any lawful prescription, use or custom heretofore had or used, or by any other manner, right, or title in us, and in as full, free, and ample manner and form, as we or any of our progenitors or predecessors, Kings and Queens of England, the said Isle, Castle, Peel, and Lordship of Mann, farms, messuages, lands, tenements, and hereditaments, and all and singular other the premises hereinbefore by these presents granted, or any part or parcell thereof, ever had or ought to have or enjoy; to have and to hold the said Isle, Castle, Peel, and Lordship of Mann, and all islands and lordships to the said Isle of Mann belonging, and also all and singular royalties, regalities, franchises, ports of the sea, and all things to ports properly and of right belonging, homages, failtys, wardships, marriages, reliefs, escheats, forfeitures, goods and chattles estrayed, goods and chattles of felons, as well of themselves as other felons, fugitives, outlaws attainted, condemned and put in exigent and outlawed, courts baron, view of frankpledge, leet, and hundred, courts admiral, portmote, wapentake, wrecks of the sea, mines of lead and iron, quarys, fairs, markets, free customs, messuages, houses, edifices, lands, tenements, meadows, pastures, feedings, woods, underwoods, forrests, chases, parks, lawns, warens, asserts, purprestures, tolls, fisheries, moors, marshes, turberys, waters, pooles, ponds, ways, passages, and commons, and all other profits, commoditys, emoluments, hereditaments, and appurtenances whatsoever, situate, lying, or being within the said Isle, Castle, Peel, and Lordship of Mann, and the sea to the said Isle belonging and adjacent, or within any other Isles and Lordships to the said Isle of Mann belonging, or to the said Isle, Castle, Peel, and Lordship of Mann in anywise belonging or appertaining, and the patronage of the bishoprick of the said Isle of Mann, and the patronage of the bishoprick of Sodor, and the patronage of the bishoprick of Sodor and Mann, and also the temporalities of the bishoprick of the said Isle of Mann, and the bishoprick of Sodor, and the bishoprick of Sodor and Mann, as often as it shall happen that the same bishopricks become vacant; and also all knights' fees, advowsons, and patronage of hospitals, churches, vicarages, chappels, and all other ecclesiastical benefices whatsoever within the said Isle and Lordship of Mann, or within any other Islands and Lordships to the said Isle of Mann belonging, or to the said Isle, Castle, Peel, and Lordship of Mann appertaining, and all and singular other the premises, (except as before excepted,) unto the said William Earl of Derby, and Elizabeth his Countess, for and during the terms of their natural lives, and the longer liver of them, and after their decease to the said James Stanley Lord Stanley, and the heirs of the said James, to the sole and proper use and behoof of the said William Earl of Derby, and the said Elizabeth, for the term of the life of them, and the longer liver of them, and after their decease to the use and behoof of the said James Lord Stanley and his heirs for ever, to hold the said Isle, Castle, Peel, and Lordship of Mann, and all Islands and Lordships to the said Isle of Mann belonging, and also all and singular the premises hereinbefore by these presents granted, with all their

rights, members, and appurtenances, of us, our heirs and successors for ever, by homage and allegiance, and by the service of presenting to us two falcons for once only; to wit, immediately after the making of their homage, and presenting to our heirs, Kings of England, two falcons upon the days of the coronation of them our heirs, for and in lieu of all other services, customes, and demands: And further, out of our gracious and special favour, certain knowledge and mere motion, have granted for ourselves, our heirs and successors, to the said James Stanley Lord Stanley, his heirs and assigns, that they and every of them shall be for ever free, quiet, discharged, and exonerated, so far as relates to the said Isle, and all and singular other the premises before granted of and from all guardianships during the minority of any of his heirs, marriages, or the value of marriages, freedoms, livery and seizen, reliefs and all other rights, titles, claims, and demands of us, our heirs and successors, (except as before excepted,) by reason of the tenure of the said Isle, and other the premises to us, our heirs and successors, by these presents reserved or by reason of tenure by knight service in capite, or of any other lands, tenements, or hereditaments, which to them or any of them shall hereafter descend or come; And we will and grant for ourselves, our heirs and successors, to the said James Stanley Lord Stanley, his heirs and assigns, that whenever it shall happen that the said James Stanley Lord Stanley, shall dye with or without heirs or assigns, or in case his heir or heirs shall be of full age or under age, then the same heir or heirs shall immediately after the death of the said James Stanley Lord Stanley, and after the death of the heirs or assigns, or after the death of the heirs or assigns of such heirs or assigns, from time to time for ever, shall succeed; to wit, whoever, immediately after the death of him, her, or them, to whom by right of inheritance, or by any other manner, shall succeed to the said Isle, Castle, Peel, and Lordship of Mann, with the appurtenances and all Islands and Lordships to the said Isle of Mann appertaining or belonging, and in all and singular other the premises hereinbefore by these presents granted, with all the appurtenances, (except as before excepted,) shall successively enter, and the same peaceably have, possess, and hold to them, their heirs and assigns, of us, our heirs and successors, and against us, our heirs and successors, by homage allegiance, and the said service of presenting two falcons on the said days of coronation only, for and in lieu of all other services, customes, and demands whatsoever, without any seizure or sequestration thereof into the hands of us or our heirs, or by any livery general or special, or by any seizin or first had reliefs thence to be prosecuted, done, or had by reason of the said homage, or upon account of any other castle, manour, messuages, lands, tenements, or hereditaments whatsoever, which the said James Stanley Lord Stanley, or his heir or heirs or assigns, or any of them, now hold, hath or have held, or which they shall for the future hold of us or our heirs by military service, in capite or otherwise, or by reason of the minority of them, or any of them, or without any other profits, commoditys, compositions, exactions, customes, or demands, by us or our heirs, from him the said James Stanley Lord Stanley, his heir or heirs or assigns, to be required, taken, imposed, demanded, or challenged for ever: And further, out of our gracious and special favour, certain knowledge and mere motion, we do will and grant to the said James Stanley Lord Stanley, his heirs and assigns, that we or our heirs shall not have, exact, take, nor receive, nor that we nor our heirs shall not nor will have exact, take, or receive marriage, or the value of marriages, of and from the heir or heirs of the said James Stanley Lord Stanley, or of the heir or heirs, assignee or assigns of him or any other person or persons who shall be seized of the said Isle, Castle, Peel, Lordship,



and other the premises or any of them, by reason, virtue, colour, or tittle of the said Isle, Castle, Peel, Lordship, homage, rent, or other the premises or any part or parcell thereof: Know ye further, That we out of our gracious and special favour, have given and granted, and for us, our heirs and successors, do give and grant unto the said William, Earl of Derby, Elizabeth his countess, and James Stanley Lord Stanley, their heirs and assigns all and all manner of rents, arrearages of rent, dues, revenues, and annual profits of the said Isle, Castle, Peel, and Lordship of Mann, and all other islands and lordships to the said Isle of Mann belonging, and of all and singular other the premises, with the appurtenances, or any parcel of the same, (except as before excepted,) due or unpaid to our late dearly loved sister Elizabeth Queen of England, or any of our progenitor or progenitors, or to ourself, to hold to them without any other composition or any thing further to be done, paid, or performed to us: And further, out of our gracious and special favour, certain knowledge, and mere motion, we do by these presents will and grant for us, our heirs and successors, to the said William Earl of Derby, and Elizabeth his countess, and James Stanley Lord Stanley, that these our letters patent, or an enrollment thereof, shall, upon all occasions, be firm, valid, good, sufficient, and effectual in law, and shall stand and be accepted, reputed, and adjudged good, perfect, firm, valid, and effectual in law, for and against us, our heirs and successors, as well in all our courts as otherwise wheresoever, without any other confirmation, licence, or tolleration, from us our heirs or successors, for ever hereafter, by the said William Earl of Derby, and Elizabeth his countess, and James Stanley Lord Stanley, or any of them, their or any of their heirs or assigns, to be procured or obtained, notwithstanding any misnomer or error in reciting or not naming the said Isle, Castle, Peel, and Lordship of Mann and other the premises, or any parcell thereof; and notwithstanding there not having been, or any office or inquisition found of the premises, or any parcell thereof, by which our title ought to be found before the passing of these our letters patent; and notwithstanding any error in the reciting or misnaming, or not reciting any demise or grant of the premises or any parcell thereof made and remaining on record or not of record; and notwithstanding any error in naming or not naming any vill, hamlet, parish, place, or county in which the said premises or any parcell thereof do lye or be, and notwithstanding full, true, and certain mention be not made of the names of the tenants, farmers, or occupiers of the said Isle, Castle, Peel, and Lordship, and other the premises or any parcell thereof, and notwithstanding any other defect in the ascertaining, computation, or declaration, or omission of the true yearly value of the premises, or any part thereof, or the yearly reserved rent of the said premises or any parcell thereof in these our letters patent; and notwithstanding any other defect, attornment, or seizin, or in not naming or misnomer of any tenant, farmer, or occupier of the premises or any parcell thereof; and notwithstanding the naming, wrong recital, or not reciting in whose possession the said premises or any parcell thereof have been; and notwithstanding our true state and title in and unto the premises, or any part thereof, are not in these presents fully expressed; and notwithstanding the Act of Parliament made in the first year of the reign of our progenitor Henry the Fourth, late King of England; and notwithstanding an Act made in the eighteenth year of the reign of our predecessor Henry the Sixth, late King of England; and notwithstanding any other defect in not naming or not properly naming the Isle, Castle, Peel, and Lordship of Mann aforesaid, and other the premises, or any parcell thereof, or in not naming or not properly naming the nature, kind, species, quantity,

or quality of the premisses or any parcell thereof: We will also and by these presents grant to the said William Earl of Derby, and Elizabeth his Countess, and James Stanley Lord Stanley, that they may and shall have these our letters patent in a proper manner, made and sealed under our Great Seal of England, without fine or fee, great or small, to be rendered, paid, or done to us in our Hanaper or elsewhere, for our use, because there is not express mention made or appears in any statute, act, ordinance, provision, proclamation, or restriction of the true value or of any other value or certainty of the premises or any part thereof, or any other gifts or grants by us or any of our progenitors aforesaid, to the said William Earl of Derby, and Elizabeth his Countess, and James Stanley Lord Stanley, or any of them, before this time, or for any other cause, matter, or thing whatsoever, in anywise notwithstanding. In witness whereof, &c., T. R. at Westminster, the seventh day of July.

By writ under the Privy Seal, &c.

(See 3 *Oliver's Monumenta* 99)

The possessions of the Monastery of Rushen, (situate in the Parish of Malew, in the Sheading of Rushen,) the Priory of Douglas, (commonly called *the Nunnery*, situate near the Town of Douglas, in the Parish of Braddan,) and the Friary, (situate in the Parish of Arbory,) are excepted from this Grant in like manner as they had been excepted in the Grants to the Earls of Northampton and Salisbury in 1607, and to the Earls of Salisbury and Suffolk in 1609. It may be useful here to make a digression on the subject of these religious houses.

**Monastery** The Monastery or Abbey of Rushen was founded by King of Rushen. Olave I. in A.D. 1134. "This same year King Olave gave to Ivon, abbot of Furness, a part of his land in Mann, to found an Abbey in the Place called Russin." (*Chronicon Manniæ*, 1 *Oliver's Monumenta* 146.) The abbey so founded was dependent upon the Abbey of Furness; but such dependence I presume existed only in matters of patronage and discipline, as the temporalities appear to have been vested in the Abbot of Rushen, who was raised to the dignity of a Baron of the Island, which dignity was also conferred on the Abbot of Furness. By the ancient law of the Isle all barons were bound to render homage to the King or Lord, or they forfeited their temporalities (*Mills' Statutes* 8). I cannot discover that the Abbot or Convent of Furness exercised or had any rights over the Abbey of Rushen or its temporalities, beyond those of patronage and jurisdiction. If there were any right as regarded the temporalities of Rushen Abbey vested in the Abbot of Furness it could have been merely a kind of legal estate under King Olave's grant, in trust for the Abbot and Monks of Rushen. The monks of Rushen were of the Cistercian order, as were those of the mother monastery of Furness.

**The Priory** The Prioress of the Priory or Nunnery at Douglas was a baroness of the Isle, and was bound to do fealty to the Lord, in like manner as the barons, for her barony. (*Mills' Statutes* 8.) I have

not found any satisfactory account of the origin of this priory. It is sometimes mentioned as being in connexion with Rushen Abbey; but all accounts respecting it are very meagre,—indeed it is not known for a certainty with what temporalities it was endowed, though it is very probable that the lands known as the *Abbey Lands of Braddan* belonged to the Nunnery, as sometimes the Sergeant of such lands was designated Sergeant of the *Priory Lands of Braddan*. The manor of the Priory has been supposed to have merged in that of Rushen Abbey, and that what are now designated “Abbey Lands,” and are treated as one manor, included the former separate manors of the Abbey and Priory.

The Friary      The Friary of Bymaken is said to have been founded in of Bymaken. 1373, in consequence of a petition presented to Pope Urban V. from the Priors and friars of the Order of Friars Minor in Ireland, and William de Montacute Earl of Salisbury, and King of the Isle in 1367, stating that in the Diocese of Sodor there was no place for the use of the Order, and that the Earl proposed to assign a place for their use in the village of St. Columba (Kirk Arbory) in such diocese, and of the Pope’s authority for the Order to receive the proposed place if fit and proper. The lands given to the Order did not form a separate manor, but were part of the lands of the manor of Man, which was held by the Lord, and to him was payable in respect of the lands an annual chief rent of 20s. The following is the entry relating to these lands in the oldest book of the manor, (1505):—“Paroch. St. Columb. Bymaken. Redd. cujus quartum Terr. ibm occupat ꝑ Fres minor ad XXs. per ann.” The Prior of the Friary was not a baron of the Isle. It is sometimes alleged that the Friary was made dependent on Rushen Abbey, but this is extremely doubtful, and more especially as the friars were Franciscans, whereas the monks of the Abbey were Cistercians.

It is worthy of remark that no exception was made in the grants of the Island at this period as to the Baronies of Bangor and Saball and St. Trinion, which on the dissolution of the religious houses in Ireland and Scotland to which they respectively belonged, were seized on behalf of the Crown of England, and were never possessed by the Derby family under the grant last mentioned.

Dissolution      It has been alleged that the Manx religious houses were of religious      dissolved and vested in the Crown of England, by virtue of Houses.      an Act of Parliament, 27 Henry VIII. cap. 28. (*Mills’ Statutes* 526, and *Preamble of Revesting Act*. See notes § 28.) “An Act that all religious houses under the yearly revenue of Two hundred pounds shall be dissolved and given to the King and his Heirs,” by which it is enacted (Sec. 1):—

That His Majesty shall have and enjoy to him and his heirs for ever, all and singular such monasteries, priories, and other religious houses of monks, canons, and nuns, of what kinds of diversities of habits, rules, or orders soever they be called or named, which have not in lands, tenements, rents, tithes, portions, and other hereditaments above the clear yearly value of two hundred pounds. And in like manner shall have and enjoy all the sites and circuits of every such religious houses, and all and singular the manors, granges, meases, lands, tenements, rents, reversions, services, tithes, pensions, portions, churches, chapels, advowsons, patronages, annuities, rights, entries, conditions, and other hereditaments appertaining or belonging to every such monastery, priory, or other religious house, not having as is aforesaid above the clear yearly value of two hundred pounds, in as large and ample manner as the abbots, priors, abbesses, prioresses, and other governors of such monasteries, priories, and other religious houses now have or ought to have the same in the right of their houses. And that also his Highness shall have to him and to his heirs all and singular such monasteries, abbeys, and priories which at any time within one year next before the making of this Act hath been given and granted to his Majesty by any abbot, prior, abbess, or prioress, under their convent seals, or that otherwise hath been suppressed or dissolved, and all and singular the manors, lands, tenements, rents, services, reversions, tithes, pensions, portions, churches, chapels, advowsons, patronages, rights, entries, conditions, and all other interests and hereditaments to the same monasteries, abbeys, and priories or any of them appertaining or belonging; to have and to hold all and singular the premises, with all their rights, profits, jurisdictions, and commodities, unto the King's Majesty and his heirs and assigns for ever, to do and use therewith his and their own wills, to the pleasure of Almighty God, and to the honour and profit of this realm.

This Act, however, did not authorize the suppression of the Manx religious houses, as even were it competent for the Parliament to legislate in respect of property within the Island, the Act has no reference in it to the Isle of Man, and according to English jurists an Act of Parliament does not extend to it, unless it be particularly named therein. (1 *Black. Com.* 105.)

Surrender of Furness Abbey. It is probable that the following Act of Surrender, dated the 9th April, 1537, on the part of the Abbot and Convent of Furness may have afforded a pretext for the claim of King Henry VIII. to the Abbey of Rushen; but it was a mere pretext, as the King could not take from the Convent of Furness—if they had any right to give at all, which is most questionable—a greater right or power than they possessed; and certainly they had no right or power to suppress Rushen Abbey and appropriate its property. The Act of Surrender and an English translation are given in *West's Antiquities of Furness*, App. No. X. (7) and p. 110. (See also 3 *Oliver's Monumenta* 220). The translation is here given:—

To all Christian people to whom these presents shall come, I, Roger, by divine providence abbot of the monastery of St. Mary of Furness, in the county of Lancaster, and the convent of the said monastery, send greeting.

Know ye, that we the said abbot and convent, by our unanimous and full assent and consent, divers special considerations moving us interiorly thereto, as also for the use and defence of this kingdom, and for the good and safe government of these extreme parts of the said kingdom, have freely given granted and into the hands of our Lord Henry VIII, now King of England and France, defender of the faith, and Lord of Ireland, and on earth supreme head of the Church of England, surrendered up to our said Lord Henry VIII, King of England, our Monastery of Furness aforesaid; as also the site and foundation of the same, and all goods and chattels, jewels and church ornaments belonging to the said monastery, and all dues, actions, and other things whatsoever, appertaining, belonging, or due to us, or any of us, or to the said monastery, and also all manner of demesnes, castles, manors, lands, tenements, advowsons of churches and chantries, knights' fees, rents, reversions, liberties, and services; with all and all manner of our inheritances in Yorkshire, Lancashire, or elsewhere, within the kingdom of England, in Ireland, or in the Isle of Man; to have and to hold all and singular the said monastery, demesnes, castles, manors, lands, tenements, advowsons of churches and chantries, with knights' fees, rents, reversions, liberties, and services, and all other our hereditaments and premises whatsoever to our said Lord the King and his heirs, Kings of England, for ever, in augmentation and increase of the honour of his Royal Majesty, and of his heirs, Kings of England, and for the use and defence of this kingdom against its enemies and rebels. And moreover we will and desire, and unanimously give full consent, and grant by these presents that this present Act may be inrolled as well in the Court of the Chancery of the Duchy of Lancaster, of our said Lord the King, and in his own Court held before his Justices in the County of Lancaster, as in the Court of Chancery of the said Lord the King held at Westminster, in the County of Middlesex, before the said Lord the King, and before his Justices there.

In witness whereof we have of our unanimous and full assent and consent to these presents affixed our common seal. Given in our Chapter-house of the said monastery, the ninth day of April, in the twenty-eighth year of our said Lord the King, and in the year of our Lord and Saviour Jesus Christ, one thousand five hundred and thirty-seven.

By me, ROGER, Abbot of Furness.

By me, BRIAND GARNER, Prior.

(and twenty-eight Monks.)

Sealed and delivered in the presence of us, the day and year above specified,

ROBERT SUSSEX,

RYC. HOUGHTON.

ANTONY FITZHERBERT,

JOHN BYRON,

THOMAS BOLETER,

JOHN CLAYDON, Priest,

THOMAS LANGTON,

MARMADUC TUNSTALL.

The legality of this and of like transactions being very doubtful, an Act of Parliament, 31 Henry VIII, cap. 13, "An Act for the Dissolution of all Monasteries and Abbies," was passed in 1539, by Section 1 of which it was enacted—

That the King our Sovereign Lord shall have, hold, possess, and enjoy to him, his heirs and successors for ever, all and singular such late monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places of what kinds, natures, qualities, or diversities of habits, rules, professions, or

orders they or any of them were named, known, or called, which sith the said fourth day of February, the twenty-seventh year of the reign of our said Sovereign Lord, have been dissolved, suppressed, renounced, relinquished, forfeited, given up, or by any other mean come to his Highness; and by the same authority and in like manner shall have, hold, possess, and enjoy all the sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, parsonages, appropriated vicarages, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, commons, leets, courts, liberties, privileges, franchises, and other whatsoever hereditaments, which appertained or belonged to the said late monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friers, and other religious and ecclesiastical houses and places, or to any of them, in as large and ample manner and form as the late abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of such late monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friers, and other religious and ecclesiastical houses and places had, held, or occupied, or of right ought to have had, holden, or occupied in the rights of their said late monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friers, or other religious and ecclesiastical houses and places, at the time of the said dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or by any other manner of mean coming of the same to the King's Highness sithen the fourth day of February above specified.

This Act has no reference in it to the Isle of Man, and therefore it could not confirm to the King any right supposed to be given by the surrender of the Abbot and Monks of Furness. But in any case the Surrender and Act of Parliament afford no explanation of the suppression of the Nunnery and Friary; and in short the only conclusion to which we can come is that the Manx religious houses were suppressed or dissolved not by force of any statute or law, but simply by an act of power on the part of the Sovereign of England. (See Notes on title "Abbot," *post*.)

The dissolution was not completed until the reign of Queen Elizabeth; Rushen Abbey being the last monastery dissolved in these kingdoms. (*West's Antiquities of Furness* 96, Note.)

Demises of By Letters Patent dated the 18th March, 1565, Queen possessions Elizabeth demised the possessions of the abbey, priory, and of Abbey, &c friary to Robert Ashton, his executors and assigns, for the term of twenty-one years from the 29th September, 1564, at the yearly rent of £101 15s. 11d.

On the surrender of the lease, the Queen by Letters Patent dated the 12th of February, 1582, demised the same possessions to Henry, Earl of Derby (Lord of Man), his executors and assigns for the term of thirty years at the like rent of £101 15s. 11d., which demise became vested in Alice, Countess of Derby, widow of Ferdinando, Earl of Derby and Lord of Man.

On the surrender of the last mentioned demise, King James I. by Letters Patent dated the 17th March, 1606, demised the same possessions to Sir Thomas Leigh, Knight, and Thomas Spencer, Esq., their executors and assigns, for the term of forty years, at the like rent of £101 15s. 11d., but subject also to an annual increased rent of £4 4s.

Whatever defect there may have been in the title of King Henry VIII. and his successors to the property of the Manx religious houses, it is manifest that on King James I. making a new grant of the Island to Earl William, he had the right to make such reservations as pleased him. Royal mines of gold and silver were understood as reserved from the grant of the Island without being so expressed, and they were the subject of a future grant from Charles II.

Grant of It was probably considered inconvenient to have the pro-  
 possessions perty of the religious houses separated from the other pos-  
 of religious sessions of the Lords of the Isle, and by Letters Patent  
 houses, &c. under the Great Seal of England dated the 2nd May, 1610,  
 King James I. granted the property of the abbey, priory, and friary to  
 Earl William and Elizabeth his wife, and to the heirs of the said  
 William for ever. The following is a translation of the Grant (made by  
 L. Adamson, Esq., Seneschal of the Manor of Man):—

James, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all to whom these present letters shall come. Know ye that we for divers good causes and considerations us to these presents specially moving, of our special grace and out of our certain knowledge and mere motion, have given and granted, and by these presents for ourselves and our heirs and successors, do give and grant to our beloved and faithful cousin William, Earl of Derby, and Elizabeth his wife, and the heirs of the said William for ever, all those houses, scites, circuits, and precincts formerly the monastery and priory of Rushing and Douglas, and the Friars Minor commonly called the Grey Friars of Brimaken, otherwise Bymaken, with all their appurtenances in the Isle of Man, and all those our rectories and churches of Kirk Christ in Shelding and Kirklovan, with all their appurtenances in the Isle of Man to the said monastery of Rushing formerly belonging and appertaining, and parcel of the possessions thereof by a particular thereof, extending to the clear annual rent or value of one hundred and one pounds fifteen shillings and eleven pence, beside sixty-four shillings by way of increase, in lieu of the price of four sheep for and towards provision for our hospitium, and of our heirs and successors, and besides forty shillings out of the possessions of the said late monastery issuing and payable annually to the Bishop of the Isle of Man and his successors for synodals and procurations, and besides twenty-six shillings and eight pence out of the same possessions issuing and annually payable to the Earl of Derby and his heirs for the rent of a parcel of land called Tocknaby lately in the tenure and occupation of the Abbot and Convent of the said late monastery of Rushing, and besides twenty shillings out of part of the premises issuing and annually payable to the said Earl of Derby and his heirs, for the rent of a parcel of land called Bymaken otherwise Brymaken, formerly let to the Friars of the said

late priory of Brymaken otherwise Bymaken, and besides four pounds thirteen shillings and four pence out of the premises issuing, and annually allocated for the salary or stipend of a presbyter celebrating the offices in the Castle of Castletown, and besides ten shillings out of the possessions of the said late monastery or priory of Douglas issuing and payable annually for a certain pension to the Vicar of Kirkoncon, and besides six pounds out of part of the premises issuing and payable annually for the salary of a curate for celebrating the divine offices in the church of Kirkmalewe, and also besides thirty-one shillings and six pence out of the premises issuing for the fees of the bailiffs called Serjeants, viz., within the parish of St. Lupus [Malew] thirteen shillings and four pence, Lawfaba [Glenfaba] six shillings and eight pence, Soulby [Sulby in Lezayre] seven shillings and six pence, and Sinisco [in Lonan] four shillings payable annually. We have given and granted, and by these presents for ourselves our heirs and successors do give and grant to the before-named William, Earl of Derby, and Elizabeth his wife, and the heirs of the same William, all and singular the monasteries, abbies, granges, lands, tithes, tenements, and hereditaments, &c., To have, hold, and enjoy the aforesaid monasteries, priory of the Friars Minor, rectories, churches, lands, tenements, meadows, pastures, woods, underwoods and trees, courts leet, view of frankpledge, profits, commodities, advantages, emoluments, and hereditaments, and all and singular other the premises above expressed and specified, and by these premises granted or mentioned to be granted, with all their rights, members, and appurtenances unto the aforesaid William, Earl of Derby, and Elizabeth his wife, and the heirs of the said William, to the only proper use of the said William, Earl of Derby, and Elizabeth his wife, and the heirs of the said William for ever, To hold of us, our heirs and successors, as of our manor of East Greenwich, in our county of Kent, by fealty only, in free and common soccage, and not *in capite* nor by knight service, and yielding and paying annually to us, our heirs and successors, out of and for the aforesaid scites, circuits of the said late monasteries and priory of Rushing and Douglas, and of the Friars Minor commonly called the Grey Friars of Brymaken otherwise Bymaken, the churches and rectories of Kirkchrist in Shelding and Kirklovan, and all and singular other the premises above by these presents granted or mentioned to be granted, with all their appurtenances, one hundred and one pounds fifteen shillings and eleven pence of lawful English money to the receipt of our Exchequer at Westminster, our heirs and successors, or into the hands of the Bailiffs or Receiver of the premises for the time being, to be paid annually at the Feast of St. Michael the Archangel, and of the Annunciation of the Blessed Virgin Mary, by equal portions for ever, in lieu of all other rents, services, exactions, and demands whatsoever to us our heirs or successors in any way to be rendered, paid, or done: And the aforesaid William, Earl of Derby, and Elizabeth his wife, and the heirs of the said William, covenant and grant to and with us, our heirs and successors, that they the said William, Earl of Derby, and Elizabeth his wife, and the heirs of the said William, forty shillings of good and lawful money, English money, out of the possessions of the said late monastery of Rushing issuing, and to the Bishop of the Isle of Man and his successors annually payable for synodals and procurations, will pay or cause to be paid to the said Bishop and his successors, and therefrom us and our successors acquit, exonerate, and keep harmless from time to time for ever: And the said William, Earl of Derby, and Elizabeth his wife, and the heirs of the said William further covenant and grant, &c., that they and the heirs of the said William, four pounds thirteen shillings and four pence out of the premises issuing, and for the salary or stipend of a presbyter to



celebrate the divine offices in the Castle of Castletown annually allowed, and ten shillings out of the possessions of the said late monastery or priory of Douglas issuing, and for a certain pension to the Vicar of Kirkconcon annually payable, and also six pounds out of part of the premises issuing, for the salary of a curate for celebrating the divine offices in the church of Kk. Malewe annually payable, and thirty-one shillings and sixpence out of the premises issuing, and for the fees of the bailiffs called Serjeants, viz., within the parish of St. Lupus thirteen shillings and four pence, Lawfaba six shillings and eight pence, Soulby seven shillings and six pence, and Sinisco four shillings payable annually, will pay or cause to be paid to the said presbyter, vicar, curate, bailiffs, and their successors, and us and our successors therefrom acquit, exonerate, and keep indemnified from time to time for ever: And lastly, the said William, Earl of Derby, and Elizabeth his wife, and the heirs of the said William, covenant and grant with us, our heirs and successors, by these presents, that they the said William, Earl of Derby, and Elizabeth his wife, and the heirs of the said William, us, our heirs and successors, from twenty-six shillings and eight pence out of the possessions of the said late monastery of Rushing issuing, and to the Earl of Derby and his heirs, for the rent of a parcel of land called Tocnaby, late in the tenure or occupation of the Abbot and Convent of the said late monastery of Rushing annually payable, and from twenty shillings out of part of the premises issuing, and to the aforesaid Earl of Derby and his heirs, for the rent of one parcel of land called Bymaken otherwise Brymaken, formerly let to the Friars of the said late Priory of Bymaken otherwise Brymaken, and payable annually, will acquit, discharge, release, exonerate, and keep indemnified from time to time for ever *et ulterius*, &c. Witness ourself at Westminster, the second day of May, in the year of our reign of England, France, and Ireland the eighth, and of Scotland the forty-third.

By writ under the Privy Seal.

Confirmation The two grants of the 7th July, 1609, and the 2nd May, of Grants to 1610, were confirmed, but with new limitations as to the Earl William succession, by Act of Parliament passed in the eighth year &c. of the reign of King James I. (1610). The Act is referred to in the Index to the Statutes at large as No. 4 of the Private Acts 7th James I. It was passed in the session of Parliament which commenced on the 9th of February, 160<sup>9</sup>/<sub>10</sub>, in the seventh year of King James, and which was prorogued on the 23rd July in the same year 1610. This session according to modern usage would be styled that of 7th and 8th James I. The Act must have been passed between the 2nd May, 1610, the date of the second grant (which is recited in the Act), and the end of the session, 23rd July, 1610, both of these dates being in the eighth year of the King's reign.

It will be observed that by the Letters Patent of the 7th July, 1609, the Island was granted to *Earl William and Elizabeth his Countess during their lives, and to the longer liver of them, and after their decease to their son and heir apparent James Lord Stanley, and his heirs for ever*, and that by the Letters Patent of the 2nd May, 1610, the possessions of the

religious houses were granted to *Earl William and Elizabeth his Countess and to the heirs of Earl William for ever*. By the Act the premises comprised in both grants are assured to *Earl William and Elizabeth his Countess, during their lives and the life of the longer liver of them; after their deaths to James Lord Stanley, their eldest son and heir apparent, and the heirs male of his body; after his death, without such issue, to Robert Stanley, second son of the Earl and Countess, and the heirs male of his body; after his death, without such issue, to the heirs male of the body of Earl William, and for default of such issue to the right heirs of James Lord Stanley.*

The following is the Act:—

An Acte for the Assuringe and Establishinge of the Isle of Man.

Act of Par- In all Humblenes beseeche your most excellent Ma<sup>tie</sup> yo<sup>r</sup> loyall and  
liament, faithful subiects William Earle of Derby, the Lady Elizabeth his wife,  
8<sup>o</sup> James I. James Lord Stanley sonne and heire apparant of the said Earle, and  
Robert Stanley second sonne of the said Earle, that whereas the said Earle and his  
Ancesto<sup>rs</sup> have for many ages past, ever since the seaventh yere of the raigne of King  
Henry the Fowerth, held and enioyed the Isle, Castle, Peele, and Lordshipp of Mann  
w<sup>th</sup> all their rights, members, and appten'nes as their owne proper inheritance, and  
bene reputed and taken to be the true and undoubted lords and owners of the same;  
and forasmuch as the said Isle and Lordship of Mann hath long continued in the  
name and bloud of the said Earle, and to the end the same may continewe still by  
yo<sup>r</sup> Highnes princely favo<sup>r</sup> and gracious allowance in his name and bloud so longe as  
it shall please Almightye God: Maie it please yo<sup>r</sup> Ma<sup>tie</sup> that it may be enacted by  
yo<sup>r</sup> Highnes w<sup>th</sup> thassent of the Lords Spirituall and Temporall and the Co'mons in this  
p<sup>r</sup>sent Parliam<sup>t</sup> assembled and by the authority of the same; And be it enacted, ordayned,  
and established by yo<sup>r</sup> Highnes, the Lords Spirituall and Temporall and the Co'mons in  
this p<sup>r</sup>sent Parliam<sup>t</sup> assembled, and by the authoritie of the same, That y<sup>r</sup> said subiects  
William Earle of Derby, and the said Lady Elizabeth his wife, for and during their  
lyves and the longer liver of them, and after their deathes the said James Lord Stanley  
and the heires males of his body lawfully begotten and to be begotten, and after his  
death w<sup>th</sup>out such issue, the saide Robert Stanley and the heires males of his body law-  
fully begotten and to be begotten, and after his death w<sup>th</sup>out such issue, the heires males  
of the body of the said William Earle of Derby lawfully begotten and to be begotten,  
and for default of such issue, the right heirs of the said James Lord Stanley, shall and  
may for ever hereafter have, hould, and quietly enjoye freely and cleerly against your Ma<sup>tie</sup>  
yo<sup>r</sup> heirs and successo<sup>rs</sup> (for, vnder, and vpon the tenures, rents, and services hereafter  
menc'oned to be reserved,) against Thomas Lord Ellesmere, Lord Chancello<sup>r</sup> of England,  
the Ladie Alice Countess of Derby his wife, late the wife of Ferdinando, late Earle of  
Derby deceased, and against Henry Earle of Huntingdon and the Lady Elizabeth Coun-  
tesse of Huntingdon his wife, Grey Lord Chandoys and the Lady Anne his wife, Sir John  
Egerton knight, sonne and heire male apparent of the said Thomas Lord Ellesmere and  
the Lady Frances his wife, and the heires of the said Elizabeth, Anne, and Frances, w<sup>ch</sup>  
said Ladies Elizabeth, Anne, and Frances are the only daughters and sole heires of the

said Ferdinando late Earle of Derby deceased, to w<sup>ch</sup> said daughters and their husbands the said William Earle of Derby hath paid dyvers somes of money for their clayme, right, and title to the said Isle, Castle, Peele, and Lordship of Mann, as appeareth by their deed thereof made and now shewed forth in yo<sup>r</sup> Highnes Highe Court of Parliam<sup>t</sup> bearing date the fowertenth day of February, in the yeres of the raigne of yo<sup>r</sup> Ma<sup>tie</sup>, that is to saie, of England Fraunce and Ireland the sixt, and of Scotland the two-and-fortieth, wherein and whereby they have agreed to geue their consents for the passing of an Act of P<sup>l</sup>liament for the given and extinguishing of such right, title, and interest as theie pretend to the said Isle of Mann, and against the heires of the said Ferdinando late Earle of Derby, and against Thomas Ireland, Esquire, his executo<sup>rs</sup>, administrato<sup>rs</sup>, and assigns, all the said Isle, Castle, Peel and Lordship of Man w<sup>th</sup> the rights, members, and app<sup>r</sup>ten<sup>nes</sup> and all the now or late monastery and priory of Rushinge and Douglass, and the Fryers Myn<sup>rs</sup>, commonly called the Grey Fryars to Brimakyn al, Bymakyn, and of eury of them w<sup>th</sup> their rights, members, and appurten<sup>nes</sup> in or w<sup>th</sup>in the said Isle of Mann, and the howses, scytes, circuits, and precints now or sometymes to the said monastery and priory of Rushinge and Dowglass, and Fryers Myno<sup>rs</sup>, eury or any of them, w<sup>th</sup> all their app<sup>r</sup>ten<sup>nes</sup> in or w<sup>th</sup>in the said Isle of Manne belonging, and sometymes being p<sup>l</sup>cell of the possessions thereof, and all those rectories and churches of Kirkchriste in Shelding and Kirkelovan, w<sup>th</sup> their app<sup>r</sup>ten<sup>nes</sup> whatsoever in the said Isle of Manne, sometymes to the said monastery of Rushinge belonging and apperteyning, and p<sup>l</sup>cell of the possessions thereof somtymes being, and all Islands, Lordships, Peeles, Castles, monasteries, abathies, priories, nunneries, manno<sup>rs</sup>, farms, messuages, lands, tenem<sup>ts</sup>, and hereditaments whatsoever to the said Isle of Manne belonging, or in w<sup>th</sup>in the same scituate, lying, and being, w<sup>th</sup> all and singular their rights, members, and app<sup>r</sup>ten<sup>nes</sup>, and the patronage of the busshopprick of the said Isle of Manne, and of the bushopprick of Sodorences, and of the bushopprickes of Sodorences and Manne, and also the temporalities of the bushopprick of the said Isle of Manne, and of the bushopprick of Sodorences, and of the busshoppricks of Sodorences and Man, so often as the said bushoppricks shall happen to become voyd, and also the archdeaconries, rectories, advowsons, donacons, and rights of patronage of all and singular the hospitalls, churches, viccaridges, chappells, and all other ecclesiastical benefices, tithes as well great as small of what kinde soever, oblac<sup>ions</sup>, obven<sup>ions</sup>, fruits, profits, penc<sup>ions</sup>, porc<sup>ions</sup>, emoluments, and hereditam<sup>ts</sup>, w<sup>th</sup> all and singular their app<sup>r</sup>ten<sup>nes</sup> of, in, or w<sup>th</sup>in the said Isle, Castle, Peele, and Lordship of Mann and p<sup>l</sup>misses, or any of them, and all and singular forrestes, parkes, chases, lawnds, warrens, asserts, purp<sup>r</sup>stures, fishings, fishing places, royalties, regalities, franchises, liberties, seaports, and all things to ports duly apperteyning, lands now or heretofore overflown w<sup>th</sup> the water of the sea w<sup>ch</sup> are now gayned from the sea and reduced to drye ground, lands w<sup>ch</sup> the sea now overfloweth w<sup>ch</sup> hereafter shall be gayned and brought to drye ground, lying or beinge in or neere to the said Isle of Mann, villages, towns, granges, mills, rents, services, rents of assize, rents and services as well of free as customary ten<sup>nts</sup>, workes, deodands, fynes, amercem<sup>ts</sup>, anchorage, groundage, wrecks of the sea, knights' fees, eschaets, forfeitures, goods, and chattells, waved goods, and chattels as well of fellons of themselves as of other fellons, fugitives, outlawes attainted condempned and put in exigent, courts admirall, courts portmote, courts leets, view of frankpledge, and all forfeitures, penalties, fees, profitts, casualties, and advantages whatsoever incident happening or belonging to the said courts, mynes of lead and iron, quarries, faires, mar-

ketts, tolls, customes, free customes, imposts, profitts, emoluments, and hereditam<sup>ts</sup> whatsoever, as well spirituall as temporall, of whatsoever kynde, nature, or qualitie, or by whatsoever name or names theie are knowne, esteemed, called, or named, scittuate, lying, or being, comyng, growing, renewing, or happening of, in, or w<sup>th</sup>in the foresaid Isle, Castle, Peele, and Lordship of Manne, or w<sup>th</sup>in the sea to the said Isle adiacent or belonging, or in or w<sup>th</sup>in any other Islands, Lordshippes, Manno<sup>rs</sup>, Castles, Peeles, farmes, or lands to the said Isle of Manne belonging and app'teyning, or in, to, or out of the same or any of them whatsoever or howsoever incident or belonging, or as members, P<sup>tes</sup> or P<sup>cells</sup> of the same, or of any of them, or of any P<sup>t</sup> or P<sup>cell</sup> of them at any tyme heretofore had, knowne, accepted, occupied, vsed, enjoyed, or demised, letten, or reputed: And the reverc'on and reverc'ons, remaynder and remaynders of all and singuler the P<sup>m</sup>isses and of euery or any P<sup>te</sup> thereof, and the rentes, duties, customes, and services thereunto incident, due, or appertyning, and all liberties, franchises, priviledges, jurisdicc'ons, forfeitures, deprederies, immunities, exonerac'ons, acquittalls, and hereditaments whatsoever graunted or mencioned to be graunted by yo<sup>r</sup> most excellent Ma<sup>tie</sup> by yo<sup>r</sup> Highnes seueral l<sup>'res</sup> patents, the one bearing date the seaventh day of July in the yeres of yo<sup>r</sup> Highnes raigne of England Fraunce and Ireland the seaventh, and of Scotland the two-and-fortieth, made to the said William Earle of Derby, and the said Lady Elizabeth his wife, for and during their lyves and the longer lyver of them, and after their deathes to the said James Lord Stanley and his heires, thother bearing date the second day of Maye, in the yeres of your Highnes raigne of England France and Ireland the eighth, and of Scotland the three-and-fortieth, made to the said William Earle of Derby and the saide Lady Elizabeth his wife, and the heires of the said William Earle of Derby, to hould the said Isle, Castle, Peele, and Lordshipp of Mann, and all and singuler the premisses of yo<sup>r</sup> Highnes, yo<sup>r</sup> heires and successo<sup>rs</sup> respectively, and vnder the seuerall tenures, rents, and services in and by the said seuerall l<sup>'res</sup> patents severally and respectively reserved, w<sup>ch</sup> said last mencioned l<sup>'res</sup> patents were made and graunted duringe this p<sup>'sent</sup> session of Parliament.

And be it further enacted by your Highnes, the Lords Spirituall and Temporall, and the Co'mons in this p<sup>'sent</sup> P<sup>iam</sup>t assembled, and by the authoritie of the same, That neither the said James Lord Stanley, nor any of the heires males of his body lawfully begotten or to be begotten, nor the said Robert Stanley, nor any of the heires males of his body lawfully begotten or to be begotten, nor any of the heires males of the body of the said William Earle of Derby lawfully begotten or to be begotten, shall haue any power authoritie, or libertie to give, graunt, alien, bargaine, sell, convey, assure, or doe away the said Isle, Castle, Peele, and Lordship of Manne, messuages, lands, ten'ts, tithes, hereditam<sup>ts</sup>, and other the premisses in this Act mencioned to be enjoyed as aforesaid, or any part or p<sup>'cell</sup> thereof, from his or their issue or issues, or other persons by this Act appoynted to enjoy the same, but that the same shall remayne and continewe to the said James Lord Stanley, and the heires male of his body lawfully begotten and to be begotten, and for default of such issue to the said Robert Stanley, and to the heires males of his body lawfully begotten and to be begotten, and for default of such issue to the heires males of the body of the said William Earle of Derby lawfully begotten and to be begotten, and for default of such issue to the right heires of the said James Lord Stanley, as before by this Act is appointed, and that all gifts, grants, alienac'ons, bargaynes, sales, conveyances, assurances, and acts don or to be done or made to the contrary, shall be vtterly void, frustrate, and of none effect; Saving neverthelesse that it shall and may be lawfull

for them and euery of them, to make such estates of such severall partes thereof as by the lawes and customes of the said Isle is vsuall, and to make such leases and demises of such parts and ¶cells thereof as tenante in taile by the statute made in the two-and-thirtieth yere of the raigne of King Henry the Eight, may lawfully do w<sup>th</sup>in this yo<sup>r</sup> Highnes realme of England.

And be it also further enacted by the authoritie aforesaid, That neither this Act nor any thing herein conteyned shall in anywise extende or be construed to avoide, frustrate, abridge, impaire, diminishe, or ¶iudice the state, interest, and terme of yeres of Sir Thomas Leighe Knight, and Thomas Spencer Esquier, their executo<sup>rs</sup>, admistato<sup>rs</sup>, and assigns of the messuages, lands, tenem<sup>ts</sup>, tithes, profits, hereditaments, and other things in the said Isle of Manne made, demised, and graunted by yo<sup>r</sup> Ma<sup>tie</sup> vnder your Highnes l<sup>'res</sup> pattents bearing date the seavententh day of Marche, in the yeres of your Highness raigne of Englande Franncce and Ireland the third, and of Scotland the nyne-and-thirtieth, for the terme of fortie yeres; and that the said Sir Thomas Leighe and Thomas Spencer, their executo<sup>rs</sup>, admistato<sup>rs</sup>, and assigns, and euery of them, shall and may from henceforth peaceably and quietly duringe the said terme of forty yeres have, hould, occupie, and enjoye the said messuages, lands, ten<sup>ts</sup>, tithes, profitts, hereditam<sup>ts</sup>, and other things in the said last mencioned l<sup>'res</sup> patents demised, for, vnder, and vpon such yerely rents, reservac<sup>'ons</sup>, conven<sup>'nts</sup>, provisoes, and agreements as are mencioned and expressed in the said l<sup>'res</sup> pattents, against youre Ma<sup>tie</sup>, youre heires and successo<sup>rs</sup>, and all and euery other p<sup>'son</sup> and p<sup>'sons</sup> and their heires, having or clayminge any estate, right, title, or interest vnto the said demised ¶misses by force and virtue of this Act.

Savinge to the Archbushopp of Yorke and his successo<sup>rs</sup> all metropoliticallyl iurisdicc<sup>'on</sup> in all points and to all purposes and effects of the bushoppricke and diocesse of Manne, in the said Isle of Manne, as is geven, vnited, lymitted, and appoynted to the province and archbushoppricke of York, accordinge to an Act of Parliamt made and provided in the three-and-thirtith yere of the raigne of King Henry the Eighte, late King of England. Savinge also to all and singuler ¶son and ¶sons, bodies polittique and corporate, their heires and successo<sup>rs</sup>, and the heires and successo<sup>rs</sup> of every of them, and the executo<sup>rs</sup>, admistr<sup>rs</sup>, and assignees of euery of them, (other than yo<sup>r</sup> Highnes, your heires and successo<sup>rs</sup>, and the said Thomas Lord Ellesmere and the said Lady Alice Countesse of Derby his wife, and the said Henry Earle of Huntingdon and the said Elizabeth Countesse his wife, Graye Lord Chandoyes and the said Lady Anne his wife, the said Sr John Egerton and the Lady Frannces his wife, and the heires of the said Elizabeth, Anne, and Frannces, and the heires of the said Ferdinando late Earle of Derby, and the said Thomas Ireland Esquier, his executo<sup>rs</sup>, administrator<sup>rs</sup>, and assigns, (the tenures, rents, and services reserved to y<sup>r</sup> Ma<sup>tie</sup>, yo<sup>r</sup> heires and successo<sup>rs</sup> alwaies reserved,) of such and every and the same estate and estates, lease and leases, rights, titles, interests, rents, services, tenures, iurisdicc<sup>'ons</sup>, priviledges, liberties, possessions, reverc<sup>'ons</sup>, remaynders, annuities, penc<sup>'ons</sup>, profits, commodities, acc<sup>'ons</sup>, entres, condic<sup>'ons</sup>, claymes, and demann<sup>'s</sup> w<sup>ch</sup> theie or any of them now lawfully haue, or hereafter shall or may lawfully haue or clayme of, into, out of, or for the said Isle, Castle, Peele, and Lordshipp of Manne, manno<sup>rs</sup>, messuages, lands, tenem<sup>ts</sup>, and ¶misses, or of, into, out of, or for any of them in such and the same manner and forme to all intents, construcc<sup>'ons</sup>, and purposes, as if this ¶sent Act had never been had or made, this Act or anything herein conteyned to the contrary in anywise notw<sup>th</sup>standing, and yo<sup>r</sup> said subiects according to their most bounden duties shall and will daily pray for your Highnes long, happie, and prosperous rainge over vs.

It may be both useful and interesting here to insert the following case in which a decision was made in the English Court of Chancery by Lord Hardwicke, Lord High Chancellor, as to the effect of the clauses against alienation contained in the foregoing Act.

Earl of Derby *v.* Duke of Athol. February 8, 1748-9.

(*Vesey's Reports*, vol. 1, p. 202.)

The bill was to have a discovery concerning the general title of the Isle of Man, and to have relief on a particular point of equity relating to the rectories and tithes within that Island, which equity was, that in 1667 Lord Derby granted the rectories and tithes to the bishop and clergy there, and for the enjoyment thereof gave some lands in England as a collateral security. To introduce this equity the bill charged that although it was pretended that the bishop and clergy were evicted, yet it was by collusion between the defendant and them in order to affect the collateral security, and that the defendant made them an allowance in the mean time equivalent to the profits.

On a plea to the jurisdiction it must be shown what other Court has jurisdiction.

To have a discovery therefore of this matter and relief against this attempt to charge the collateral security, was the bill brought, as not being damnified with respect to the enjoyment of the tithes, &c., or if damnified it was by their own default.

The defendant pleaded in general to the jurisdiction of the court: that the Isle of Man was an ancient kingdom, not part of the realm, though belonging to the crown of Great Britain; and that no lands, &c., there ought to be tried or examined into here: demanding judgment whether he should be put to answer further.

LORD CHANCELLOR.—This comes to be of great consequence to all the courts in England. There are two general questions on this plea; first whether the plea is good in point of form—not a trifling form, for if the objection thereto on the part of the plaintiff be right it is material to the nature of such plea? Secondly, whether good in substance?

As to the first, it is objected for the plaintiff that although it is shewn in the negative and alleged that this court has no jurisdiction over the Isle of Man, and that it is not to be tried here: yet it is not shown in the affirmative, what other court has jurisdiction, or that there are any courts in the Isle of Man holding plea thereof; and the rule is insisted on that whoever pleads to the jurisdiction of one of the King's superior courts of general jurisdiction, must shew what other court has jurisdiction. I am of that opinion; and that for want thereof the plea is bad and ought not to be allowed, if nothing more is in the case; as it is expressly laid down in 2 H. 7, 17, a, and *Doctrina placitandi*, 234; and agreeable to the general rule of pleas of this sort, as in the pleas of abatement, wherein it must be shewn the plaintiff may have a better writ. The reason of this is, that in suing for his right a person is not to be sent everywhere to look for a jurisdiction, but must be told what other court has jurisdiction, or what other writ is proper for him; and this is a matter of which the court where the action is brought is to judge. There are not many authorities on this head, but in the old books of entries the form of pleading is so; and the opinion of *Popham, C. J.*, in *Yel.* 13, and *Fitz. Ab. Sit. Jurisdiction* concerning Wales; and although Lord Vaughan may have denied that to be law: he was a very strong Welshman, as appears throughout his argument, in which though there is a great deal of good and useful learning, yet it never was delivered, though intended to be so. It is said to this, that the court ought in this case to take notice of what is the juris-

diction; that the matter of fact is shewn; and it is likened to the case of inferior courts; wherein it is sufficient for the defendant to plead that the cause of action arose out of the jurisdiction of that court; but I cannot put this (which is a superior court of general jurisdiction, in whose favour the presumption will be that nothing shall be intended to be out of its jurisdiction which is not shewn and alleged to be so,) upon a level with an inferior court of a limited local jurisdiction, within whose jurisdiction nothing shall be intended to be which is not alleged to be so. 1 *San.* 74. I was desirous to be informed how the pleas were in this court, which are looser than at law; and no case has been cited in which the plea to the jurisdiction of this court has not given jurisdiction to another, as to a visitor, &c. *Att.-Gen. v. Talbot*, March 21, 1747, and *Strode v. Little*, 1 *Ves.* 58. But the case in 2 *Ves.*, 494, of the Isle of Sarke is very material, and comes nearest to the present case, where another jurisdiction where justice might be had, as being parcel of Guernsey was shewn. The plea therefore is not to be supported on this point.

But secondly, to consider it on the merits and substance. The general averment that no land, rectory, &c., there is examinable in this court is not true or well founded, but laid down much too large; because upon an equitable right to this Island, and both parties resident within the jurisdiction of this court, it might be determined here. The

A question concerning the right and title to the Isle of Man may be determined here. question here is to the right and title to the whole Island, which cannot be determined in the courts of Man; because that would be permitting the persons who claim the seigniorship of the Isle to judge in their own case. Then there must be some court or other here to determine that right; either this court, or the King's Bench, or the King in Council. Cases may be put in which this court and the King's Bench both have jurisdiction concerning the right to the Isle. As upon a *scire facias* to repeal letters patent granted of this whole Isle. It comes to this, then, that here is a question concerning the title of this whole Isle brought in judgment by this bill; but it is a question of law, not of equity, and therefore this amounts only to a plea for want of equity; for if some court here must determine it, the question is which? And if it was a question of equity, it would certainly be this court, although it was of a matter out of its jurisdiction, as in the case of the Isle of Sarke. So that upon a mortgage made of this Isle, and both mortgager and mortgagee resident within the jurisdiction of this court, upon a bill concerning it, the court would hold jurisdiction of it; for a court of equity *agit in personam*; and then I will never suffer a plea for want of jurisdiction in the court. But there is another point as to the rectory and tithes, which is mere matter of equity as stated in the bill; the relief prayed against the collateral securities being burthened by this collusive damnification: and if it be so, the plaintiff may have a very proper case; but whether it is so stated as to be sufficient to entitle to relief is not necessary to determine on a plea to the jurisdiction. But supposing all this out of the case, in respect of the discovery there is no colour to plead to the jurisdiction. The Isle of Man is subject to some court in England: then the plaintiff may come here for aid to discover his title; for he may bring a general bill for discovery, without setting out his title: and upon a plea to the discovery and relief both, it may be allowed as to one and over-ruled as to the other: Then supposing the jurisdiction to be in the King in Council, (although I do not know that it has been shewn to be so,) a bill may be brought for a discovery of such title, and the court ought to give that discovery, because the King in Council cannot do it, nor compel the

defendant to answer upon oath : although in some cases the court will not lend its aid to a discovery ; as not to aid the jurisdiction of an inferior court ; and I have heard it said not of an ecclesiastical court. The true reason is, that it is not wanted there ; for they may compel an answer. But I will not hold the jurisdiction of the King in Council to be of such a nature, as to be below the being aided by this court to give relief to come at that discovery : as it must be determined in some court, the plaintiff is entitled to come here to have that discovery. Supposing then the objection for want of form out of the case, I must have over-ruled it as to the whole discovery, because it was a proper matter for relief. The question then comes to this : Whether ever the court divided a plea to the jurisdiction ? Of late indeed upon a bill for several matters of discovery and relief, if

A plea may be allowed as to part, not so of a demurrer. there be a plea to the whole bill, which is a proper bar to part, the court divides it, and lets it stand good as to part ; although upon demurrer the court over-ruled it wholly : but no instance that where a plea covered too much the court ever divided it.

Trin. 25 George II. In Canc. 1751, July. Bishop of Man, v. Com. Derby ; and Com-Derby v. D. of Atholl.

(*House of Commons Paper, No. 79, Session 1805, p. 42, see also Vesey's Reports, vol. 2, p. 337.*)

Ferdinando Earl of Derby, Lord of the Isle of Mann in fee, under the grant of 7th Henry 4th to his ancestor Sir John Stanley, dying without male issue about the end of

Queen Elizabeth, leaving three coheireesses who laid claim to the Isle, an agreement was entered into between them and their uncle William, then Earl of Derby ; in consequence whereof he obtained letters patent, 7th James I., granting the Isle to him, and the Lady Elizabeth his wife, for their lives and that of the survivor, and after their deaths to James Lord Stanley, their son, and his heirs, together with all monasteries, advowsons, and never de-tythes, &c. ; and by a private Act of Parliament in the same year (more fully stated hereafter) it was enacted, That the said Earl and Countess, and, after their deaths, James Lord Stanley and the heirs male of his body ; and, in default thereof, Robert Stanley, the Earl and Countess's second son, and the heirs male of his body ; and for default of such issue, the right heirs of James Lord Stanley should hold the same premises under an express clause restraining the grantees from alienating any part thereof

from their issue, or other persons appointed by the Act to take, and all grants and conveyances to the contrary were made void.

The Earl and Countess died ; James Lord Stanley, then Earl of Derby, was beheaded at Bolton Castle, for his adherence to Charles I. and II. and the premises being come to his son Charles Earl of Derby, he, by deed of the 1st of November, 1666, reciting the great poverty and distress of the clergy of the Isle, conveyed, in consideration of £1,000, for 10,000 years to the then Bishop (the famous Dr. Barrow) and Archdeacon, several rectories and impropriated tythes within the Isle, and part of his inheritance, at an annual rent of £66, and a fine of £130 every 30 years, in trust, to apply the profits for the maintenance of the clergy and erection of a free school there ; and by deed the 29th of January following, conveyed the manor of Bispham and the lands of Merthop, in Lancashire, as a collateral security for the quiet enjoyment of the premises so sold and conveyed ; and, in



case of interruption by the Earl, or any claiming under him or his ancestors, that the Bishop, &c., should enter and hold until satisfied for their loss by such interruption. The premises were quietly held under this grant until 1735, when James Earl of Derby died without male issue; upon whose death the Duke of Atholl, as heir at law to James Lord Stanley, entered upon the Isle, and ousted the clergy of the premises granted to them by Earl Charles.

Upon this eviction the bishop and clergy brought their bill against the present Earl of Derby, a remote collateral not descended from the grantees Earl William and Earl James, for a satisfaction out of the collateral security; and the Earl of Derby brought a cross bill against the bishop and clergy, and against the Duke of Atholl, for relief against the eviction, and insisting upon his title to the whole Isle, under the last Earl of Derby's will. The Duke of Atholl pleaded to the jurisdiction of the court, but this plea was overruled the 8th of February, 1748; and both causes being now heard, the court proceeded to judgment.

LORD CHANCELLOR.—This case concerns the estate of a very ancient and noble family, and a great deal of ancient learning has been not improperly brought into it; but as I intend proceeding upon plain grounds, I shall, in order to avoid further delay to the parties, give my opinion immediately, without entering minutely into some of those points. There are two bills brought, the first by the bishop and clergy of the Isle of Man, by reason of the eviction of the rectories and tythes by the Duke of Atholl, for a satisfaction out of the collateral security given by Charles Earl of Derby in the reign of King Charles II. The second bill is by the Earl of Derby, to be relieved as to the pretended eviction of the rectories and tythes, and setting up a title to the whole Isle, under the will of the last Earl of Derby. Several questions have arisen on both these bills, but they are in effect all drawn in upon the original bill; for if the Duke of Atholl had no right to evict the bishop and clergy of the rectories and tythes, or if the Earl of Derby has a right to the whole Isle, there is an end to the cause at once. The particular questions relate either to the relief prayed by the cross bill or the defence made to the original one; and I will consider them in their natural order,—1st,—Whether the Earl of Derby has a title to the whole Isle?—2dly. If he has, whether upon the cross bill, he may come into this court for possession. This I mention that I may not seem to contradict myself in respect to the determination upon the plea.

It appears to me on the Act of Parliament and letters patent, that the Earl as devisee, has no title to the Isle; this learning is diffusive; I will just touch upon  
 First Question. it, and touch upon those points whereon the decision must turn. Several things are admitted on both sides, that the Isle of Man is not parcel of the realm, but of the possessions of the Crown of Great Britain long held as feudatory, first of the King of Norway, then of the King of Scotland, and afterwards of the King of England, by *liege homage*; that the law of England does not extend to it except it be the common law, so far as it is consequential to the King's grant of the Isle, or certain Acts of Parliament wherein it is expressly named. It is grantable by the great seal of England, not as parcel of the realm, but of the possessions of the Crown, just as the great seal operates to grant the lands in Jersey or the plantations, and so is *4 Inst.* 284, and *2 And.* 115, so often cited in this case, where the question was on the effect of the grant; it is held by *liege homage* rendering two falcons to be presented to the King's heirs and successors upon the day of their coronation, which is a tenure in *free socage*. For though lands held by homage are

presumed to be held by knight's service, as Lord Coke says, unless the contrary appears, here the contrary does appear, for the letters patent contain an express exemption from chivalry, and all military services and the consequences of them. The former tenure under the grant made by Henry IV. to the Earl of Northumberland was *grand serjeantry*, viz., carrying Lancaster sword at the coronation of his successors, Kings of England. Whether this service of presenting falcons may not amount to *petit serjeantry*, being to be performed to the person of the King at his coronation, or only to a rent service as was said at the bar, I will not affirm, but still it is of the nature of socage. From the state of the case 50 *Elizabeth*, 4 *Inst.* 284, one would think the only question then was, whether it were a male fief or not, but by 2d *And.* it appears there were other questions upon a deed to uses, perhaps to the uses of a will, and afterwards a devise of the Isle by such will. The recitals in the private Act 7th *James* I. shew an agreement between the heirs general and heirs male, and money as a price paid by Earl William to the daughters of Earl Ferdinando, in consequence of which it was that without any surrender to the King a new grant was taken from the Crown, for what causes does not appear, perhaps for fear of some latent forfeiture, or else to prevent the necessity of a licence of alienation, which would have been necessary for any conveyance among themselves, not moving from the Crown. The letters patent bear date the 7th *July*, 7th *James* I., reciting a demise made by that King the 28th June then last past, to Robert Earl of Salisbury, then Lord Treasurer, and Thomas Earl of Suffolk, then Lord Chamberlain, their executors and assigns, for the term of twenty-one years from Michaelmas last preceding, reserving a rent of twenty pounds per annum : the lease recited comprises the Isle, Castle, Peele, and lordship of Man, with all the premises, by very particular and extensive descriptions, except the possessions of the late monastery and priory of Rushing and Douglas, and the rectories of Kirk Christe in Shelding, and Kirkcloven ; after this recital the King grants to William Earl of Derby, and Elizabeth his wife, and James Stanley, son and heir-apparent of the said Earl, the Isle, Castle, Peele, and lordship of Man, and all the same premises comprised in the lease, with the like exception, together with the reversion of the excepted premises ; and further grants that Earl William and Elizabeth his wife, and James Lord Stanley his son, and the heirs and assigns of the said James, shall for ever thereafter hold and enjoy the premises, and all such and so many rights, royalties, franchises, and hereditaments, as well spiritual as temporal, and as fully and freely, as William Le Scroope, Knight, Henry Piercy, Earl of Northumberland, and John Stanley, or any other person, had ever held the said Isle and premises, by virtue of any grant from the Crown of England, or any Act of Parliament, prescription, or custom, or as the King or any of his progenitors had held the same, to have and to hold the said Isle and premises to the said Earl William and his wife, for their natural lives, and the life of the survivor, and after their deceases to the said James Lord Stanley and his heirs for ever, to be holden of the King, his heirs and successors, by *liege homage*, and by the service of rendering two falcons once only to the said King James the First immediately after doing homage, and afterwards to his heirs, Kings of England, on their respective days of coronation, for all other services, customs, and demands ; then follows a clause that James Lord Stanley, his heirs and assigns shall be free and discharged in respect of the granted premises from wardship and marriage, and all the consequences of a tenure by knight service *in capite*, or otherwise ; but this did not satisfy ; for James Lord Stanley might, according to these letters patent, have conveyed the premises, and defeated his own sons or the heirs general, for whic

reason a private Act of Parliament, passed *seventh James the First*, which carves new limitations out of James Lord Stanley's fee. That Act was obtained upon the petition of Earl William and Countess Elizabeth, and James Lord Stanley his eldest son and heir apparent, and Robert Stanley the second son; the preamble recites the petition, which sets forth that the said Earl and his ancestors had for many years passed, ever since *seventh Henry Fourth* held and enjoyed the Isle, Castle, Peel, and Lordship of Man with all their rights, members, and appurtenances, as their own proper inheritance, and that the said Isle and Lordship had long continued in the name and blood of the said Earl; and to the end that the same may continue still by your Highness's princely favour and gracious allowance, in his name and blood, so long as it shall please Almighty God, &c. It then enacts, that the said Earl William and Countess Elizabeth, for their lives, and the life of the survivor, and after their deaths the said Lord Stanley and the heirs male of his body, and after his death without such issue the heirs male of the body of Earl William, and in default of such issue the right heirs of the said James Lord Stanley shall hold and quietly enjoy the said Isle, Castle, Peel, and Lordship of Man, with all other the premises against Thomas Lord Ellesmere Lord Chancellor of England, Alice Countess of Derby his wife, late the wife of Ferdinando late Earl of Derby, and against Henry Earl of Huntingdon and Elizabeth Countess of Huntingdon his wife, Guy Lord Chandos and the Lady Ann his wife, Sir John Egerton, Knight, son and heir male apparent of the said Thomas Lord Ellesmere, and the lady Frances his wife, and the heirs male of the said Elizabeth, Anne, and Frances, who were the only daughters and coheir-esses of the said Ferdinando late Earl of Derby, to whom the said Earl William had paid divers sums of money for their claim, right, and title to the premises, as appeared by deed, dated 14th February, *sixth James the First*, whereby they had agreed to give their consents to the passing an Act of Parliament for extinguishing such right, title, and interest as they pretended to in the premises; and also shall hold and enjoy the same against the heirs of the said Earl Ferdinando, and against Thomas Ireland, his executors, administrators, and assigns. The description of the premises in this Act refers to the grant made by the letters patent 7th July, *seventh James the First* before stated, and to the other letters patent of 2d May in the following year, made during the then present session of Parliament, to Earl William and Countess Elizabeth, and the heirs of the said Earl William; it further enacts that neither James Lord Stanley, nor any of the heirs male of his body, nor the said Robert Stanley, nor the heirs male of his body, nor any of the heirs male of Earl William, shall have any power, authority, or liberty to give, grant, alien, convey, or do away the said Isle, Castle, Peele, and Lordship of Man, messuages, lands, tenements, titles, hereditaments, and other premises, or any part or parcel thereof, from his or their issue or issues, or other persons by this Act appointed to enjoy the same, but that the same shall remain and continue to the said James Lord Stanley and the heirs male of his body, and for default of such issue, to the said Robert Stanley, and to the heirs male of the body of the said Earl William, and for default of such issue to the right heirs of the said Lord Stanley as before is by this Act appointed; and that all gifts, grants, alienations, bargains, sales, conveyances, assurances, and acts done or to be done, or made to the contrary, shall be utterly void and of none effect; saving nevertheless, that it shall and may be lawful for them, and every of them to make such estate and such several parts of the premises, as by the law and customs of the said Isle is usual, and to make such leases and demises of such parts and parcels thereof, as tenants in tail by *twenty-three Henry the Eighth* may lawfully do within the realm of England.

Upon this view of the case, the first question arising is, Whether James Lord Stanley, or any one claiming as his heir, had power to grant or alien this estate at Common Law. Now without entering into the nice question upon the possibility of reverter as the law stood before the Stat. *de donis*, and without regarding the restraining clause in this Act abstractedly from these considerations, they could not, I think, have aliened without licence from the Crown, even according to the construction of the letters patent; for though the tenure be *quasi* a tenure *in socage*, yet it is *in capite* of the King, of the honorable kind; a subordinate feudatory kingdom, and both by the feudal and common law tenant *in capite in socage* could not alien without the King's licence, *Mag. Charta*, c. 32, *Inst.* 65, and 1 *Inst.* 43, *a b*. If no licence be, the Land is either forfeitable, or the aliener finable, *Stat. de Prerog. Reg.* c. 6. The law is so still as to all those tenures that are not within the Acts of Parliament enabling alienations without licence. The Earldom of Arundel is alienable, and the alienee shall have his writ to Parliament, but it must be upon an alienation by licence of the King; and L. C. J. Hale, in a MS. treatise of his which I have seen, is of the same opinion. As to Bentley Castle, (though it be not clear that the latter is a feudal honour,) the reason is because the law was so originally, and the Act which took away the court of wards and liveries did not extend to these honors; the case is the same as to other estates, whereto the Acts of Parliament of this nature do not extend, and which depend on the general law of the land. So says Mr J. Wright in his *Treatise of Tenures*, p. 29, 31, and 154.

If, therefore, a licence be necessary for any alienation or charge whatsoever upon the inheritance of this Isle, it might become immaterial to go into the other question upon the private Act of Parliament of 7 James I. But this Act brings in another question upon the restraining clause, viz., supposing the Isle alienable at Common Law, whether the Alienation be not restrained by this special Act of Parliament, and this regards not only the alienation of the whole Isle, but the demise of the tythes in 1666, for which by the Common Law a licence was not necessary, because being a term of years the freehold and the tenure remained unaltered; this may seem odd, that the King's tenant might make a lease for a thousand years as this is, and yet not a grant for life without licence; but long terms of years at that time, and much more in the time of H. 4, were not usual if allowable. Consider the clause of restraint in this Act; it is equivalent to the prohibitive and irritant clauses in Scotland, but wants the resolute part.

But it is objected, that the Act is framed only upon the Stat. *de donis* and that although the Isle be not within that statute, yet this Act is analogous thereto, and creates estates tail instead of fee-simple conditional, and no restraint of alienation is laid upon the heirs general of James, Lord Stanley;—

Objection. But I cannot say that the whole meaning of this Act was to create such estates and restraints only, as the Statute *de donis* does. No mention is made of or reference to that statute. The intent is declared to be to continue the estate in the name and blood of the Earl of Derby. Now the estates in tail male may go with the name, yet they do not take in the whole blood, and merely on the foot of the Statute *de donis*, there was no want of a restraining clause, because on that statute, before Tallarum's case *temp. Edward IV.* which gave rise to common recoveries, tenants in tail were restrained; and even after that case this Isle could not be affected, for no fine or common recovery could be had of it. Therefore in this sense the clause was unnecessary and nugatory. It is truly said that the Statute *de donis* changed the possibility

Answer.

of reverter into an estate, viz., a reversion or remainder in fee alienable by the owner. But there is no warrant to say that the limitations and restraining clause are to be construed as the Stat. *de donis* is. 1st, The recital, as I have already said, does not support this notion. 2ndly, The enacting part goes farther than the Statute *de donis*, for the Statute *de donis* only restrains the acts of those who shall inherit the estate tail; this Act restrains the alienation of the fee. The Statute *de donis* says, "*ita quod illi quibus tenementum sic datum fuerit sub conditione non habeant potestatem alienandi*;" which words go only to those who take estates tail, not to the reversioner or those who take under him; this private Act goes farther, and says that they shall not alien or do away the said Isle and premises from his or their issue or issues or other persons appointed by this Act to enjoy the premises, whereby James Lord Stanley is restrained from doing acts to prevent the fee from descending to his own right heirs.

Objection. But still it is said that though there be words to restrain James, there are none to restrain his right heirs;—

Answer. True; yet it is impossible the Legislature should intend to restrain James and not his heirs, and the subsequent words declare all acts and conveyances void which should be done to prevent the estate from coming to any of the persons mentioned or appointed in the Act, and exclude all supposition that a different right and power were intended for the heirs than were vested in James himself. The like objection may be made on the penning of the Statute *de donis*, 2nd Inst. 332, "*ita quod non habeant illi quibus tenementum sic fuerit datum sub conditione potestatem alienandi tenementum sic datum quominus ad exitum illorum quibus tenementum sic fuerit datum, remaneat post eorum obitum, vel ad donatorem, vel ad ejus hæredem (si exitus deficiat) revertatur.*" Taking the words strictly, the persons here restrained are only the immediate donees, for it is to them that the estate is given upon condition, and at Common Law before the Statute *de donis* the condition after issue had was performed, and the issue took the estate subject to no condition. This very question arose on the Statute *de donis*, 5 Edward II. formed on 52 and 4 Edward III, 29, and adjudged that the issue in tail could not alien any more than the first taker to whom the land was immediately given, and that this was the intent of the makers of the Act; and thus it was held by Lord Coke, 2 Inst. 335, where he cites these cases in the margin; besides, Earl Charles was son and heir male of the body of James Lord Stanley, and therefore expressly restrained by the description as much as James. But if the construction contended on behalf of the Earl of Derby be right, that this Act is only equivalent to the Stat. *de donis*, then a limitation being made (as it is) to Earl William and the heirs male of his body, Earl William would have been a remainder man in tail, and might have barred his issue or heirs, if a fine or recovery could have been had of the estate: or taking it to be a fee simple, conditional at Common Law, he might have done it by grant or feoffment, *i.e.*, by such a kind of legal conveyance as would have passed this Island. This would be carrying it farther than the Earl of Derby's counsel contend, and yet it is a necessary consequence of their argument.

Objection. But it is said that the last Earl of Derby had both the estate tail and the reversion in fee in himself; and the maxim is relied upon *quando dua jura, concurrant, &c.*;—

Answer. This turns the other way, for the Earl was restrained by the Act both as an owner of the fee and as tenant in tail. Suppose the Earl only tenant in tail with the fee in a stranger, the Earl could not have aliened to the prejudice

of the stranger, nor the stranger to the prejudice of his own right heirs; and if such stranger, owner of the fee, would have been restrained, as he must, by force of the general words, his heir would be included and restrained likewise. Besides the force of the words the intent of the Act was clearly so: the family could not have made a settlement to prevent alienation, even with licence of the Crown, though an Act of Parliament might do it; for the limitations in such settlement must have been as fee simples conditional at

<p>At Common Law, after limitation to A. and the heirs male of his body, a general limitation to his right heirs or the right heirs of B., being an absolute fee, had destroyed the former base fee.</p>	<p>Common Law, and then the parties to the conveyance must have stopped short at James Lord Stanley, and the heirs male of his body; for if the limitation had gone farther to his right heirs, the condition would have been released or extinguished, as the last absolute fee would have merged the base fee; so is <i>Symonds v. Cudmore</i>, <i>Carth.</i> 257, and other books. Before the Stat. <i>de donis</i> there could be no such limitation of lands in England as the grant of a conditional fee to A. and then an estate in fee simple absolute either to his right heirs or the heirs of any other person. I say such a limitation could not have been made without an Act of Parliament, for the only interest which could have remained after the fee simple conditional was a possibility of reverter. Then what has this Act done? It has not copied the Stat. <i>de donis</i>, but made a special inheritance;</p>
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it has created so many estates tail or fee simples conditional, unalienable with a possibility of reverter to the heirs general, and this in order to effectuate the intent; for though the coheirs at law had a composition paid them for their claims, yet they did not mean to part with the possibility, and so the limitation to the right heirs of James was inserted. Farther, the general words in the restraining clause, other persons appointed to enjoy the premises, are extremely material, because they are answered only by the heirs general.

Objection. But it is said that the power of leasing refers to such leases as may be made by tenants in tail; and this is one argument why these estates are to be taken as estates tail, with a remainder in fee limited upon them.

Answer. In this there is no weight. The Act refers to the powers given to tenants in tail by the 23 *H.* 8, for the sake of describing the kind of leases, and such powers are often given by settlements, where the party is not tenant in tail. The words of the Act are, "may make such leases as tenants in tail, by the statute 23 *Henry* 8, may lawfully do within the realm of England," which looks as if the parties thought, and the legislature too, that general statutes do not extend to this Isle. Upon the whole this Act makes the Isle unalienable as against the heirs general.

But supposing the Isle of Man was alienable by grant or feoffment at Common Law, and the power of aliening was not restrained by the private Act of Parliament, the question still remains, whether it is alienable by devise. As to this point, I hold myself bound by the authority 4 *Inst.* 284, and 2 *Aud.* 115, 40 *Eliz.*, whereby it was solemnly determined that the *Statute of Wills* does not extend to it. It is admitted the *Stat. de donis* does not: and what reason can be invented why that old Act should not; and this latter should? By the Feudal Law it was clearly not devisable; by the Common Law certainly not without a custom; and the feudists are more strong against testamentary dispositions than any other species of conveyance, because of the weakness of the tenant in extremes to judge of a proper person to succeed him in the feud, and perform the services to the lord. The *Stat. of Wills* shews that, before that statute even, Socage Lands were not

devisable without a custom for it, and this being so, it is improper as well as unnecessary for me to enter into the construction of the words of the will, whether they are sufficient to pass the Isle or not, and I will not do it. The consequence is, that supposing it comprised in the words, the devise *quoad hoc* is void against the heir, and the demise for 10,000 years is void by reason of the nature of the settlement, and the restraining clause in the Act of Parliament. It is admitted that an Act of Parliament may make a fee simple unalienable: such Acts, then, are in some private families, and this lease appears to have been doubted at the time of making it, which occasioned the taking a collateral security.

2nd Question. The question upon the relief is whether, supposing the Earl of Derby had a title, he would or might have a right to come into this court for relief in the King's Courts relief? And upon this part of the case, as it is not absolutely necessary, unless possibly by reason of some equitable ingredient as a trust or mortgage. I will not give a strict opinion even to bind myself. There might be some doubt whether this court could entertain a jurisdiction in respect of a title to the whole Island, which is the demand upon the cross bill, unless it could be brought within the rule of law concerning the *Commotes* in Wales, and the *Lordship's Marches* otherwise I should think it could not come into the King's courts. But Wales and the Marches were anciently part of the realm. This is not, nor ever was indeed. If a point of equity, either upon a trust or mortgage, had been shewn in this case to give jurisdiction to the court, the point of law might have been sent into a court of law for their opinion upon a case stated, and I might have retained the bill; but here is no such point of equity suggested. For this reason I

That the jurisdiction of a superior court must affirmatively lay the jurisdiction, and where, and can no more be divided than a demurrer. would not be understood to have over-ruled the Duke of Atholl's plea upon an opinion that the court could entertain the suit originally and directly, but upon the nature and frame of the plea as in a plea to the jurisdiction of a superior court the party must not only say negatively that the jurisdiction is not in the superior court, but show affirmatively where it is, which was the main point upon arguing the plea. Then it came to a question, whether I separate the matter of the plea and over-rule it in part, and I was of opinion I could not, as a plea to the jurisdiction of the court ought not to be divided any more than a demurrer. But till that exception to the informality of the plea was taken, I inclined to have allowed it as to the title to the whole Isle, and the account of the rents and profits, and to have over-ruled it as to the absolute security.

And so dismissed the cross bill.—And upon the original bill directed an account how much the Bishop, &c., were damnified by the Duke of Atholl's interruption of the annual value of the rectories, &c., and of the lands of Bispham and Methop, which last were to make good the past and future loss of the rectories, &c., to the Bishop and clergy, with a proportionable deduction for the £62 *per annum* rent, and the £130 fine, payable every thirty years.

(As to the conclusion of this case see Act of Parliament in App. No. III. to the Notes.)

William I., sixth Earl of Derby and ninth Lord of Man of the House of Stanley, and his Countess Elizabeth, daughter of Edward, Earl of Oxford, became under the grant of the 7th July 1609, jointly Lord

and Lady of the Isle during their joint lives. But as before mentioned the government was administered in the names of the Earls of Salisbury and Suffolk until, and during part if not the whole of the year 1611. This course was correct, inasmuch as the demise to these Earls was not revoked by the Act of Parliament, and thereby any right which they had was saved. In the year 1611 or 1612 they must have surrendered or relinquished their demise, as they then ceased to rule the Island, but I have not seen any deed or act of surrender on their part.

*Seacome* (p. 65) relates that Earl William had been abroad many years before the death of his brother Earl Ferdinand in 1595, and that on his return to England after his brother's decease few persons could identify him. This story seems to be more strange than true, as Earl William, (when he was the Honorable William Stanley,) was Governor of the Island from 1592 to 1594. "Mem.—That the first daye of November, Ao. Dni. 1592, Willm. Stanley, Esquyer, second sonne to the (Henry *interlined*) now Lord of the Isle of Man was sworne Capten of the sayd Isle at the Castell Russhen, in the accustomed place where the Gen<sup>l</sup> Court of Gaole Delivery is kept, according to the ancient order of the said Isle." (*Liber Scaccar*, 1593.)

If at any time his identity became a difficulty, the probability is that it was subsequently to his being confirmed in the lordship of Man, for strange to say it does not appear (so far as I have been able to search in the insular records,) that he ever did any act as Lord of the Island, either solely or in conjunction with his wife. But from 1612 to 1627 the

Island appears to have been ruled by the Countess Elizabeth alone. Why this was so is unexplained. No reference is made to the circumstance in *Seacome*, and I have not found any document or reference to any document constituting the Countess Regent. The following extracts from the records show that the Countess governed alone. *Liber Cancellar*, 1612, No. 15. Petition of Rodger Marshall, of Shrewsbury, "To the Right Hon<sup>ble</sup> Lady the L<sup>a</sup> Elizabeth, Countess of Derby," for redress as to a cause of suit in the Island. The following order of the Countess to the Governor, John Ireland, Esq., is attached to the petition, "Mr. Irelande,—My pleasure ys that this petitioner have what favor may bee by the lawes of the Islande, and that you and the reste of the Officers there whom yt may concerne take that course that this petitioner maye be satsissfyed in his righte. And that those that hee hath nominated for his attorneyes may use there best meanes therein.—E. DERBY." *Liber Scaccar*, 1612, No. 13. "At Castle Rushen, the xiiij day of July, 1612. We the 24 Keyes being this day assembled by virtue

Rule of  
Countess  
Elizabeth  
in her own  
name.



of direcons from the Right Hon'ble Lady, the Lady Elizabeth Countesse of Derby," &c. *Liber Scaccar*, 1613, No. 49, (*Mills' Statutes* 503). Statute promulgated on the Tynwald Hill, 24th June, 1613, "Whereas the Right Hon'ble Lady, the Lady Elizabeth, Countess of Derby, was truly advertized that because of the great imposicon by an ancyent statute in this Isle for paying of custom heyrings (called Castle mazes), in time of heyringe fishing," &c. "And in regard thereof the said Countesse both honorable tendringe the good of the poore inhabitants of the Isle, and desirous to have strangers well used, and to bringe intercourse of trafficke betwixt them and the Islanders hath by her honourable direcons in her lettres dated the 7th day of September last past, appointed us, the Capten and Officers, to sette doune," &c. *Liber Scaccar*, 1616, No. 16. "At the Chancery Court holden at Castle Rushen, the 20th of March, 1615. Robt. Molineux, Esquire, Capten, hath offered and made apparent in the face of the court, that John Woods of Kk Michaell, being one of the 24 Keys, and therefore by him the Capten expected to attend within the Isle for furtherance of the Lord's service, to have been performed according to the Right Honorable the Countesse of Derby her direcon, hath notwithstanding that command in contempt of authoritie presumed to have departed this Isle," &c. (Mr. Woods was fined £3 6s. 8d.) *Liber Cancellar*, 1616, No. 19. Petition of "Hugh Cannell, minister of the Word of God," "To the Right Wor<sup>th</sup>. Robert Molineux, Esquier, Capten and Gov<sup>r</sup>nor of this Isle, and to the rest of my Right Ho<sup>ble</sup> Ladies Officers in this Ho<sup>ble</sup> Court." The petitioner seeks redress for a disturbance created in a parish church by the parish clerk and others, from the Civil Government "now held there under my Ho<sup>ble</sup> Ladie." *Liber Scaccar*, 1626, No. 35. Petition of Nich<sup>s</sup>. Thompson, "To the Right Honourable and most vertuose Ladie, the Ladie Elizabeth, Countesse of Derby." Appended to the petition is the order of the Countess to Governor Holmewood for the complaint to be enquired into.

It is presumed that the Countess Elizabeth died in 1626 or 1627, as in the latter year James, Lord Strange, son of Earl William and of the Countess Elizabeth, assumed the rule of the Island, though Earl William survived his wife, and lived until the 29th September, 1642.

Rule of James, Lord Strange, in lifetime of Earl Wil- liam I.	There is a like difficulty in accounting for the accession of James, Lord Strange, in his father's lifetime; but there is this difference between the rule of the Countess and that of her son,—the Countess might be considered, so far as her husband was concerned, as a Regent, whereas Lord Strange claimed to rule in his own right as Lord of Man.
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The following extracts will illustrate this matter. *Liber Scaccar*, 1627, No. 91. Petition of John Chuley "To the Right Honorable James, Lord Strange, Lo. of the Isle of Man." The order on it is as follows:—"To my Captaine or Governour of the Isle of Man, and to the reast of my Officers there. This poore petitioner's cause appearinge to be just, and his wronge therein necessary to be redressed, my pleasure is that yo<sup>u</sup> forthw<sup>th</sup> upon sight hereof doe comitt to pryson y<sup>e</sup> defendant," &c. "J. STRANGE. Knowsley, 14th July, 1627." *Liber Cancellar*, 1627, No. 23. Petition of Edward Moore, "Vicar of Kirk Patrick at Peele w<sup>th</sup>in the Isle of Mann," "To the Right Honorable the Lo. Strange." The petition is one of doleance against the Bishop who claimed the whole of the tithes of the parish of Patrick, whereas the petitioner claimed one-third, the vicarage being a vicarage of thirds, and the petitioner alleges in very strong terms the refusal of the Bishop to give redress or a hearing of the cause in the Ecclesiastical Court. The following order is made on the petition:—"At my Manno<sup>r</sup> of Lathome, 7<sup>o</sup> Auguste, 1627. The complaint of this poore man is pittifull and fitt to be relieved, soe far as y<sup>e</sup> equitie of his cause shall extend. And it displeaseth mee much y<sup>t</sup> anie should be forced to sue to mee for justice since y<sup>t</sup> I have given to yo<sup>u</sup> my Officers sufficient authoritie to right every man accordinge to the lawes and customes of the Isle: I therefore thinke it fitt and hereby comand yo<sup>u</sup> that this poore petitioner w<sup>th</sup>out any further delay have an impartiall tryall by a jurye of twelve, sixe whereof to be of the clergie, and the other sixe of the temporalty to bee chosen out of the 24 Keyes, and that according to their verdict ther be execution done him forthwith. J. STRANGE. To my Captaine or his Deputie,—to the reast of my Officers spirituall and temporall in the Isle of Man." The verdict of the jury commences, "By virtue of direcc'ons from y<sup>e</sup> Right Hon<sup>r</sup>ble the Lord of this Isle," &c. (The jury on the 29th August, 1627, found that the Vicarage of Patrick is a vicarage of thirds, but that the personal complaint against the Bishop was not proved. There was an appeal, but the verdict appears to have been sustained.) *Liber Cancellar*, 1629, No. 11. An appeal of "Quayle v. Quayle," to the Lord was heard before Alexander Rigby, Peter Winn, and Gabriel Houghton, "Commissioners to the Right Hon<sup>r</sup>ble James, Lo. Strange, for the Isle of Mann." *Mills' Statutes* 86. Certain orders made by the Governor, Council, and Keys on the 24th June, 1629, confirmed by Lord Strange. *Ibid* 86. "Orders and directions given concerning the Isle of Mann by the Right Honourable James, Lord Strange, Lord of that Island, the 22nd day of November, Anno Domini 1636." "Forasmuch as grievous complainte is made to the Sovereign Liege Lord of this

Island by his Honour's poor tennants," &c. *Ibid* 91. Statute passed at a Court of Tynwald, 24th June, 1637, by which it was "enacted, established, and confirmed by the Sovereign Liege Lord of the Island, James, Lord Strange, and by the Barrons, 24 Keyes, Commons, and Inhabitants of the said Island, assembled at this court as followeth," &c. The confirmation of Lord Strange is written at the end, subject to some blanks being supplied by the Tynwald Court. (P. 97.) A certificate of the promulgation (the blanks having been supplied and filled up) of the laws "as they were commended unto us by the Right Honourable our good Lord and Master, the Lord Strange," is appended, and (p. 98) a further confirmation was given by Lord Strange on the 16th January, 1637.

Lord Strange was born 31st January, 1606, (*Burke's Peerage* 288,) and he therefore became of full age in 1627, in which year he was by writ summoned to Parliament by the title of Baron Strange, (*Seacome* 71), and also assumed the government of the Island.

*Seacome* (p. 69) gives the following extract from a deed by which Earl William assigned his property to his son Lord Strange. It may be looked upon as an act of abdication as to the sovereignty of the Island. "Know ye that I, William, Earl of Derby, Lord of Man and the Isles, &c., being lawfully seized of and in my demesnes as of freehold of sundry houses, castles, lands, tenements, and honours, as well in England and Wales as in the Isle of Man, do by this my sufficient deed under my hand and seal, bearing date this eleventh day of August, 1637, grant and surrender to my son James, Lord Stanley and Strange, and his heirs, all my term for life, interest, and estate whatsoever, of, in, and unto the same lands, tenements, and hereditaments whereof I was so seized," &c. The date of this instrument as given by *Seacome*, 11th August, 1637, may be an error for 11th August, 1627, and if so, a sufficient explanation is afforded of the circumstance of Lord Strange being styled and acting as Lord of the Island in 1627.

Earl William was made a Knight of the Garter by Queen Elizabeth. In 1603 he was by patent made Chamberlain of Chester for life, but by a new patent in 1640 the office was conferred on Earl William and his son Lord Strange jointly and on the survivor of them. It does not appear that either he or his Countess visited the Island during the time that they were Lord and Lady of the Isle. The circumstances of the Countess being in the grants from King James I, and in the confirmatory Act of Parliament named jointly with her husband, (she having had no claim of any description to the Island in her own right); of the Countess ruling alone during the whole period of their joint lives; of

Lord Strange taking the rule on his mother's death ; of the surrender of the Island to him by his father ; of Lord Strange being summoned to the House of Lords on his attaining full age and in his father's lifetime ; and of Lord Strange being joined with his father in the office of Chamberlain of Chester, lead to the supposition that Earl William must have been labouring under some mental or severe bodily affliction which rendered him incompetent to govern his people. It is difficult otherwise to account for these circumstances.

Earl William and his Countess Elizabeth may be considered as having reigned as Lord and Lady from 1611 to 1627, about sixteen years. The Earl died on the 29th September, 1642.

### § 21.

James I., the seventh Earl of Derby and tenth Lord of Man of the House of Stanley, began as before mentioned his rule of the Island in 1627, he being then Lord Strange. He became Earl of Derby on the death of his father Earl William, on the 29th of September, 1642. He was a Knight of the Orders of the Garter and Bath, and was Lieutenant of Cheshire, Lancashire, and North Wales. (*Seacome* 71, 74, &c.) He was present at a Tynwald Court held at St. John's on the 24th June, 1637, when probably the Bishops and the holders of the possessions of the ancient baronies of the Island attended and did homage to him as their Sovereign Lord, as the Barons are mentioned as being present. (*Mills' Statutes* 91.) In 1642 the Civil War broke out in England, and after various efforts to assist King Charles I. against the Parliament, Earl James came in 1643 to the Island (where the inhabitants were showing symptoms of revolt,) leaving his Countess, the famous Charlotte de la Tremouille, and his children, at Lathom House. On the Earl's arrival in the Island he attended a meeting of the inhabitants held "in the heart of the country" (to use his own words,—probably at St. John's or Cronk Urleigh in Michael,) to hear their grievances. (*Mackenzie's Stanley Legislation* 25.) This meeting led to another meeting of the Earl, his Council, the Bishop, spiritual Officers and Clergy, the Keys, and four men from each parish, being held at Peel on the 18th July, 1643,—this meeting ending in the appointment of "a select Jury or grand Inquest" of twenty-four men (twelve from the Keys and twelve from the four men of the parishes,) who were sworn to present "all such wrongs or abuses as have been committed or acted against his Lordship's prerogative, the laws of the Island, or the good of the comonaltie." On the 30th October, 1643, the Earl, with the Governor and Council, again met the Clergy, the Keys, and the four men of the parishes at Castle

Rushen, when various orders for the remedying of grievances were agreed to and made. (*Mills' Statutes* 98, &c.)

On the 28th February, 1644, commenced the siege of Lathom House by the Parliamentary army under the command of General Sir Thomas Fairfax, the house being gallantly and successfully defended by the Countess. The siege was raised on the 27th May, 1644. One incident during the siege the Earl rendered memorable by the following order of the 26th April, 1645, made at the Fort in St. Michael's Isle. (*Liber Scaccar*, 1645, No. 56). The signature of the Countess appears to have been obtained to the document.

Bee it recorded, that James, Earle of Derby, Lord of Mann, &c., beinge in his Lo<sup>p</sup>'s fforte in St. Michell's Isle, the 26th of Aprill, 1645, the day twelve months that the house of Lathome havinge beene besieged close neare to three months, and gallantlie deffended by the greate wisdom and valour of the Illustrious Lady Charlotte de la tremoille, Countesse of Derby, by her La<sup>p</sup>'s direction, the stoute souldiers of Lathome did make a sallie and beate the enemie rounde out of all their workes savinge one, and miraculously did bringe the enemies great mortar peece into the house, ffor which the thankes and glorie is given unto God, and my Lord doth name this fforte

*Derby fforte.*

CHARLOTTE DE LA TREMOILLE.

During the siege of Lathom the Earl left the Island and was present at the siege of Bolton by Prince Rupert, general of the army of King Charles I. The town was taken by the besieging force on the 28th May, 1644, the success being chiefly attributed to the courage and resolution of the Earl. (*Seacome* 93, &c.)

The Earl, with his Countess and family, returned to the Island in 1644. (*Seacome* 97). The Earl appears to have remained in the Island until 1651. Being uncertain how soon he might have to leave, on the 20th April, 1645, he by the following commission appointed Governor Greenhalgh Lieutenant-General of the forces, and conferred on him extraordinary powers as to raising troops and establishing martial law. (*Liber Scaccar*, 1645, No. 54.) It does not appear that it was ever necessary that those powers should be exercised.

James, Earle of Derby, Viscount Kington, Lord Stanley and Strange of Knockinge, Lacye, Moughune, Bassett and Burnell, Lord of Mann and the Isles, &c.

To John Grenehalgh, Esqur., Governo<sup>r</sup> of my Isle of Mann.

Having confidence and knowledge of your approved iudgment, valor, and integritie, I have thought good (in these dangerous times for his Ma<sup>ties</sup> better service and greater saftie to this countrey) by vertue of my power and authoritie to nominate and appoint you my Lienetenant-gen<sup>l</sup> all over all the forces of this Island: Willinge and comanding all officers, soldiers and others of what degree soever to be obeyinge, aidinge, and assist-

inge to you, soe often as you shall require them in anie service for the saftie of this countrey as in your discrecon you may think most fitt.

Alsoe I hereby give you power upon any occasion of invasion, rebellion, or the like, to raise an army or armies, and them to continue in a bodie or otherwise for longe, and in what place or places you think most convenient. Also w<sup>th</sup> the same to kill, imprison, or otherwise to punish anie enemie accordinge to your owne discrecon.

Moreover you have hereby power to p'don and forgive them whom you thincke worthie of itt. And for the better enablinge of you to this greate chardge you shall nominate and appoint all the officers of the armyes. And if anie of them misbehave themselves you may againe displace and punish them.

Hereby also I doe declare that you shall have power of marshall-lawe over the said army or armies, to execute the same by yourself or others deputed by you according to anie former custome of this countrey or is known usuall att this tyme of warre, in the neighbor kingdoms for prevencon of invasions and suppression of insurrecons. And this to continue duringe my good will and pleasure, ffor which this shall be your sufficient warrant. Given at my Castle of Rushen, under my hand and seale, this three and twentieth day of Aprill, in the yeare of our Lord God one thousand six hundred ffortie five.

J. DERBY & MANN.

The Earl was present at Tynwald Courts held at St. John's on the 24th June, 1645, and on the 24th June, 1647, on both of which occasions laws were promulgated. (*Mills' Statutes* 106, 112.)

King Charles I. was executed and the English Commonwealth commenced on the 30th January, 164<sup>9</sup>, and on the 20th September, 1649, the Long Parliament, or the remnant of it styled the *Rump*, passed an Act conferring the Island on Lord Fairfax. But this Act did not take immediate effect, the Earl having continued in possession until his death in 1651; in fact the Act had no recognition in the Island until February, 1652.

In 1649 Commissary-General Ireton communicated to the Earl the offer of the Parliament to restore his estates, if he would surrender the Isle of Man. The answer of the Earl, styled by *Hume* "spirited and memorable," is worthy a place here.

Castle Town, July 12, 1649.

Sir,—I received your letter with indignation and scorn, and return you this answer :— That I cannot but wonder whence you should gather any hopes from me, that I should like you prove treacherous to my Sovereign, since you cannot but be sensible of my former actings in his late Majesty's service, from which principles of loyalty I am no whit departed. I scorn your proffers, disdain your favour, and abhor your treason; and am so far from delivering up this Island to your advantage, that I will keep it to the utmost of my power to your destruction. Take this for your final answer, and forbear any further solicitation, for if you trouble me with any more messages on this occasion I will burn the paper and hang the bearer. This is the immutable resolution, and shall be the undoubted practice of him who accounts it his chiefest glory to be his Majesty's most loyal and obedient servant.

DERBY.

(*Seacome* 130, *Hume's History of England*, chap. 60.)

In August, 1651, the Earl being desirous of aiding the King (Charles II.), took from the Island into England a party of volunteers; but he first empowered the Countess, (whom he left in the Island,) to act for him by the following commission. (*Rolls Office.*)

James, Earle of Derby, Viscount Kinton, Lord Stanley and Strange of Knockinge, Lacy, Moughune, Bassett and Burnell, Lord of Mann and th'isles, and of the Most noble Order of the Garter Knight, &c., &c.

To all people to whome these presents shall come. Knowe yee that upon the espetiall trust and confidence which I, the said Earle, have and repose in the knowne wisdom and courage of you Dame Charlotte de la Tremoille, my dear and welbeloved wife, have thought good, (espetiallie in these dangerous tymes,) for the better saftie of this Isle and countrey, and of my castles, ffourtes, and garrisons therein, to nominate and appointe, and I doe hereby nominate and appoint you in my place and steede, (beinge readie by God's assistance to advance with my fforges for England upon his Ma<sup>tie's</sup> service,) to order and dispose of all and everie the fforges of this Island, and the officers and soldiers thereof of what degree whatsoever, as to your wisdom shall bee thought meete: Willinge and comandinge all officers in commission or otherwise to bee obeyinge, aidinge, and assistinge to you upon your comande, and upon anie your dislike or displeasure on iudicious cause found against any of them, to displace and dischardge such like officer and officers, soldier and soldiers, from the exercise of their further duties in this Islande, notwithstandinge anie my further comission or commissions given or granted to them or anie of them, and new officer and officers, soldier and soldiers (at your good likinge), from tyme to tyme to make and ordaine by comission under your hand and seale of armes, or otherwise, in as full and ample maner to all intents and purposes as I in my owne p'son might, could, or should make and ordaine the same. Moreover I doe hereby give you power upon occasion of invasion, rebellion, or the like, to raise anie army or armyes by your selfe or by your officers, and them to continue in order (or otherwise) soe longe and in what place or places you shall thinke meet: And with power to kill, imprison, or otherwise to punish enemies accordinge to your good discretion, and power likewise to p'don and forgive all such of them whome you thinke worthie of itt. Ffurther alsoe I doe hereby give you full power and authoritie (in my absence) to dispose of, place, or displace all officers of this Island, spirituall or temporall; and free p'don of liffe, member, and goodes to all dellinquents (after judgment given) to give and grant at your will and pleasure under your hand and seale or otherwise. Given under my hand and seale of armes, at Castle Rushen, the sixth day of August, in the third yeare of his Ma<sup>tie's</sup> raigne over Great Brittain, &c., and Ano. Dni. one thousand six hundred fiftie one, 1651.

J. DERBY.

The charge on which William Christian was tried in 1663 was high treason in opposing the Countess whilst acting under this commission. The offence is set forth in the indictment in the following words:—(*Liber Scaccar.* 1663.) The jurors find "William Christian, late of Ronaldsway, gentleman, to bee a traitor, for his insurrection and treacherie against the Right Hon<sup>ble</sup> the Countess Dowager of Derby, at such tyme as her L<sup>app</sup> was in the year 1651 fully intrusted and ympowered with the state and government of the Isle of Mann, in the absence

of the Right hon<sup>ble</sup> James, late Earl of Derby, Lord of y<sup>e</sup> said Isle, in which tyme the said Will<sup>m</sup> Christian assumed the power unto himself in becoming y<sup>e</sup> heade of y<sup>e</sup> said insurreccoon and depriving her La<sup>pp</sup> and his Lo<sup>pp</sup> and heyeres thereof," &c. The Countess appears to have acted as a Regent in the absence of the Earl, not only in military but in civil matters, for we find that on the 15th September, 1651, she granted to Richard Stevenson, Captain of Arbory, his heirs and assigns, the estate of Balladoole and other lands "lately in the possession and occupation of his father and ancestors, to be holden according to ancient custome and houldinge of tenant right in this Isle, called the tenure of the straw, for ever." The grant is made in consideration of services rendered to the Earl and his family. (*Liber Cancellar.* 1654, No. 51.)

The Earl with his forces had an engagement with the Parliamentary forces at Wigan, and was defeated. He then attended the King at the battle of Worcester, which was lost to the Royalists on the 3rd September, 1651. The Earl was taken prisoner and conveyed to Chester, where he was tried by a court martial in October on the following charges:—"That he had traitorously borne arms for Charles Stuart against the Parliament; that he was guilty of a breach of an Act of Parliament of the 12th of August, 1651, prohibiting all correspondence with Charles Stuart or any of his party; that he had fortified his house of Latham against the Parliament; and that he now held the Isle of Man against them." He was found guilty, and sentence of death was pronounced against him. The sentence was carried into effect on the 15th October, 1651, when the Earl was beheaded at Bolton. (*Seacome* 117, &c.) He was thus the second King unrighteously slain by authority of the usurped power in England,—and, amongst other charges, for the crime of having dared to defend his own kingdom.

Earl James died in the twenty-fifth year of his reign as Lord of Man.

## § 22.

Earl Charles became *de jure* Lord of the Island on the death of his father, but not *de facto*, for we find that almost immediately after the death of Earl James the Island was surrendered to the Parliamentary forces. Previous to the 15th October, 1651, Courts of Common Law were held by Sir Philip Musgrove, the Governor under Earl James, on the 20th of the same month (when probably the news of the death of James had not reached the Island,) he held a Court of General Gaol Delivery at Castletown (*Liber Plitor.* 1651), and on the 2nd November,



1651, the taking of the Island was complete, for Colonel Robert Duckenfeild and Colonel Thomas Birch, by letter of that date reported to Parliament their proceedings touching the taking of the Island and Castles Rushen and Peel.

The letter was read in the House of Commons on the 6th November, 1651, when thanks to Colonels Duckenfeild and Birch and to the officers and soldiers under their command were voted. (*Journal of House of Commons, 6th Nov., 1651.*) Colonels Duckenfeild and Birch had been sent by the Parliament with a force to subdue the Island, which was defended under the command of the Countess Charlotte,—but against her will, terms were agreed upon on behalf of the inhabitants between William Christian, the Receiver General of the Island, and Colonel Duckenfeild, the Commander of the Parliamentary forces, for the surrender of the Island, and the surrender was effected without bloodshed. The uselessness of resistance at this time, when all other parts of the kingdoms had been subdued, was apparent to the inhabitants of the Island, and they concurred in the surrender on being guaranteed the enjoyment of their laws and liberties. (*Depositions in case of Christian.—Liber Scaccar. 1663.*) As to the Countess, “she retained the glory of being the last person in the three kingdoms, and in all the dependent dominions, who submitted to the victorious Commonwealth.” (*Hume’s History, chap. 60.*) On the 11th November, 1651, the articles made upon the rendition of the Island and the Castles therein were confirmed by Parliament. (*House of Commons Journal.*)

Colonel Duckenfeild, as the military commander of the expedition against the Island, appears to have assumed the Governorship of the Island, and Captain Samuel Smith was appointed Deputy Governor. (Both Duckenfeild and Smith had been members of the court-martial by which Earl James had been tried and condemned. *Seacome 117.*)

Until the 23rd February, 1652, the Island appears to have been governed in the name of the Commonwealth of England, and not on behalf of Lord Fairfax, on whom it was conferred by an Act of the Parliament in 1649, the bonds for publichouse licences and for other purposes taken in the Rolls Office, being made “to the use of the State of England,” (*Liber Scaccar. 1652.*) and not to the use of the Lord of the Island as had been formerly the custom, and as was the case after Fairfax was acknowledged as Lord. That the Island was governed in the name of the Commonwealth appears also from the *House of Commons Journals* of 5th December, 1651, when on the recommendation of the Council of State the pay of the Governor and the military establishment of the Island was agreed to. The Council of State also reported as their recommendation, “That the Isle of Man

may be taken in as part of England, yet retaining such laws already established as are equitable and just, and more suitable to the condition of the people than any other that can be imposed, to which end it will be convenient that Dymster Christian and his brother the Receiver, two of the ablest and honestest gentlemen in the Island, may be commanded to attend the Council, by whom they may receive a full and true account touching their laws." (From the Journals of the House of Commons it appears, that after the Government of Lord Fairfax was established the Parliament kept a military force in the Island, and made an allowance to the Governor as such besides giving him the pay of a captain. *Journals*, 15th September, 1653; 20th and 27th January, 1659-60; and 3rd February, 1659-60; but the Governor was appointed during this period by Lord Fairfax.)

In *Liber Scaccar*. 1652, No. 1, is the following order or proclamation issued by Colonel Duckenfeild as Governor:—

Forasmuch as by an order made by the Officers of this Island, It is declared that the ffarmers and other inhabitants of the Isle shall furnish the markets with corne and other victuall weekelie for the supplie of the Garrisons, the townes-people and poore of the Islande, which order is now much neglected, and consideringe the number of soldiers that is now in the severall Garrisons of this Isle, such supplies of corne and victuall of necessitie must be had, I doe therefore hereby require the Controllr and Clerke of the Roulles to send out precepts to the severall parrishes of the Islande to that effect, that such neglects may be amended.

And whereas alsoe there is another order for the rate of Corne not to be above xvj<sup>s</sup> a boule for wheate and mault and soe forth for other graines as by the said order is expressed, I doe looke and expect that the said Controller and Clerke of the Roulles make dilligent inquiries by the Coroners and Lockmen of this Islande, whether any maner of p'son or p'sons of the Isle have transgressed or hereafter shall or doe transgresse or breake the said order, and to take due presentments thereof that soe such fine and punishment may be inflicted as by the tenour of the said order may be warrantable. Given under my hand at Castle Rushen this first day of December, 1651. ROBERT DUCKENFEILD.

Reign of Thomas Lord Fairfax. The conquest of the Island being complete, Thomas Lord Fairfax asserted his right under the Act of Parliament, and appointed James Chaloner, William Steane, and J. Rushworth Commissioners to enquire into his estate in this Island, with the yearly value thereof. The Commissioners on the 4th December, 1651, deputed Captains Eaton and Beale to make the enquiries and to give notice to the tenants in the Island of his Lordship's right thereto. The following is the deputation:—(*Liber Scaccar*. 1652, No. 16.)

Whereas the Parliamt of England by their Act of the 20<sup>th</sup> of September, 1649, intituled *An Act for settling Mannors, Lands, Tenements and Hereditaments of the cleare yearly value of 4000<sup>l</sup> upon Thomas Lord Ffairfax, the Captain Generall of the forces*

*of the Parliame<sup>t</sup> of England*, Have invested the said Thomas Lord Ffairfax with all that the Island Castle Pele and Isle of Man situated and lying in the seas betwixt England and Ireland, with all Islands, Lordships, Piles, Castles, Monastery, Abbies, Priories adjacent and belonging to the said Lordship of Man, and whitch late were the inheritance of James Earle of Derby, in as large and beneficiall a manner to all intents and purposes what soever as the sayd James Earle of Derby had or might have enjoyed the same, We doe therefore in the right and behalfe of the sayd Thomas Lord Fairfax and as intrusted by him, constitute and appoint you by all good wayes and meanes, to enquier into the fore-said estate in the said Isle of Man, with the yearly vallue and profittes thereof, and to give notice to the respective tenants of the said Thomas Lord Fairfax his right thereto,—the returne wherof we desier you to send unto us. Given under our hands the 4th off Desem. 1651.

JAMES CHALONER.  
WM. STEANE.  
JO. RUSHWORTH.

To Captaine Eaton and Capt. Beale.

The directions of the Commissioners were published at Castletown on the 23rd February, 165½, on which day Fairfax was acknowledged as Lord of the Island as appears by the following memorandum appended to the foregoing deputation:—

“ M<sup>m</sup>, 23<sup>d</sup> feeb. 1651.—That this day the Officers and xxiiij Keys of the Islande and foure men of every P<sup>is</sup>he were convened at Castletowne, and these directions published before them by Capt. Smithe, Deputie Gov<sup>r</sup> of the Islande, in p<sup>r</sup>sence of the said Capt. Beale; And every of them did chearefully accept as and acknowledge the said Tho. Lo. Ffairfaxe ffor ther Ho<sup>r</sup>ble Lord and Master.”

Captain Smith appears to have continued as Deputy Governor, and as such to have held the courts until his death in June, 1652. (By the *Malew Parish Register* he appears to have been buried on the 27th of June, 1652, in the garden or ditch of Castle Rushen.) Lord Fairfax subsequently on the 18th August, 1652, appointed James Chaloner and Robert Dyneley, Esqrs., and the Rev. Joshua Witton, Commissioners to act for him in the Island. The following is the Commission. (*Liber Scaccar.* 1652, No. 41.)

Whereas I Thomas Lord Ffairfax have by Act of Parliam<sup>t</sup> the Lordshype and Islande of Mann conferred upon mee, Have therefore thought it most fitt and necessarie as a dutie incumbent upon mee to take care for the good governm<sup>t</sup> and wellfare of the inhabitants of the said Island. In order whereunto I have thought fitt to nominate, apoint, and constitute as my lawfull Deputies or Comissioners James Chaloner, Robert Dyneley, Esq<sup>rs</sup>, Joshua Witton, clarke; And by these presents I doe nominate, apoint, and constitute James Chaloner, Rob<sup>t</sup> Dyneley, Esq<sup>rs</sup>, Joshua Witton, clarke, my lawfull Deputies or Comission<sup>rs</sup> to heare, consider, and determine of or concerninge all matters and causes of or belonging to the said Island, w<sup>th</sup> as full power and authoritie by such wayes and meanes as any Deputies or Com<sup>rs</sup> heretofore had or might have acted by, or as I myselve

if personallie present might lawfullie have or doe. Savinge and reserving to my selfe nevertheless a power of approvinge or disapprovinge of whatsoever my said Deputies or Com<sup>rs</sup> shall act or doe concerninge the continuinge, placinge, or displacinge of any Minister or Ministers of iustice, officer or officers of or belonginge to the said Island. This my deputation or comission to have continuance duringe the residence of my said Deputies or Comiss<sup>rs</sup> in the said Island, and for noe longer by me. In witnes and confirmacon hereof I the said Tho. Lord Ffairfax have hereunto set my name and affixed my seale of armes at Nunn Apleton this eighteenth day of August, in the yeare of our Lord God 1652.

THO. FFAIRFAX.

It may be inferred that it was his Lordship's intention at this time to dispense with the appointment of a Governor,—the Commissioners performing all the duties, as in *Liber Plitor*. 1652 we find that in October 1652, the Courts of Common Law and General Gaol Delivery were held “in the name and right of Thomas Lord Ffairfax, Lord of Man and the Isles,” before the Deemsters, Comptroller and Clerk of the Rolls, the Receiver-General and Attorney-General—reference being made to the Commission of the 18th August,—but the Commissioners do not appear to have been present in the Courts. The mode of holding these Courts was an irregularity,—the presence of a Governor, notwithstanding the presence of the Lord or his Deputies or Commissioners in the Island, being indispensable, and the irregularity was not repeated. The next Common Law Courts were held in January, 1653, before Captain Matthew Cadwell, Governor, and the other officers, and in the proceedings is the following entry :—(*Liber Plitor*. 1653 :)—“ Me<sup>m</sup>—there were noe Courts houlden at May last nor Michelmas for want of a Governor,—soe these Courts now houlden stand for Michalmas Court last.” In these times of general laxity as to constitutional forms and procedure, this adherence to the Insular constitution is very remarkable.

It is also remarkable that the Parliament, having established a republican form of Government in England, should not have permitted the same form of Government to be adopted in the Island, but should there have continued the monarchical form by investing Lord Fairfax with all the rights and powers possessed by the former Lords of the Island. The case is somewhat similar to that of the French Republic in 1849 suppressing the Roman Republic, and re-establishing the Papal Government. The difference between the two cases is, that the English Republic, without consulting the wishes of the Manx people, continued over them the monarchical form of Government, a form to which they gladly adhered ; whereas the French Republic suppressed the Roman republican and re-established the monarchical form of Government, entirely against the will of the Roman people.

It seems to have been considered as law in these times, as was decided in the case of the Earl of Derby in 1716, (see notes on § 24,) that the grant to Lord Fairfax was not so absolute as to prevent an appeal by the subject to the Sovereign power in England. The following case of Elizabeth Parr, Executrix of Richard Parr, late Bishop of Sodor and Man *v.* Sir Hugh Cannell, clerk, acknowledges such right of the subject. (*Liber Cancellar.* 1653, No. 41.)

To the Right wor<sup>th</sup> Cap<sup>t</sup>. Mat. Cadwell, Govern<sup>r</sup> of this Isle.  
The humble appeale of Hugh Cannell, clerk.

In regard your suppliant (upon his humble peticon) is denied Lycence to repaire to the Right Ho<sup>ble</sup> Thomas Lord Fairfax, Lord of this Isle, for redresse as hitherto (by the custome and comon practice of this Islande,) hath beene formerly ever usuall; and notwithstandinge that his Lordship hath (by his orders lately sent over) ratified and confirmed the Lawes, Customes, and Liberties of this Island to the people and inhabitants thereof; Therefore your suppliant doth hereby humbly appeal as a subject to the Comonwealth of England from all Courts of Judicature here, to his Excellency and Highnesse Oliver Cromwell, Lorde Protector of Englande, Scotlande, and Ireland, and to the Parliament of the Comon-wealth of England for further redresse, and alsoe humbly craves the acceptance of this his appeale.

HU. CANNELL.

January the 19th, 1654.

2<sup>d</sup> february, 1654.

Fforasmuch as the peticon<sup>r</sup> hath had alreadie his adress by appeale to the lord of the Isle upon the decree of Court made against him in the recovery of M<sup>rs</sup> Parr, wh<sup>ch</sup> was the occacon (where-uppon the said appeale was preferred,) and that his lordship hath (in answeere thereunto) confirmed the said decree: Therefore it is conceaved improper to give way to any further appeale to the trouble of his lordshippe to the deferringe of the s<sup>d</sup> M<sup>rs</sup> Parrs recovery. But if the peticon<sup>r</sup> doe find himselfe aggrieved by any the preceedings relatinge to the said business by his L<sup>pp</sup> and the Court, and will desire (in that respect) to have adress to his Highness the lord Protector and parliam<sup>t</sup> of England, the same shall be humbly accepted of, and a reasonable tyme give for the prosecucon thereof, giveinge in sufficient securitie into the records accordinge to order, wherein if he doe faile to returne their Highness and hono<sup>rs</sup> answeere in the premisses by the time limited, then imediatt execucon is to be given for the satisfaccon of the said M<sup>rs</sup> Parr or her assignees accordinge to y<sup>e</sup> decrees aforementioned.

MAT. CADWELL.

The reign of Lord Fairfax ended on the 28th May, 1660, (being the ninth year of his actual rule,) as appears by the following entry in *Malew Parish Register*:—"1660. Charles the Second, by the Grace of God, King of England and France and Ireland" "was also proclaimed in the Isle of Man in Peeltown at the Cross, May 28th; at Castletown, May 29th; at Douglas Cross May 30th; and at Ramsey Cross May 31st, 1660, with shouting, shooting of muskets and ordnance, drinking of beer, with great rejoicing. The Governor James Chaloner being at the

said places attended with the Officers, civil and spiritual, 24 Keys, the Captains of the Parishes, and above 60 horse, besides the Officers in each town aforesaid." (Chaloner was the Governor appointed by Lord Fairfax.)

Reign of  
Earl  
Charles. Charles, the 8th Earl of Derby and 11th Lord of Man of the Stanley line, succeeded his father, Earl James, as Lord *de jure* at his father's decease on the 15th October, 1651, as before mentioned, but commenced his rule *de facto* on the 28th May, 1660, when King Charles II. was proclaimed; or rather on the 13th July, 1660, when he issued the following commission. (*Liber Irrot.* 1660.)

Charles Earle of Derby, Lord of Mann & th'isles, &c.

To all whom these presents shall come greetinge. Know ye that for divers good causes and considerations me thereunto movinge, And for the laudable and acceptable services before this tyme done unto mee by my right trustie and wel-beloved Roger Nowell, of Neade in the County of Lancaster, Esq<sup>r</sup>., William Ffyffe, of Widdaken, in the County of Lancaster, Doctor in Phisicke, Richard Sherlocke, B.D., Samuell Hinde, B.D., Bartholomew Holme, of Holland, in the foresaid Countie of Lancast', gentlema', John Jones, of Lathome, in the said Countie, gentlema'; Rob<sup>t</sup> Calcott, of the Nunnerie, in the Isle of Mann, and Richard Stevenson, of Balladoole, in the Isle of Mann, gentlemen, Have thought fitt upon consideration of their greate meritt, and being assured of their fidelitie to me, and abillitie in my service, have by these presents in an especiall maner, grace, & favour, made ordained and constituted them my said trustie and welbeloved Roger Nowell, Will<sup>m</sup> Ffyfe, Rich. Sherlocke, Sam. Hind, Bartho. Holme, John Jones, Rob<sup>t</sup> Calcott, and Richard Stevenson, Comission<sup>rs</sup> ffor mee & in my name, place, & stead to demand, receive, take, and enioy for my service, my said Isle of Mann, and all ymmunities to the said Isle belonginge. Requiringe hereby all p'sons whome these may concerne to give conformetie and obedience hereunto, so that there may be delivered upp unto them my s<sup>d</sup> Commissioners, all my castles, ffoarts, mansions, poarts, garrisons, lands, tenements, customes, offices, rents, revennewes, and services, of what kind and nature soever, by what stile, state, authoritie, or honour are held by any p'son or p'sons whatsoever in my said Isle of Mann, with all and singular comodeties, emoluments, p<sup>r</sup>eheminences and nominations w<sup>ch</sup> in my s<sup>d</sup> Isle, and to the same appertaininge, and as were formerlie held & enioyed by my late endeared father of hono<sup>r</sup>ble memorie, James Stanley, Earle of Derby, then Lord of Mann & of th'isles, of antient & undoubted right belonginge unto mee: Hereby givinge and grantinge unto my beloved Comission<sup>rs</sup> Roger Nowell, Will. ffyfe, Rich. Sherlock, Sam. Hinde, B.D., Bartho. Holme, John Jones, Rob<sup>t</sup>. Calcott, Rich. Stevenson, or any three or more of them, my powere & full authoritie to order & manage the said Isle for my hono<sup>r</sup> & interest, as also for the good & saftie thereof, a due regard being had to the right of the inhabitants of the said Isle; and to lett, sett, & dispose of all & singular the offices, hono<sup>rs</sup>, castles, garrisons, poarts, ffoarts, lands, tenements, and all other the rights, dues, duties, & services as to their wisdom for my hono<sup>r</sup> & behoofe shall seeme requisite, w<sup>ch</sup> doe of an undoubted & knowne right belonge unto me, and formerlie had & enioyed by the right hono<sup>r</sup>ble my late father in his life, or his p<sup>r</sup>dicessors of greate renowne and dignitie. I hereby ratiffyinge and confirminge all and singular the respective act and

acts, matter and matters, thing or things, that my said trustie and well-beloved Roger Nowell, Will<sup>m</sup> ffyfe, Rich. Sherlock, Sam. Hinde, Barth. Holme, John Jones, Rob<sup>t</sup>. Calcott, and Richard Stevenson, or any three of them shall act or doe; all which beinge soe acted and done by them, doe by these p<sup>r</sup>sents for me and my heyres corroborate and confirme, for the service of w<sup>ch</sup> I have made, constituted, and appointed them the said Roger Nowell, Will<sup>m</sup> ffyfe, Rich. Sherlock, Sam. Hinde, Barth. Holme, John Jones, Robt. Calcott, and Rich. Stevenson, or any three of them as abovesaid, to be ymediate Comissioners in all powers as well ecclesiasticall as civill duringe my pleasure, and therein to act w<sup>th</sup> as full power and authoritie as if I were there p<sup>ersonally</sup> p<sup>r</sup>esent. To whom I require all due obedience to be given from all p<sup>ersons</sup> inhabittinge in my said Isle. Provided always, that none of these Comissioners either iointly or severallie act or doe any thinge contrarie to such private instructions as shall appeare under my hand and seale. As also that the said Roger Nowell, Will<sup>m</sup> ffyfe, Barth. Holme, John Jones, Robt. Calcott, Rich. Stevenson, nor any of them shall not hinder or oppose, but forward, assist, and abett Rich. Sherlock and Sam. Hinde in what they shall act by vertue of delegation from the Archdeacon of the said Isle, in order to the settlinge of religion and all ecclesiasticall affayres as they were in my late father's tyme. In testimonie whereof I have hereunto put my hand and seale. Dated at Derby house, in Chan'ell Rowe in Westminster, the xij<sup>th</sup> day of July, in the xii<sup>th</sup> yeare of the reigne of our dread Sovereigne Lord Charles, by the grace of God Kinge of England, Scotland, Ffrance, and Ireland, deffend<sup>r</sup> of the faith, Ano. dom. 1660.

CHARLES DERBY.

Signed, sealed, and delivered in the presence of

Ralph Bridocke.  
Will<sup>m</sup> Christian.  
Hugh Hollande.

On the 12th February, 1667, King Charles II., by letters patent, granted unto Earl Charles the royal mines of gold and silver in the Isle of Man, to be holden unto the Earl and to the heirs male of his body lawfully begotten. (The grant reverted in 1735, on the decease of James the 10th Earl, to the Crown, there being then a failure of heirs male of the body of Earl Charles. *Preamble to Revesting Act*, 5 Geo. III., cap. 26, in Note on § 28.) The Earl was Chamberlain of Chester.

King James II. ascended the English throne on the 6th February, 168<sup>4</sup><sub>6</sub>. The following notice of his proclamation here appears in the *Malew Parish Register*:—"James the 2<sup>d</sup>. was proclaimed King of Great Britain, France, and Ireland, Defender of the Faith, on the 12<sup>th</sup> day of March, 1684, in Castletown at the Cross, by the Right Worp<sup>l</sup> Ro. Heywood, Esq<sup>r</sup>, Govern<sup>r</sup> of the Isle, and all the Officers Spi<sup>l</sup> and Tempo<sup>l</sup>, Clergie, and 24 Keyes, Captains and Officers of every p<sup>ish</sup> in the Isle, with great congratulations and repeated acclamations."

Earl Charles died on the 21st December, 1672, in the 22nd year of his reign *de jure*, or 13th year of his reign *de facto* as Lord of Man.

## § 23.

William II, (or William George Richard,) the 9th Earl of Derby and 12th Lord of Man of the House of Stanley, succeeded his father the 11th Lord on the 21st December, 1672, he being then a minor of about 17 years of age. We find in the records in the Rolls Office, that during part of the first year of his accession he governed by his mother the Countess Dorothy Helena as his guardian, and afterwards until and during part of the year 1676, by James, Duke, Marquess, and Earl of Ormonde as his guardian. Earl William II. became Chamberlain of the City of Chester, and he was Mayor thereof in 1702. (*Seacome* 152.) He visited the Island in 1686 (*Malew Parish Register*), and again in 1691. He was present at a Tynwald Court at St. John's on the 30th July, 1691, when several Acts were assented to by him and promulgated. (*Mills' Statutes* 147.)

Earl William II. died sometime in the month of November, 1702, as stated in the Chronicle, in the 30th year of his reign as Lord of Man. He had issue one son who died in his father's lifetime, and two daughters, the elder of whom, Henrietta, was married, *first* to John, Earl of Anglesey, by whom she had one daughter, who died in infancy,—and *secondly* to John Lord Ashburnham, by whom she had one daughter, Henrietta Bridget Ashburnham, who survived Earl William II. her grandfather, but who died when about 14 years of age. The younger daughter of Earl William II. died in the 18th year of her age unmarried. (*Seacome* 152.)

## § 24.

James II., the 10th Earl of Derby and 13th Lord of Man of the House of Stanley, succeeded his brother the 12th Lord in November, 1702. He was the fourth son of Earl Charles the 11th Lord, whose second and third sons, Robert and Charles, had previously died unmarried. (*Seacome*, 145.)

He succeeded to the Lordship in preference to the female issue of Earl William II. by virtue of the Act of Parliament of 8th James I., by which the succession was limited to the "Heirs Males" of James I., the 10th Lord (*See Notes on § 20*), and Earl James II. was such Heir Male. Earl James II., at the time of his accession, was Brigadier in the army of King William III., under whom he had commanded courageously a Regiment of Foot in the Wars in Flanders and Ireland. He was afterwards appointed Chancellor of the Duchy and County Palatine of Lancaster, and Lord Lieutenant and Vice-Admiral thereof, and also



Chamberlain of the City and County Palatine of Chester. He was besides a member of the Privy Council in the reigns of King William I., Queen Anne, and King George I., and Captain of the Yeomen of the Guard. (*Seacome* 152.)

On the accession of Earl James II., he by commission dated the 20th November, 1702, appointed his brother, the Honorable Charles Stanley, Governor; and on the 1st December following he made the following order for continuing in their places all other officers. (*Liber Irrot.* 1702.) This is the first order of the kind that I have found in the records. It is to be observed that this order does not declare the several offices to be void or vacant, and for the reasons alleged in the note on § 25, I consider that by the Common Law no offices became, by the decease of the Sovereign, or by a change in the supreme government, *ipso facto* vacant.

To all whom these presents shall come or anyways concerne: the R<sup>t</sup> Honorable James Earle of Derby, Lord of Man and the Isles, sendeth greeting. Know ye that I the said Earle of Derby and Lord of Man and the Isles, for divers good causes and consideracons me thereunto moveing, Have granted, constituted, made and continued, And by these p<sup>r</sup>sents doe grant, constitute, make and continue all and every the Counsellors, Deemsters, Judges, Officers and Ministers, Ecclesiastical, Military and Civill whatsoever, who were granted, constituted or made by my late brother the R<sup>t</sup> Honorable William George Richard, late Earle of Derby, late Lord of Man and the Isles afforesaid, in all and every of their said offices, employments, and trusts, Ecclesiastical, Millitary and Civill in the said Isle of Man and Isles afores<sup>d</sup>, (except the Chiefe Governor, Commander in Chiefe and Deputy Governor,) which office of Chiefe Governor, and Commander in Chiefe I have granted, and doe hereby ratify and confirme unto my wellbeloved brother the honorable Charles Stanley, Esqr, To have, hold, exercise, execute and enjoy the s<sup>d</sup> offices of Counsellors, Deemsters, Judges, Officers and Ministers, who were soe granted, constituted or made by the s<sup>d</sup> Earle of Derby unto the s<sup>d</sup> Counsellors, Deemsters, Judges, Officers, and Ministers and every of them, during my will and pleasure. Given under my hand and seale the first day of December, Anno D.ni one thousand seven hundred and two.

DERBY. (L.S.)

Sealed and delivered in the presence of  
 R. Thornhill.  
 C. Lawton.  
 Tho. Shewell.  
 Tho. Bwdler.

In 1716 a question was raised whether an appeal lay from the Lord of the Island to the Crown of England,—the right of appeal being disputed on the part of Earl James II., there being no reservation of any such right in the grant of the Island from the Crown. The question was decided against the Earl in the following case, heard before a Committee of the Privy Council and reported in 1 *Peere Williams' Reports* 329:—

Christian *versus* Corren.

Before a Committee of Council at the Cockpit, Michaelmas Term, 1716. Appeal from a Decree in the Isle of Man. *The subject cannot be deprived of his right to appeal by any words in the King's Grant to that purpose, much less if the Grant be silent in that particular.*

The Earl of Derby, King of the Isle of Man, made a decree in that Island concerning lands there; and the person against whom the decree was made, appealed hither.

One (and indeed the principal) question was, whether an appeal did lie before the King in Council, there being no reservation in the grant made of the Isle of Man by the Crown, of the subject's right of appeal to the Crown.

And it was urged for the appeal by myself (who alone was counsel with the appellant), that it appearing in this case that H. 4 had granted the Isle of Man to the Earl of Derby's ancestors, to hold by homage and other services, tho' there was no reservation of the subject's right of appeal to the Crown, yet this liberty was plainly implied.

For that such liberty of appeal lay in all cases where there is a tenure of the Crown; that it was the right of the subject to appeal to the Sovereign to redress a wrong done to them in any court of justice; nay, if there had been any express words in the grant to exclude appeals, they had been void; because the subject had an inherent right, inseparable from them as subjects to apply to the Crown for justice. And on the other hand,

The King, as the fountain of justice, had an inherent right, inseparable from the Crown, to distribute justice among his subjects; and if this were a right in the subjects, no grant could deprive them of it; the consequence of which would be that in all such cases, viz., where there were words exclusive of such right of appeal, the King would be construed to be deceived, and his grant void. Also precedents were cited in point.

Lord Chief Justice Parker, who assisted at Council upon this occasion, thought that the King in Council had necessarily a jurisdiction in this case, in order to prevent a failure of justice; and took notice, that if a copyholder should sue by petition in the Lord's Court, upon which the Lord should give judgment, tho' no appeal or writ of error would lie of such judgment, yet the Court of Chancery would correct the proceedings in case anything were done therein against conscience.

Whereupon their Lordships proceeded in this appeal, and determined in favour of the appellant; and it is observable that Lord Derby also, at length, rather than that some things in the grant made by the Crown to his ancestors should be looked into, chose to submit and express his consent that the matters in question on the appeal should be examined by the King in Council.

During the reign of Earl James II., the English Government complained much of the injuries sustained in respect of the Customs Revenues by reason of the immunities possessed by Manx traders. The Customs duties payable on the importation of goods into the Island were very trifling as compared with like duties in Great Britain and Ireland, and the consequence was that there arose a very extensive trade in the exportation of foreign goods, which were landed in a contraband manner in the neighbouring kingdoms,—besides, in respect of great quantities of foreign goods exported from England for the Island, the

exporters received drawback for British duties paid, and then clandestinely re-landed the goods in Great Britain. In 1711 an Act of Tynwald was passed to correct these frauds, but in the expectation that the British Parliament would admit duty free the produce of the Island,—the Parliament, however, not having granted the privileges sought, the Act of 1711 was, by another Act of Tynwald passed in 1713, suspended. (*Mills' Statutes* 195, 208.) In England it was considered that the only effectual cure for the injuries complained of, was the revesting of the Island in the Crown, and accordingly the following Sections authorizing the Treasury to contract for the purchase of the rights of the Lords of the Island were introduced into an Act of Parliament, 12 George I., cap. 28 (1725), intituled:—

An Act for the Improvement of His Majesty's Revenues of Customs, Excise and  
Inland Duties.

Sect. 25.—And for the better enabling his Majesty to prevent the said frauds and abuses, in the exporting or importing of goods and merchandizes to and from the Isle of Man, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Commissioners of His Majesty's Treasury now or for the time being, or any three or more of them, or the Lord High Treasurer for the time being, on the behalf of His Majesty, his heirs and successors, and also to and for the Right Honourable James, Earl of Derby, his tenants or assigns, the Right Honourable John, Lord Ashburnham, for and on behalf of his daughter Henrietta Bridget Ashburnham, an infant, Bryan Fairfax, Esquire, trustee of the said infant, or the survivor of them, and all or any other person or persons claiming or to claim by, from or under the said Earl or any of his ancestors, to treat, contract, or agree for the absolute purchase or sale, release or surrender, to or for the use of His Majesty, his heirs and successors, of all or any estate, right, title, or interest, which he the said Earl, his tenant, the said Henrietta Bridget Ashburnham, or such other person or persons, now have or claim, or can or may have or claim in or to the said Island or Lordship of Man, or in or to all or any regalities, powers, honours, superiorities, jurisdictions, rights, privileges, duties, customs, revenues, profits, or other advantages whatsoever in, over, or about the said Island of Man, or its dependencies, for such sum or sums of money, or upon such other terms or conditions as they shall think fitting; and that upon the executing of such contracts or agreements by or on the behalf of the said Earl, his tenants, the said Henrietta Bridget Ashburnham, or such other person or persons claiming or to claim under him, or any of his ancestors as aforesaid, or upon executing such other conveyances, assignments, releases, or surrenders, as in such contract or contracts shall be agreed on for that purpose, it shall and may be lawful to and for the said Commissioners of the Treasury now or for the time being, or any three or more of them, or the Lord High Treasurer for the time being, and they are hereby empowered, by and out of any monies arisen or to arise to His Majesty, his heirs, or successors, of or for any customs, subsidies, impositions, or other duties upon the importation or exportation of any goods or merchandizes whatsoever, already granted or payable, or hereafter to be granted or payable to His Majesty, his heirs or successors, in Great Britain, Wales, or Berwick-upon-Tweed, to order and direct the payment of such

sum or sums of money, from time to time as shall be so contracted or agreed on for such purchase or purchases, to such person or persons as according to the terms of such contracts or agreements, shall be entitled to have and receive the same.

Sect. 26.—And it is hereby further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for the said Henrietta Bridget Ashburnham, notwithstanding her minority, by and with the consent of the said John Lord Ashburnham her father, and the said Bryan Fairfax, or the survivor of them, to convey and assure all her estate and interest in the Isle of Man and premises aforesaid, or any part thereof, pursuant to any contract or agreement, which shall be made by virtue of the powers in this Act given; and such conveyance or assurance shall be good and effectual in law, to all intents and purposes, as if the said Henrietta Bridget Ashburnham was of the full age of one and twenty years, any law, custom, or usage to the contrary thereof in anywise notwithstanding; and the money to be paid as the consideration of such conveyance shall be paid to such person as the High Court of Chancery shall direct, and when paid shall be laid out by the direction of the said Court of Chancery for the benefit of the said Henrietta Bridget Ashburnham, her executors, administrators, and assigns.

At the time of the passing of this Act, Earl James II. had no issue living, his only child having previously died an infant, and Henrietta Bridget Ashburnham was the heiress presumptive to the Lordship of Man, she being the heir general presumptive of Earl James I. It will be remembered that by the Act of Parliament, 8 James I., the succession was limited after the decease of Earl William I. and his Countess Elizabeth, (1) to Earl James I. (then Lord Stanley) and the heirs male of his body, (2) to Robert Stanley, second son of Earl William I., and the heirs male of his body, (3) to the heirs male of the body of Earl William I., and (4) to the heirs general or "right heirs" of Earl James I. The issue of Robert Stanley was at this time extinct. Earl William I. had two sons, Earl James I. and said Robert Stanley. Earl James I. had three sons: Earl Charles, Edward and William, the two latter of whom died without issue. Earl Charles had four sons: Earl William II., Robert, Earl James II., and Charles, the second and fourth of whom died without issue. Earl James II. had succeeded to the Lordship by reason of Earl William II. leaving no male issue, and therefore Earl James II. was the last heir male of both Earls William I. and James I. Henrietta Bridget Ashburnham, as mentioned in note on § 23, was the grand-daughter and heiress of Earl Charles. She died unmarried in the lifetime of Earl James II. (*Seacome* 70, 143, 145, 152.)

Earl James II. died as stated in the Chronicle on the 1st February, 1736, and in the 34th year of his reign as Lord of Man, leaving no issue surviving him. He was the last Lord of the House of Stanley.

#### § 25.

James the 2nd Duke of Atholl and 1st Lord of Man of the House of Murray, succeeded his first cousin once removed, (the relationship styled

in the Isle of Man "first and second cousin,") James II., the 10th Earl of Derby and 13th Lord of Man of the House of Stanley, on the 1st February, 1736. He was the 3rd son of John, 1st Duke of Atholl, (the two elder sons had died without issue,) which John was the eldest son of Amelia Anna Sophia, wife of John, 1st Marquis of Atholl, and third daughter of James I. the 7th Earl of Derby and 10th Lord of the House of Stanley, (her two elder sisters had left no issue). Duke James was therefore, as stated in the Chronicle, the great grandson of Earl James I., being "James Earl of Derby who was beheaded at Bolton." (*Burke's Peerage*, 41, 288.) There being a failure of male issue of William I., the 6th Earl of Derby and 9th Lord, and of his son James I., the 7th Earl of Derby and 10th Lord, and all issue of the sons of James I. being extinct, Duke James succeeded to the Lordship of Man as heir general or "right heir" of Earl James I., by virtue of the limitation contained in the Act of Parliament 8 James I. (See notes on § 20 and § 24.)

Duke James, soon after his accession, appointed James Murray, Esq., Governor, and on the 9th March, 1735-6, issued the following instructions for continuing in their respective places the Officers Civil and Military, &c. (*Liber Irrot.* 1736.) The idea that by the death of the preceding Lord "all places civil and military in the said Isle do become void," is started I believe for the first time in these instructions, and the correctness of the allegation may well be doubted. An examination of the records leads me to the conclusion that by the Common Law of the Island on all changes in the Sovereignty or supreme government, the officers continued in their respective places until superseded by the new Lord or Government, or until the will of the new Lord or Government was known. The inconvenience of any other course, and the uncertainty which must otherwise have attended the proceedings of the Courts, and the acts of the Authorities in the Island, must be very apparent, when it is considered that during the whole period that the records of the Island extend back, no King or Lord died in the Island, and that all changes in the Government of the Island took place in England, between which place and the Island there was no regular communication, many weeks elapsing frequently without the arrival of any vessel conveying intelligence from England. In the case of Duke James, he became Lord on the 1st February, 1736, but he did not issue his instructions until the 9th March following, and they would not reach the Island immediately. Yet the Government of the Island went on during the interval as before. Neither on this or on any previous occasion, was any Act of the Legislature passed to legalize the administrative and judicial acts of the officers, during the interval between the demise of one King or Lord and the recognition of the successor.

“Instructions to James Murray, Esquire, my Governor of my Isle of Mann, &c.

“Whereas by the death of James, late Earl of Derby, the Lordship of Mann and the Isles doth of right devolve to me, and thereby also all places civil and military in the said Isle do become void, Therefore and for the present peace and safety of my said Isle, my will and pleasure is that all the officers, civil and military, who were in possession of any office or offices at the time of the said late Earl of Derby's decease, be continued in the possession and enjoyment of their said several and respective offices till I can take further order concerning the same: But with this exception, that in case of the misbehaviour or neglect of any officer in the discharge of his office, such officer may be superseded, and you are hereby directed and empowered to supersede and suspend such officer, and transmit to me a true account of the nature and circumstances of his case, that I may thereupon give such order and directions as shall be necessary.

“You are to take due care that the laws and statutes of the Isle be duly executed, so as justice may take place, and my tenants there be preserved from violence and oppression.

“That you inspect the state and condition of the Isle, and report to me what is wanting, and how it may be remedied or supplied.

“ATHOLL. (L.S.)

“London, 9th March, 1735.” [1735-6]

In the same year 1736, Duke James visited the Island, and on the 24th June 1736, he attended a Tynwald Court at St. John's, in “royal array,” according to the ancient custom, at which Court the Bishop of Sodor and Man, then the only Baron of the Isle, did homage for his Barony. (*Liber Scaccar.* 1736.)

During this visit to the Island, namely on the 12th August 1736, Duke James gave his assent to a very important Act of Tynwald, which tended to the securing the liberty of the subject, and the better government of the Isle. (*Mills' Statutes* 234, &c.) This Act has not inappropriately been styled the *Magna Charta* of the Isle of Man. He visited the Island again in 1739, and at Castle Rushen, on the 18th August, in that year, he gave his assent to an Act of Tynwald. (*Mills' Statutes* 261.)

It was with Duke James that the question was tried in the English Court of Chancery, before Lord Hardwicke, Chancellor, in 1751, as to the effect of the clause against alienation contained in the Act of Parliament, 8 James I., *Bishop of Man v. Earl of Derby*, and *Earl of Derby v. Duke of Atholl*, 1 *Vesey* 202, 2 *Vesey* 337, (See case in Notes on § 20.) “In the cause on the bill filed by the Bishop of Sodor and Man, the declared foundation of Lord Hardwicke's decree was, that the clause of perpetuity in the Act of James the First regulating the succession to Man, did not merely make void all alienations contrary to the succession in favor of the issue male of William the sixth Earl of Derby and his two

sons James Lord Stanley and Robert Stanley, but equally gave protection to James Lord Stanley's heirs general. Lord Hardwicke was indeed of opinion, that the Isle of Man, being held of the Crown *in capite*, though by a socage tenure, was unalienable without licence from the king, the Act of Charles the Second in respect to tenures *in capite* not extending to that Island. But then his lordship at the same time explained, that he did not consider this as sufficient to invalidate the term of one thousand years in the rectories and tithes. For his idea was, that to the creation of a mere chattel interest, however long the term, such a licence of alienation was not essential. Therefore Lord Hardwicke's decree is left without any other possible ground to sustain it, than the very construction of the Act of James the First upon which I found myself, namely, that the clause of perpetuity afforded as much protection to the heirs-general as to the heirs male described in the Act." (1 *Hargrave's Jurisconsult Exercitations* 158.)

Although Duke James disputed alienations made by Charles 8th Earl of Derby and 11th Lord, he was but a short time in possession of his lordship, before he began to make alienations of the Island for the purpose of effecting a sale to the Crown of England, and with the object of settling the Island or the proceeds of the sale for the benefit of the Murray family, to the exclusion of the heirs-general of James 7th Earl of Derby,—thus defeating the intention of the Act of James the First. The various conveyances made are recited in the Revesting Act, 5 George III., cap. 26. (See note on § 28.) They are briefly these:—

(1.) Indenture or deed of feoffment thereon dated the 14th November 1737, whereby the Duke James granted and confirmed unto John Earl of Dunmore, the Honorable William Murray afterwards Lord Mansfield, and John Murray, Esq., their heirs and assigns, the Island and lordship of Man, &c., on certain trusts therein mentioned, but with a power reserved to Duke James by deed or will to revoke any of the trusts, &c., and declare and appoint others.

(2.) Indenture dated 4th May 1748, made between the same parties, whereby Duke James revoked the trusts contained in (1) and declared other trusts, but reserving a like power of revocation and new appointment.

(3.) Indenture or deed of feoffment, dated 6th April 1756, whereby Duke James revoked the trusts contained in (2), and he with the Honorable William Murray, the surviving trustee under (1), granted and confirmed the Island, &c., to Archibald Duke of Argyle, David Viscount Stormont, and John Sharpe their heirs and assigns, to be holden of the King his heirs and successors, by the rents, tenures, suits, and services

by which the same were previously held, upon trust (amongst other things) after the decease of Duke James, with the consent and approbation of the person and persons who after the death of Duke James should by virtue of the trusts be entitled to the actual receipt of the rents, &c., of the Isle, sell and surrender the Isle, &c., to the King's Majesty, his heirs and successors for such price in ready money as they could reasonably get, &c., the proceeds of the sale to be laid out in the purchase of lands in Scotland, such lands to be unalienably entailed on the heirs male of Duke James, remainder to his heirs female (the eldest heir female always succeeding), remainder to John Murray, Esq., nephew of Duke James (afterwards 3rd Duke of Atholl) and husband of Lady Charlotte the only daughter of Duke James, and his heirs male, with like remainder to James and George Murray, Esqrs., brothers of said John Murray, and their respective heirs male, with divers other remainders over in tail male, remainder to the heirs and assigns of Duke James, who reserved a like power of revocation and new appointment as in the former deeds.

(4.) Indenture or deed of feoffment dated 21st November 1761, whereby Duke James revoked the trusts contained in (3) as to several rectories, impropriations, and tithes within the Isle, in order to facilitate the sale thereof, which rectories, impropriations, and tithes Duke James and David Viscount Stormont, the surviving trustee under (3) granted to John Murray, afterwards 3rd Duke of Atholl, upon certain trusts, and as to the Isle, lordship, and territory of Man (other than the rectories, &c.) Duke James and Viscount Stormont granted them to John Wood, Esq., Governor of the Island, his heirs and assigns, to the intent that he should re-enfeoff the same to Viscount Stormont, Sir Charles Frederick, and Edmund Hoskins, Esq., (the two latter being new trustees) for the purposes mentioned in (3.) By this deed Duke James also reserved a power of revocation.

(5.) Deed poll dated 8th July 1762, by which John Wood, Esq., re-enfeoffed the Isle, &c., to Viscount Stormont, Sir Charles Frederick, and Edmund Hoskins, and their heirs, on the trusts contained in (3). Duke James died without making any revocation or alteration of (4).

Probably Duke James may have been advised that the restraint on alienation contained in the Act of King James I., did not affect the heirs-general of James 7th Earl of Derby, but such a position was controverted in after years by his grandson John 4th Duke of Atholl, when seeking to obtain further compensation for the loss of his rights in the Island. The following opinion of Mr. Hargraves is to the point:—"Upon the case thus made out in the recitals of the Act of the fifth year of the present reign, it appears that there was thought to be fact enough to war-



rant the contract made by the Treasury for the sale of the Isle of Man, with the present duke's father and mother and the trustees appointed by Duke James. Under also that impression, the legislature was both induced to execute the contract, and to direct the application of the £70,000 purchase money; as if Duke James, the present duke's grandfather, had been competent to dispose of the Isle of Man at his pleasure; as if he had been at liberty to sell the Island and to vest it in trustees for that purpose; as if he had possessed a clear right to overturn the order of succession under which himself derived; as if there had been no parliamentary guard to protect that succession against his acts, no restraint to disable his alienation; as if it had been competent to him to establish such new entail and order of succession as he thought best calculated to favour certain collateral branches of his paternal family, at the expense of an exclusion of the heirs-general of his ancestor the seventh Earl of Derby; and finally, as if at all events the Act of George the First authorizing the Treasury to purchase the Isle of Man for the Crown would effectually sanction the contract of sale thus entered into. But, as I see the case, instead of reality, there was nothing but groundless supposition in all this; and it was from beginning to end a series of errors, into which the legislature seems to have been betrayed by the precipitate manner of transacting the sale. I mean to say, that in my opinion, James Duke of Atholl, the present duke's grandfather, could neither alienate the Isle of Man nor newly model the succession of it,—that all the feoffments and conveyances of the Island in his time were nullities and waste-paper; that the trust he created for sale of the Island was void; and consequently that the agreement made by the Treasury for purchase of the Island was made with persons who were not authorized to sell; and moreover that the entail directed by the Act of the present king to be made of the lands to be purchased with the £70,000 purchase money, was an infringement of the rights of the heirs-general of James the seventh Earl of Derby." After referring to the title of the House of Stanley to the Island, and the Act of James the First establishing the succession, and the clause in restraint of alienation contained in it, he proceeds:—"It is this clause of perpetuity, which as I conceive, frustrates and makes void all the settlements and conveyances of the present Duke of Atholl's grandfather, and consequently subverts the authority to make the agreement for sale of the Isle of Man, to execute which the Act of the present king was passed. The beginning of the clause is expressed as if it only aimed to protect the entail on the heirs male of the bodies of William Earl of Derby and of his two sons James Lord Stanley and Robert Stanley; for it simply negatives the power of alienation in those

two sons and in the heirs male of the bodies of them and of Earl William himself. Had also the prohibition to alienate stopped here, it would have left James Lord Stanley and his heirs-general at liberty to dispose of the remainder in fee in the Island limited to him at his and their pleasure, with no other check than that arising from the necessity of a licence from the Crown in respect of the property's being held of the Crown immediately and *in capite*. But the clause proceeds, and its language becomes more large and expanded. The subsequent words not only include the other persons by this Act mentioned and appointed to enjoy the Island, but, what is more important, prescribe that the property shall remain, on default of the issue mentioned, '*to the right heirs of the said James Lord Stanley, as before by this Act is appointed*'; adding immediately after, '*that all gifts, grants, alienations, bargains, sales, conveyances, assurances, and acts, done or to be done or made to the contrary shall be utterly void, frustrate, and of none effect.*' These latter passages in the clause of perpetuity are what bring the *heirs-general* of James Lord Stanley within the compass both of its protection and restraint; that is, first, those heirs-general are protected by the clause against all alienations by him, or his brother Robert, or by any issue of them or their father; and then in restraint of the heirs-general themselves, as well as of Earl William's two sons and his and their issue male, the clause nullifies all alienations and acts, of every kind whatever, contrary to any part of the succession prescribed by the Act. Here then it is not the alienation of *any particular persons* which is made void; but it is *generally and universally every alienation*, without regarding by whom made. In other words, the clause of perpetuity, by thus enlarging itself, at last expressly guards the *whole* of the succession established; that is, not merely the succession to the estates tail created, but both that succession and the succession to the remainder in fee simple limited to James Lord Stanley; not merely the *heirs in tail*, but them and the *heirs-general* equally; and not only the *heirs-general* against the *issue male*, but the *heirs-general* against *each other*, and as *amongst themselves*." (1 *Hargrave's Jurisconsult Exercitations* 148.)

The succession as to the property to be purchased with the consideration money of the sale of the Island, set up by Duke James was confirmed by the Revesting Act, 6 George III. cap. 26, but until such confirmation the deeds of Duke James did not in anywise affect the sovereignty and government of the Island, they being of no force whether by reason of the restraint against alienation contained in the Act of King James I., or if there had been no such restraint, by reason of the want of a licence from the Crown of England to confirm the alienations.

The accession of George III. to the throne of England took place on the 25th October 1760, and on the 12th November following he was proclaimed at Castletown as “supreme Lord of this Isle,” “to whom the supreme dominion and sovereign right of this Isle” had rightfully come. This is the first occasion on which notice is taken in the insular records of the accession of any English Sovereign (so far as I can discover,) in fact no official record appears to have been made of the proclamation of the accession of any of the Lords of the Island. The following is the proclamation made on this occasion (*Liber Scaccar.* 1761); it is signed by Basil Cochrane, Esq., Governor, and by the officers and other inhabitants:—

“Whereas it has pleased Almighty God to call to his mercy our late Sovereign Lord King George the Second of blessed memory, by whose decease the Imperial Crown of Great Britain, France, and Ireland, and also the supreme dominion and sovereign right of this Isle and all other his late Majesty’s dominions, are solely and rightfully come to the high and mighty Prince George, Prince of Wales, We therefore the Governor and officers civil and military, and other inhabitants of the said Isle, Do now hereby with one full voice and consent of tongue and heart publish and proclaim, that the high and mighty Prince George, Prince of Wales, is now by the death of our late Sovereign of happy memory become our only lawful and rightful Liege Lord George the Third, by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith, Supreme Lord of this Isle, and all other his late Majesty’s territories and dominions, To whom we do acknowledge all faith and constant obedience, with all hearty and humble affection, beseeching God by whom kings and queens do reign, to bless the Royal King George the Third with long and happy years to reign over us. Given at Castle Rushen this twelfth day of November 1760.

“God save the King!

“BASIL COCHRANE,” &c., &c.

Duke James died as stated in the Chronicle on the 8th January 1764, in the 28th year of his reign as Lord of Man.

### § 26.

Lady Charlotte, Baroness Strange, the 2nd of the House of Murray who had sovereign rule of Man, succeeded her father the 1st Lord on the 8th January 1764. She was his only surviving child, a son and another daughter having died without issue in their father’s lifetime. (*Burke’s Peerage* 42.) At the time of her accession she was the wife of her first cousin, John Murray, Esq., who became 3rd Duke of Atholl as nephew and heir male of the 2nd Duke,—his wife, the Lady Charlotte, being entitled to the Barony of Strange and Lordship of Man as heir-general of James I. the 7th Earl of Derby.

On her accession Lady Charlotte with her husband issued the following order as to the officers in the Island. (*Liber Irrot.* 1764.) As to the

declaration contained in it with respect to offices being void, see notes on § 25 :—

“I, Charlotte, Lady of Mann and the Isles, Baroness Strange, with consent of the Honourable John Murray, of Strewan, my husband.

“Whereas it hath pleased Almighty God to call to his mercy the most noble James, Duke of Atholl, Lord of Mann and the Isles, Lord Strange, &c. our late father, by whose decease the Lordship and Dominion of Mann and the Isles, &c., &c., are rightfully devolved and descended to me the said Charlotte, Baroness Strange, and also all places and commissions, civil and military, in the said Isle, do become void. Wherefore, and for the present peace and safety and good government of the said Isle, We, of joynt consent, declare that our will and pleasure is that John Wood, Esquire, Governor, and all the other Officers, Judges, and Magistrates, civil and military, of the said Isle, who were in possession of any office, post, commission, or publick employment, at the time of the demise of the said James, Duke of Atholl, our father, be and continue in the execution, exercise, and possession of their employments therein severally and respectively, giving and hereby granting to them and each and every of them full and lawful commission, power, and authority to perform, execute, and discharge their several respective trusts, offices of dutys, employments, and charge according to the Laws and Constitution of the said Isle, and the Oaths to be respectively administered unto them by and before the said Governor or other proper officer. And they and every of them to continue to have and receive their usual and accustomed salaries, fees, and perquisites. And this general commission to continue until our further will and directions be signified in that behalf. Given under our hands and seals this 12th day of January 1764.

“CHARLOTTE STRANGE. (L.S.)  
“JOHN MURRAY. (L.S.)”

The Revesting Act of 1765 recites that on the decease of Duke James, Duke John and the Lady Charlotte, Duchess of Atholl and Baroness Strange, his wife, became entitled to the Island, &c. “under and by virtue of the said recited indentures of feoffment [*see notes on § 25*], and according to the estate and interest thereby limited to them respectively therein.” This statement is correct so far as it might have meant that the Duchess, and in her right the Duke, were the persons who were entitled under the feoffments supposing them to be valid, but it is not correct if it meant that the feoffments constituted their title to the dominion of Man. The title of the Duchess was (as before stated) in respect of her being heir-general of the 7th Earl of Derby. And this was recognized by two subsequent Acts of Parliament, viz. 45 Geo. III. cap. 123, by which in consideration of the insufficiency of the consideration money paid for the Island in 1765, an annuity is secured to John, 4th Duke of Atholl, and to “the heirs-general of the 7th Earl of Derby;” and 6 Geo. IV. cap. 34, which enables the Treasury to treat for the purchase of their remaining rights in the Island with John, 4th Duke of Atholl, and the heir-general for the time being of James, 7th Earl of Derby.” (*See these Acts in Appendix No. 1. to the Notes.*) No

notice is taken in either of these Acts of the feoffments made by Duke James.

§ 27.

Immediately after the accession of the Duchess Charlotte, negotiations were opened by the Treasury for the purchase of her sovereign rights in the Island. By letter of the 25th July 1764, addressed to the Duke of Atholl, the Lords of the Treasury offered to treat with him pursuant to the Act of Parliament 12 Geo. I. cap. 28 (*see notes on § 24*), and to receive from him a proposal for that purpose, specifying what part of his property and rights he was disposed to sell, and the value put upon them, "that" (in the words of the letter) "we may know whether the terms are in all respects such as we, who are Trustees for the public can admit. But if your Grace is not inclined to enter into a treaty with us upon the subject we beg to be informed of it, that we may then pursue such other methods as we shall think our duty to the public requires of us." (*Duke of Atholl's Case in House of Commons' paper No. 79, Sess. 1805, p. 13.*)

Before an answer was returned by the Duke, namely on the 17th August 1764, an Order in Council was issued for stationing cutters and cruisers in the harbours and on the coasts of the Island. (*Ibid. p. 14.*) This order has the appearance of having been made for the coercion of the Duke. The enforcement of it would certainly have been an illegal aggression on the sovereign rights of the Duchess Charlotte. The recognized insular jurisdiction which had hitherto been respected by the English Government extended to a distance of three leagues from the coast.

On the 20th August 1764, the Duke replied to the Treasury letter, shewing the impossibility for him who had been but a few months in possession of the Island to fix on an adequate price for a possession so very considerable both for honour and profit, but stating his readiness to receive a proposal from their Lordships. (*Ibid. p. 14.*)

By letter of the 12th September 1764, the Treasury asked for full information as to the value of every branch of revenue in the Island, but before the letter could be conveniently answered, the Duke was informed that the Government did not incline to go farther into a treaty, but meant to obtain their object by an adequate Act of Parliament. (*Ibid. p. 15.*)

Accordingly on the 21st January 1765, the Right Hon. George Grenville, First Lord of the Treasury and Chancellor of the Exchequer, introduced into the House of Commons a Bill intituled, "An Act for

more effectually preventing the mischiefs arising to the revenue and commerce of Great Britain and Ireland from the illicit and clandestine trade to and from the Isle of Man." (5 Geo. III. c. 39.) This Act which was commonly designated the *Mischief Act*, gave authority for coercive measures for restraining the trade of the Isle against the consent of the Lord and Legislature of the Island. By it the King's officers of customs and excise were authorized to search ships in the Island, and to make seizures there by land or water. It also authorized the prosecution of seizures and offenders in Great Britain or Ireland, or in any Courts in the Island held in the name or by the authority of the King, and as necessary to any such prosecution the service on offenders in the Island of process from the British or Irish Courts. Had the revestment of the Island in the Crown not taken place, this Act carried out by the force which the Government of England was able to apply against an almost powerless State, would virtually have destroyed the independence of the Insular kingdom, and deprived the Lords thereof, without rendering any equivalent or compensation, for the revenues to which they were entitled by the laws of the Island. The Act designates the trade to and from the Island as *illicit and clandestine*, but this designation is not strictly correct. The trade to the Island was by law almost free, and restricted only by such duties as were imposed by the Insular Legislature, and such trade was previously recognized by the English Government. So far as the trade from the Island was concerned, it was not *illicit and clandestine* by the Insular laws which authorized the exportation of goods on payment of the Insular duties. The trade was *illicit and clandestine* in Great Britain and Ireland so far as it was attempted to land the goods there without payment of the British or Irish duties, or in defiance of British or Irish laws. The trade with Russia or any other foreign country might as well have been designated *illicit and clandestine*, where goods lawfully exported from such foreign country, were smuggled or attempted to be smuggled into England.

[It may be here observed that as the *Mischief Act* did not come into operation until after the Revestment, and as then officers of customs appointed by the Crown were substituted for those who had previously been appointed by the Lords of the Island, the effect of the Act was much moderated. But it is worthy of note that it was the *first* Act of the English Parliament which *really* affected the rights and liberties of the people of the Island, or interfered with the independence of its Legislature. Portions of the Act were repealed at various times, and it

was altogether repealed on the 5th July 1825, by Act of Parliament, 6 Geo. IV. c. 105.]

The Duke of Atholl presented to the House of Commons on the 13th February 1765, a petition against the *Mischief Bill*, and he was heard by counsel thereon. Afterwards, on the 19th February, he received an intimation from the Treasury that possibly a treaty for the purchase of his rights might be entered into; but the Treasury did not on that account forbear to proceed with the *Mischief Bill*, which was evidently made use of to compel the Duke's compliance with the wishes of the Government. (*House of Commons' paper, No. 79, Sess. 1805.*)

By letter of the 27th February 1765, (as set forth in the *Revesting Act*,) the Duke and Duchess proposed to surrender the Isle and all rights, jurisdictions, and interests therein, (but reserving their landed property, manorial rights, and the patronage of the bishopric and of ecclesiastical benefices,) for the sum of £70,000. The proposal was accepted by the Treasury and a contract was executed on the 7th March 1765. (*Preamble of Revesting Act.*) A Bill for carrying the contract into execution, (the *Revesting Bill*,) was ordered by the House of Commons to be brought in on the 20th April 1765.

The haste with which these Bills were proceeded with will appear by the dates of the various stages in their progress. The *Mischief Bill* was introduced into the *House of Commons* on the 21st January 1765; in Committee,—the report of the Committee with amendments of Bill agreed to, and ordered to be received on this day se'nnight, 28th February;—report of Committee ordered to be received this day se'nnight, 7th March;—report ordered to be received on Monday next, 14th March;—report received, bill re-committed, and report ordered to be received next day, 18th March;—report received, and bill ordered to be engrossed, 19th March;—passed and ordered to the Lords, 1st May 1765. (*Commons' Journals.*) In the *Lords*, it kept pace with the *Revesting Bill*, and received the Royal Assent on the 15th May 1765. (*Lords' Journals.*) The *Revesting Bill* was, in the *House of Commons*, read the first time 23rd April 1765;—read the second time 24th April;—it was in Committee on 25th April;—reported by the Committee 26th April;—and passed 30th April. (*Commons' Journals.*) In the *House of Lords* it was brought up and read the first time 1st May 1765;—read the second time 2nd May;—in Committee and reported to the House 6th May;—read the third time and passed 7th May. On the 10th May 1765 it received the Royal Assent by commission. (*Lords' Journals.*)

The only consideration for the purchase stated in the Act is the sum of £70,000, but on the 22nd August 1765, by "a Grant under the great seal of Ireland, after taking notice of the said Act of Revestment, and that His Majesty having taken into His Royal consideration the particular situation of the Duke and Duchess of Atholl, from the prospect that the revenues of the Isle of Man would have continued to them, and on that account that His Majesty was graciously disposed to give them a mark of His Royal munificence and bounty, and His Majesty being sensible that the revenues of Ireland as well as those of Great Britain would receive great benefit and improvement by the said surrender, His Majesty was graciously pleased to grant to the said Duke and Duchess, for their lives and the life of the survivor, an annuity or yearly allowance of £2,000, to be issuing out of His Majesty's revenues at large in the said kingdom of Ireland." (*Duke of Atholl's case in House of Commons' paper No. 79, Sess. 1805, p. 19.*)

## § 28.

The following is the Revesting Act 5 George III. cap. 26, passed 10th May 1765. By this Act the Island was to vest unalienably in the Crown on payment of the sum of £70,000 into the Bank of England. For the reserved rights the Lord was to make the former acknowledgment of rendering two falcons on the days of the Coronation of the Kings of England, and to pay the yearly rent of £101 15s. 11d. reserved in the grant of the possession of the Monastery of Rushen, &c. :—

An Act for carrying into Execution a Contract made, pursuant to the Act of Parliament of the Twelfth of His late Majesty King George the First, between the Commissioners of His Majesty's Treasury and the Duke and Duchess of Atholl, the Proprietors of the Isle of Man, and their Trustees, for the purchase of the said Island and its Dependencies, under certain Exceptions therein particularly mentioned.

Whereas His late Majesty King Henry the Fourth, by his letters patent under the Great Seal of England, bearing date at Westminster the sixth day of April in the seventh year of his reign, did grant to Sir John de Stanley, Knight, the Island, Preamble. year of his reign, did grant to Sir John de Stanley, Knight, the Island, Letters Patent Castle, Pele, and Lordship of Man, and all the islands and lordships to 6th April, 7 the said Island of Man appertaining, which did not exceed the value of H. IV. four hundred pounds by the year, to have and to hold to the said John and his heirs and assigns, all the islands, castle, pele, and lordship aforesaid, together with the royalties, regalities, franchises, liberties, sea ports, and all things to port reasonably and duly belonging, homages, fealties, wards, marriages, reliefs, escheats, forfeitures, waifs, estrays, courts baron, views of frankpledge, leets, hundreds, wapentakes, wreck of the sea, mines of lead and iron, fairs, markets, free customs, meadows, pastures, woods, parks, chaces, lawns, warrens, assarts, purprestures, chiminages, piscaries, mills, moors, marshes, turbarys, waters, pools, fish ponds, ways, passages, and commons, and other



commodities, emoluments, and appurtenances whatsoever to the said islands, castle, pele, and lordship in anywise appertaining or belonging, together with the patronage of the bishoprick of the said Island of Man, and also knight's fees, advowsons, and patronages of abbeys, priories, hospitals, churches, vicarages, chapels, chauntries, and other ecclesiastical benefices whatsoever to the said islands, castle, pele, and lordship likewise belonging, of the said king and his heirs forever, by liege homage, and the service of rendering to the said king two falcons once only, that is to say, immediately after the said homage done, and of rendering to his heirs, kings of England, two falcons on the days of their coronations, instead of all other services, customs, and demands. as freely, fully, and entirely as Sir William Le Scrope. deceased, in the said letters patent named, or any other Lord of the said Island was ever in former times in the best and freest manner accustomed to have and hold those islands, castle, pele, and lordship, with the appurtenances, together with all other the premises therein and herein before mentioned, the said liege homage and rent of falcons only excepted.

And whereas the monastery and priory of Rushing and Douglas and the Fryers Minors, Dissolution of commonly called the Grey Friars of Brymaken, otherwise Bymaken, Monastaries. with their appurtenances, in the said Island of Man, were, on or about the general dissolution of the lesser religious houses, by force and virtue of an Act for that purpose made in the twenty-seventh year of the reign of His late Majesty King Henry the Eighth, dissolved, and vested in his said Majesty, his heirs and successors.

And whereas by an Act of Parliament made in the thirty-third year of the reign of His said late Majesty King Henry the Eighth for dissevering the Bishoprick of Chester and Act 33 of the Isle of Man from the jurisdiction of Canterbury to the jurisdiction H. VIII as of York, it was enacted that the bishoprick and diocese of Man, in the to Bishopric. Isle of Man, should be annexed, adjoined, and united to the Province and Metropolitan Jurisdiction of York in all points and to all purposes and effects as the bishoprick of Chester was annexed, adjoined and united to the same.

And whereas on the death of Ferdinando Earl of Derby, cousin and heir male of the body of the said Sir John de Stanley, which happened in or about the thirty-sixth year of the reign of her late Majesty Queen Elizabeth a controversy arose Dispute on death of Ferdinando Earl of Derby. concerning the inheritance of the said islands, castle, pele, and lordship with the appurtenances, between the daughters and coheirs of the said Ferdinando Earl of Derby on the one part and William Earl of Derby, his surviving brother, on the other part; which controversy was by her said Majesty's command referred to the Lord Keeper of the Great Seal and others of her Majesty's Privy Council, together with the Chief Justices of the Courts of Queen's Bench and Common Pleas and the Chief Baron of the Court of Exchequer; and till the said controversy, and certain other doubts which arose on the said letters patent should be determined, the said island, castle, pele, and lordship of Man, with the appurtenances and all other the premises in the said letters patent mentioned, were taken into the hands of her said Majesty, in right of the Crown of England.

And whereas his late Majesty King James the First, by his letters patent under the Great Seal of England, bearing date at Westminster the seventeenth day of March in the Letters Patent, 17 March, 3 Eliz. third year of his reign, did, in consideration of a fine of one hundred and one pounds, fifteen shillings, and eleven pence, paid into the receipt of his said Majesty's exchequer by Sir Thomas Leighe, Knight, and Thomas

Spencer, Esquire, and for other considerations, demise, lease, and to farm-let, to the said Sir Thomas Leighe, knight, and Thomas Spencer, all those houses, sites, circuits, and precincts formerly the monastery and priory of Rushing and Douglas, and the Fryers Minors, commonly called the Grey Fryers of Brymaken, otherwise Bymaken, with all their appurtenances in his Island of Man, and all those his rectories and churches of Kirkchrist in Shelding and Kirklovan, with their appurtenances in his said Island of Man, formerly belonging to the monastery of Rushing aforesaid, and being parcel of the possessions thereof, thentofore usually let at the annual rent of one hundred and one pounds, fifteen shillings, and eleven pence; except, and always reserved to His Majesty, his heirs, and successors, all and all manner of woods, underwoods, wardships, marriages, mines, and quarries belonging to the premises; to be had and holden to the said Sir Thomas Leighe and Thomas Spencer, their executors and assigns, for the term of forty years from the making of the said letters patent, under the said annual rent of one hundred and one pounds, fifteen shillings, and eleven pence, and the several other payments issuing out of the premises, therein particularly mentioned, amounting in the whole to the sum of twenty one pounds seventeen shillings.

And whereas his said late Majesty King James the First, by certain other letters patent under the Great Seal of England, bearing date at Westminster the fourteenth day of Letters Patent, August, in the fifth year of his reign, at the petition of William Earl 14 Aug. 5 Jas. I. of Derby, cousin and heir male of the body of the said Sir John de Stanley deceased, Henry Earl of Huntingdon and Elizabeth his wife, Graye Bridges, Lord Chandoyes and Anne his wife, and Sir John Egerton, Knight, son and heir male apparent of Thomas Lord Ellesmere, then Chancellor of England, and Frances his wife, (which Anne, Frances, and Elizabeth, were the cousins and heirs of the said Sir John de Stanley,) did grant to Henry Earl of Northampton and Robert Earl of Salisbury the said island, castle, pele, and lordship of Man, and all the islands and lordships to the same appertaining, and all and singular the royal regalities, franchises, liberties, and all other the rights, profits and commodities thereunto belonging, in the same letters patent particularly mentioned and contained, (except all those houses, scites, circuits, and precincts formerly the monastery and priory of Rushinge and Douglas, and the Fryers Minors, commonly called the Grey Fryers of Brimaken, otherwise Bymaken, and the rectories and churches of Kirkchriste in Sheldinge and Kirklovan, formerly to the said monastery of Rushinge belonging and appertaining, and parcel of the possessions of the same, with their rights, members, and appurtenances, therein more particularly described,) to be had and holden to the said Henry Earl of Northampton and Robert Earl of Salisbury, their heirs and assigns, of the said king his heirs and successors for ever, by the liege homage and by the service of rendering two falcons in manner and form aforesaid; which said island, castle, pele, and lordship of Man aforesaid, and all the islands and lordships thereunto belonging, and other the premises before mentioned (except as before excepted) were granted or mentioned to be granted by the late King Henry the Fourth to the said Sir John de Stanley by letters patent, bearing date at Westminster the sixth day of April in the seventh year of his reign; and the said King did also grant to the said Henry Earl of Northampton and Robert Earl of Salisbury all and all manner of issues, revenues and profits of the said island, castle, pele and lordship of Man, and all and singular the premises (except as before excepted) which had not been paid to the late Queen or to his then present Majesty without any account to be rendered to His Majesty for the same.

And whereas by indenture enrolled of record, and made or mentioned to be made the eighteenth day of June, in the said seventh year of the reign of his said late Majesty King  
 Indenture James the First, between the said king of the one part and the said Robert  
 18 June, 7 Earl of Salisbury, Lord Treasurer of England, Henry Earl of North-  
 Jas. I. ampton, Keeper of the King's Privy Seal, William Earl of Derby, Henry  
 Earl of Huntingdon and Elizabeth his wife, Graye Bridges, Lord Chandoys, and Anne  
 his wife, and John Egerton, Knight and Frances his wife, of the other part, but not  
 executed or acknowledged of record by the said William Earl of Derby, the said Robert  
 Earl of Salisbury, Henry Earl of Northampton, William Earl of Derby, Henry Earl of  
 Huntingdon and Elizabeth his wife, Graye Bridges, Lord Chandoys and Anne his wife,  
 John Egerton, knight, and Frances his wife, did give, grant, bargain, sell, surrender and  
 confirm, or were mentioned to give, grant, bargain, sell, surrender and confirm to the said  
 king, his heirs and successors for ever, the said island, castle, pele, and lordship of Man,  
 and all the islands and lordships to the same appertaining, and all and singular the royal  
 regalities, franchises, liberties, and all other the rights, profits and commodities thereunto  
 belonging, in the same letters patent, and also in the letters patent herein last before  
 recited particularly mentioned and contained, and all their right, title, state, use, posses-  
 sion, interest, claim and demand whatsoever in the said island, castle, pele, lordship and  
 premises, or in any part thereof, to be had and holden to and for the use of the said king,  
 his heirs and successors forever.

And whereas his said late Majesty King James the First, by certain other letters patent  
 under the Great Seal of England, bearing date at Westminster the twenty-eighth day of  
 Letters Patent June in the seventh year of his reign, did demise, grant, and to farm-lett  
 28 June, to the said Robert Earl of Salisbury and Thomas Earl of Suffolk, the said  
 7 Jas. I. island, castle, pele and lordship of Man, with all their rights, members  
 and appurtenances, and all his islands, lordships, castles, monasteries, abbeys, priories,  
 farms, messuages, lands, tenements and hereditaments whatsoever to the said island of  
 Man appertaining or belonging, or situate, lying, or being in or within the same, with all  
 and singular their rights, members and appurtenances, and all and singular the royal  
 regalities, franchises, liberties, sea-ports, and all things to port reasonably and duly ap-  
 pertaining, lands thentofore overflowed by and then gained from the sea and reduced to  
 dry soil, lands then overflowed by the sea and which thereafter should be gained and  
 reduced to dry soil, homages, fealties, knight's fees, wards, marriages, reliefs, escheats,  
 forfeitures, waifs, goods and chattels of felons, fugitives, persons outlawed, attainted, con-  
 demned and put in exigent; estrays, deodands, villeins and naifs, with their issue; estovers  
 and commons of estovers; courts leet, views of frankpledge, courts baron, courts of admi-  
 ralty, courts of portmote, leets, hundreds, wapenstakes, and the perquisites and profits  
 of courts, views of frankpledge, courts baron, courts of admiralty, courts of portmote and  
 leets, and all that to courts leet, views of frankpledge, courts baron and courts of port-  
 mote belonged or thereafter could or ought to belong; wrecks of the sea, mines of lead  
 and iron, quarries, fairs, fair days, markets, tolls and issues of fairs, free customs, rights,  
 jurisdictions, franchises, privileges, manors, vills, towns, castles, granges, messuages,  
 houses, edifices, mills, barns, stables, dove-houses, orchards, fruiteries, gardens, tofts,  
 cottages, cuttilages, lands, tenements, meadows, feedings, pastures, demesne lands, glebe  
 lands, leasows, wastes, heaths, moors, marshes, ways, void grounds, paths, easements,  
 woods, underwoods, wood lands and trees, and the soil and ground of the said woods,

underwoods and trees; tithes of corn, grain, and hay, wool, flax, hemp, lambs, and a other tithes whatsoever, as well great as small, rectories, advowsons, donations and rights, of patronage of all and singular hospitals, churches, vicarages, chapels, and all other ecclesiastical benefices whatsoever, oblations, obventions, fruits, profits, waters, water-courses, streams, aqueducts, suits, sokes, multures, and also all and singular forests, parks, chases, lawns, warrens, assarts, purprestures, chiminages, piscaries, fishings, rents, pensions, portions, frankfolds, turbaries, pools, fish-ponds, ways, passages, commons, rents, reversions and services, rents charge, rents seck, rents of assize, and rents and services of tenants, as well free as customary, works of tenants, annual farm rents, fee farms, annuities, heriots, fines, amerciaments, tolls, duties, anchorages, groundages, profits, commodities, advantages, emoluments, hereditaments, and appurtenances whatsoever, as well spiritual as temporal, situate, lying, or being, coming, growing, renewing, or arising within the said island, castle, pele, and lordship of Man, or within the sea to the same island contiguous and adjoining, or within any other islands, lordships, peles, castles, farms or lands to the said island of Man appertaining, or to the same or any of them appurtenant, incident, appendant, or belonging, or at any time heretofore had, known, taken, occupied, used, demised, let, or reputed to be members, parts, or parcels of the same, and the patronage of the bishoprick of the said Island of Man, and the patronage of the bishoprick of Sodor, and the patronage of the bishoprick of Sodor and Man, and the temporalities of the said bishopricks whensoever they should happen to be vacant, and the reversion and reversions, remainder and remainders, of all and singular the said islands, castles, peles, lordships, patronages of bishops, rectories, forests, chases, parks, farms, granges, messuages, lands, tenements, and hereditaments whatsoever, and of the rest of the premises therein before demised, and every parcel thereof, dependant and expectant on any gift, demise, or grant, for term of life or lives, or years, or in fee tail or otherwise, of the premises, or any part thereof, however made, or being of record, or not of record, and the rents and profits thereupon reserved; or in any manner incident to the same, or any part thereof (except the said houses, scites, circuits, and precincts, formerly the monastery and priory of Rushing and Douglas, and the fryers minors of Brimaken, otherwise Bymaken, and the rectories and churches of Kirkecrist in Sheldon and Kirkelovan, with their and every of their rights, members, and appurtenances, therein particularly described,) to be had and holden to the said Robert Earl of Salisbury, and Thomas Earl of Suffolk, their executors and assigns, from the Feast of Saint Michael the Archangel then last past, for the term of twenty one years from thence next following, at and under the yearly rent of twenty shillings of lawful money of England.

And whereas his said late Majesty King James the First, by certain other letters patent under the Great Seal of England, bearing date at Westminster the seventh day of July, in the seventh year of his reign, reciting the said letters patent herein last before recited, did give and grant unto the said William Earl of Derby and Elizabeth his wife, and James Stanley Lord Stanley his son and heir apparent, all the said island, castle, pele, and lordship of Man, and all the islands and lordships to the same belonging, and all and singular the royal regalities, franchises, liberties, and all and singular other the premisses in the said therein and herein recited letters patent demised and granted, with all their rights, members, and appurtenances, (except the said houses, scites, circuits, and precincts, and other the premisses in the said therein recited letters patent excepted,) and farther, that

Letters Patent  
7 July,  
7 Jas. I.

the said William Earl of Derby and Elizabeth his wife, and James Stanley Lord Stanley, and the heirs and assigns of the said James, should have, hold, and enjoy, within the said island, castle, pele, and lordship of Man, and other the premisses, such and the like courts leet, profits of courts leet, views of frank pledge, courts of portmote, courts of admiralty, and every thing to all and every the said courts belonging, law days, assize and assay of bread, wine, and beer, waifs, estrays, goods and chattles of felons, fugitives, felons of themselves, clerks convict or attainted, traitors, or of those who being indicted of treason, murder, or felony, refuse to answer to the same according to the law and custom of England, or stand obstinately mute, or refuse to stand to judgement thereupon to be given, or of persons otherwise convicted or condemned, deodands, knights fees, wards, marriages, reliefs, escheats, heriots, forests, chases, free warrens, parks, liberties of parks, wrecks of the sea, anchorage and groundage, and all other rights royal, regalities, jurisdictions, franchises, liberties, customs, privileges, profits, commodities, advantages, emoluments, and hereditaments whatsoever, as well spiritual as temporal, as fully, freely, and intirely, and in as ample manner and form, as Sir William Le Scrope knight, Henry Percye Earl of Northumberland, Sir John Stanley knight, or any of them, or any other person or persons thentofore had held, used, or enjoyed the same, within the said island, castle, pele, and lordship, farms, messuages, lands, and hereditaments, and other the premisses therein before granted, or any part or parcel thereof, by reason or pretence of any charter, gift, grant, confirmation, or letters patent, from any Kings or Queens of England, or of any act or acts of parliament, or of any lawful prescription, usage, or custom, or of any other right or title whatsoever, and as fully, freely, and in as ample manner and form, as his said Majesty, or any of the former Kings or Queens of England, had and enjoyed, or ought to have had, used, and enjoyed, the said island, castle, pele, and lordship of Man, farms, messuages, lands, tenements, and hereditaments, and all and singular other the premisses therein before granted, or any part or parcel thereof, to be had and holden, to and to the use of the said William Earl of Derby and Elizabeth his wife, for and during the natural life and lives of them and the survivor of them, and after their deceases, to and to the use of the said James Stanley Lord Stanley, and his heirs for ever, of his said Majesty, his heirs and successors, for ever, by liege homage, and by the service of rendering to the said king two falcons once only, that is to say, immediately after the said homage done, and of rendering to his said Majesty's heirs, kings of England two falcons on the days of their coronations in lieu of all other services, customs, and demands; and the said king did moreover give and grant to the said William Earl of Derby and Elizabeth his wife, and James Stanley Lord Stanley, his heirs and assigns, all and all manner of rents, arrearages of rent, issues, revenues, and yearly profits of the said island, castle, pele, and lordship of Man, and other the premisses, (except as before excepted) heretofore due and not paid to his late dear sister Elizabeth late Queen of England, or to himself, or to any of his progenitors, to be by them received without any account for the same.

And whereas his said late Majesty King James the First, by certain other letters patent under the Great Seal of England, bearing date at Westminster the second day of May Letters Patent in the eighth year of his reign, did give and grant to the said William 2 May, Earl of Derby and Elizabeth his wife, and the heirs of the said William, 8 James I. all those houses, scites, circuits and precincts, formerly the monastery and priory of Rushing and Douglas, and the fryers minors commonly called the Grey Fryers of

Brymaken, otherwise Bymaken, with all their appurtenances in the said Island of Man, and all those his rectories and churches of Kirkecrist in Shelding and Kirklovan with their appurtenances in the said Island of Man, formerly belonging to the monastery of Rushing aforesaid, and being parcel of the possessions thereof, by a particular thereof extending to the clear annual rent or value of one hundred and one pounds, fifteen shillings, and eleven pence, over and above certain other payments in the said letters patent mentioned issuing thereout, and amounting in the whole to twenty-one pounds, seventeen shillings, and all and singular his monasteries, abbies, granges, lands, tithes, tenements, and hereditaments whatsoever, with all and singular their rights, members, and appurtenances, in the said Island of Man, and all messuages, mills, houses, edifices, buildings, barns, stables, dove-houses, orchards, fruiteries, gardens, lands, tenements, tofts, cottages, pools, fishponds, meadows, feedings, pastures, heaths, moors, marshes, ways, void grounds, roads, paths, easements, woods, underwoods, coppice woods, woodlands, trees, fruits, profits, commodities, streams, banks, rivulets, watercourses, aqueducts, piscaries, fishings, rents, avenues, and services, tithes of corn in sheaf, corn in blade, grain, and hay, and all other tithes whatsoever as well great as small, oblations, obventions, hawkings, huntings, frankfolds, turbaries, suits, sokes, multures, warrens, mines, quarries, rents and services as well of fee as of customary tenants, rent charges, rents seck, and rents and services reserved upon any demises or grants of the premisses, or any parcel thereof, works of tenants, annual farm rents, fee farms, customs, annuities, knights fees, wards, marriages, escheats, reliefs, aids, heriots, fines, amerciaments, courts leet, views of frankpledge, perquisites and profits of courts and leets, and all that to courts leet or view of frankpledge belonged, or thereafter could or ought to belong, waifs, goods and chattels of petty traitors, felons, fugitives, persons outlawed, attainted, condemned, and put in exigent, and of those who being indicted of any petty treason, murder, or felony, shall stand obstinately mute, or will not answer directly and justify themselves according to the law and custom of England, and of all persons convicted or attainted, estrays, deodands, villeins and naifs, with their issue, estovers and commons of estovers, fairs, markets, stallages, tolls, duties, imposts, rights, jurisdictions, franchises, liberties, customs, privileges, profits, commodities, advantages, emoluments, and hereditaments, with all and singular their rights, members, and appurtenances, within the said Island of Man, to the said monasteries and priories of Rushing and Dowglass, and the fryers minors of Brymaken, otherwise Bymaken, and rectories and churches of Kirkecrist in Shelding and Kirklovan, and other the premisses therein before given and granted, or to any parcel thereof, belonging, appertaining, incident, or appendant, and the reversion and reversions of the same expectant on any grant or demise for term of life or lives, or years, or otherwise, whether the same be of record or not of record, and all woods, underwoods, coppice woods, and trees whatsoever, growing and being in and upon the premisses, or any part thereof, and the land, ground, and soil of the same, and all rents and annual profits reserved upon any demise or grant of the premisses, or any part thereof; and also that the said William Earl of Derby and Elizabeth his wife, and the heirs of the said William, should have, hold, and enjoy, all such and the like courts leet, views of frankpledge, law days, assize and assay of bread, wine, and beer, waifs, estrays, chattels of felons, fugitives, and persons put in exigent, deodands, knights fees, wards, marriages, reliefs, escheats, heriots, free warrens, hawkings, huntings, and all other rights, jurisdictions, franchises, liberties, customs, privileges, profits, commodities, advantages, emoluments, and hereditaments whatsoever, and as

fully, freely, and intirely, as any abbot or prior of the said former monastery and priory of Rushing and Dowglas, and the fryers minors of Brymaken, otherwise Bymaken, or any other person or persons heretofore having, possessing, or being seised of the said monastery, priory, fryers minors, rectories, churches, and other the premisses, ever had, held, used, or enjoyed, or ought to have had, held, used, or enjoyed the same, or any part thereof, by reason or pretence of any charter, gift, grant, or confirmation, by his said Majesty, or any of his ancestors Kings or Queens of England, or of any act or acts of parliament, or of any lawful prescription, usage, or custom, or otherwise howsoever by any lawful means, right, or title, and as fully, freely, and intirely, as his said Majesty, or any of his said ancestors, ever had and enjoyed, or ought to have had and enjoyed the same, and in as ample manner and form as the same came, or ought to have come, to the hands of his said Majesty, or any of his said ancestors, by reason or pretence of the dissolution or surrender of any of the said monasteries or priories, or by reason or pretence of any act or acts of parliament, escheats, exchanges, attainders, or forfeitures, or by any other lawful means, right, or title whatsoever; to be had, holden, and enjoyed, to and for the use of the said William Earl of Derby and Elizabeth his wife, and the heirs of the said William, for ever, of his said Majesty, his heirs and successors, as of the manor of East Greenwich in Kent, by fealty only, in free and common soccage, and not in chief, or by knight's service, at and under the yearly rent of one hundred and one pounds, fifteen shillings, and eleven pence, of lawful money of England, to be paid at the receipt of his Majesty's Exchequer at Westminster, at the feast of Saint Michael the Archangel, and the Annunciation of the blessed Virgin Mary, by equal portions, in lieu of all other rents, services, exactions, and demands whatsoever; and it was agreed, that the said William Earl of Derby and Elizabeth his wife, and the heirs of the said William, should yearly and every year pay, or cause to be paid, the several sums therein mentioned, due and issuing out of the premisses, and amounting in the whole to the sum of twenty pounds, seventeen shillings, yearly; and thereof should acquit, discharge, and save harmless, his said Majesty, his heirs and successors.

And whereas by an act of parliament made in the eighth year of the reign of his said late Majesty King James the First, intituled, *An Act for the assuring and establishing*  
 Act, *of the Isle of Man*, in order to continue the said island, castle, pele, and  
 8 James I. lordship of Man, with their rights, members, and appurtenances, in the  
 name and blood of the said William Earl of Derby, it was enacted that the said William Earl of Derby and Elizabeth his wife, for and during their lives, and the longer liver of them, and after their deaths the said James Lord Stanley, and the heirs male of his body lawfully begotten, and after his death without such issue, Robert Stanley, second son of the said Earl, and the heirs male of his body lawfully begotten, and after his death without such issue, the heirs male of the body of the said William Earl of Derby lawfully begotten, and for default of such issue, the right heirs of the said James Lord Stanley, should and might for ever thereafter have, hold, and quietly enjoy, freely and clearly, against his said Majesty, his heirs and successors, (by the tenures, rents, and services therein after mentioned to be reserved,) against Thomas Lord Ellesmere Lord Chancellor of England and Alice Countess of Derby his wife, late the wife of Ferdinando Earl of Derby deceased, and against Henry Earl of Huntingdon and Elizabeth his wife, Gray Lord Chandoy's and Anne his wife, Sir John Egerton, knight, son and heir apparent of the said Thomas Lord Ellesmere and Frances his wife, and the heirs of the said

Elizabeth, Anne, and Frances, who were the only daughters and sole heirs of the said Ferdinando late Earl of Derby, and to whom and their husbands the said William Earl of Derby had paid divers sums of money for their claim, right, and title to the said isle, castle, pele, and lordship of Man, as appeared by their deed, bearing date the fourteenth day of February in the sixth year of his said Majesty's reign, whereby they had agreed to give their consents for the passing of an Act of Parliament, for the giving and extinguishing of such their right, title, and interest, and against the heirs of the said Ferdinando late Earl of Derby, and against Thomas Ireland, Esquire, his executors, administrators, and assigns, all the said isle, castle, pele, and lordship of Man, with the rights, members, and appurtenances, and all the then or late monastery and priory of Rushing and Dowglas, and the fryers minors commonly called the Grey Fryers of Brymaken, otherwise Bymaken, with their rights, members, and appurtenances, and the rectories and churches of Kirkecriste, in Shelding and Kirkelovan, with their appurtenances, and the patronage of the bishoprick or bishopricks aforesaid, and all other the hereditaments whatsoever granted by his said Majesty by his said several letters patent, the one bearing date the seventh day of July in the seventh year of his said Majesty's reign, and the other bearing date the second day of May in the eighth year of his said Majesty's reign, which last mentioned letters patent were made and granted during the then session of Parliament: And it was further enacted, That neither the said Lord Stanley, nor the said Robert Stanley, nor any of the heirs male of their bodies respectively, nor any of the heirs male of the body of the said William Earl of Derby, should have any power to alien, sell, or convey the said isle, castle, pele, and lordship of Man, and other the premisses, or any part of them, from his or their issue, or other persons appointed by the said Act to enjoy the same, but that the same should remain and continue as by the said Act is appointed; and that all gifts, grants, alienations, bargains, sales, conveyances, assurances, and acts done or to be done to the contrary (except as therein is excepted) should be utterly void, and of none effect: And it was further enacted, That neither the said Act, nor any thing therein contained, should extend or be construed to avoid, frustrate, abridge, impair, diminish, or prejudice the state, interest, and term of years of Sir Thomas Leigh, Knight, and Thomas Spencer, Esquire, their executors, administrators, and assigns, of the messuage, lands, tenements, tithes, profits, hereditaments, and other things in the said Isle of Man, granted by the said letters patent, bearing date the seventeenth day of March in the third year of his said Majesty's reign, for the term of forty years; and that they and every of them should and might peaceably and quietly, during the said term, have, hold, occupy, and enjoy, the same, upon such yearly rents, reservations, covenants, provisoes, and agreements, as were mentioned and expressed in the said letters patent; saving to the Archbishop of York and his successors, all metropolitanical jurisdiction in all points, and to all purposes of the bishopricks and diocese of Man in the said Isle of Man, as is given, united, limited, and appointed, to the province and archbishoprick of York, by the said Act of Parliament made in the three and thirtieth year of the reign of the said King Henry the Eighth.

And whereas his late Majesty King Charles the Second by his letters patent bearing date at Westminster, the twelfth day of February in the nineteenth year of his reign, did Letters Patent, give and grant unto Charles Earl of Derby (son and heir of the said  
 12 Feb. James Lord Stanley afterwards Earl of Derby deceased) all and all  
 19 Chas. II. manner of mines royal of gold or silver, or holding gold or silver to such



a proportion as, according to the laws of England, doth make the same a mine royal, situate, lying, and being in the Isle of Man, whether the same be opened or not opened; to be had and holded unto the said Charles Earl of Derby, and to the heirs male of his body lawfully begotten, at and under the yearly rent and payment therein contained and expressed; which said grant, upon the failure of heirs male of the body of the said Charles Earl of Derby, by the death of James late Earl of Derby, which happened on or about the first day of February, in the year of our Lord One thousand seven hundred and thirty-five, expired, and the right of the said mines royal revested in his then Majesty King George the Second, his heirs and successors.

And whereas in and by one other Act of Parliament, made in the twelfth year of the reign of his late Majesty King George the First, intituled, *An Act for the improvement Act, of his Majesty's revenues of custom, excise, and inland duties*, after 12 Geo. I. laying several restrictions upon the fraudulent trade then carried on between Great Britain and the said Isle of Man, it was (for the better enabling his Majesty to prevent the said frauds and abuses) enacted, That it should and might be lawful to and for the Commissioners of his Majesty's Treasury then or for the time being, or any three or more of them, or the Lord High Treasurer for the time being, on the behalf of his Majesty, his heirs and successors, and also to and for the Right Honourable James Earl of Derby, his tenants, or assigns, the Right Honourable John Lord Ashburnham for and on behalf of his daughter Henrietta Bridget Ashburnham an infant, Bryan Fairfax, Esquire, trustee for the said infant, or the survivor of them, and all or any other person or persons claiming or to claim by, from, or under the said Earl, or any of his ancestors, to treat, contract, and agree for the absolute purchase or sale, release or surrender to or for the use of his Majesty, his heirs and successors, of all or any estates right, title, or interest, which he the said Earl, his tenants, the said Henrietta Bridget Ashburnham, or such other persons then had or claimed, or could or might have or claim in or to the said island or lordship of Man, or in or to all or any regalities, powers, honours, superiorities, jurisdictions, rights, privileges, duties, customs, revenues, profits, or other advantages whatsoever, in, over, or about the said Island of Man, or its dependencies, for such sum or sums of money, or upon such other terms or conditions, as they should think fitting; and that upon the executing of such contracts or agreements by or on the behalf of the said Earl, his tenants, the said Henrietta Bridget Ashburnham, or such other person or persons claiming or to claim under him, or any of his ancestors as aforesaid, or upon executing such other conveyances, assignments, releases, or surrenders, as in such contract or contracts should be agreed on for that purpose, it should and might be lawful to and for the said Commissioners of the Treasury then or for the time being, or any three or more of them, or the Lord High Treasurer for the time being, and they were thereby empowered, by and out of all monies arisen or to arise to his Majesty, his heirs, or successors, of or for any customs, subsidies, impositions, or other duties, upon the importation or exportation of any goods or merchandizes whatsoever, already granted or payable, or thereafter to be granted or payable to his Majesty, his heirs, or successors, in Great Britain, Wales, or Berwick upon Tweed, to order and direct the payment of such sum or sums of money, from time to time, as should be so contracted or agreed on for such purchase or purchases, to such person or persons as, according to the terms of such contracts or agreements, should be intituled to have and receive the same.

And whereas the most noble James late Duke of Atholl, as right heir of the said James Lord Stanley, on failure of heirs male of the body of the said William Earl of Derby by Title of Duke the death of the said James late Earl of Derby, became seised to him of Atholl. and his heirs of the said island, castle, pele, and lordship of Man, and all other the premisses aforesaid, except the mines royal so revested in the Crown as aforesaid; and by a certain Indenture or Deed of Feoffment, with livery of seisin therein Feoffment, indorsed, bearing date the fourteenth day of November in the year of 14 Nov. 1737. our Lord One thousand seven hundred and thirty-seven, and made, or mentioned to be made, between the said late Duke of Atholl of the one part, the Right Honourable John late Earl of Dunmore, and the Right Honourable William now Lord Mansfield, by the name and description of the Honourable William Murray of Lincoln's Inn, London, Esquire, and John Murray of the city of Edinburgh, Esquire, (since deceased) of the other part, the said James Duke of Atholl did grant, bargain, sell, alien, enfeoff, and confirm unto the said John Earl of Dunmore, and William now Lord Mansfield, and John Murray, all the said island, castle, pele, and lordship of Man, and all other the premisses therein and herein more particularly mentioned and described, except as before excepted; to be had and holden to the said John Earl of Dunmore, William now Lord Mansfield, and John Murray, their heirs and assigns for ever, upon the trusts, and to and for the intents and purposes therein mentioned and declared, of and concerning the same; in which said Indenture or Deed of Enfeoffment a power was reserved to the said James Duke of Atholl, by any deed or deeds, or by his last will and testament, executed and attested as is therein mentioned, to revoke and make void all and every or any of the said trusts, directions, declarations, and agreements, and to declare, limit, or appoint, any farther, other, or different trusts, uses, or directions thereof, or of so much thereof as should be so revoked and made void, with or without power of revocation, as to the said Duke should seem proper.

And whereas by Indenture bearing date the fourth day of May, One thousand seven hundred and forty-eight, and expressed to be made between the same parties as are Indenture, parties to the last recited Indenture, the said James Duke of Atholl, in 4 May, 1748. pursuance of the powers in him vested, did revoke and make void all and every the said trusts, directions, declarations, and agreements, contained in the said recited Indenture or Deed of Feoffment of the fourteenth day of November, One thousand seven hundred and thirty-seven, of and concerning the said island, castle, pele, and lordship of Man, and all other the premisses; and did direct, limit, and appoint that the said John Earl of Dunmore, William now Lord Mansfield, and John Murray, and their heirs and assigns, should stand seised of the premisses upon such other trusts, and to and for such intents and purposes, as therein are mentioned and declared of and concerning the same; in which said Indenture was also reserved to the said Duke of Atholl, a like power of revocation, with authority to declare, limit, or appoint, any farther, other, or different trusts or directions of the same, or any part thereof, with or without power of revocation, as to him should seem proper.

And whereas by one other Indenture or Deed of Feoffment, with Livery of Seisin thereon indorsed, bearing date the sixth day of April. in the year of our Lord One Feoffment, thousand seven hundred and fifty-six, and made, or mentioned to be made, 6 April, 1756. between the said James Duke of Atholl of the first part; the said William now Lord Mansfield, by the name and description of the Honourable William Murray of

Lincoln's Inn in the county of Middlesex, Esquire, his Majesty's Attorney General, of the second part; and the Most Noble Archibald late Duke of Argyle, the Right Honourable David Lord Viscount Stormont, and John Sharpe of Lincoln's Inn in the county of Middlesex, Esquire, since deceased, of the third part; reciting (amongst other recitals therein contained) that proposals had, from time to time, been made to the said James Duke of Atholl on the part of the King's Majesty that then was, in order to purchase of the said Duke of Atholl the said Isle and territories of Man, and other the hereditaments and premisses therein mentioned; and that the said Duke, though reluctant to alien so honourable a Principality from his family, had always been ready to submit to his Majesty's will and pleasure therein, who had never proposed to purchase but upon paying a full and adequate consideration for the same: but that it was uncertain whether any such sale would be made of the said Isle, hereditaments, and premisses, in the life-time of the said Duke of Atholl; and that therefore he the said Duke was minded and desirous that the same should be settled, assured, and conveyed, upon such trusts, and to and for such intents and purposes, as therein and herein after are expressed; the said James Duke of Atholl, in pursuance of the powers reserved to him by the said last-mentioned Indenture, and of all other powers to him given in that behalf, did revoke and make void all and every the trusts, declarations, and agreements, in the said Indenture contained concerning the said Isle, castle, pele, lordship, and territories of Man, and all other the premisses as aforesaid; and further, the said James Duke of Atholl, and also the said William now Lord Mansfield, by the direction and appointment of the said Duke, did grant, bargain, sell, alien, eufeoff, and confirm, unto the said Archibald Duke of Argyle, David Lord Viscount of Stormont, and John Sharpe, Esquire, the said Isle, castle, pele, lordship, and territories of Man, with the rights, royalties, members, dependencies, jurisdictions, and appurtenances thereof, or thereunto belonging, and all and singular other the hereditaments and premisses aforesaid, to be had and holden unto the said Archibald Duke of Argyle, David Lord Viscount of Stormont, and John Sharpe, their heirs and assigns, for ever, of our Sovereign Lord the King, his heirs and successors, by the rents, tenures, suits, and services, by which the said James Duke of Atholl, and William now Lord Mansfield, or either of them, then held the same; upon trust (among other things) after the decease of the said James Duke of Atholl, that they the said Archibald Duke of Argyle, David Lord Viscount of Stormont, and John Sharpe, and the survivors of them, their nominees and assigns, should, at any time thereafter, with the consent and approbation of the person and persons who, after the death of the said James Duke of Atholl, should, by virtue of the trusts therein expressed, be, from time to time, intitled to the actual receipt of the rents, revenues, and profits of the said Isle and premisses (such person and persons being then of the age of twenty-one years,) sell and convey, or release and surrender, the said Isle, castle, pele, lordship, and territories of Man, and other the trusted premisses (whereof no appointment should have been made by the said John Duke of Atholl in his life-time, pursuant to a power to him therein reserved and mentioned,) unto the King's Majesty, his heirs, or successors, for such price in ready money as they could reasonably get, and should judge to be a proper equivalent and adequate consideration for the same; and should, with such consent and approbation as aforesaid, lay out and invest the money to arise by the sale and disposition thereof, in the purchase of lands of inheritance in that part of Great Britain called Scotland; and after such purchase or purchases made, should convey, settle, and intail, the lands so to be pur-

chased, with all the proper prohibitive, irritant, and resolute clauses, so as the same might be effectually limited, and unalienably intailed, as far as the rules of the law of Scotland would permit, to, upon, and for, such persons, uses, intents, and purposes, as are therein declared concerning the same, that is to say, to the heirs male of the body of the said James Duke of Atholl, remainder to the heirs female of the body of the said James Duke of Atholl (the eldest heir female always succeeding without division, and excluding heirs portioners,) remainder to the Most Noble John now Duke of Atholl, by the name and description of John Murray, of Strowan in Scotland, Esquire, nephew of the said James Duke of Atholl, and husband of the Right Honourable the Lady Charlotte Murray, the only daughter then living of the said James Duke of Atholl (now Duchess of Atholl and Baroness Strange,) and the heirs male of his body, with like remainders to James and George Murray, Esquires, brothers of the said John now Duke of Atholl, successively, and the heirs male of their respective bodies, with divers other remainders over in tail male, remainder to the heirs and assigns of the said James Duke of Atholl whatsoever, with power to the trustees, (with the consent of the person or persons who would have been intitled to the receipt of the rents and profits of the premisses, in case there had been no sale,) to place out the money arising by such sale on real securities in Scotland, or in any other part of Great Britain, or in the purchase of stocks in the publick companies, or in the publick funds, or upon government securities, and to call in and place out the same again upon new or other securities of the like nature, the yearly interest and dividends whereof should be paid to such person or persons as, for the time being, would be intitled to be in the actual receipt of the rents and profits of the lands thereby directed to be purchased in Scotland, in case the same had been so purchased, settled, and intailed, as aforesaid; and with power also to the surviving trustees, in case of the death of any of them, to re-enfeoff other trustees to the same uses; and likewise with power to the said James Duke of Atholl, by deed or will to be by him executed, and attested as therein mentioned, to revoke or alter all or any the uses and trusts therein expressed, of or concerning the premisses, or any part thereof, and to limit and appoint any new and further uses and directions thereof, as to him should seem meet.

And whereas by a certain other Indenture or Deed of Feoffment, with Livery and Seisin thereon endorsed, bearing date on or about the twenty-first day of November, Feoffment. which was in the year of our Lord One thousand seven hundred and sixty-21 Nov. 1761. one, and made, or mentioned to be made, between the said James Duke of Atholl of the first part, the said David Lord Viscount Stormont of the second part, the said John now Duke of Atholl of the third part, John Wood, Esquire, Governor and Commander in Chief of the said Isle of Man of the fourth part, Sir Charles Frederick, Knight of the most honourable Order of the Bath, and Edmund Hoskins of Lincoln's Inn, in the county of Middlesex, Esquire, of the fifth part, and the Right Honourable George Earl of Aberdeen of the sixth part, reciting, that the said Archibald Duke of Argyle and John Sharpe, were both dead, and that several proposals had been made to the said James Duke of Atholl for the purchase of the several rectories, impropriations, and tythes, within the said Isle, part of the trusted premisses; and that to facilitate the sale thereof, he was determined to revoke all the trusts of the said rectories, impropriations, and tythes, declared by the last recited Indenture or Deed of Feoffment; and further reciting, that the said David Lord Viscount Stormont had, with the privity and approbation of the said James Duke of Atholl, nominated the said Sir Charles Frederick

and Edmund Hoskins, to supply the place of the said Archibald Duke of Argyle and John Sharpe, in the execution of such of the trusts in the said last recited Indenture as were not revoked, or intended so to be by the said Indenture, he the said James Duke of Atholl did revoke, determine, and make void all the trusts before declared concerning the said rectories, impropriations, and tythes; and the said James Duke of Atholl, and the said David Lord Viscount Stormont, by his direction and appointment, did grant and enfeoff the same to the said John now Duke of Atholl, upon the trusts therein mentioned: and as concerning the said Isle, lordship, and territory of Man, and all other the premisses (other than the said rectories, impropriations, and tythes) the said James Duke of Atholl, and the said David Lord Viscount Stormont by his direction and appointment, did grant and enfeoff the same to the said John Wood, his heirs and assigns, to the intent that he and they should re-enfeoff the same to the said David Lord Viscount Stormont, Sir Charles Frederick, and Edmund Hoskins, their heirs and assigns, upon the trusts, and for the intents and purposes, and under the limitations in the said last recited Indenture or Deed of Feoffment, of the sixth day of April, One thousand seven hundred and fifty-six, declared concerning the same; in which said Indenture was also contained a further power of revocation.

And whereas the said John Wood did, by a certain Deed Poll by him duly executed, bearing date the eighth day of July, One thousand seven hundred and sixty-two, Deed Poll, re-enfeoff accordingly the said Isle, castle, pele, and lordship, and other 8 July, 1762. the premisses last mentioned, unto the said David Lord Viscount Stormont, Sir Charles Frederick, and Edmund Hoskins, and their heirs.

And whereas the said James Duke of Atholl departed this life on or about the eighth day of January, in the year One thousand seven hundred and sixty-four, without Title of John Duke and Charlotte Duchess of Atholl. revoking or altering the said last recited Indenture of Feoffment, leaving the said Charlotte Duchess of Atholl and Baroness Strange, his daughter and only child; and thereupon they the said now Duke and Duchess of Atholl became intitled to the said Isle, castle, pele, and territories of Man, and other the hereditaments and premisses (the said rectories, impropriations, and tythes excepted,) under and by virtue of the said recited Indentures of Feoffment, and according to the estate and interest thereby limited to them respectively therein.

And whereas a treaty having been set on foot between the Right honourable the Commissioners of his Majesty's Treasury and the said John Duke of Atholl, and Charlotte Duchess of Atholl and Baroness Strange, his wife, for the sale of their sale of Island. estate and interest in the said Island and premisses, or such part thereof as should be found expedient to vest in his Majesty for the public service, they the said Duke and Duchess did, in their Letter bearing date the twenty-seventh day of February, Letter, One thousand seven hundred and sixty-five, and addressed to their 27 Feb. 1765. Lordships, inclose an abstract of the clear revenue of the Isle of Man for ten years, from the year One thousand seven hundred and fifty-four, to the year One thousand seven hundred and sixty-three, both inclusive, (a copy whereof is contained in the schedule annexed to this Act,) and did declare that they were ready, if it should be deemed necessary for the public service, to part with all their rights held under the several grants of the Isle of Man; but apprehended, that the reservation of their landed revenue, together with the patronage of the bishoprick, and other ecclesiastical benefices

in the Island, could not interfere with the interest of the publick; and presumed, there could be no objection to their preserving the honourable distinction and service which their ancestors had so long enjoyed, and by which they held their rights in this Island, of presenting the two falcons at the coronation; and notwithstanding the difficulty of proposing a proper compensation, (which might expose them to the imputation of making an unreasonable demand on the one hand, and of not doing sufficient justice to their family on the other,) yet, as the circumstances of the case had made it necessary, they did therefore hope, that neither his Majesty, nor the Parliament, would think the clear sum of seventy thousand pounds too great a price to be paid them, in full compensation for the absolute surrender of the Isle, castle, and pele of Man, and all rights, jurisdictions, and interests, in or over the said Island, and all its dependencies, holden under the several grants thereof, or under any other title whatsoever, reserving only their landed property, with all their rights in and over the soil as Lords of the Manor, with all courts baron, rents, services, and other incidents to such courts belonging, their wastes, commons, and other lands, inland waters, fisheries, and mills, and all mines, minerals, and quarries, according to their present rights therein, felons' goods, deodands, waifs, estrays, and wrecks at sea, together with the patronage of the bishoprick, and of the other ecclesiastical benefices in the said Island, to which they were then entitled, to be holden of the Crown by the honorable service above mentioned.

And whereas by a certain contract or agreement in writing, bearing date the seventh day of March, in the year of our Lord one thousand seven hundred and sixty-five, and Contract of duly executed under the hands and seals of four of the Commissioners of 7 March, 1765 his Majesty's Treasury of the one part, and the said Duke and Duchess of Atholl, Sir Charles Frederick, and Edmund Hoskins of the other part, the said Commissioners of the Treasury contracted and agreed with the said Duke and Duchess of Atholl, and the said Sir Charles Frederick and Edmund Hoskins their trustees, for the absolute purchase of the said Island of Man, with its dependencies, except as therein is excepted, for the said price or sum of seventy thousand pounds of lawful money of Great Britain, to be paid in the manner and at the time therein mentioned; and whereas the said David, Lord Viscount Stormont is now resident at Vienna, in the character of his Majesty's ambassador extraordinary at that court.

And whereas the said contract and agreement cannot be effectually established and carried into execution without the authority of Parliament.

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons, in this present Parliament assembled, and by the authority of the same, That from and immediately after the payment into the

Bank of England by his Majesty, his heirs or successors, in the names of  
 by his Majesty the said John Duke of Atholl and Charlotte Duchess of Atholl his wife,  
 into the Bank of £70,000 on Baroness Strange, Sir Charles Frederick, and Edmund Hoskins, or the  
 or before 1st survivors or survivor of them, of the sum of seventy thousand pounds of  
 June, 1765, lawful money of Great Britain, free and clear of all taxes, impositions,  
 in the names fees, rewards, and other deductions whatsoever, on or before the first day  
 of the Duke of June, in the year of our Lord one thousand seven hundred and sixty-  
 and Duchess five, (to be by them the said John Duke of Atholl and Charlotte his wife  
 of Atholl, Sir Baroness Strange, Sir Charles Frederick, and Edmund Hoskins, or the  
 C. Frederick, and Edmund survivors or survivor of them, and the executors and administrators of  
 Hoskins, such survivor, paid, applied, and disposed of for the uses, intents, and purposes,  
 expressed and contained in the said indenture or deed of feoffment, bearing date

the sixth day of April, one thousand seven hundred and fifty-six,) the said island, castle, the Isle of Man, and the islands, &c., thereunto appertaining, &c. pele, and lordship of Man, and all the islands and lordships to the said Island of Man appertaining, together with the royalties, regalities, franchises, liberties, and sea ports to the same belonging, and all other the hereditaments and premises comprised, mentioned, and granted in the said letters patent, bearing date respectively the sixth day of April in the seventh year of the reign of King Henry the Fourth, the twenty-eighth day of June in the seventh year of the reign of King James the First, and the second day of May in the eighth year of the reign of the same King James the First, and the said statute or Act of Parliament made in the said eighth year of the reign of the same King James the First, and every or any of them, (except as hereinafter is excepted,) shall be and they are hereby unalienably vested in his Majesty, his heirs and successors, freed and discharged and absolutely acquitted, exempted, and indemnified of, from, and against all estates, uses, trusts, intails, reversions, remainders, limitations, charges, incumbrances, titles, claims, and demands whatsoever, from, by, or under the said letters patent and Act of Parliament and every or any of them, or from, by, or under any other means, right, or title whatsoever, as fully, freely, and intirely as if the said letters patent and Act of Parliament, and the estates, interests, hereditaments, and premises therein, or in any of them comprized, mentioned, and granted, were herein again transcribed and repeated.

II. And be it further enacted by the authority aforesaid, That the receipt or receipts of the proper clerk or cashier, clerks or cashiers, of the Governor and Company of the Bank of England, under his or their hand or hands respectively, testifying the payment of the said sum of seventy thousand pounds, or any part thereof, by the said Commissioners of the Treasury, or such person or persons as they or any three of them shall order and direct to pay the same into the said Bank of England, in the names of the said Duke and Duchess of Atholl, Sir Charles Frederick, and Edmund Hoskins, or the survivors or survivor of them, shall be a sufficient discharge to his Majesty, his heirs and successors, of and for the said sum of seventy thousand pounds, or so much thereof as such receipt or receipts shall be given for; and that his Majesty, his heirs and successors, upon and after such receipt or receipts given as aforesaid, shall be absolutely acquitted and discharged of and from the said monies, notwithstanding any subsequent loss, non-application, or misapplication of the same or any part thereof.

III. Provided always, That the lands which shall be purchased with the said sum of seventy thousand pounds, or any part thereof, pursuant to the trusts, intents, and purposes expressed and contained in the said indenture or deed of feoffment, bearing date the sixth day of April, one thousand seven hundred and fifty-six, and till such purchase shall be made, the said sum of seventy thousand pounds, or such part thereof as shall not be so invested in the purchase of lands as aforesaid, shall be and continue subject to such and the same estates, interests, rights, titles, claims, and demands, and no other, as any person or persons, bodies politick and corporate, had and enjoyed at the time of the passing of this Act, of, in, to, or out of the said island, castle, pele, and lordship of Man, or any other the hereditaments and premisses hereby vested in his Majesty, or could or ought to have had or enjoyed in case this Act had never been made.

IV. Provided also, and it is hereby further declared and enacted by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to vest in his Majesty, his heirs or successors, the patronage of the bishoprick of the said Island of Man, or of the bishoprick of Soder, or of the bishoprick of

Reservation of patronage and other rights not vested in the Crown ; Soder and Man, or the temporalities of the said bishoprick or bishopricks, whenever it or they shall become vacant, or the right of advowson, patronage, presentation, collation, donation, nomination, or free disposition of or to any archdeaconries, canonries, prebends, colleges, hospitals, churches, chapels, rectories, vicarages, or other ecclesiastical benefices or promotions whatsoever, within the said island, lordship, and territory of

Man, or the dependencies thereof, or any hundreds, wapentakes, manors, towns, vills, churches, monasteries, abbies, priories, or the scites, circuits, or precincts thereof, farms, messuages, houses, granges, tofts, cottages, curtilages, barns, stables, mills, dove-houses, orchards, fruteries, gardens, lands, demesne lands, glebe lands, meadows, leasows, feedings, pastures, woodlands, woods, underwoods, coppices, trees, or the soil or ground thereof, wastes, void grounds, roads, paths, heaths, furzes, moors, marshes, mines of lead or iron or other base metals, collieries, quarries, inland waters, pools, fish-ponds, watercourses, streams, rivulets, aqueducts, rents, arrearages of rent, rent services, rent charges, rents seck, rents reserved, annual farm rents, fee farm rents, rents of assize, annuities, herriots, services or works of tenants, either free or customary, rectories, tythes, or impropriations of tythes, either great or small, predial, personal, or mixed, portions of tythes, pensions, oblations, obventions, commons, frankfolds, estovers, commons of estovers, turbaries, ways, passages, easements, forests, parks, liberties of parks, chases, lawns, warrens, assarts, purprestures, chiminages, hawkings, huntings, piscaries, fishings, fairs, fair days, markets, stallages, tolls, multures, waifs, estrays, deodands, wrecks of the sea, assize or assay of bread, wine, or beer, fealties, reliefs, escheats, forfeitures, goods and chattles of traitors, felons, clerks convict, fugitives, persons convicted, attainted, condemned, outlawed, put in exigent, or standing mute, suits of tenants, courts baron, profits or perquisites of courts baron, fines, amerciaments, or any thing to courts baron appertaining, or any profits, commodities, advantages, emoluments, or appurtenances, spiritual or temporal, to the said reserved and excepted premisses, or any of them, belonging, incident, appendant, or in any wise appertaining, or any interest therein in possession, remainder, or reversion, within the said Island of Man, or any of the islands and dependencies to the same belonging ; but that the same, and every part thereof, shall stand and be fully and clearly excepted and reserved out of this Act, and all and every the provisions herein contained ; and shall be, remain, and continue, vested in such and the same person and persons, for such and the same estate and estates, and to and for such and the same uses, intents, and purposes, as if this Act had never been

But to be held made; and shall be holden of his Majesty, his heirs and successors, by usual honorary service, and yearly Rent of £101 15s 11d. the said honorary service of rendering to his Majesty's heirs and successors, Kings and Queens of England, two falcons on the days of their respective coronations ; and at and under the said yearly rent of One hundred and one pounds, fifteen shillings, and eleven pence, to be paid at the receipt of his Majesty's exchequer at Westminster, in manner and form aforesaid.

V. And be it further enacted by the authority aforesaid, That this Act shall be deemed, Publick Act. adjudged, and taken to be a publick Act ; and shall be judicially taken notice of as such, by all judges, justices, and all other persons whatsoever.



## THE SCHEDULE MENTIONED AND REFERRED TO IN THIS ACT.

Abstract of the Clear Revenue of the Isle of Man for ten Years from the Year 1754 to the Year 1763, both inclusive.

Years.	Land Revenue, Clear Amount.	Clear Revenue of the Customs for Imports.	Clear Revenue of the Customs for Herrings.	Felons' Goods, Waifs & Strays, Forfeitures, Per- quisites of Chan- cery, Wrecks at Sea, Seizures, Fines and Per- quisites out of the Spiritual Court, Freedoms of Aliens, &c.	Clear Revenue of the Impropriated Tythes.	Clear Revenue of the Abbey Temporalties.	The Income of Lands in the hands of the Lord of the Isle including the Rent of Calf Lale	Total.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1754	1376 9 9½	5944 7 2½	153 14 2	28 6 2½	179 18 8	121 15 0	101 6 6½	7905 17 7
1755	1389 13 2	4968 1 5½	167 1 8	46 7 0	185 17 9	121 15 0	98 2 2	6967 18 2½
1756	1405 16 0	4749 1 10	147 9 2	75 9 3	187 14 6	121 15 0	97 18 8	6785 4 5
1757	1424 19 9½	5233 17 0½	136 4 8	103 3 5	147 5 0	121 15 0	102 15 11	7270 0 10½
1758	1395 16 4	5180 2 3½	141 15 10	44 13 1½	186 17 2	121 15 0	99 6 8	7170 6 5
1759	1396 7 0	8082 18 0	125 19 2	68 19 1	187 15 0	121 15 0	107 19 1	10091 12 4
1760	1439 17 0½	7093 12 2½	121 19 2	406 17 9½	287 13 1	121 15 0	135 4 2	9606 18 5½
1761	1376 0 11½	9544 2 11½	92 4 2	37 16 9	318 1 6½	121 15 0	106 8 9	11596 10 1½
1762	1375 6 5	6391 6 10	90 19 2	81 7 9½	317 15 4	121 15 0	107 8 9	8486 9 3½
1763	1409 17 6½	7029 7 0½	81 1 8	149 2 10½	306 2 4	121 15 0	107 8 9	9204 8 9½
	13981 4 1	64217 0 5½	1258 8 10	1042 3 3½	2305 0 4½	1217 10 0	1063 19 5½	85085 6 6½

The whole Revenue of the Isle for ten years is £85085 6s. 6½d. Manks. £7 Manks makes £6 British. So the Revenue for ten years is in British money £72930 5s. 7d., which at a medium of years is £7293 0s. 6½d. per annum.

As to the declaration contained in the preamble of the Act, that by virtue of Act of Parliament 27 Henry VIII. the religious houses in the Island were dissolved and vested in the King, see notes on § 20, where it is shown that such dissolution and vesting did not take place by virtue of that Act.

As to the declaration also contained in the preamble with respect to the title of Duke John and his wife the Duchess Charlotte, see notes on § 26, where it is shown that such title is incorrectly stated.

By the following proclamation it appears that the consideration money of £70,000 was paid into the Bank of England on the 17 May, 1765, on which day, being in the second year of her reign, the Duchess Charlotte ceased to reign as Lady of Man, and the direct reign of George III. commenced.

The following proclamation under the Great Seal of England, dated the 21 June, 1765, was issued by the King on taking possession of the Isle. (*Original in Rolls Office.*)

By the King,

A Proclamation for continuing officers in the Isle of Man.

George R.—Whereas by an Act made the last session of Parliament, intituled, *An Act for carrying into execution a contract made, pursuant to the Act of Parliament of the twelfth of his late Majesty King George the First, between the Commissioners of his Majesty's Treasury and the Duke and Duchess of Atholl the proprietors of the Isle of Man, and their trustees, for the purchase of the said Island and its dependencies, under certain exceptions therein particularly mentioned*, it is enacted, "That from and immediately after the payment into the Bank of England, by us, our heirs or successors, in the names of John Duke of Atholl, and Charlotte Duchess of Atholl his wife, Baroness Strange, Sir Charles Frederick, knight of the most honourable order of the Bath, and Edmund Hoskins, Esquire, or the survivors or survivor of them, of the sum of Seventy thousand pounds, on or before the first day of June, in the year of our Lord One thousand seven hundred and sixty-five, the Island, castle, pele, and lordship of Man, and all the islands and lordships to the said Island of Man appertaining, together with the royalties, regalities, franchises, liberties, and sea ports to the same belonging, and all other hereditaments and premises, therein particularly described and mentioned, (except as therein is excepted,) should be and they were thereby unalienably vested in us, our heirs and successors, freed and discharged, and absolutely acquitted, exempted, and indemnified, of, from, and against all estates, uses, trusts, entails, reversions, remainders, limitations, charges, incumbrances, titles, claims, and demands whatsoever: And whereas we have caused to be paid into the said Bank of England, in the names of the said Duke and Duchess of Atholl, Sir Charles Frederick, and Edmund Hoskins, the said sum of Seventy thousand pounds, on the seventeenth day of May last past, whereby, and by virtue of the said Act of Parliament, the immediate care of our said Island, and of our loving subjects therein, is now devolved upon us: And whereas by our commission, bearing even date with these presents, we have constituted and appointed our trusty and well

beloved John Wood, Esquire, to be our Governor in chief and Captain-General, in and over our said Island, castle, pele, and lordship of Man, and all the islands, forts, castles, and lordships thereunto appertaining: We, being desirous to provide for the due and regular administration of justice within our said Island of Man, and the territories and dependencies to the same appertaining, and to secure the peace and good order thereof, and to promote, to the utmost of our power, the happiness and prosperity of all our loving subjects residing within the same, have thought fit, with the advice of our Privy Council, to issue this our royal proclamation, hereby strictly commanding and requiring all manner of persons whatsoever, to pay due regard and obedience to the said Act of Parliament, and our said royal commission, and cheerfully and dutifully to submit themselves to our said Governor so appointed by us as aforesaid, and to be aiding and assisting to him and all other our magistrates and officers, in the lawful discharge of the authorities to them committed and intrusted, as they will answer the contrary at their perils. And our will and pleasure is that all officers and ministers who now are, or at the time of the publication of this our royal proclamation within our Island of Man, shall be concerned in the administration of justice within our island aforesaid, and particularly our Clerk of the Rolls, Attorney-General, and two Deemsters, and all other persons whatsoever, who at the time aforesaid are or shall be duly and lawfully possessed of or invested in any civil employment, (except only the officers appointed and employed by the late proprietors of our Island of Man, in collecting and receiving the revenues arising within our said Island, and the territories and dependencies of the same,) shall from henceforth hold their respective offices, places, and employments, of, from, and under us, our heirs and successors, and shall continue in the exercise thereof, and shall enjoy the same, with such salaries, fees, profits, and emoluments as have hitherto belonged to the same respectively, until our royal pleasure in this behalf shall be further known: And we do strictly command and enjoin all and every the said persons, of whatsoever rank, condition, or degree, to proceed in the execution of their said respective offices, and to perform all duties thereunto belonging, upon pain of our highest displeasure: And we do further charge and command all and every our said magistrates, officers, and ministers, and all persons whatsoever, who shall hold any office, place, or employment, ecclesiastical, civil, or military, within our said Island of Man, and the territories and dependencies of the same, that within the space of one calendar month from and after the publication of this our proclamation within our said Island, they do take the oaths appointed to be taken by an Act of Parliament passed in the first year of the reign of his late Majesty King George the First, intituled, *An Act for the further security of his Majesty's person and government, and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants: and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors*; and also make and subscribe the declaration mentioned in an Act of Parliament made in the twenty-fifth year of the reign of King Charles the Second, intituled, *An Act for preventing dangers which may happen from Popish recusants*, in the presence of our said Governor, his Lieutenant or Deputy, or in the superior Court or Courts of Record in our said Island, upon pain of our highest displeasure, and as they will answer the contrary at their utmost perils: And our will and pleasure further is that all jurisdictions and authorities whatsoever which were heretofore carried on and exercised in the name of the Lord of our said Island of Man for the time being, or of any other person or persons whatsoever, which are now vested in us, our

heirs and successors, by virtue of the said Act of Parliament, shall be henceforth carried on and exercised in the name of us, our heirs and successors, only: And that all writs, precepts, processes, orders, injunctions, and all other forms of law and justice, and all acts of state and policy for the due ordering and government of our said Island, and the territories and dependencies thereunto belonging, shall be issued and executed in the name and by the authority of us, our heirs and successors, or of our Governor, or Lieutenant or Deputy-Governor, for the time being appointed by us, our heirs and successors, and in no other name and by no other authority whatsoever: And we do hereby strictly command and enjoin our said Governor and all other our magistrates and officers within our said Island, and the territories and dependencies to the same belonging, to see this our royal proclamation duly carried into execution, and to cause the same to be publickly read in all the principal towns of the said Island, between the hours of eleven in the morning and two in the afternoon; and printed copies thereof to be affixed in the most publick places of the same, and to be distributed to all ministers of churches, chapels, and other places of religious worship within our said Island, and the territories and dependencies thereunto belonging: And we do hereby lastly charge and command all ministers of churches, chapels, and other places of religious worship aforesaid, publickly to read this our royal proclamation therein, on the next Lord's day after they shall receive the same, during the time of divine service, immediately before the homily or sermon, upon pain of our highest displeasure.

Given at our court at St. James's, the twenty-first day of June, 1765, in the fifth year of our reign.

God save the King.

(L.S.)

On the 28th June, 1765, the Governor John Wood, Esquire, issued the following order to the clergy, to give notice that the royal proclamation would be read at Castletown on the 11th July following. (*Liber Scaccar.* 1765.)

Whereas the immediate care of this Island and the inhabitants therein hath by an Act passed the last session of Parliament devolved upon his most sacred Majesty: And whereas his Majesty hath, by his commission bearing date the 21st of June instant, constituted and appointed his trusty and well-beloved John Wood, Esquire, to be his Governor in chief and Captain-General in and over his said Island, castle, pele, and lordship of Mann, and all the islands, forts, castles, and lordships thereunto appertaining: And his Majesty being desirous to provide for the due and regular administration of justice within the said Island, and the territories and dependencies to the same appertaining, and to secure the peace and good order thereof, and to promote to the utmost of his power the happiness and prosperity of his loving subjects residing within the same, hath thought fit, with the advice of his Privy Council, to issue his royal proclamation thereby strictly commanding and requiring all manner of persons whatsoever to pay due regard and obedience to the said Act of Parliament and his said royal commission, and cheerfully and dutifully submit themselves to his said Governor, and to be aiding to him and all other magistrates and officers in the lawful discharge of the authorities to them committed and intrusted. You are therefore required to give notice at your parish church on Sunday next, being the 30th instant, during the time of divine service, immediately before the reading of the homily or sermon, that his Majesty's said royal proclamation

will be publicly read and proclaimed on Thursday the 11th day of July next, at the cross or market place of the town of Castletown, between the hours of eleven and two of the clock in the afternoon; and that all the principal magistrates and civil officers of the island are to attend in their proper habits, that the same may be conducted with that solemnity the importance of the occasion requires.

Given under my hand at Castle Rushen, this 28th day of June, 1765.

JOHN WOOD.

(Copies hereof were transmitted to the clergy of the several churches and chapples within this Isle.)

The following interesting record of the proceedings at the public recognition of the transfer of the Sovereignty of the Island to the Crown of England is preserved in the Rolls Office. (In the order of procession the Clerk of the Rolls is omitted,—he was at the time in London on business connected with the Revestment.)

Be it remembered, That on Thursday the eleventh day of July in the morning, the colours with the arms of the island were hoisted upon the castle, and the troops were drawn up in the market place where the proclamation was to be read.

At eleven o'clock in the forenoon, the gentlemen that were to compose the procession met in the hall of the Governor's house, and a procession was formed in the manner and form following, viz. :—

Four soldiers with fixed bayonets to precede the procession and clear the way.

Order of procession—1. Captains of garrisons, towns, and parishes, two and two. 2. The clergy, two and two. 3. The Keys, two and two. 4. The Chairman. 5. The two Vicars-General. 6. The Archdeacon. 7. The two Deemsters. 8. The Attorney-General. 9. The Constable of Castle Rushen (uncovered) bearing two boxes containing his Majesty's order of Council, royal proclamation and commission to the Governor. 10. The Governor. 11. Gentlemen attending the Governor. 12. Guard.

The procession went along the front line of the troops, (who paid the Governor the proper military honours,) to the usual place where the proclamations are read. The Attorney-General, in the presence of the Governor, principal magistrates, and numberless spectators, read the order of Council and royal proclamation, (all persons being uncovered), which was followed by three loud huzzas. The colours with the arms of the island were then struck, and the English colours hoisted in their room, and a discharge of three volleys from the troops.

The procession afterwards went to the court room in the Castle, where the Chancery Court is held, and the usual proclamation of silence being made, the Governor's commission was then read by the Attorney-General, the several oaths thereby appointed to be by him taken were tendered and administered to him, and another volley was thereupon discharged by the troops.

The Governor afterwards tendered and administered to the Attorney-General and the two Deemsters, the oaths required by his Majesty's said royal proclamation to be by them taken, and their several oaths of office; and afterwards the several Deputys of the Duke and Dutchess of Atholl did yield up, surrender, and deliver possession of the Island and its dependencies to the Governor for the use of his most sacred Majesty, by delivering the sword of state, public seal, and other regalia of the said Island unto the Governor, as full

seizen and lawful possession of the said Island, castle, pele, and lordship of Man, and immediately after the delivery of possession to his Majesty, his Excellency John Wood, Esquire, Governor in chief and Captain-General in and over the said Island, made the following speech to the principal magistrates, officers, and inhabitants of the Island present upon this important occasion.

Gentlemen: From the proceedings of this day you see that I have now the honour of his Majesty's commission appointing me his chief Governor of this Island, an honor that is more valuable as it gives me the rule over a people, to whom, I am taught to flatter myself, my conduct has been hitherto acceptable, and from whom my experience has shown me I may expect the most ready and chearfull obedience. Gentlemen, I need not engage your time with recounting the many incidents that have brought about this Revolution amongst you; let it suffice to say that you are now become the immediate care of a Prince as distinguished for his goodness as renowned for his power; a Prince, who is pleased to take you into his royal protection, that you may participate with the rest of his subjects the advantages of his love, and that he may communicate to you the blessings of his mild and paternal government. To this end I have his Majesty's instructions to tell you, that every encouragement shall be given to the fair and open trader: he will hear your complaints, he will listen to your grievances and relieve your wants; ardently desirous to promote your happiness in common with all his subjects. Permit me, gentlemen, to exhort you no longer to look back on a trade, confined, hazardous, uncertain, as it has been, but direct your views to the pleasing prospect before you—the substantial advantages that flow from an honest and virtuous industry. You see, gentlemen, and you already feel the good effects of his Majesty's royal inclinations towards you. He has sent you troops, not to oppress, but to protect you in your properties, and to circulate their money amongst you; and it is his Majesty's earnest desire that the most friendly intercourse may subsist and a constant harmony be preserved between his soldiery and the inhabitants of this Isle. Gentlemen, when you reflect seriously on the real benefits you will derive from his Majesty's constant attention to your welfare;—when you see that all he does is calculated for your interest and good, you will, I doubt not, by every dutiful and thankful return, express your gratitude and testify your obedience. And give me leave, gentlemen, to assure you that nothing shall be wanting on my part that may conduce to the great end of making you a happy, a flourishing, and a prosperous people. And now, gentlemen, I must address myself to you particularly that are in office under his Majesty, and signify to you, that it is his royal will that you demean yourselves in your several capacities, civil, judicial, and military, in an uniform and steady exercise of your duties, with a constant attention to the laws of Great Britain as they respect this Island and its dependencies; and that you regard most especially the rights and prerogatives of the Crown, and preserve the same in their due and legal extent; ever watchful to protect the people and secure to them the peaceable enjoyment of all their just and lawful privileges.

The Governor having finished his speech, the procession returned in the same order to the Governor's house, where the chief officers, principal magistrates, the commander of the forces, and several other officers and gentlemen of distinction, were entertained at dinner, and a hogshead of beer was given by the Governor to the troops to drink his Majesty's health. The evening was concluded with bonfires, illuminations, and other demonstrations of joy.

The following is the Governor's official report of the proceedings just referred to, made to Earl Sandwich, Secretary of State.

Castletown, July 17th, 1765.

My Lord,—Since the despatches which I had the honour to transmit to your Lordship by Cleverly the messenger, the possession of the Island has been duly surrendered to the Crown, and every requisite performed agreeably to his Majesty's royal Proclamation and Instructions; an exact detail of all forms and proceedings herein, which my instructions command me to give, are now contained in this and another packet which accompanies it, and I must assure your Lordship that the whole have been conducted with all decent and becoming solemnity.

Tho' some murmuring might have been expected from this Revolution, yet I have the pleasure to say, that not the least discontent, nor the most trifling disturbance has reached my knowledge, and I shall hope that the people have given this early testimony of their duty and attachment to his Majesty, to evince with what cheerfulness they submit themselves to his royal protection.

Your Lordship will permit me to trouble you with an inconveniency that we are now under, and that is, the want of some regular intercourse with England, which is now at an end; and without it, how shall the necessary correspondence be carried on with your Lordship and the other great officers of the Crown, by myself and others, in their civil, military, and revenue departments?

I have the honour to be, with the greatest respect, my Lord, your Lordship's most obedient and most humble servant,

Earl Sandwich.

JOHN WOOD.

My observations on the events recorded in the Chronicle properly end here, but it may not be uninteresting to continue, as it were, the Chronicle to the reign of her present Majesty. For convenience, the numbering of the sections will be followed up from the last number in the Chronicle.

### § 29.

GEORGE III. (George William Frederick) commenced his reign as King of Great Britain and Ireland and supreme Lord of Man on the 25th October, 1760, but his reign as immediate King or Lord of Man commenced on the 17th May, 1765, the day on which payment was made of the consideration money for the purchase of the sovereignty of Charlotte, Duchess of Atholl, late Lady of Man, under the Revesting Act. (See Notes on § 28.)

Owing to the indisposition of the king, Prince George Augustus Frederick, Prince of Wales, was—by Act of Parliament passed on the 5th February, 1811, (51 Geo. III., cap. 1,) intituled "*An Act to provide for the administration of the Royal Authority, and for the care of His Majesty's royal person during the continuance of His Majesty's illness, and for the resumption of the exercise of the Royal Authority by His Majesty,*"—appointed "Regent of the United Kingdom of Great Britain and

Ireland," in which character he governed the Island in the name and on behalf of His Majesty during the remainder of the king's reign. The Act does not by name include the Isle of Man.

In 1817 the following Act of Parliament (57 Geo. III., cap. 45) making provision for the continuance in office of persons holding employment under the Crown, on the decease of the King, was passed. The Act would seem to apply only to the decease of George III., but the Act is specially recited in the proclamations issued on the accessions of King William IV. and of Queen Victoria. As to the question whether offices become void in the Island on the demise of the Crown, see Notes on § 25.

An Act for the continuation of all and every person or persons in any and every office, place, or employment, civil or military, within the United Kingdom of Great Britain and Ireland, Dominion of Wales, town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, Sark, and Man, and also in all and every of his Majesty's foreign Possessions, Colonies or Plantations, which he or she shall hold, possess, or exercise during the pleasure of the Crown, at the time of the death or demise of his present Majesty, until removed or discharged therefrom by the succeeding King or Queen of this realm. (27th June, 1817.)

Whereas it is expedient to provide by law as hereinafter is enacted; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

Persons holding office on decease of the King to continue in office,

by the authority of the same: That all and every person and persons who, upon the day of the demise of his present Majesty (whom God long preserve) shall hold any office, civil or military, under the Crown during pleasure, shall under and by virtue of this Act, and without any new or other patent, commission, warrant, or authority, continue, and

be entitled in all respects, notwithstanding the demise of his Majesty, to hold and enjoy

but during pleasure of succeeding Sovereigns.

the same; but nevertheless the same shall be held or enjoyed only during the pleasure of the King or Queen who shall succeed to the Crown upon the demise of his present Majesty; and the right and title to hold and enjoy the same under the authority of this Act shall be determinable in

such and the like manner by the King or Queen, who, upon the demise of his present Majesty, shall succeed to the Crown, as the right or title to any office, place, or employment granted by such succeeding King or Queen during pleasure would by Law be deter-

Proviso that Act shall not affect right of his Majesty's successors to remove persons from office.

minable. Provided always that nothing in this Act contained shall extend or be construed to extend to deprive the heirs and successors of his Majesty, Kings or Queens of this realm, of the power of removing and discharging any person or persons from his, her, or their respective offices, places, and employments, in such manner as by law they might have done, if this Act, or anything therein contained, had never been passed.

King George III. died on the 29th January, 1820, in the sixtieth year of his reign as King of Great Britain, &c., and supreme Lord of Man, but in the 55th year of his reign as immediate King or Lord of Man.



## § 30.

GEORGE IV. (George Augustus Frederick) succeeded his father George III. as King of Great Britain, Ireland, Man, &c., on the 29th January, 1820. On the 31st January, 1820, he issued the following proclamation as to persons being in office under the Crown. (*See Notes on § 25.*) (*Liber Scaccar.* 1820.) It may be observed that the Act of Queen Anne referred to in the proclamation has no reference whatever to the Isle of Man.

By the King,

A Proclamation requiring all persons being in office of authority or government at the decease of the late King, to proceed in the execution of their respective offices.

GEORGE R.—Whereas by an Act made in the sixth year of the reign of her late Majesty Queen Anne, intituled, *An Act for the security of her Majesty's person and government, and of the successors to the Crown of Great Britain, in the Protestant line*: it was enacted that no office, place, or employment, civil or military, within the kingdoms of Great Britain or Ireland, dominion of Wales, town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, and Sark, or any of his Majesty's Plantations, should become void by reason of the demise of her said late Majesty, her heirs or successors, Kings or Queens of this realm, but that every person and persons in any of the offices, places, and employments aforesaid, should continue in their respective offices, places, and employments for the space of six months next after such death or demise, unless sooner removed and discharged by the next successor, to whom the Imperial Crown of this realm was limited and appointed to go, remain and descend; And whereas by an Act made in the fifty-seventh year of the reign of his late Majesty King George the Third, intituled *An Act for the continuation of all and every person or persons in any and every office, place, or employment, civil or military, within the United Kingdom of Great Britain and Ireland, Dominion of Wales, Town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, Sark, and Man, and also in all and every of his Majesty's Foreign Possessions, Colonies, or Plantations, which he or she shall hold, possess, or exercise during the pleasure of the Crown, at the time of the death or demise of his present Majesty, until removed or discharged therefrom by the succeeding King or Queen of this realm*; it was enacted, that all and every person and persons, who, upon the day of the demise of his said late Majesty, should hold any office, civil or military, under the Crown during pleasure, should under and by virtue of the said Act, and without any new or other patent, commission, warrant, or authority, continue and be entitled in all respects, notwithstanding the demise of his said Majesty, to hold and enjoy the same; But nevertheless the same should be held or enjoyed only during the pleasure of the King or Queen who should succeed to the Crown upon the demise of his said late Majesty; and the right and title to hold and enjoy the same under the authority of the said Act, should be determinable in such and the like manner, by the King or Queen who, upon the demise of his said late Majesty, should succeed to the Crown, as the right or title to any office, place, or employment, granted by such succeeding King or Queen during pleasure, would by law be determinable. We, therefore, with the advice of our Privy Council, declare our royal will and pleasure to be, and do hereby

direct and command: That all and every person and persons who, at the time of the demise of our late royal Father, of glorious memory, duly and lawfully held, or were duly and lawfully possessed of, or invested in any office, place, or employment, civil or military, within our United Kingdom of Great Britain and Ireland, Dominion of Wales, Town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, Sark, and Man, or any of our Foreign Possessions, Colonies, or Plantations, do severally, according to their places, offices, or charges, proceed in the performance and execution of all duties belonging to their respective offices, whilst they shall hold the same respectively during our pleasure; And we do hereby require and command all our subjects to be aiding, helping, and assisting at the commandment of the said officers and ministers, in the performance and execution of their respective offices and places, as they and every of them tender our utmost displeasure, and will answer the contrary at their peril.

Given at our Court at Carlton House, the thirty-first day of January, One thousand eight hundred and twenty, and in the first year of our reign.

God save the King.

The King was proclaimed in the Island at Castletown, on the 18th February, 1820. The following is the Proclamation made on the occasion, and signed by Colonel Cornelius Smelt, the Lieutenant-Governor, the Council, Keys, Members of the Household, High-Bailiffs, Clergy, Captains of Parishes, and other Officers, civil and military, and by a large number of inhabitants. (*Liber Scaccar.* 1820.)

Proclamation.

Isle of Man to wit.—Whereas it has pleased Almighty God to call to his mercy our late Sovereign Lord King George the Third of blessed memory, by whose decease the Imperial Crown of the United Kingdom of Great Britain and Ireland, and also the supreme dominion and sovereign right of this Isle, and all other his late Majesty's dominions are solely and rightfully come to the high and mighty Prince George, Prince of Wales, We, therefore, the Lieutenant-Governor, and Officers, civil and military, and other inhabitants of the said Isle, do now hereby with one full voice and consent of tongue and heart, publish and proclaim that the high and mighty Prince George, Prince of Wales, is now by the death of our late Sovereign of happy memory, become our only lawful and rightful liege Lord George the Fourth, by the grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, supreme Lord of this Isle, and all other his late Majesty's territories and dominions: To whom we do acknowledge all faith and constant obedience with all hearty and humble affection, beseeching God, by whom Kings and Queens do reign, to bless the royal King George the Fourth with long and happy years to reign over us.

Given at Castle Rushen, this eighteenth day of February, 1820.

God save the King.

C. SMELT, Lieut.-Governor, &c., &c.

King George IV. died on the 26th June, 1830, in the eleventh year of his reign.

## § 31.

WILLIAM IV. (William Henry) succeeded his brother George IV. as King of Great Britain, Ireland, Man, &c., on the 26th June, 1830. On the 28th June, 1830, he issued a Proclamation requiring persons in office of authority or government to proceed in the execution of their respective offices,—the Proclamation being similar to that issued on the accession of George IV. (See § 30.)

The King was proclaimed on the Tynwald Hill at St. John's Chapel, on the 5th July, 1830. This is the first known occasion of the proclamation of a Sovereign at this place. It was probably considered that the locality from which the people are to take knowledge of any new laws, and at which Barons are publicly to do their homage to the Sovereign when in the Island, is the proper place for the Island at large to recognise the new King. Public notice is given of Tynwald Courts held at the Tynwald Hill, and all the inhabitants are presumed to be present. The following is the Proclamation, which was signed by Lieut.-Governor Smelt, the Council, Keys, Clergy, Captains of Parishes, other Officers, civil and military, and other inhabitants. (*Liber Scaccar*, 1830.) It will be observed that on this occasion there is no allusion to the King being Sovereign or supreme Lord of Man. Why the omission was made is not apparent.

Isle of Man to wit.—Whereas it has pleased Almighty God to call to his mercy our late Sovereign Lord King George the Fourth, of blessed and glorious memory, by whose demise the Imperial Crown of the United Kingdom of Great Britain and Ireland, and all other his late Majesty's territories and dominions, are solely and rightfully come to the high and mighty Prince William Henry, Duke of Clarence and Saint Andrews, and Earl of Munster: We, therefore, the Lieutenant-Governor, Council, and Keys, being here assembled, with other Officers, civil and military, and the principal inhabitants of the said Isle, do now hereby with one voice and consent of tongue and heart publish and proclaim that the high and mighty Prince William Henry, Duke of Clarence and Saint Andrews, and Earl of Munster, is now by the death of our late Sovereign of happy memory, become our only lawful and rightful liege Lord William the Fourth, by the grace of God King of the United Kingdom of Great Britain and Ireland, Defender of the Faith; To whom we do acknowledge all faith and constant obedience, with all hearty and humble affection, beseeching God, by whom Kings and Queens do reign, to bless the royal Prince William the Fourth with long and happy years to reign over us.

Given at the Tynwald Court holden at Saint John's Chapel, the fifth day of July, One thousand eight hundred and thirty, and in the first year of his Majesty's reign.

God save the King.

CORNELIUS SMELT, Lieutenant-Governor, &c., &c.

King William IV. died on the 20th June, 1837, in the seventh year of his reign.

## § 32.

VICTORIA (Alexandrina Victoria) succeeded her uncle William IV. as Queen of Great Britain, Ireland, Man, &c., on the 20th June, 1837. On the 21st June, 1837, she issued a Proclamation for persons in office to proceed with the execution of their offices, similar to that issued on the accession of George IV. (See § 30.)

The Queen was proclaimed on the Tynwald Hill, on the 5th July, 1837. The following is the Proclamation made, and signed by Colonel (afterwards Major-General) John Ready, Lieutenant-Governor, the Council, Keys, Clergy, Advocates, and others. It will be observed that this Proclamation contains no allusion to the Queen's Sovereignty of Man. (*Liber Scaccar.* 1837.)

Isle of Man to wit.—Whereas it has pleased Almighty God to call to his mercy our late Sovereign Lord King William the Fourth, of blessed and glorious memory, by whose demise the Imperial Crown of the United Kingdom of Great Britain and Ireland, and other his late Majesty's territories and dominions, are solely and rightfully come to the high and mighty Princess Alexandrina Victoria, saving the rights of any issue of his late Majesty King William the Fourth, which may be born of his late Majesty's Consort: We, therefore, the Lieutenant-Governor, Council, and Keys, being here assisted with other Officers, civil and military, and the principal inhabitants of the said Isle, do now hereby with one voice and consent of tongue and heart, publish and proclaim that the high and mighty Princess Alexandrina is now by the death of our late Sovereign, of happy memory, become our only lawful and rightful liege Lady Victoria, by the grace of God Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, saving as aforesaid: To whom, saving as aforesaid, we do acknowledge all faith and constant obedience, with all hearty and humble affection, beseeching God, by whom Kings and Queens do reign, to bless the royal Princess Victoria with long and happy years to reign over us.

Given at the Tynwald Court at St. John's Chapel, the fifth day of July, One thousand eight hundred and thirty-seven, and in the first year of her Majesty's reign.

God save the Queen.

J. READY, &c., &c.

The following Table of the Kings and Lords of Man, from the time when the Crown of England had the acknowledged supreme Sovereignty of the Island, may be useful. The commencement of the reign of William de Montacute II. is stated to be the date of the Grant to him by Edward III., but he may have reigned previously, such grant being but a confirmation of his right derived from the ancient kings. Probably variances may be found between the Insular records and the Table as to the times of the commencement of new reigns, but such

variances arise from the delays in the conveyance of official intelligence to the Island on the occasion of the accession of new Lords. (See notes on § 25.) The dates given are those of the commencement and end of the actual (not *de jure*) reigns.

#### CHRONOLOGICAL TABLE OF MANX KINGS OR LORDS.

Name.	Date of Accession.	Ceased to reign.	Cause.
Wm. de Montacute II., 1st Earl of Salisbury ...	10 Aug. 1383	Cir. 1388	Death.
Wm. Montacute or Montague III., 2nd Earl of Salisbury, his son ...	Cir. 1388	Cir. 1394	Sale to Sir Wm. Scroop.
Sir Wm Scroop, Earl of Wiltshire ...	Cir. 1394	Cir. 1399	Death and seizure of Island by Henry IV.
Henry de Percy, Earl of Northumberland ...	19 Oct. 1399	1405	Seizure of Island by Henry IV.

#### HOUSE OF STANLEY.

1 Sir John Stanley I. (Grant for life)...	1405		
(Absolute grant) ...	6 April, 1406	6 Jan. 1414	Death.
2 Sir J. Stanley II., his son	6 Jan. 1414	Cir. 1432	Death.
3 Sir Thomas Stanley I., his son, 1st Baron Stanley	Cir. 1432	1460	Death.
4 Thomas II., his son, 2nd Baron Stanley and 1st Earl of Derby...	1460	1504	Death.
5 Thomas III., his grandson 2nd Earl of Derby ...	1504	24 May, 1521	Death.
6 Edward, his son, 3rd Earl of Derby ...	24 May, 1521	24 Oct. 1572	Death.
7 Henry, his son, 4th Earl of Derby, ...	24 Oct. 1572	21 Sept. 1594	Death.
8 Ferdinando, his son, 5th Earl of Derby... ...	21 Sept: 1594	May, 1595	Death. (Interregnum owing to dispute as to succession, to 1 Aug. 1595, when the Queen took possession.)

#### CROWN OF ENGLAND AND TEMPORARY LORDS.

Queen Elizabeth ...	1 Aug. 1595	24 Mar. 1603	Death.
King James I. ...	24 Mar. 1603	14 Aug. 1607	Grant to Earls of Northampton and Salisbury
Henry Earl of Northampton and Robert Earl of Salisbury ...	14 Aug. 1607	18 June, 1609	Surrender to the King.
King James I. ...	18 June, 1609	28 June, 1609	Grant for a term of years to Earls of Salisbury and Suffolk.
Robert Earl of Salisbury and Thomas Earl of Suffolk ...	28 June, 1609	Cir. 1611	Surrender to Earl and Countess of Derby.

## HOUSE OF STANLEY RESUMED.

Name.	Date of Accession.	Ceased to Reign.	Cause.
9 William I., brother of 8th Lord, 6th Earl of Derby, and Elizabeth, Countess of Derby, his wife ... ..	Cir. 1611	1627	Death of Countess Elizabeth, and supposed abdication of Earl William in favour of his son.
10 James I., son of 9th Lord Baron Strange, and afterwards 7th Earl of Derby ... ..	1627	15 Oct. 1651	Beheaded at Bolton.

## THE USURPATION.

The Commonwealth of England ... ..	October, 1651	23 Feb. 1652	Right of Lord Fairfax under Act of usurped Parliament acknowledged.
Thomas, Lord Fairfax ...	23 Feb. 1652	28 May, 1660	Restoration of House of Stanley.

## HOUSE OF STANLEY RESTORED.

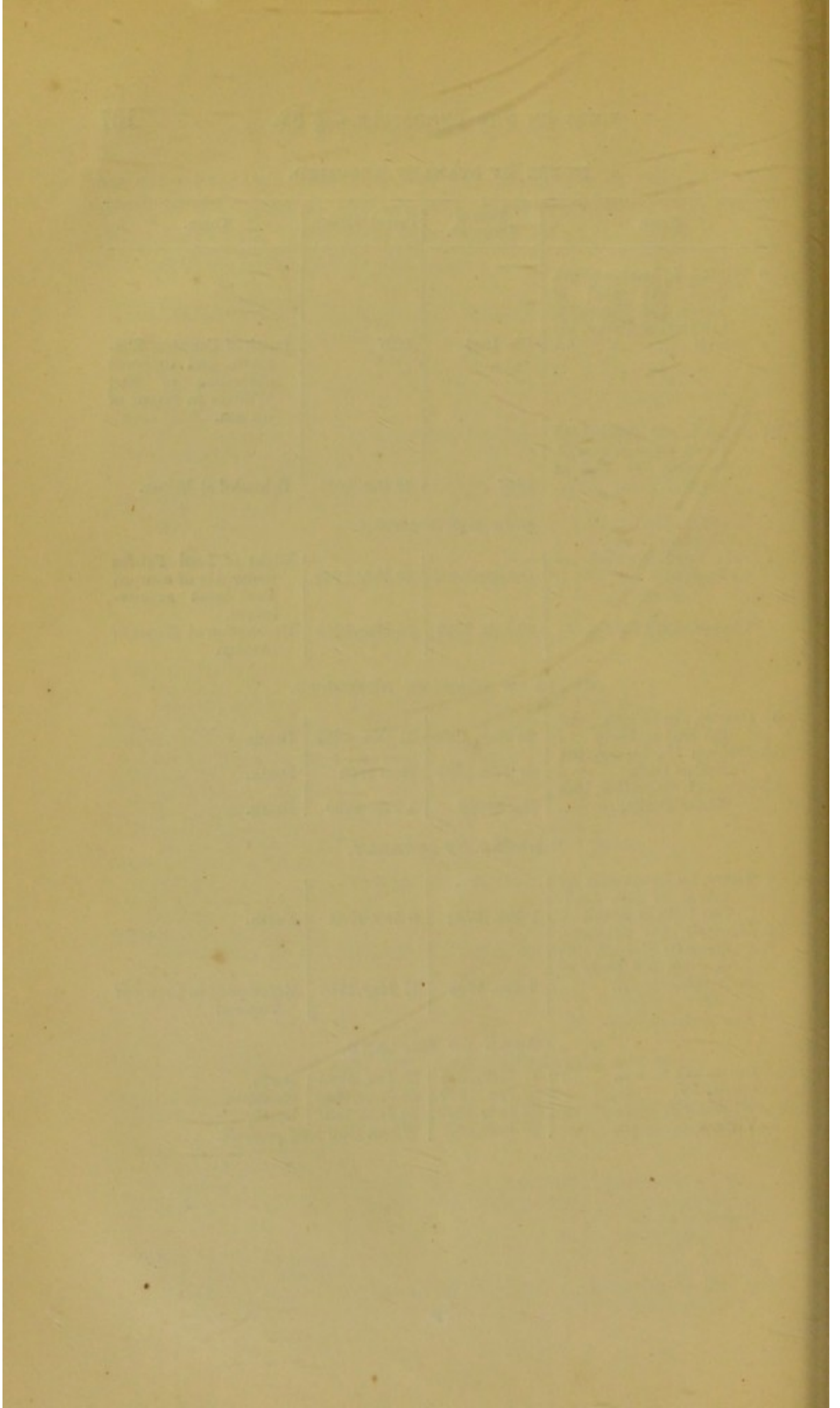
11 Charles, son of 10th Lord, 8th Earl of Derby ...	28 May, 1660	21 Dec. 1672	Death.
12 William II., his son, 9th Earl of Derby... ..	21 Dec. 1672	Nov. 1702	Death.
13 James II., his brother, 10th Earl of Derby... ..	Nov. 1702	1 Feb. 1736	Death.

## HOUSE OF MURRAY.

1 James, 1st cousin once removed of late Lord, 2nd Duke of Atholl ...	1 Feb. 1736	8 Jan. 1764	Death.
2 Charlotte, his daughter, Baroness Strange, wife of John 3rd Duke of Atholl... ..	8 Jan. 1764	17 May, 1765	Revestment in Crown of England.

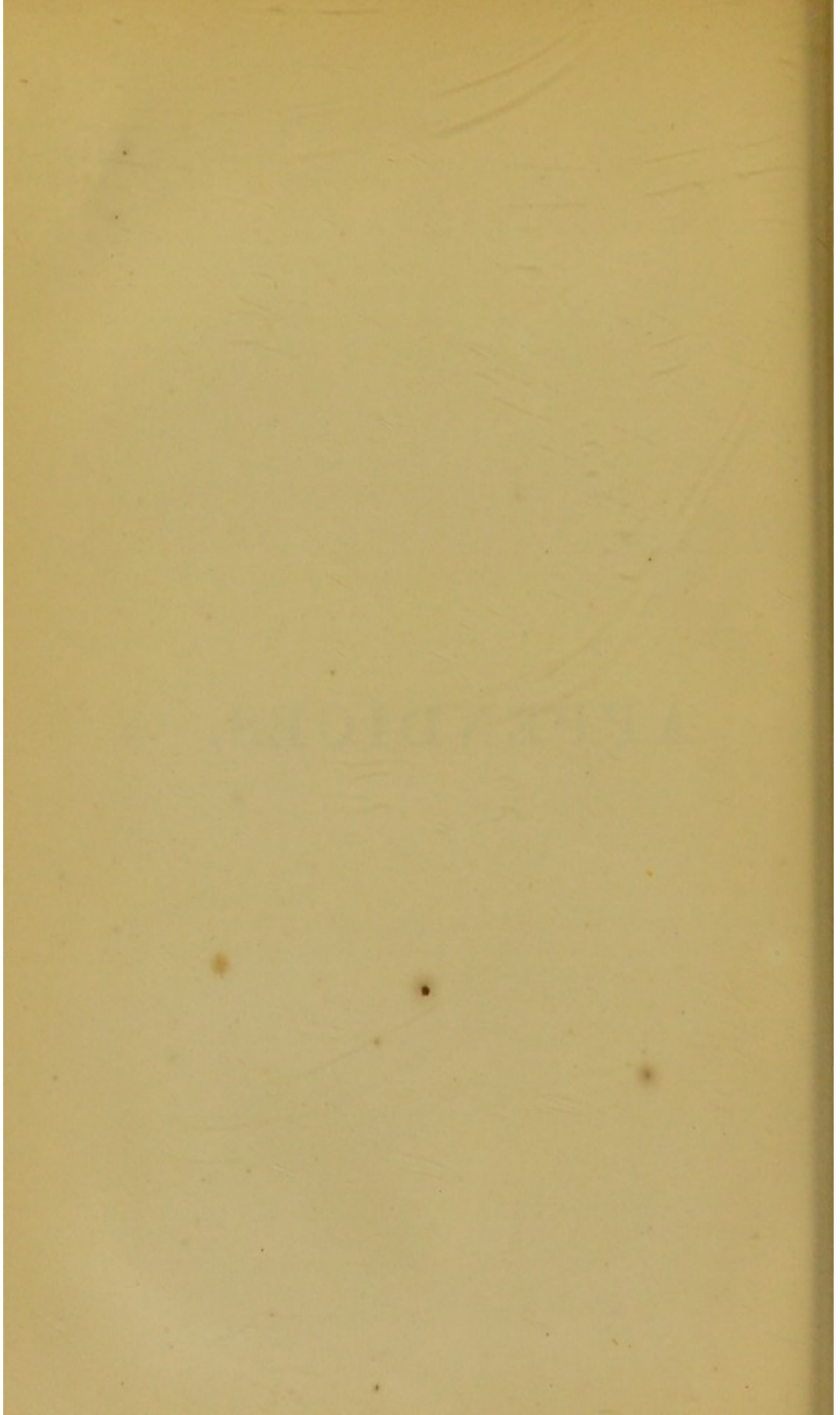
## CROWN OF ENGLAND.

George III. ... ..	17 May, 1765	29 Jan. 1820	Death.
George IV. ... ..	29 Jan. 1820	26 June, 1830	Death.
William IV. ... ..	26 June, 1830	20 June, 1837	Death.
Victoria ... ..	20 June, 1837	Whom God long preserve.	



APPENDICES.





# APPENDICES TO THE NOTES ON THE CHRONICLE.

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## APPENDIX No. 1.

*Being a brief Account of the connection of the House of Murray with the  
Island after the Revestment in 1765.*

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After the sale to the Crown by John 3rd Duke of Atholl, and his wife Charlotte, Duchess of Atholl and Baroness Strange, of the Sovereign rights in the Isle, in 1765, (*see Notes on § 27.*) the title of "Lord" or "Lady of Man and the Isles" was retained in respect of the extensive privileges and manorial rights reserved by the Revesting Act. (*See Notes on § 28.*)

John, 3rd Duke of Atholl, died on the 5th November, 1774, (as stated in the Chronicle,) leaving the Duchess Charlotte surviving, and on the 12th November in the same year she, by deed, relinquished to her son John, 4th Duke of Atholl, all her rights in the Island, and gave him immediate possession thereof. (*Preamble to Act 45 Geo. III. c. 123.*) The Duchess Charlotte died in 1805. (*Burke's Peerage, 43.*)

Shortly after John, the 4th Duke, obtained possession of the reserved rights in the Island, he sought, by challenging the sale made by his father and mother, as being made by parties incompetent to treat for the

sale or to sell, and by showing the inadequacy of the consideration money, to obtain further compensation from the English Parliament for the loss to his family of the rights, and the restoration of some of the rights, conveyed to the Crown.

In 1791, King George III. appointed John Sprainger, William Grant, William Osgoode, William Roe, and David Reid, Esquires, Commissioners, to inquire into various points connected with the Island, including the allegations of the Duke of Atholl as to his claims. On the 21st April, 1792, the Commissioners made their report, which was printed by order of Parliament in 1805.

As to the inadequacy of the price paid in 1765 by the English Government, the Duke grounded his claim for further compensation on the great increase of the revenue of Customs since the Revestment.

The English Parliament, by the *Mischief Act* of 1765, (5 Geo. III. c. 39,) had, on the plea of necessity for the protection of the English revenue, assumed the control of the Insular Customs' establishment and of the trade of the Island, and owing to the exercise of that control the amount of revenue leviabie under the Insular laws decreased considerably. (*Schedule to Revesting Act, 5 Geo. III. c. 26. Report of Commissioners, 1792, Appendix B. No. 9.*) It then became necessary to make further provision for the expenses of the Government of the Island, and the Parliament, by Act 7 Geo. III. c. 45, (1767,) for the first time assumed the power to impose taxes on the people of the Island, by enacting new Customs' duties, repealing at the same time the duties existing under local authority. In the previous year, by Act 6 Geo. III. c. 12, the Parliament had asserted their right to tax the American Colonies against their consent, and such assertion coupled with the attempt to enforce payment of taxes levied by authority of the Parliament, caused the loss of such colonies to the English crown. No greater, and probably a lesser, right existed in the Parliament to tax the people of the Isle of Man. The object of the Act of 1767 is apparent from the preamble and first section of it.

Most gracious Sovereign:—Whereas the property of the *Isle of Man* being now vested in your Majesty, your heirs and successors, in pursuance of an Act made in the fifth year of your Majesty's reign, intituled "*An Act for carrying into execution a Contract made pursuant to the Act of Parliament of the twelfth of his late Majesty King George the First, between the Commissioners of his Majesty's Treasury and the Duke and Duchess of Atholl, the proprietors of the Isle of Man, and their trustees, for the purchase of the said Island and its dependencies, under certain exceptions therein particularly mentioned; it is expedient that provision be made for encouraging, improving, and regulating the trade and manufactures of the said Island, and the fisheries*

on the coasts thereof: And whereas it is necessary that a Revenue should be raised in the said *Isle of Man* to answer these purposes, and to defray the expenses of Government there: We, your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* assembled in Parliament, being desirous to make some provision for the purposes aforesaid, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the fifth day of *July*, One thousand seven hundred and sixty-seven, the duties payable to his Majesty in the said *Isle of Man* on all goods imported there, or exported from thence, shall cease, determine, and be no longer paid; and that in lieu thereof there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, the following duties for and upon the goods and merchandizes hereinafter mentioned, which shall be brought or imported into the said *Isle of Man*; &c.

By the second section a separate account of the surplus duties is directed to be kept:—

And (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) the said rates and duties shall from time to time be brought and paid into the receipt of his Majesty's Exchequer, distinctly and apart from all other branches of the publick revenue; and such part thereof as shall remain, after the necessary expenses attending the Government of the said *Isle of Man*, and the administration of justice there, are from time to time defrayed, shall be reserved for the disposition of Parliament.

It may be observed that the duties are granted by the *Commons* of Great Britain, but the Commons of Great Britain did not represent the people of the *Isle of Man*, and they had no right, whether inherent or by virtue of the sale by the Duke and Duchess of Atholl in 1765, to grant duties to be paid by any, except those whom they really represented.

[It may be here remarked with reference to the power or authority of Parliament to levy Customs' duties on the people of the Island, that although the Parliament has since 1767 continued the exercise of the power, yet it has not been for a long period exercised without the concurrence of the Insular Legislature. The course pursued is most probably the best that can be adopted under the circumstances. The Imperial Legislature will not, and cannot be expected to surrender the power of protecting their own revenue, by the imposition of duties of an amount sufficient to prevent smuggling from the Island; but, at the same time, in ascertaining such amount, they, through the Government, consult with the Insular Legislature, without whose consent no changes are made. Were the power of levying Customs' duties exercised solely

by the Insular Legislature, Insular, to the exclusion of Imperial, interests might prevail, and then might follow a repetition of the disputes which existed before the Revestment. As it is, the taxes are levied virtually, if not actually by the Insular Legislature, who thus have a voice, not only in the amount to be levied, but also as to the application of any additional surplus arising from changes in the duties. So long as the present course be followed, it is the wisdom of the Manx people to lay aside the question of abstract right, and concur in an arrangement which is a practical acknowledgment of their privileges, and which is especially suited for the prevention of contests between the Imperial and Insular Governments, and of jealousy on the part of the people of England.]

By the operation of the Act of 1767, and of subsequent Acts, the revenue of Customs having greatly increased, the Duke sought amongst other things to obtain a certain proportion of such revenue, on the ground that the revenue before 1765 had been the property of his ancestors. The Duke's claim was resisted by the House of Keys and the inhabitants, who considered that the Island, and not the Duke, ought to have the benefit of the surplus revenue of Customs. It was admitted that prior to 1765, the Lords of the Island had the whole revenue after paying all expenses of the Government, civil and military, but such revenue was derived from duties levied by the authority of the Insular Legislature, without whose authority the Lords could not legally levy one farthing. But it did not follow, that the Insular Legislature would have consented to any increase of the revenue, for the personal benefit of the Lords, and the Legislature had the undoubted right to direct the application of the revenue raised by their authority. Subsequently to 1765 the revenue greatly increased, not in respect of the duties leviable under the Insular law, but in respect of new and increased duties levied under the Acts of Parliament before referred to, and such duties were not levied by the Parliament, or by the King of England, (who was a party to the Acts,) by virtue of any right or authority purchased from the Duke and Duchess of Atholl and their trustees in 1765, but the levying was simply an act of power on the part of the Parliament, a power which it was useless to resist, but a power which could as legally and validly have been put in force before 1765 as afterwards. The vendors in 1765 could not convey a power which they did not themselves possess. They had not the right to levy taxes without the consent of the Insular Legislature, and therefore neither the King and the Parliament as vendees, took any greater right than the

vendors conveyed, and they did not acquire by virtue of the purchase any right to levy taxes without the consent of the Legislative body in the Island.

In 1801 the Duke presented a petition to the King in Council, seeking that his Majesty's consent might be signified to an application to Parliament, for the restoration of such rights as were reported by the Commissioners of 1791 to be unnecessarily vested in the Crown for the prevention of illicit practices, and for granting out of the improved revenue of the Island an adequate compensation, &c. This petition was on the 4th June, 1801, referred to a Committee of the Privy Council to consider the same and report their opinion thereon.

A counter petition was presented by the House of Keys to his Majesty in Council, and this petition was also referred to a Committee of the Council on the 24th March, 1802.

The Committee, by orders of the 25th January, 1802, and the 3rd April, 1802, referred to the Attorney and Solicitor-General to report such evidence laid before the House of Commons, and before the Treasury, at the time of passing or preparatory to the introduction of the Revesting Act, as should appear to them to relate to the question, "Whether the consideration given to the family of his Grace the Duke of Atholl for the interests of which the said family were divested by the said Act, was a fair compensation for the said interests, together with such other evidence as they might procure relative to the foregoing question; and also to report their opinion on the whole of such evidence."

The Attorney and Solicitor-General made their report on the 10th November, 1802, adversely to the claim of the Duke for further compensation, and on the 31st March, 1804, the Committee of Council made their report: "That there do not appear sufficient grounds to consider the compensation made to his Grace the late Duke of Atholl, for the interests of which his Grace and his family were divested by the said Act, passed in the fifth year of your Majesty's reign, to have been inadequate: and their Lordships, therefore, cannot advise your Majesty to signify your royal consent to such an application to Parliament as is suggested in the prayer of his Grace's said petition to your Majesty in Council."

Before such report could be confirmed, the Duke presented a supplemental petition to his Majesty in Council praying that the royal sanction might be given to a clause or clauses being introduced into the Revenue Bill of the Island, for giving or granting to the petitioner and to his

heirs, entitled under the Parliamentary charter of the seventh of James the First, such proportion of the revenues of the Isle of Man, by rent charge or otherwise, as to his Majesty's wisdom and justice might appear reasonable and fitting. This petition was on the 27th June, 1804, referred to a Committee of the Council to consider and report their opinion thereon.

The Committee, on the 21st July, 1804, reported "that it appears to be reasonable that some participation out of such increased revenue should be allowed to his Grace the Duke of Atholl and his heirs; and the Lords of the Committee do thereupon agree, humbly to submit to your Majesty that your royal consent may be signified to a petition to be presented to Parliament in the next session, for introducing a Bill for granting to the Duke of Atholl, and his heirs, entitled under the Parliamentary charter of the seventh of James the First, such proportion of the increased revenues of the Isle of Man, by rent charge or otherwise, as to the wisdom and justice of Parliament may appear reasonable and fitting." This report was approved by his Majesty in Council on the 18th August, 1804. (*House of Commons paper, Sess. 1805, No. 79.*)

The Duke thereafter, on the 26th March, 1805, presented a petition to the House of Commons, praying that provision might be made in a Bill for the improvement of the revenues of the Island, then before the House, for giving him relief in respect of the inadequate compensation paid for the cession of the Sovereign rights in 1765. The petition was referred to a committee.

Counter petitions were presented by the House of Keys, and by and on behalf of the inhabitants and proprietors of estates within the Island.

In June, 1805, the Committee of the House made their report containing the following resolutions:—1st. "That the Committee having considered the documents and evidence which have been laid before them, are of opinion that the petitioner has fully established the allegations of his petition." 2nd. "That it is the opinion of this Committee that it would be proper to recommend to the House, that Parliament should grant such further compensation as shall seem adequate, for the benefit of the petitioner and the other heirs general of the seventh Earl of Derby, according to the provisions of the seventh of James I., and that such compensation should be charged on the revenue of the Island." (*Speech of J. C. Curwen, Esq., in House of Commons, on 7th June, 1805, &c.*)

The adoption of this report was opposed, and the opposition was ultimately successful, for although compensation was given to the Duke,

it was made chargeable on the Consolidated Fund, and not on the Insular revenues. The following Act of Parliament (45 George III. c. 113) was passed granting an annuity by way of further compensation.

An Act for settling and securing a certain Annuity on *John*, now Duke of *Atholl*, and the heirs general of the seventh Earl of Derby. [12th July, 1805.]

Most gracious Sovereign:—Whereas the Isle of Man was granted in Sovereignty by  
7 James I. King Henry the Fourth to Sir John Stanley, and was by an Act passed  
c. 4. pr. in the seventh year of the reign of his Majesty King James the First,  
confirmed and assured to the right heirs of James, Lord Stanley, the seventh Earl of  
Derby, the ancestors of the most noble John, now Duke of Atholl: And whereas the said  
ancestors of the said John, now Duke of Atholl, continued Lords of the said Island, with  
sovereign rights, until the fifth year of the reign of his present Majesty: And whereas

12 Geo. I. c. 28, an Act passed in the twelfth year of the reign of his Majesty King  
s. 25, 26. George the First, intituled, *An Act for the improvement of his Majesty's*

*Revenues of Customs, Excise, and Inland Duties*; in which Act provisions were con-  
tained for purchasing the sovereign rights and privileges of the Lords of the said Island,  
and for paying the compensation to be given for the same out of the duties of Customs of

5 Geo. III. England: And whereas an Act passed in the said fifth year of the reign  
c. 26. of his present Majesty, intituled *An Act for carrying into execution*

*a Contract made pursuant to the Act of Parliament of the twelfth of his late Majesty*  
*King George the First, between the Commissioners of his Majesty's Treasury and the*  
*Duke and Duchess of Atholl, the proprietors of the Isle of Man, and their trustees, for*  
*the purchase of the said Island and its dependencies, under certain exemptions therein*  
*particularly mentioned*: And whereas under all the circumstances of the resignation of  
the rights, royalties, and privileges, when vested in the family of the said John, now Duke  
of Atholl, and by the said Act revested in his Majesty, his heirs and successors, it appears  
to be just and reasonable that a further compensation should be given: And whereas by

Deed of virtue of a deed of restriction, bearing date the twelfth day of November,  
Restriction, One thousand seven hundred and seventy-four, duly executed by the most  
12 Nov. 1774. noble Charlotte, Duchess of Atholl, the said John, Duke of Atholl,

became entitled to the immediate possession of the rights reserved to his family in the  
Isle of Man, and hath ever since continued to enjoy the same: And whereas the revenues  
arising from the duties of Customs of the said Island, before the passing of the said Act  
of the fifth year aforesaid, belonged to the ancestors of the said John, Duke of Atholl,  
and it is therefore just and proper that the annual amount of the further compensation to  
be given, should be regulated from time to time by the produce of the revenues of the said  
Island: We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain  
in Parliament assembled, do therefore most humbly beseech your Majesty that it may be  
enacted, and be it enacted by the King's most excellent Majesty, by and with the advice  
and consent of the Lords Spiritual and Temporal, and Commons, in this present Parlia-

An Annuity ment assembled, and by the authority of the same, That one Annuity or  
equal to one- yearly rent or sum of lawful money of Great Britain, equal to one-fourth  
fourth of part of the gross annual revenue arising from the duties of Customs now  
revenue of payable and arising within the said Island, on the importation and  
Customs



arising in Isle of Man, to be paid out of Consolidated Fund to Duke of Atholl and the heirs general of the seventh Earl of Derby. exportation of goods, wares, and merchandize, into and from the said Island, shall be issuing and payable out of and charged and chargeable upon the Consolidated Fund of Great Britain, (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former Act or Acts of Parliament to be paid out of the same, but with preference to all other payments which shall or may hereafter be charged upon or payable out of the said fund); and the same shall from time to time be paid quarterly, free and clear of all taxes and deductions whatever, in manner and form following; that is to say, to the said John, Duke of Atholl, and the heirs general of the seventh Earl of Derby; which said Annuity or yearly rent or sum shall commence and take effect from the fifth day of January, One thousand eight hundred and five, the first payment to be computed from the said fifth day of January, and from thenceforth shall be paid and payable at the four usual days of payment in the year; that is to say, the fifth day of April, the fifth day of July, the tenth day of October, and the fifth day of January, in each and every year.

Provision in case of new duties, or repeal or alteration of present duties. II.—Provided always, and be it further enacted, That if at any time hereafter any new or further or additional duties of Customs shall be granted on the importation or exportation of goods, wares, and merchandize, into and out of the said Island, the Annuity granted by this Act shall not be calculated on the produce of any such new or further or additional duties; and if any of the duties of Customs, now payable and arising within the said Island, shall at any time hereafter be repealed or altered or varied, or if at any time hereafter any new duties shall be granted in lieu of any duties of Customs that may be repealed, then and in every such case the annuity or yearly rent or sum to be paid to the said John, Duke of Atholl, and the said heirs general of the seventh Earl of Derby, shall be calculated on the average produce of the amount of the duties of Customs so repealed, altered, or varied, as the same shall have stood at the rates now payable, for the three years ending the fifth day of January next preceding the repeal, alteration, or varying thereof as aforesaid.”

(The additional provisions in the Act relate merely to the place and mode of payment, &c.)

As the surplus Customs' revenue of the Island was paid into the Consolidated Fund, it might probably be urged that the result of the opposition in the Island to the claim of the Duke for further compensation, was one of doubtful success,—a charge on the Fund being in reality a charge on the Insular revenue. This, however, was not so; and it could not have been so considered at the time. Parliament had made no claim to apply the Customs' revenue of the Island otherwise than for purposes connected with the government and benefit of the Island itself. The words of the Act of 1767, (7 Geo. III. c. 45,) are express on this point;—“It is expedient that provision be made for encouraging, improving, and regulating the trade and manufactures of the Island, and the fisheries on the coasts thereof: and whereas it is necessary that a revenue should be raised to answer these purposes, and to defray the

expenses of Government there," &c. It had not even been contemplated by Parliament to make the purchase money paid to the Duke and Duchess of Atholl, in 1765, a charge on the Insular revenues. By the Act of 1725, (12 Geo. I. c. 28—see *Notes on* § 24,) such purchase money was to be paid out of the Customs' duties of Great Britain, Wales, or Berwick-upon-Tweed; and by the Act of 1767 the surplus Insular Customs' duties were to be "kept distinctly, and apart from all other branches of the public revenue," and "reserved for the disposition of Parliament." Any compensation or consideration paid for the purchase or surrender of the rights of the Atholl family in the Island, was paid for the benefit of the people of England, and when the English people had secured the advantages which they sought, they could not in justice call upon the Manx people to pay them the outlay expended for such advantages. The Manx people considered their right to the surplus Customs' revenue of the Island to be unquestionable, and not only has Parliament never asserted a right to the surplus, but the course of English legislation on the subject of the duties of Customs is a virtual acknowledgment of the right of the Island to such surplus. The mode in which the annuity for the Duke was secured, made the Consolidated Fund, irrespective of the Manx revenues, chargeable with it, and it left the Insular revenue—set apart by Parliament—free to be applied for Insular purposes.

(A note as to the present position of the Island with respect to the surplus revenue will be added at the end of the Appendices.)

In 1825, it was considered by the Government advisable to purchase the remaining rights of the Duke of Atholl, including the Annuity secured by the foregoing Act of 1805, and accordingly the following Act of Parliament (6 Geo. IV. cap. 34) was passed.

An Act to empower the Commissioners of His Majesty's Treasury to purchase a certain Annuity in respect of Duties of Customs levied in the Isle of Man, and any reserved Sovereign Rights in the said Island, belonging to *John, Duke of Atholl*. [10th June, 1825.]

Whereas it is expedient to make better provision for the collection, management, and future regulation of the revenues arising in the Isle of Man, so as to assimilate them as much as possible to those of the United Kingdom: And whereas it would be greatly conducive to that object, if certain rights, titles, and interests reserved to John, Duke of Atholl, and the heirs-general of the seventh Earl of Derby, by an Act passed in the fifth year of the reign of his late Majesty King George the Third, and also the proportion of the revenues or annuity in lieu thereof made payable to the same, by an Act passed in the forty-fifth year of the reign of his said late Majesty, wherein it is recited, that as the revenues arising from the duties of Customs of the said Island, before the passing of the

said Act of the fifth year aforesaid, belonged to the ancestors of the said John, Duke of Atholl, it is just and proper that the annual amount of the further compensation to be given should be regulated from time to time by the produce of the revenues of the said Island, were redeemed, for the use of the public, by the purchase thereof at a fair valuation. Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall be lawful for the

Treasury may purchase Annuity granted to Duke of Atholl and his sovereign rights in Isle of Man.	Lord High Treasurer or the Commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three of them, on the behalf of his Majesty, his heirs and successors, and for the said John, Duke of Atholl, and for the heir-general for the time being of James, the seventh Earl of Derby, to treat, contract, and agree for the absolute purchase or sale, or release or surrender of all or any estate, right, title, or interest, which he the said John, Duke of
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Atholl, or the heir-general of the seventh Earl of Derby, now hath or claims, or can or may have or claim, of, in, or to the said annuity, or any such reserved sovereign rights as aforesaid, as the said Commissioners of the Treasury may deem it expedient for the public interest to purchase, and the said John, Duke of Atholl, or his heirs, may be inclined to sell, release, or surrender, for such sum or sums of money as shall be a just and fair equivalent for the same, to be settled and ascertained by any arbitrators chosen by the said Commissioners of the Treasury, or any three or more of them, and the said John, Duke of Atholl, or the heir-general for the time being of the said seventh Earl of Derby respectively, in that behalf: and that upon the execution of any such contract or agreement by or on behalf of the said John, Duke of Atholl, or the heir-general for the time being of the said James, the seventh Earl of Derby; or upon executing such other conveyances, assignments, releases or surrenders, as in such contract or contracts shall be agreed on for that purpose, it shall and may be lawful to and for the said Lord High Treasurer, or Commissioners of the Treasury, or any three or more of them, and he and they is and are hereby empowered, by and out of any monies arising from the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to order and direct the payment of such sum or sums of money, from time to time, as shall be so ascertained and settled as aforesaid, as the amount to be paid for such purchase or purchases to the said John, Duke of Atholl, or the said heir-general for the time being of the said James, the seventh Earl of Derby.

Act may be altered this Session.	II.—And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present session of Parliament.
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Many years previous to the passing of this Act, namely, on the 18th May, 1810, by Indenture of that date, the Duke of Atholl, with the privity and consent of his second son the Right Honourable James Murray, afterwards James, Lord Glenlyon, and the Right Honourable Lady Emily Percy, afterwards Emily, Lady Glenlyon, youngest daughter of Hugh, Duke of Northumberland, (between whom a marriage was then about to be, and was afterwards solemnized,) assigned the Annuity, secured by the Act of 1805, to William, Earl of Mansfield,

James Drummond, Esquire, afterwards James, Viscount Strathallan, Hugh, Earl Percy, afterwards Duke of Northumberland, and Peter, Lord Gwydir, in trust amongst other things to secure the payment to Lord Glenlyon of £2,500, and to Lady Glenlyon £500 yearly, but with power at the request of the Duke of Atholl and Lord Glenlyon to sell the annuity.

By Indenture of the 9th January, 1826, the Lords of the Treasury and the Duke of Atholl having entered into a negotiation for the purchase and sale of the Duke's interests in the Island, discharged from the annual payment of £101 15s. 11d. in respect of the possessions of the religious houses, (which payment had been previously purchased by the Duke of Atholl,) appointed William Courtenay, Esquire, one of the Masters of the Court of Chancery, afterwards Earl of Devon, (named by the Treasury,) and William Harrison, Esquire, King's Counsel, (named by the Duke,) arbitrators or referees to ascertain and determine the value of the annuity payable under the Act of 1805, of the Bishopric and Church patronage, and of all other the rights, royalties, privileges, mines, and other hereditaments, reserved by the Revesting Act of 1765, and in case the arbitrators should not make their award within six calendar months, the parties appointed John Bernard Bosanquet, Esquire, Serjeant-at-Law, as umpire, who was to make his award within nine calendar months from the date of the deed. The time for making the award as to the valuation of part of the premises to be sold was subsequently extended by Indentures dated the 8th July, 1826, and the 20th April, 1827.

The arbitrators made the following valuation of the premises to be sold:—

Annuity under Act of 1805	... ..	£150,000
Lord's or quit rents and alienation fines	... ..	34,200
Ecclesiastical patronage, possessions of the religious houses, demesne lands, glebe lands, wastes, mines, quarries, services or works of tenants, rectories, tithes, commons, forests, and all other rights reserved by the Act of 1765	... ..	232,944
Total	... ..	<u>£417,144</u>

The whole of the premises were by four several Indentures made between the parties interested in the sale, the King and the Lords Commissioners of the Treasury, sold and conveyed to the Crown. By

the first, dated the 6th June, 1826, William, Earl of Mansfield, James, Viscount Strathallan, and Hugh, Duke of Northumberland, the surviving trustees under the Indenture of the 18th May, 1810, (the consideration money being paid to them,) and the Duke of Atholl and Lord Glenlyon conveyed the Annuity under the Act of 1805, "to the intent that the same might be re-united to and become part of the Consolidated Fund of Great Britain, and to the intent that the Consolidated Fund might be thenceforth released, exonerated, and discharged" from the payment thereof. By the second, dated the 13th March, 1827, the Duke of Atholl and Margery, Duchess of Atholl, his wife, and also William, Earl of Mansfield, son and heir of the last surviving trustee under the Indenture of the 6th April, 1756, (*see Notes on § 25,*) conveyed the quit rents and alienation fines. By the third, dated the 20th April, 1827, the Duke and Duchess of Atholl conveyed the patronage of the bishopric, other church patronage, the possessions of the religious houses, and tithes. And by the fourth, dated the 2nd June, 1828, the Duke and Duchess and the Earl of Mansfield conveyed all the residue of the premises to be sold, being the residue of the possessions and rights of the Duke in the Isle of Man and its dependencies. The consideration moneys of the second, third, and fourth Deeds were paid to the Duke of Atholl.

A Bill for confirming these sales and conveyances, and intituled, "*A Bill for confirming the Sales and Conveyance made to His Majesty, of the Isle, Castle, Peel, and Lordship of Man, and other Estates in the said Island of Man, lately belonging to John Duke of Atholl,*" (No. 261 Sess. 1829,) was introduced into the House of Commons and ordered to be printed on the 19th May, 1829, but it does not appear to have been proceeded with.

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#### APPENDIX, No. 2.

It may be both interesting and useful to insert here the opinions of Coke, Selden, Hargraves, and others, as to the independent position of the Island as a kingdom, &c. The *Notes on the Chronicle* may, in some instances, serve to explain or illustrate many of the statements of the various writers.

All English jurists concur in the opinion that the Island is bound by an Act of Parliament when specially named in it. I may have occasion hereafter to examine how far such an opinion can be supported.

## COKE.

*From the 1st part of Coke's Institutes of the Laws of England by Thomas, vol. 1, 1818, chap. 3, "Of Countries subject to the Laws of England."*

The Isle of Man, which is no part of the kingdom, but a distinct territory of itself, hath been granted by the Great Seal to divers subjects and their heirs. [T. 40 Eliz. in le Count de Derby's case by the Lord Chancellor, les two chiefe Justices, and chiefe Baron.] It was resolved by the Lord Chancellor, the two chief Justices, and chief Baron, that the same is an Estate descendible according to the course of the Common Law; for whatsoever state of inheritance pass under the Great Seal of England, it shall be descendible according to the rules and course of the Common Law of England. (1)

*From the 4th part of Coke's Institutes of the Laws of England, 5th edition, 1671, Cap. 69.*

Of the Isle of Man, *Insula Euboniæ, modo Manniæ*, and of the Law and Jurisdiction of the same.

This Isle hath been an ancient kingdom as it appeareth in li. 7. in Calvin's case, (2) which need not here to be recited. And yet we find it not granted or conveyed by the name of a kingdom, *sed per nomen Insulæ &c. cum patronatu Episcopatus*. He hath the patronage of the bishoprick of Sodor, which is a visible mark of a kingdom; albeit of ancient time the archbishop of Canterbury was patron of the bishoprick of Rochester, and the Earle of Gloucester of the bishoprick of Llandaff. *Vide lib. M.S. in recept. Scaccarii, fol. 186, & lib. Parliam. in Turri, London, tempus E. 1. fo. 19, 21. [Walsingham, p. 287.]*

*William le Scrope emit de domino Willielmo de Monte acuto Insulam Euboniæ (i. Manniæ): Est nempe jus ipsius Insulæ ut quisquis illius sit dominus Rex vocetur, cui etiam fas est Corona aurea coronari.* (3)

The Lord Scrope forfeited the same to H. IV. for high treason. (4) King H. IV. granted the same to Henry, Earl of Northumberland, in these words. *Rex &c. de gratia nostra speciali dedimus & concessimus Henrico, Comite Northumbricæ, insulam, castrum, pelam, [a pele or pile, a fortress in a small isle belonging to the Isle of Man,] & dominium de Man, ac omnia insulas & dominia eidem Insulæ pertinen' quæ fuer' Willielmi le Scrope, chivalier defuncti, quem in vita sua conquestati fuimus, & ipsum sic conquestatum decrevimus, & quæ ratione conquestus illius tanquam conquestata cepimus in manum nostrum. Quæ quidem conquestum & decretum in præsentem Parlamento nostro de assensu dominorum temporalium in eodem Parlamento existentium, quod personam præfati Willielmi, ac omnia terras, tenementa, bona, & catalla sua tam infra regnum nostrum quam extra ad supplicationem communitatis regni nostri affirmata existunt, &c. Habenda et tenenda eidem comiti & hæredibus suis, &c. per servic' portandi diebus coronationis nostræ & heredum nostrorum, ad sinistrum humerum nostrum & sinistros humeros hæredum nostrorum, per se ipsum aut sufficientum & honorificum deputatum suum illum gladium nudum quo cincti eramus quando in parte de Holderness applicuimus, vocatur Lancaster sword, durante processione & toto tempore solemnizationis coronationis supradicta.*(5)

1 See page 38.

2 See pages 7, 23.

3 See pages 7, 23.

4 See pages 7, 23.

5 See pages 7, 23.

In this little kingdom there are two castles, seventeen parishes, four market towns, and many villages; and in that Isle there is a bishoprick, as hereafter shall be shewed.

Anno 5 H. IV. the said Henry, Earl of Northumberland, was attainted of treason, and by Act of Parliament, 1 Martii, 7 H. IV., it is enacted, That the King should have the forfeiture of all his lands and tenements.<sup>(1)</sup> And afterwards in 7 H. IV. the King granted the Isle of Man, *una cum patronatu episcopatus*, to Sir John Stanley for life:<sup>(2)</sup> and after in the same year he granted the same Isle, *una cum patronatu episcopatus*, to the said Sir John Stanley and to his heirs: *Tenend' de Rege hæredibus et successoribus, suis per homagium ligeum: Reddendo nobis duos falcones semel tantum, viz. immediatè post homagium hujusmodi fact'. Et reddendo hæredibus nostris regibus Angliæ duos falcones diebus coronationis eorundem hæredum nostrorum pro omnibus aliis serviciis, consuetudinibus, et demandis, adeo liberè, plenè, et integrè sicut Willielmus Scrope, chivalier vel aliquis alius, etc.*<sup>(3)</sup>

This Sir John Stanley had issue Sir John Stanley, Knight,<sup>(4)</sup> who had issue Sir Henry Stanley, Lord Chamberlain to King H. VI. who created him Lord Stanley,<sup>(5)</sup> who had issue George, who had issue Thomas,<sup>(6)</sup> whom King H. VII. created Earl of Derby, to him and the heirs males of his body, who had issue Thomas,<sup>(7)</sup> who had issue Edward,<sup>(8)</sup> who had issue Henry,<sup>(9)</sup> who had issue Ferdinando<sup>(10)</sup> and William.<sup>(11)</sup> Ferdinando had issue Anne, Frances, and Elizabeth, and died without issue male.<sup>(12)</sup> And between these daughters being heirs general, and William, Earl of Derby, being heir male, question was moved concerning the title of the Isle of Man: which by Queen Elizabeth was referred to the Lord Keeper Egerton, and to divers Lords of the Council, and to Popham, Chief Justice of England, Anderson, Chief Justice of the Common Pleas, and Peryam, Chief Baron: who, Trin. 40 Eliz. upon hearing of the counsel of both sides, and mature deliberation, resolved these five points. 1. That the Isle of Man was an ancient kingdom of itselfe, and no part of the kingdom of England. 2. They affirmed a case reported by *Kelw.* anno 14 H. VIII. to be law, viz. Mich. 14 H. VIII. an office was found that Thomas, Earl of Derby, at the time of his death was seized of the Isle of Man in fee: whereupon the Countess his wife, by her Councill, moved to have her dower in the Chancery: but it was resolved by Brudnell, Brook, and Fitzh, Justices, and all the King's Council, that the office was meerly void, because the Isle of Man was no part of the realm of England, nor was governed by the law of this land, but was like to Tourny in Normandy, or Gascoign in France, when they were in the king of England's hands, which were merely out of the power of the Chancery: which was the place to endow the widow of the king, &c. It was resolved by them that the Statue of W. II. *De donis conditionalibus*, nor of 27 H. VIII. of Uses, nor the Statutes of 32 or 34 H. VIII. of

1 See pages 8, 26.

2 See page 27.

3 See page 28.

4 See pages 8, 31.

5 His name was *Thomas*, not *Henry*, see pages 8, 32.

6 Thomas (I.) had issue Thomas (II.) created Earl of Derby, and he was the father of George, whose son Thomas (III.) succeeded his grandfather Thomas (II.) See pages 8, 32, 33.

7 No grandson of George named Thomas was Lord of the Island. Coke has misplaced the names. He makes Thomas II. and Thomas III. the son and grandson of George, whereas they were respectively his father and son. See pages 8, 32, 33.

8 See pages 8, 34.

9 See pages 8, 34.

10 See pages 8, 35.

11 See pages 8, 35.

12 See page 35.

Wills, nor any other general Act of Parliament did extend to the Isle of Man for the cause aforesaid, but by special name an Act of Parliament may extend to it. [Vide 33 H. VIII. c. 6, a proviso for the subjects of the Isle of Man. 14 El. cap. 5.] 3. It was resolved, that seeing no office could be found to entitle the King to forfeiture of treason, that the King might grant by commission under the Great Seal to seize the same into the King's hands, &c., which being done and returned of record is sufficient to bring it into the King's seisin and possession, and into charge, &c. [In Turri Lond. 3 Junii, 6 H. IV. such a Commission under the Great Seal was granted to Sir John Stanley and William Stanley, &c. to seize, &c. in this very case.] 4. That the King might grant the same under the Great Seal, because he cannot grant it in any other manner. And herewith agreeth divers Grants, under the Great Seal, of this Isle, viz. 4 Junii, 18 E. I. *Rex E.I. concessit Waltero de Huntercombe, etc.* *Rex E. II. concessit Petro de Gaveston, etc.* 1 Maii, 5 E. II., *Gilberto Magaskill*, and in the same year granted *Henrico de Bello monte Insulam prædictam cum omni domino et justitia regali pro termino vitæ, etc.* 5. It was resolved that a fee simple in this Isle, passing by the letters patent to Sir John Stanley and his heirs, is descendible to his heirs according to the course of the Common Law, for the Grant itself by letters patents, is warranted by the Common Law in this case: and, therefore, if there be no other impediment, the Isle in this case shall descend to the heirs general, and not to the heir male: as the grand seigniores and cannots in Wales were impleadable at the Common Law, but the lands holden of them by the customs of Wales, &c.; which resolutions we have thought good to report, because they are the best directions that we have found, both in these and for the like cases.(1)

By these letters patents it appeareth, that Simon Montacute had intruded into and occupied the said Isle in *nostri ex-hæredationem*, for which he was attached to answer the same in the King's Bench at the suit of the King, but what proceeded thereupon we yet find not.

But now let us come to their laws and jurisdiction of this Isle, the like whereof we find not in any place. Their judges they call deemsters, [A dema, a Saxon word for a judge. *Giraldus: sunt duo judices in Insula Mannia (olim Euania nuncupate) qui de litibus ibidem emergentibus cognoscunt,*] which they choose out of themselves. All controversies they determine without proces, pleading, writing, or any charge or expense at all. If any case be ambiguous, and of greater weight, it is referred to 12,(2) which they call *claves Insulæ*, the Keyes of the Island. They have coroners (*quos annuos vocant*), who supply the office of a sheriff.

But albeit this be so, yet when this Isle was in the King's hands, if any injustice or injuries were done to any of his subjects there, the King might grant a commission for redress thereof: the like whereof we find, *Rot. Pat. anno 20 E. I.* in these words: *Rex dilectis et fidelibus suis Nicholao de Segrave seniori. Osberto de Spaldington, et Johanni de Suthewell, salutem. Sciatis quod assignavimus vos justiciarios nostros ad querelas omnium et singulorum de Insula de Man se conqueri volentium de quibuscunque transgressionibus, et injuriis eis per quoscunque tam balivos et ministros nostros quam alios in prædicta Insula illatis audiend' et terminand', et ad plenam et celerem justiciam partibus inde faciend' secundum legem et consuetudinem partium illarum.*

1 See page 38.

2 This is an error, the number of Keys being 24.



*Et ideo vobis mandamus, quod ad certos dies et loca quos, etc. in Insula prædicta querelas, etc. audiatis et terminetis in forma predicta facturi, etc. Salvis et Mandavimus enim custodi nostro Insula predicta, quod ad certos etc. in Insula predicta, quod ad certos, etc. in Insula predicta venire fac coram vobis tot et tales, etc. In cujus, etc. Teste Rege apud Berewick, 15 die Julii.*

So as albeit the King's Writ runneth not into the Isle of Man, yet the King's Commission extendeth thither for redress of injustice and wrong: but the Commissioners must proceed according to law and justice of the Isle. They have peculiar laws or customs: for example, If a man steal a horse or an ox, it is no felony, for the offender cannot hide them; [they have no woods;] but if he steal a capon or a pig he shall be hanged, &c Upon the sale of a horse or any contract for any other thing, they make the stipulation perfect, *per traditionem stipulæ*. (*Nota*, the true derivation of stipulation.) And as they have peculiar laws, so have they a proper language.

This Isle hath a bishop instituted by Gregory the Fourth, bishop of Rome,<sup>(1)</sup> and he is under the archbishop of York, but hath neither place nor voice in the Parliament of England. *In hac Insula Judex Ecclesiasticus citat definit et infra octo dies parent, aut carceri intraduntur.*

The inhabitants of this Isle are religious, industrious, and true people, without begging or stealing.

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#### SELDEN.

*From Selden's Titles of Honor, 2nd Edition, 1631, p. 24.*

The like were those kings of the Ile of *Man*, who were subject first to the kings of *Norway*, then to the crown of *England*, (under king *John* and *Henrie* the Third,) and afterward to the kings of *Scotland*, and since againe to the crown of *England*. They both stiled themselves kings in their seals inscribed with *Rex Manniæ et Insularum*, and were so titled by their superior Lords, as we see in that of our *Henrie* the Third's testifying that he had received the homage of king *Reynold*.<sup>(2)</sup> *Sciatis* (saith he) *quod dilectus et fidelis noster Reginaldus Rex de Man venit ad fidem et servitium nostrum et nobis homagium fecit.* [But they were also in the later times titled the *Lords of Man* or

<sup>1</sup> Coke has probably here mistaken the bishopric of *Sodor*, for that of *Man*. The generally received account is that it was constituted by St. Patrick, who appointed Germanus its first bishop, in 447. Lists of the bishops are preserved, and there seems no reason to doubt the account. The bishopric of *Sodor*, (the southern Hebrides, often called *Sudereys* or *Sodoreys*,—hence the term *Sodor*,) was constituted by Pope Gregory the Fourth, in 838. Magnus, king of Norway, about the year 1098, conquered both the Western Isles and Man, and both bishoprics were united—the archbishop of Drontheim in Norway being the metropolitan. The union of the sees continued till 1380, when, the English being in possession of the Isle of Man, separate bishops were elected. The Manx bishops, however, continued the title of bishops of *Sodor*, and of *Sodor and Man*—the Scotch bishops took the title of bishops of the Isles. (See *Cumming's Isle of Man*, p. 338.)

<sup>2</sup> See page 14.

*Domini Manniæ*,<sup>(1)</sup> by which title the dignitie was not so restrained, that therefore the name of king was taken from them. For our stories tell us expressly, that the Lords of Man had withall the name of king, and might use also a crown of gold. So saies *Thomas of Walsingham*, where he relates that *William Montague*, Earle of *Salisburie*, under *Richard II.* sold the Ile to Sir *William Scrop*. *Willielmus Scrop* (so are his words,) *emit de domino Willielmo de Monte-acuto Comite de Sarum, Insulam Euboniæ* (which is the old name of the Ile) *cum Coronâ. Nempe Dominus huius Insulæ Rex vocatur, cui etiam fas est corona aurea coronari.* And another to the same purpose in the publique librarie at Oxford. *Est nempe jus illius Insulæ ut quisquis illius sit Dominus Rex vocetur, cui etiam fas est Corona Regia coronari.* But in the memories which remain of the gifts of this Iland made by our kings to such as have been since vulgarly stiled Kings of *Man*, the name of *King* or *Kingdom* is not found, but only the title of *Lord*, but with the addition of holding it as amply and as freely as any before had it. And while also it was in the hands of that *William Earl of Salisbury*, hee titled himselfe, it seemes, only *Lord of Man* or *Seignor de Man*.<sup>(2)</sup> For so I find him in his Charter sealed with the armes of that Iland quartered with those of his owne family under a crowne, that is only fleury, with eight flowers whereof foure are much larger than the rest. It was made 22 *Februarij*, 6 *Rich. 2.* to his beloved *Esquier Robert Sparry*, for settling in him an estate in fee of divers lands and possessions in *Sutton, Montagu, Crowthorn* and *Crofton Denham* in *Somersetshire*, and came to my hands through the noble favour of the Right honorable *Henry Earle of Huntingdon*. The Earle of *Salisburie's* stile in it is *Gilliam Conte de Sarisbury, Seignor de Man et de l'Isle de Wight*. By the name of Lordship also it was given by *Henry the Fourth* to *Henrie Earl of Northumberland*, as an Island won by conquest from Sir *William Scrop*, whereas indeed the conquest was no otherwise than that Sir *William Scrop* was taken at *Bristow*, and beheaded by those which were of the part of this King, while he was Duke of *Lancaster*, and made his way for the crowne.<sup>(3)</sup> And the words of the Patent are most observable. He gives him—*Insulam, castrum, pelam, et dominium de Man, ac omnia insulas et dominia eidem Insulæ de Man pertinentia, quæ fuerunt Willielmi le Scrop, Chiualer, defuncti quem nuper in vita sua conquestati fuimus et ipsum sic conquestatum decreuimus et quæ ratione conquestus illius tanquam conquestata cepimus in manum nostram quæ quidem decretum et conquestus in præsentem Parlamento nostra* (that is the Parliament of the first year of his reigne), *de assensu Dominorum Temporalium in eodem Parlamento existentium quoad personam prefati Willielmi ac omnia terras et tenementa, bona et catalla sua tam infra dictum regnum quam extra ad supplicationem communitatis dicti regni nostri affirmata existunt.*<sup>(4)</sup> But it is not so much a wonder to see him give it as a territory acquired by conquest, if withall it be remembered that he had a purpose to have challenged the Crowns of England and Ireland by a title of the sword, and not by inheritance. But he was dissuaded from that claime by Sir *William Thirning*, Chief Justice of the Common Pleas, who was imploied under him in his greatest affaires of state, and thence was it also that to give some satisfaction to the Parliament that doubted it, he made a public protestation that he would not that any man should think that by way of conquest he would disinherit any man of his heritage, franchis, or other rights, &c.; and therefore also he

1 See page 33.

2 See page 23.

3 See page 24, &amp;c.

4 See page 23.

claimed the crown by pretence of hereditary descent. But for the title to the Ile of *Man* he altered not his purpose it seems, nor did he continue in it without the consent of the Parliament that thus affirmed it to be by conquest.(1) Some years after the Earle of *Northumberland* forfeited it, and it was in the same words given to Sir *John Stanley*, to hold it in fee by the tenure of two falcons to be presented to the King at his coronation,(2) whereas the Earle of *Northumberland's* tenure was to carry the sword called *Lancaster Sword*, being the same that *Henry IV.* wore when he arrived in *England*, at the coronation of the King and his successors. By this title it hath continued to this day in the posteritie of Sir *John Stanley*, the Earles of *Derby*, who have also by the same grant (as the Earl of *Northumberland* had) the patronage of the Bishopriue of *Sodor* and are in common speech called *Kings of Man*. And indeed that having the patronage of a bishopriue is such a special mark of Royalty in a subject, as hath not at this day nor for divers ages hath had an example in any territory of the Crowne of *England*; although in more ancient times there be express testimony of subjects being patrons of bishopriques in *England* also; as we see in the bishopriue of *Rochester*, which was of the patronage of the Archbishop of *Canterbury*, as also the advowson of the bishopriue of *Landaffe* was in the Earles of *Glocester*.

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WOOD.

*From Wood's Institute of the Laws of England, &c., 1772, p. 1.*

The Isle of *Man* is no part of *England*, but a distinct territory of itself, and out of the power of our Chancery, or of original Writs which issue out of Chancery; and hath been granted under the Great Seal to divers subjects, and their heirs. No Act of Parliament extends to it, unless it is especially named. It hath peculiar laws and customs.

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HARGRAVES.

3 *Hargraves' Jurisconsult Exercitations.* (1813) 255. (*Extracted from Mr. Hargraves' "further Opinion on the Duke of Athol's Isle of Man Case."*)

As to the sovereignty of the Isle of *Man* which the Act of 1765 wrested from the late Duke and his wife, the heiress of the body of *James*, Lord *Stanley*, the seventh Earl of *Derby*, and transferred to the crown of Great Britain,(3) I do not in placing it first, follow the order of the estimate of *Man* the late Duke of *Athol*, as I have already mentioned, gave in to the Minister just before entering into the ruinous and degrading contract, on the nullity of which I am submitting my opinion. In that estimate the revenues from the Island were the *first* subject. The sovereignty was introduced *secondarily*. But I see this as a misplacement, at least ill according with the superior grandeur of the sovereignty. In fact it was placing the *incident* before the *principal*.

1 See page 24.

2 See page 28.

3 See pp. 104, 107.

Such an arrangement is scarce to be accounted for. It seems as if despair, threats, and coercion had benumbed the late Duke and his advisers into the fear of asking for the price of DETHRONEMENT.

I may truly say, DETHRONEMENT; for the late Duke and his Duchess, till the Minister threatened and coerced them into a resignation, were in possession of a KINGDOM; one indeed *dependent* upon the crown of Great Britain; but yet one of very high consideration.

The Isle of Man is mentioned by Lord *Coke* in his report of *Calvin's* case,(1) and in his fourth Institute,(2) as an *antient* kingdom; and as an *absolute* one also, by which I apprehend he only means, that it is a kingdom in *reality*, as well as in *denomination*. Mr *Selden* also, in his *Titles of Honour*,(3) ranks it as an *antient subordinate* kingdom: observing that its kings stiled themselves as kings of *Man* and the Isles, and were so titled by their superior lords. Both *Coke* and *Selden* prove their assertions from our records.

I will now touch upon the outline of its antiquity, its transitions, and its continuance, as a *kingdom*; with just enough of reference to enable seeing upon what authority I found my account.

Possibly the antiquary, following the expulsion of the Druids by the Roman government, first from *Wales* into *Anglesey* or the southern *Mona* or *Man*, might find the first trace of monarchy in this latter island in one of the latest stages of druidical hierarchy. But here it will be sufficient to begin with mentioning, that the chronicle of the kings of Man, in the old Latin editions of *Camden's Britannia*, is particular in explaining who reigned in Man a little before the Conquest; and that, according to Mr *Selden's* short statement, the kings of Man were subjects first to the kings of Norway, then to the crown of England, and afterwards to the kings of Scotland, and then to the crown of England again. In the reigns of our John and our third Henry, Man was considered as a kingdom dependent upon England; and Mr *Selden* gives an extract from the patent roll of 3 *Hen.* III. in which that king notifies that he had received homage and fealty from Reginald, king of *Man*. According to the chronicle of the kings of Man, Magnus the Second, its last king of the Icelandic or Norwegian line, died in 1265; and then the Island was attacked by the arms and fell under the dominion of the third Alexander, king of Scotland.(4) At this period the chronicle of Man ending, *Camden*, in the Latin edition of his *Britannia*, pursues the history of the kings of Man from other sources; and informs us, that after the king of Scotland's subduing the Isle of Man, it was claimed by a daughter and heir of Reginald, king of Man,(5) whom I take to be the king called in *Anderson's Royal Genealogies*, in the table for the Isle of Man, Reginald the Second, and stated as elder brother of the second Magnus the last of the old kings, and his predecessor. For that purpose, this lady sued for the Isle of Man against John Baliol the Scottish king, in the English Parliament, before Edward the First as the king paramount of Man. Her petition is in *Ryley's Placita Parliamentaria*, and in the roll of Parliament for 31 *Edward* I. What followed is not at present clearly traced. But it appears by a writ extracted in *Prynne on 4 Inst.* 203, from the close roll of 35 *Edw.* I., that Anthony, bishop of Durham, was then in possession of Man, and was summoned to shew

1 See page 14.

2 See page 153.

3 See page 156.

4 See page 15.

5 See pp. 6, 17, 18.

cause in the King's Bench why it should not be resumed unto the king's hands; the writ treating it as his right, and containing a recital which adverts to the antiquity of his claim. For some years after this, the subject is again enveloped in obscurity. But it appears by several records in *Prynne on 4 Inst.* 204, and by other records in *Mr Rymer's Fœdera* for the 7th *Edward III.*, that both *Edward II.* and *Edward III.* committed the custody of the Isle to various persons from time to time; and that at length the latter king first entrusted the custody to William de Montacute, the second Montacute, Earl of Salisbury, and soon afterwards released all right and title to him.<sup>(1)</sup> The origin of this favour (as, putting together, what I find in 1 *Dugdale's Baronage*, 632, and in *Camden's Britannia*, p. 810, of the Latin edition of 1600, which contains somewhat omitted in the English editions, and adding what I collect from a record of 33 *Edw. I.* cited in *Dr. Campbell's Political Survey* from *Dodsworth's* manuscript collection, I conjecture) seems to have been, partly that this Earl's grandmother, the wife of Simon de Montacute, was sister and heir of one of the antient kings of Man, and a near relation of the female who claimed to inherit Man on the death of the king Magnus the Second, and had obtained a transfer of her right; and partly that he had by his arms regained the Island from the Scotch upon their having once more resumed the possession of it. Thus become seized, William Montacute, the second *Montacute*, Earl of *Salisbury*, and son and heir of the first Earl, is represented in *Thomas Walsingham's History*, and on that authority in *Seld. Tit. of Hon.*, 1 *Dugd. Bar.* 661, and other books, as having sold the Island to Sir William Scroope, Earl of Wiltshire, about 16 *Rich. II.* as a kingdom, namely, *cum coronâ*, which transaction, as I conceive, could not have been valid without the sanction of that king.<sup>(2)</sup> In 1 *Hen. IV.* Scroope, Earl of Wiltshire, was attainted of high treason, and so the Isle of Man became forfeited to the crown.<sup>(3)</sup> It was almost immediately granted to the first Percy, Earl of Northumberland, and his heirs, by the description of the isle, castle, pele, and *dominion* of *Man*, and all the Islands and *dominions* to the same belonging. which were late of William Scroope, knight; to hold by the service of bearing the Lancaster sword on the left shoulder of the king during the whole of the coronation day.<sup>(4)</sup> The grant is in Latin; and in the extract in 4 *Inst.* 283, and *Prynne* on that book from the patent roll, the words I translate *dominion* and *dominions* are *dominium* and *dominia*, which I mention, that my translation, if it be too strong, may be corrected. But the Earl of *Northumberland's* attainder of treason, in 6 and 7 of same king brought *Man* back to the crown; and in the latter year the Isle was granted by *Hen. IV.* to Sir John Stanley and his heirs, to hold of the king and his heirs and successors kings of *England*, by liege homage and rendering two falcons on every day of coronation, with express words, according to the extract from the record in 4 *Inst.* that Sir John Stanley, who was lord steward to the king and also lord-lieutenant of Ireland, and his heirs, should hold the Island as freely, fully, and entirely, *adeo liberè, plenè, et integrè*, as Sir William Scroope or any other, *vel aliquis alius*, had held it:<sup>(5)</sup> and from this Sir John Stanley it passed through his descendants the Lords Stanley and Earls of Derby, till under the succession, as regulated by the Act of *James*<sup>(6)</sup> the First, the isle became vested in the now Duchess Dowager of Athol as heir of the body of James, Lord Stanley, seventh Earl of Derby.<sup>(7)</sup>

1 See page 22.

2 See page 23.

3 See page 23.

4 See page 23.

5 See page 28.

6 See page 61.

7 See page 95.

Thus the Isle of Man is traceable as a *kingdom* into times, probably centuries, but certainly many years, prior to the Conquest. Thus too, after extinction of the ancient kings, about the end of the reign of our Henry the Third, the inheritance of Man in the reign of Henry the Fourth was granted to Sir John Stanley, in language substantially continuing the isle as a kingdom; and after an enjoyment in his family for nearly four centuries, it descended upon the now Duchess Dowager of Athol, as sole heir of the body of his descendant and heir male of James, Lord Stanley, the seventh Earl of Derby.

Mr. *Selden*, indeed, in his *Titles of Honor*, truly observes that in latter times *kings* of *Man* were titled *lords*. But he properly adds, that the dignity was not so restrained, as to take away the name of king. He illustrates this, by transcribing *Thomas de Walsingham's* account of the transfer of Man from the second Montacute, Earl of Salisbury to Sir William Scroope, Earl of Wiltshire, in the reign of *Richard* the Second; the transfer being stated as including a *crown*; and *Walsingham* explaining that the lord of Man was *not only called* a king, but that he *might be crowned with* a golden crown. "*Dominus*," as the passage, which is cited by *Selden* from *Walsingham*, and which I find agrees with the book cited, runs, "*hujus Insulæ Rex vocatur cui etiam fas est coronâ aureâ coronari*." To this *Selden* subjoins from a manuscript chronicle at *Oxford*, including 43 *Hen. III* to 7 *Hen. V.*, a passage expressly allotting to the king of Man a *crown royal*; for the words are "*est nempe jus illius insulæ, ut quisquis illius sit dominus Rex vocatur, cui etiam fas est coronâ regiâ coronari*." It is true, however, as *Selden* further remarks, that in the gifts of Man by our kings the name of *king* is not found, but only the title of *lord*; which is quite correct as to the successive patents to Percy, Earl of Northumberland, and Sir John Stanley, as I have shortly stated. But it is plain that *Selden* did not mean to deny the continuance of Man as a *kingdom*, not even in name; if the lord should think fit. The contrary is apparent; for, in one of the passages I have already cited from him, he so explains himself. In order also to guard against so supposing from Man's not being named as a kingdom in the latter grants from the Crown, Mr *Selden* in the very same page recollectively mentions that those grants were with the addition of the grantees holding *as AMPLY and freely as ANY BEFORE*; which words are equivalent to the *adeo plene libere et integre sicut Willielmus Scrope vel ALIQUIS ALIUS* in *Henry* the Fourth's grant to Sir John Stanley.

The sum of all this is, that the Isle of Man was a feudatory and subordinate kingdom before the grant to the Stanley family; and that in effect it was granted as such to Sir John Stanley; the reference to the former grants being the same as if king *Henry* the Fourth had said to Sir John Stanley, *you and your heirs are to have Man as fully, freely, and entirely, as it was held by Sir William Scrope, or even as it was delivered to John Baliol, king of Scotland by my ancestor king Edward the First.*

In truth the grant was immediately construed in this way. This appears strikingly in the book of statutes for the *Isle of Man*, printed in the appendix to the report to the crown from the Isle of Man commissioners in April, 1792. In that book, the title to the beginning and most ancient laws describes it, as containing divers ordinances, statutes and customs, presented and used for laws in the land of Man, which were approved and confirmed, "as well by the Honourable Sir John Stanley, knight, KING and lord of the same, and diverse other his predecessors, as by all deemsters, officers, tenants, inhabitants and commons of the same land." How antient this title is, may

be uncertain. But it is not necessary to lay any stress upon it: for the very first article of the book, although such article is certainly at least as antient as 1422, which was about sixteen years after *Henry* the Fourth's grant to Sir John Stanley, and six years after the latter's death, begins with describing the *kingship* of Sir John Stanley, son and heir of Sir John Stanley the first grantee, in the following emphatical terms, which are applied to him on his *Tynwald* or *Parliament* day, and which I copy with no other difference than what arises from modernizing the spelling.

"Our doughtful and graceful lord. This is the constitution of old time, the which we have given in our days, how you should be governed on your *Tynwald* day. First, you shall come thither in your *Royal array*, as a KING ought to do by the prerogatives and royalties of the land of Man; and upon the hill of *Tynwald* sit in a chair covered with a royal cloth and cushions; and your visage unto the East, and your sword before you holden with the point upwards, your *barons* in the third degree sitting beside you, and your *beneficed* men and *your deemsters* before you sitting; and your clerk, your *knights*, *esquires*, and *yeomen* about you, in the third degree; and the worthiest men in your land to be called before your deemsters, if you will ask anything of them, and to hear the government of your land and your will; and the *commons* to stand without the circle of the hill with three clerks in their surplices. And your deemsters shall make call in the *coroner of Glenfaba*; and he shall call in *all the coroners of Man*, and their yards in their hands, with their weapons upon them, either sword or axe; and the moures, that is, to wit of every sheading. Then, *the chief coroner*, that is the coroner of *Glenfaba*, shall make affence upon pain of life and limb, that no man make any disturbance or stir in the time of *Tinwald*, or any murmur or rising, in the *king's presence*, upon pain of hanging and drawing; and then *shall let your barons and all others know you to be their KING and lord*, and what time you were here you received the land as heir apparent in your father's days, and *all your barons of Man*, with your worthiest men and commons did you faith and fealty. *And in as much as you are by the grace of God now KING and lord of Man* you will now, that *your commons* come unto you, and shew their charters how they hold of you, and *your barons*, that made no faith or fealty unto you, that they may now."<sup>(1)</sup>

It will, I presume, scarce be denied that this picture of Sir John Stanley the first grantee's son and heir, at the head of his *Tynwald* assembly, not only attributes a kingdom to him, but represents that kingdom with some resemblance of the great kingdom upon which the Isle of Man was become a dependency.

From the continuation of the Isle of Man *Tynwald* laws in the same book, it appears that this Sir John Stanley, the son and heir of the first grantee, was at three subsequent courts of *Tynwald* or *Parliament*, stiled by his subjects and tenants "*KING of Man and the isles.*"

But according to the account given by James, Lord Stanley, seventh Earl of Derby, in his *History and Antiquities of Man*, as printed in the second volume of *Peck's Desiderata Curiosa*, his ancestor Sir Thomas Stanley, grandson of the first grantee and father of the first Lord Stanley and Earl of Derby, dropped the title of *king*, either from modesty or policy; and thence the title became that of *lord* only.<sup>(2)</sup>

<sup>1</sup> Mill's Statutes, page 5.

<sup>2</sup> See page 33; Peck, page 430, &c.; Mackenzie's Stanley Legislation (Manx Soc.) page 6.

The *sovereignty*, however, was not diminished by the change of name; and I observe that even in the reign of *Henry VIII.* the fourth Stanley, Earl of Derby, the then lord of Man, was stiled *SOVEREIGN* and *liege lord* of it, for so he was stiled in a commission under his seal of Man, in June, 1532, and recited in an indenture of the next month which is inserted at length in the before-mentioned book of statutes and laws. It should also be remembered, that according to the Isle of Man case between William the sixth Earl of Derby and the daughters and heirs of Ferdinand the fifth Earl, in the latter end of the reign of *Elizabeth*, as reported in *Lord Coke's fourth Institute*, the lord chancellor, and diverse of the privy councillors and the chiefs of the three great common law courts, concurred in declaring the Isle of Man to be an antient "*kingdom of itself*, and no part of the realm of *England.*"(1)

In this form and with this title altered from *king* to *lord* the sovereignty of the Isle of Man descended upon the present Duchess Dowager of *Athol*, and so was vested in the late Duke and her, in her right, till they were *unhinged* by the Revesting Act of 1765.

So much may suffice to shew, that the primary subject of the sale of Man in 1765 was really a *sovereignty*, really a *kingdom*, and a very antient one too.

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BLACKSTONE.

*From Blackstone's Commentaries on the Laws of England, vol. 1, p. 105, 15th edition, by Christian, 1809.*

The Isle of Man is a distinct territory from England, and is not governed by our laws; neither doth any Act of Parliament extend to it, unless it be particularly named therein; and then an Act of Parliament is binding there. It was formerly a subordinate feudatory kingdom, subject to the kings of Norway; then to king John and Henry III. of England; afterwards to the kings of Scotland; and then again to the crown of England; and at length we find king Henry IV. claiming the Island by right of conquest,(2) and disposing of it to the Earl of Northumberland; upon whose attainder it was granted (by the name of the Lordship of Man,) to Sir John de Stanley by letters patent 7 Hen. IV.(3) In his lineal descendants it continued for eight generations till the death of Ferdinando, Earl of Derby, A.D. 1594: when a controversy arose concerning the inheritance thereof, between his daughters and William his surviving brother;(4) upon which, and a doubt that was started concerning the validity of the original patent, the island was seized into the Queen's hands, and afterwards various grants were made of it by king James the First; all which being expired or surrendered, it was granted afresh in 7 Jac. I. to William, Earl of Derby, and the heirs male of his body, with remainders to his heirs general;(5) which grant was the next year confirmed by Act of Parliament, with a restraint of the power of alienation by the said Earl and his issue male.(6) On the death of James, Earl of Derby, A.D. 1735, the male line of Earl William failing, the Duke of

1 See page 38.

2 See page 23.

3 See page 28.

4 See page 83.

5 See page 45.

6 See page 61.



Atholl succeeded to the Island as heir general by a female branch.<sup>(1)</sup> In the mean time, though the title of *king* had long been disused, the Earls of Derby, as lords of Man, had maintained a sort of royal authority therein; by assenting or dissenting to laws, and exercising an appellate jurisdiction. Yet though no English writ, or process from the courts of Westminster, was of any authority in Man, an appeal lay from a decree of the lord of the Island to the king of Great Britain in council. But the distinct jurisdiction of this little subordinate royalty being found inconvenient for the purposes of public justice, and for the revenue, (it affording a commodious asylum for debtors, outlaws, and smugglers,) authority was given to the Treasury by Statute 12 Geo. I. c. 28, to purchase the interest of the then proprietors for the use of the crown:<sup>(2)</sup> which purchase was at length completed in the year 1765, and confirmed by Statutes 5 Geo. III. c. 26 & 39,<sup>(3)</sup> whereby the whole Island and all its dependencies so granted as aforesaid, (except the landed property of the Atholl family, their manorial rights and emoluments, and the patronage of the bishoprick and other ecclesiastical benefices,) are unalienably vested in the crown, and subject to the regulations of the British excise and customs.

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APPENDIX, No. 3,

*Being the Act of Parliament referred to in the Notes on § 20. (See p. 74.)*

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51 Geo. III. cap. 207. (Local and personal.)

*An Act to confirm certain Articles of Agreement between the Most Noble John, Duke of Atholl, the Right Honourable Edward, Earl of Derby, the Right Reverend Claudius, Lord Bishop of Sodor and Man, the Honourable Edward Stanley commonly called Lord Stanley, the Reverend Daniel Mylrea, William Scott, John Cosnahan, and the Clergy of the Isle of Man, and for other purposes. [26th June, 1811.]*

Whereas, by Letters Patent, bearing date on or about the seventh day of July, in the seventh year of the reign of King James the First, The isle, castle, peeble, and lordship of Man, with its rights, members, and appurtenances, and all monasteries, abbeys, and priories within the said Isle, and all tythes whatsoever, as well great as small, and all rectories, advowsons, donations, and right of patronage of all hospitals, churches, vicarages, chapels, and all other benefices whatsoever, as well spiritual as temporal, with their appurtenances, of what nature or kind soever, arising within the said Isle, together with the patronage of the bishoprick of Sodor and Man were (except as therein excepted) granted by his said Majesty to William then Earl of Derby, and Elizabeth his wife, during their joint lives,

1 See page 95.

2 See page 94.

3 See pp. 104, 105, 107.

and the life of the survivor of them, and after the death of the survivor of them, to James Stanley (Lord Stanley) the son and heir apparent to the said William, Earl of Derby, and to his heirs for ever, the same to be holden of his Majesty, his heirs and successors, by homage and liege, and paying two falcons on the coronation day of his Majesty's successors, the kings of England, in lieu of all other services, customs, and demands.

And whereas some differences having arisen between William, Earl of Derby, the grantee in the said letters patent, and the widow, daughters, and co-heirs of Ferdinando, then late Earl of Derby, and the said parties having entered into an agreement concerning the same, an Act of Parliament passed in the seventh year of his said Majesty king James the First, for confirming such agreement, intituled, *An Act for assuring and establishing of the Isle of Man*, whereby it was enacted, that the said William, then Earl of Derby, and Elizabeth his wife, should, during their natural lives, and the life of the longest liver of them, and the said James, Lord Stanley, and the heirs male of his body begotten or to be begotten; and after his death, without such issue, Robert Stanley, the second son of the said Earl, and the heirs male of his body; and for want of such issue, the heirs male of the body of the said William, Earl of Derby; and for default of such issue, that the right heirs of the said James, Lord Stanley, should for ever thereafter hold and quietly enjoy, against his said Majesty King James the First, and against Thomas, Lord Ellesmere, then Lord High Chancellor of England, the Lady Alice, Countess of Derby, his wife, and then late the wife of the said Ferdinando, then late Earl of Derby, deceased; and against Henry, Earl of Huntingdon, and the Lady Elizabeth, Countess of Huntingdon, his wife; Grey, Lord Chandos, and the Lady Anne his wife, Sir John Egerton, Knight, son and heir male apparent of the said Thomas, Lord Ellesmere, and the Lady Frances his wife, and the heirs of the said Elizabeth, Anne, and Frances; which said Elizabeth, Anne, and Frances, were the only daughters and sole heirs of the said Ferdinando, then late Earl of Derby, and against the heirs of the said Ferdinando, then late Earl of Derby, and against Thomas Ireland, Esquire, his executors, administrators, and assigns; all the said Isle, castle, peeles, and lordship of Man, with the rights, members, and appurtenances thereto belonging; and all and singular the premises comprized in the said Letters Patent, and particularly expressed in the said Act, subject to the several terms, rents, and services aforesaid: And whereas the said James, Lord Stanley, afterwards Earl of Derby, after the death of the said William, Earl of Derby, and Elizabeth his wife, entered and enjoyed the said Island and premises, during his life; and the said James, Earl of Derby, afterwards died, leaving issue Charles, his eldest son and heir at law; and the said premises then became vested in the said Charles, Earl of Derby.

And whereas some time in or about the year One thousand six hundred and sixty-six, the said Charles, then Earl of Derby, promoted a publick subscription in England, for the increase and augmentation of the maintenance of the poor clergy within the said Isle; and One thousand Pounds having been accordingly subscribed, the application thereof was entrusted to the Right Reverend Isaac, then Bishop of Sodor and Man; and the said subscription of One thousand Pounds having been accordingly paid into the hands of the said Bishop, he afterwards, at the request of the inhabitants, proposed to the said Earl to purchase the rectories and tythes in the said Island, herein-after particularly mentioned, from the said Earl.

And whereas by Indenture, bearing date on or about the first day of November, which was in the year of our Lord One thousand six hundred and sixty-six, and made, or mentioned to be made, between the said Charles, Earl of Derby, of the one part, and Isaac, then Lord Bishop of Sodor and Man, and Jonathan Fletcher, then Archdeacon of the said Isle of Man, of the other part reciting, that the then revenues and ecclesiastical promotion and maintenance for the ministers of the Gospel, settled within the said Isle of Man, were very small, by reason whereof many of the ministers within the said Isle were forced to live in a mean condition, unbecoming their callings; and likewise were necessitated, for the gaining and obtaining of a livelihood for themselves and families, to betake themselves to mean and inferior employments, to the diminution of the honour of their functions and profession, and to the prejudice of religion and ecclesiastical government by law established within the said Island and his Majesty's dominions; whereof the said Earl and Bishop taking notice, and duly considering the great inconveniences arising from the small encouragement and maintenance of the ministers within the said Isle, and for the increase and further augmentation of the maintenance of the ministers of the Gospel, exercising their functions within the said Isle, at the several churches and cures there, they the said Earl and Bishop had used their great care and pious and religious endeavours and bounty, as well in their own particular and liberal contributions, as in procuring on their endeavours and earnest solicitations, other large and bountiful contributions, for the furthering and encouragement of the same pious and religious work, by the Archbishop and Bishops, and other pious well disposed persons within the realm of England, by which contributions, the sum of One thousand Pounds had been then already paid, or subscribed, or undertaken to be paid, for the furtherance and advance of the said pious and charitable work; which said sum of One thousand Pounds was directed and appointed to be bestowed and employed for the purchase of some yearly revenue within the said Island for the increase and augmentation of the maintenance of the ministry within the said Isle, and that upon such inquiry made, and long consideration had, how or whereupon to bestow the said One thousand Pounds, within the said Isle for the purposes aforesaid, it was thought most convenient to purchase the several impropriations, rectories, tythes, and hereditaments within the said Island, therein and herein-after particularly mentioned, for and towards the further increase and augmentation of the maintenance of the ministers of the Gospel resident and exercising their ministerial functions within the said Island, and for provision of maintenance for schoolmasters, or erection of some school or schools, in such manner and in such proportions as should from time to time be thought meet and convenient by the said Bishop and his successors, and by the Archdeacon of the said Isle and his successors, and by such two other persons, as should be thought meet to be appointed for that service and employment by the said Earl and his heirs, from time to time, or by three of them: And further reciting, that the said Earl being acquainted therewith, at the request of the said Bishop, was content to accept of the said sum of One thousand Pounds for the settling and advance of the same pious and charitable work, and in consideration thereof, to convey and grant the rectories, impropriations, tythes, and hereditaments therein and herein-after mentioned for the purposes aforesaid, and under the rents, reservations, trusts, and agreements therein and herein-after expressed, it was and is witnessed that the said Earl in consideration of the said sum of One thousand

Pounds, and of the several yearly rents therein and herein-after reserved, and for the the trusts and purposes aforesaid, granted, bargained, and sold to the said Lord Bishop of Sodor and Man, and Jonathan Fletcher, Archdeacon of the said Island, their executors and assigns, all that the rectory of Kirk Christ Layer and Kirk Marown, with their and every of their appurtenances; all that the rectory of Kirk Lonan, with its appurtenances; all that the rectory of Kirk Conchan, with its appurtenances; all that the rectory of Kirk Malow, with its appurtenances; all that the rectory of Kirk Manghell, with its appurtenances; all that the rectory of Kirk Arbory, with its appurtenances; all that the rectory of Kirk Christ Rushen, with its appurtenances; all that the rectory of Kirk Michael, with its appurtenances; all that the rectory of Kirk Santon, with its appurtenances; together with all tenths and tythes of corn and grain yearly renewing and increasing within the said rectories or the bounds, precincts, or tytheable places thereof, and all other tythes and tenths whatsoever arising or payable within any of the rectories or parishes aforesaid, or any part thereof, in as large, ample, and beneficial manner as the said Earl, or his heirs, could or might in anywise use or enjoy the same, with all and singular the appurtenances, to hold the several rectories and premises aforesaid, with the appurtenances, to the said Bishop and Archdeacon, their executors and assigns, from thenceforth for and during the term of ten thousand years, then next ensuing, and fully to be complete and ended; paying therefore yearly to the said Earl and his heirs, for the said rectories of Kirk Christ Layer and Kirk Marown, the yearly rent of fourteen pounds sixteen shillings and sixpence; and also for the rectory of Kirk Manghell the yearly rent of eight pounds; and for the rectory of Kirk Lonan the yearly rent of six pounds; and for the said rectory of Kirk Conchan the yearly rent of one pound six shillings and eightpence; and for the said rectory of Kirk Malow the yearly rent of twelve pounds; and for the said rectory of Kirk Arbory the yearly rent of three pounds; and for the said rectory of Kirk Christ Rushen the yearly rent of eight pounds; and for the said rectory of Kirk Michael the yearly rent of eight pounds; and for the said rectory of Kirk Santon the yearly ancient and accustomed rent; and also paying for all the said rectories, tythes, and premises every thirtieth year, to the said Earl of Derby and his heirs, the rent of one hundred and thirty pounds sterling; the said annual reserved rents to be yearly payable at the feast days and times formerly used and accustomed for payment thereof by equal portions, and the said rent of one hundred and thirty pounds, every thirtieth year to be likewise paid at the feasts of Pentecost and St Michael the Archangel by equal portions; and it was thereby declared and agreed to be the true intent and meaning of the said parties, that the interest, title, term, and estate in the said rectories, tythes, and premises were thereby granted to the said Bishop and Archdeacon, their executors and assigns as aforesaid only in trust, to the intent that the rents, issues, revenues, and clear profits thereof, over and above the payment and satisfaction of the yearly and other rents hereby reserved, should be from time to time and at all times thereafter during the said term paid, employed, and disposed of for the increase and augmentation of the maintenance and better support and livelihood of the ministers of the Gospel, settled and exercising their functions within the said Isle, and for or towards the erection of a free school within the said Isle, or the maintenance of some schoolmaster or schoolmasters there, in such manner and to be paid and distributed for the uses aforesaid, by such proportions and to such persons as the said Bishop, during his continuance in the same see and

bishoprick of Sodor and Man, and the said Jonathan Fletcher, during his continuance of his ecclesiastical promotion of Archdeacon within the said Isle, and afterwards, as the several successors of the said Bishop and Archdeacon of the said Isle, together with two other persons resident and inhabiting within the said Isle for the time being, and to be nominated for that purpose by the said Earl or his heirs, under his or their hands and seals respectively, or as any three of them, whereof the said Bishop for the time being to be one, should think meet and convenient to order and dispose of the same; and the said Earl thereby for himself, his heirs, executors, administrators, and assigns, covenanted, promised, and granted to and with the said Bishop and Archdeacon, their heirs, executors, administrators, and assigns, that he the said Earl would by fine, feoffment, or some other good conveyance or assurance in law, within two years then next, at the request, costs, and charges of the said Bishop and Archdeacon, or either of them, well and sufficiently grant, convey, and assure unto the said Bishop and Archdeacon, and their heirs for ever, lands, tenements, and hereditaments within the county of Lancaster, of the real worth and value of two thousand pounds to be sold; which lands, tenements, and hereditaments so conveyed, granted, or assured according to the tenor of the said Indenture, should be vested and settled in the said Bishop and Archdeacon, and their heirs, as a collateral and further security for the quiet enjoyment of all the said several rectories, tythes, and premises, with the appurtenances, during the said term of ten thousand years, under the rents and reservations thereby reserved and made payable, and according to the trusts, limitations, and appointments therein mentioned, without any manner of let or disturbance of him the said Earl or his heirs, or of any person or persons lawfully claiming the said rectories, tythes, and premises, every or any part thereof under him the said Earl, or under James, late Earl of Derby, father of him the said Charles, their or either of their assignee or assigns, or any other ancestor of the said Earl in anywise.

And whereas the said Charles, Earl of Derby, in pursuance of his covenant contained in the aforesaid recited Purchase Deed, afterwards did by Indentures of lease and release,

Indentures bearing date on or about the twenty-sixth and twenty-ninth days of dated 26th and 29th January, in the same year of our Lord One thousand six hundred and sixty-six, and made or mentioned to be made between the said Charles, 1666.

Earl of Derby, of the first part; the said Isaac, Lord Bishop of Sodor and Man, and the said Jonathan Fletcher then Archdeacon of the said Isle, of the second part; and Thomas Patten and Thomas Sympson, of the third part; reciting the said Indenture of the first of November preceding to the effect herein-before recited, the said Earl, by this last Instrument or Indenture, in consideration of the said sum of one thousand pounds to him paid by the said Bishop and Archdeacon, and in performance of the covenant and agreement before recited, and to the intent and purpose that the manor of Bispham, with its rights, members, and appurtenances, in the county of Lancaster, and the farm or tenement called Methop, with its appurtenances, and the rents and services then due and payable for the same, and the reversion and reversions thereof, (except as therein excepted,) might be and remain and stand firmly assured and conveyed by the said Earl to the said Bishop and Archdeacon, and their heirs, and so remain vested and settled in them and their heirs as aforesaid; as a further and collateral security, and for the quiet enjoyment and possession of all the before-mentioned rectories, tythes, hereditaments, and other the premises within the said Island, during the said term of

ten thousand years, under the rents and reservations, and for the uses, trusts, and purposes aforesaid, according to the true intent and meaning of the said recited Indenture, and for divers other good and valuable considerations, him the said Earl thereunto moving, he the said Earl thereby granted, aliened, bargained, sold, enfeoffed, released, and confirmed unto the said Isaac, Lord Bishop of Sodor and Man, and Jonathan Fletcher, Archdeacon of the said Isle, and their heirs, all that the manor or reputed manor of Bispham, in the said county of Lancaster, with its rights, members, and appurtenances, and all and singular his demesne lands in Bispham aforesaid, with the appurtenances, and all and singular messuages, tenements, farms, lands, and hereditaments of him the said Earl in Bispham aforesaid, with their and every of their appurtenances, and all houses, edifices, buildings, profits, commodities, and advantages thereto belonging, or reputed, or used as part, parcel, or member thereof, with all and singular the appurtenances, and the reversion and reversions, remainder and remainders, rents and services yearly, and other profits of the said manor of Bispham, and of every part thereof, together with the said farm or tenement called Methop, with its appurtenances, and the reversions and remainders thereof, (except as therein excepted,) to hold the said manor or reputed manor of Bispham, and the said farm and tenement called Methop, with the appurtenances, to the said Bishop and Archdeacon, their heirs and assigns for ever, nevertheless, only in trust and upon confidence, that they and their heirs should permit the said Earl, his heirs and assigns, peaceably and quietly to have, hold, and enjoy, the said manor of Bispham, and the said farm or tenement called Methop, with the appurtenances, and to take and receive the rents, issues and profits thereof, to his and their own use from thenceforth, for and during, and until the said Bishop and Archdeacon, their executors, administrators, or assigns, or some of them, should be interrupted, molested, hindered, or disturbed in the quiet and peaceable possession and occupation of the said rectories, tythes, and premises, or any part thereof, by the said Charles, Earl of Derby, or any lawfully claiming by, from, or under him, or by, from, or under James, late Earl of Derby, father of him the said Charles, Earl of Derby, or by, from, or under any ancestor of the said Charles, Earl of Derby, their, or any of their assigns; and it was thereby further agreed, that in case it should happen, that at any time thereafter, during the said term of ten thousand years, the said Bishop and Archdeacon, their executors or assigns, or any of them, should be in anywise hindered, molested, interrupted, or disturbed, in the quiet and peaceable occupation or enjoyment of the said rectories, tythes, and premises, or any part thereof, by the said Charles, Earl of Derby, or his heirs, or any heir or heirs of the body of any of his ancestors, or any person claiming under him or them, that then and so often it should and might be lawful to and for the said Bishop and Archdeacon, their heirs, and assigns, into the said manor of Bispham, (except as before excepted,) and into the said farm or tenement called Methop, with the appurtenances, wholly to re-enter, and the rents, issues and profits thereof to take and receive until they should have thereby raised and received such sum and sums of money as should sufficiently from time to time recompence, satisfy, answer, and equalize all losses, damages, and expences, which might in anywise happen by reason of such interruption or hindrance as aforesaid unto the said Bishop and Archdeacon, their heirs or assigns, or unto the trust or pious and charitable work aforesaid, the trust thereby limited on behalf of the said Earl and his heirs notwithstanding; and the said Earl thereby for himself, his heirs,

executors, and assigns, covenanted with the said Bishop and Archdeacon, and their heirs, for the better assuring and conveying of the said manor of Bispham, and other the premises in Bispham aforesaid, (except as therein is excepted,) and the said farm or tenement called Methop, with the appurtenances, to permit the said Thomas Patten and Thomas Sympson, within one year then next, to bring one or more writs of entry, *sur disseizin*, against the Bishop and Archdeacon, before his Majesty's Justices of Assize at Lancaster for the said manor of Bispham, with the appurtenances, in such manner as should be by them or their counsel in that behalf required, to the intent, that one or more common recovery or recoveries might be had thereof, according to the form of recoveries in such case used in the said county palatine of Lancaster, the use of which recovery was to be, that the parties thereto should stand seized of the said manor of Bispham and farm called Methop, to the use of the said Bishop and Archdeacon, and their heirs, subject to the trusts and limitations thereinbefore expressed: And whereas the clergy and ministers of the Gospel, resident and exercising their functions within the said Island, at the nomination and by the direction and appointment of the said Bishop and Archdeacon for the time being, were from time to time inducted and put into possession of the said several and respective rectories and tythes within the said Island, and received and enjoyed to their own proper use and behoof all and every the said tythes and tenths whatsoever arising within the said rectories respectively, together with all oblations, pensions, rates for tythes, offerings, sums of money in lieu of tythes, and all other ecclesiastical rights and duties issuing out of and payable on account of the said rectories respectively, according to the true intent and meaning of the original Purchase Deed, and conveyance thereof, from the time of the said purchase so made in the year One thousand six hundred and sixty-six until the year One thousand seven hundred and thirty-six: And whereas, upon the death of the said last-mentioned James, Earl of Derby, who died in the year One thousand seven hundred and thirty-five, all the limitations in the before mentioned Act of Parliament contained, prior to the limitation to the heirs of the said James, Lord Stanley, determined, and the most noble James, late Duke of Atholl, entered upon and took possession of the said Isle and lordship of Man, and also of the rectories, tythes, and other the premises, comprised in the said term of ten thousand years, the said Duke claiming the same as heir at law of the said James, Lord Stanley, in the said Act of Parliament mentioned: And whereas in the month of November One thousand seven hundred and forty-two, Thomas, then Lord Bishop of Sodor and Man, and the Reverend John Kippax, Archdeacon of the said Isle of Man, for and on behalf of the clergy and ministers of the Gospel, resident and exercising their ministerial function within the said Island, and also of the masters of the free schools within the said Island; exhibited their Bill in the High Court of Chancery, against the Right honourable Edward the then Earl of Derby, theretofore Sir Edward Stanley, Baronet, James, Duke of Atholl, and Isaac Clopton, the personal representative of the said Isaac then late Bishop, and thereby prayed that they might, on the behalf of such clergy and schoolmasters, be decreed to have the benefit of the said collateral security, and for that purpose the said plaintiffs or the defendant Isaac Clopton, might be let into possession of the premises comprised in the said Indentures of the twenty-sixth and twenty-ninth days of January, One thousand six hundred and sixty-six, and that a sufficient part thereof might be set apart and allotted to secure, recompense,

and equalize to the plaintiffs the value of the rectory and tythes, which they had been dispossessed of by the said James, then late Duke of Atholl, from the time they were so dispossessed to that time, as well as for the time to come, and that in order to ascertain the same, an annual value might be set on the said rectories and tythes, and the profits and produce thereof, and a sum equal thereto be annually paid to the plaintiffs and their successors, out of the said manor and premises in behalf of the poor clergy and schoolmasters of the said Isle, or that otherwise the said manor and premises might be conveyed to trustees to be nominated by the said Court of Chancery for the benefit of the poor clergy and schoolmasters of the said Isle, and that they might have full satisfaction for all damages, losses, and expences, which they had sustained in respect of the premises: And whereas the said Edward, Earl of Derby, deceased, filed his cross bill to re-establish his title to the said Isle of Man, rectories, and tythes: And whereas the causes came on to be heard before the then Lord Chancellor, on or about the fifteenth day of July, which was in the year of our Lord One thousand seven hundred and fifty-one, who dismissed the cross bill so far as it sought to establish the grant for ten thousand years, and ordered that it should be referred to Master Eldon, then one of the Masters of the said Court of Chancery, to inquire for what time the plaintiffs the said Bishop and Archdeacon, or any other persons claiming under the grant or demise dated the first day of November, One thousand six hundred and sixty-six, had been molested, interrupted, hindered, or disturbed, by the defendant the said James, Duke of Atholl, or any other person on his behalf, in the quiet and peaceable possession and enjoyment of the receipt of the rectories, tythes and premises, comprised in the said grant or demise, or in the receipt of the rents and profits thereof or of any part thereof, and the said Master was to take an account how much the said plaintiffs, the Bishop and Archdeacon, or any other persons claiming under the said grant or demise, had been damnified by means of such interruption, molestation, or disturbance, and the said Master was to state the clear amount of such damnification down to the time of making the said decree; and it was further ordered that the said Master should also take an account of the rents and profits of the manor of Bispham and the farm and tenement called Methop, and other the premises, with the appurtenances comprised in the said Deed of collateral security, which had been received by the said Earl of Derby, or by any other person by his order or for his use, since the time of such interruption, molestation, hindrance, or disturbance; and out of what should be coming on the said account, of rents and profits of the said premises, comprized in the said Deed of collateral security, it was further ordered, that the said Earl of Derby should pay to the plaintiffs in the original cause so much money as should appear to be the clear amount of such damnification as aforesaid; and that what should be so paid to the plaintiffs in the original cause, should be disposed of, distributed, and paid by them, according to the trusts mentioned and declared in and by the said grant and demise, dated the first day of November, One thousand six hundred and sixty-six; and it was further ordered, that the said Master should inquire and compute what might be the clear annual value of the said rectories, tythes, and premises, comprised in the said grant or demise, dated the first of November, One thousand six hundred and sixty-six, for the time to come, from the time to which the account thereby before directed should be carried down; and therein the said Master was to make a proportionable deduction and allowance, for or in respect of the annual rent of sixty-two pounds *per annum* and



of the rent of one hundred and thirty pounds for every thirtieth year, reserved on the said grant or demise, and all other just allowances to all parties; and it was further ordered, that so much money as the said Master should compute to be the amount of the clear annual value of such rectories and tythes, after such deductions and allowances as aforesaid, should be paid by the said Earl of Derby, or by any other person or persons, who should claim the premises comprized in the said Deed of collateral security, by, from, or under the said Earl, out of the annual rents and profits of the said premises, comprized in the said Deed of collateral security, to the plaintiffs, the Bishop and Archdeacon, and to their successors in the said bishoprick and archdeaconry for the time being, yearly and every year, or at the end of six months after the determination of every year, to be respectively disposed of, distributed, and paid by them, from time to time, according to the trusts mentioned and declared, in and by the said grant or demise of the first day of November, One thousand six hundred and sixty-six; and in case default should be made by the defendant the Earl of Derby, or any person who should claim under him as aforesaid, in making any of the annual payments before mentioned, it was further ordered, that the plaintiffs in the original cause should be at liberty to apply to the said Court, from time to time, for further directions to enforce the payment thereof, as occasion should require; and it was further ordered, that the said Earl of Derby should pay to the Bishop and Archdeacon, the plaintiffs in the original cause, and defendants in the cross cause, their costs in both causes to that time, to be settled by the said Master; and, as between them, his Lordship did reserve the consideration of the subsequent costs to the said suits, and of all further directions, until after the said Master should have made his report, and directions were thereby also given touching the costs of the other parties; and any of the parties were to be at liberty to resort to the Court, from time to time, as there should be occasion: And whereas in pursuance of the said decree, the said Master, on the seventh day of July, One thousand

Report of the Master in Chancery. seven hundred and fifty-seven, made his report, and thereby certified that he found the clergy of the said Isle of Man were in the year One thousand seven hundred and thirty-six evicted by the defendant the said James, Duke of Atholl, from the possession of the impropriate rectories and tythes comprized in the aforesaid grant or demise, the rents and profits whereof had been annually paid at Easter, and that the said clergy had been interrupted in the enjoyment thereof for the year ending at Easter, One thousand seven hundred and thirty-seven, and for the several succeeding years, and that the rents and profits of the said impropriate rectories and tythes for the said year ending at Easter, One thousand seven hundred and thirty-seven, and the several succeeding years down to Easter, One thousand seven hundred and fifty-one, had amounted to the several and respective sums particularly mentioned and set forth in the first schedule to his said report annexed, making in the whole of the currency of money of the Isle of Man the sum of Four thousand eight hundred and ninety pounds, ten shillings and four-pence halfpenny, which sum being reduced into sterling money did amount to the sum of Four thousand one hundred and ninety-one pounds, seventeen shillings and five-pence three farthings; and that the rents and profits aforesaid were subject to several outgoings for proxies to the bishop, antient stipends to vicars, Easter elements, repairs of chancels, and rents reserved by the said grant or demise, over and above the reserved rent of one hundred and thirty pounds, for

every thirtieth year in the said decree mentioned, and which said One hundred and thirty pounds became payable in the year One thousand seven hundred and fifty-six, and that he had proceeded to calculate what annual sum ought to be allowed for the year ending at Easter One thousand seven hundred and thirty-seven, and for every succeeding year to Easter One thousand seven hundred and fifty-six, in lieu of the said reserved rent of One hundred and thirty pounds, and it appearing to him that the said reserved rent of One hundred and thirty pounds was by the aforesaid grant or demise intended to have been payable in the Isle of Man, where the legal interest for money extended to six pounds *per centum*, but where the most general rate was five pounds *per centum*, he had thought fit to make the calculation aforesaid, after the rate of five pounds *per centum*, and upon such calculation found that the sum of Three pounds eighteen shillings and sevenpence halfpenny ought to be allowed for the year ending at Easter One thousand seven hundred and thirty-seven, and the like sum for every succeeding year, to Easter One thousand seven hundred and fifty-six, in lieu of the said One hundred and thirty pounds, payable as aforesaid; and the said clergy of the Isle of Man, by the eviction aforesaid, having become exempt from the trouble of collecting the rents and profits aforesaid, and the expences and risque incident thereto, he had proceeded to consider what ought to be deducted and allowed out of the aforesaid rents and profits, in respect of such trouble, expences, and risque, and had thought fit to settle such allowance after the rate of six pounds *per centum* on the gross amount of such rents and profits; and the said rents and profits to Easter One thousand seven hundred and fifty one, amounting as therein-before was mentioned in sterling money to the sum of Four thousand one hundred and ninety-one pounds seventeen shillings and fivepence three farthings, he found that the said allowance did amount in sterling money to the sum of Two hundred and fifty-one pounds ten shillings and threepence; and further certified, that he had in the second schedule to his said Report annexed, particularly stated and set forth in sterling money the several out-goings and allowances to which the aforesaid rents and profits were subject as aforesaid, for the said year ending at Easter One thousand seven hundred and thirty-seven, and for every succeeding year, to Easter One thousand seven hundred and fifty-one, and found that the several out-goings and allowances did amount in the whole in sterling money to the sum of One thousand six hundred and sixteen pounds ten shillings and one farthing, which sum being deducted out of the aforesaid sum of Four thousand one hundred and ninety-one pounds seventeen shillings and five pence three farthings, he found that the clergy claiming under the aforesaid grant or demise had been damnified by the means aforesaid, down to the time of making the aforesaid decree, to the clear amount of Two thousand five hundred and seventy-five pounds seven shillings and fivepence halfpenny in sterling money; and further certified, that he had proceeded to take an account of the rents and profits of the manor of Bispham, and the farm or tenement called Methop, and other the premises, with the appurtenance comprized in the said Deed of collateral security, which had been received by the said Earl of Derby, or by any other person by his order, or for his use, since the time of the eviction aforesaid; and found that the said Earl, or some other person by his order, or for his use, had received by the rents and profits of the said premises, the several sums of money mentioned and set forth in the third schedule to his said Report annexed, amounting in the whole to the sum of One thousand seven hundred and seventy-three

pounds twelve shillings and ninepence halfpenny; and that the said Earl, or some other person by his order had paid, disbursed, and allowed for taxes, repairs, and other necessary out-goings of the said premises, including the expences and salary of the bailiff, the several sums of money particularly mentioned and set forth in the fourth schedule to his said Report annexed, amounting in the whole to the sum of Three hundred and thirty pounds seventeen shillings and one farthing, which several payments, disbursements, and allowances, he had thought fit to allow; and the said sum of Three hundred and thirty pounds seventeen shillings and one farthing, being deducted out of the aforesaid sum of One thousand seven hundred and seventy-three pounds twelve shillings and ninepence halfpenny, he found that the clear money received by the said Earl of Derby, or for his use, by the rents and profits of the premises comprized in the said collateral security from and to the respective periods of time mentioned in the aforesaid third schedule, did amount to the sum of One thousand four hundred and forty-two pounds fifteen shillings and ninepence farthing; and that he had proceeded to inquire into, and compute what might be the clear annual value of the rectories, tythes, and premises, comprized in the grant or demise therein-before mentioned, for the time to come, from Easter One thousand seven hundred and fifty-one, the time to which the account therein before mentioned to be taken thereof, was carried down, and in order to the computation aforesaid, he had thought fit to take an account of the rents and profits of the said rectories, tythes, and premises, from Easter One thousand seven hundred and fifty-one, to Easter One thousand seven hundred and fifty-five, being four years, and of the out-goings and allowances to which the said rents and profits were subject for the said period of time, and found that the said rents and profits, for the said four years, did amount, according to the currency of money in the Isle of Man, to the several and respective sums mentioned and set forth in the fifth schedule to his said Report annexed, making in the whole the sum of One thousand five hundred and forty-seven pounds five shillings and one penny, which sum being reduced into sterling money, did amount to the sum of One thousand three hundred and twenty-six pounds four shillings and fourpence halfpenny, and found that the out-goings and allowances to which the said rents and profits for the said four years were subject, did amount to the several and respective sums mentioned and set forth in the sixth schedule to his said Report annexed, making together in sterling money the sum of Four hundred and fifty-six pounds ten shillings and tenpence three farthings, in which sum were included proportionable deductions and allowances for and in respect of the annual rents, and of the rent of One hundred and thirty pounds for every thirtieth year. reserved on the aforesaid grant or demise, and the said sum of Four hundred and fifty-six pounds ten shillings and tenpence three farthings, being deducted out of the aforesaid sum of One thousand three hundred and twenty-six pounds four shillings and fourpence halfpenny, he found that the clear value of the said rents and profits for the said four years, did amount in sterling money to the sum of Eight hundred and sixty-nine pounds thirteen shillings and fivepence three farthings, which, upon an average, appeared to be after the rate of Two hundred and seventeen pounds eight shillings and fourpence halfpenny a year, and upon the account and computation aforesaid he thought fit to settle the amount of the clear annual value of the said rectory, tythes, and premises, from Easter One thousand seven hundred and fifty-one to Easter One thousand seven hundred and fifty-six, at the said sum of Two hundred and seventeen

pounds eight shillings and fourpence halfpenny in sterling money, in which computation he had made the allowance of Three pounds eighteen shillings and sevenpence halfpenny a year, therein-before settled in lieu of the One hundred and thirty pounds, payable in the year One thousand seven hundred and fifty-six; and that he had proceeded to calculate what annual sum ought to be allowed for the year ending at Easter One thousand seven hundred and fifty-seven, and for every succeeding year, in lieu of the future payments of One hundred and thirty pounds for every thirtieth year, valuing the interest of money at five pounds *per centum*, and found that the annual sum of One Pound nineteen shillings and one penny halfpenny ought to be allowed; which sum of One Pound nineteen shillings and one penny halfpenny was less than the sum of Three pounds eighteen shillings and sevenpence halfpenny, the said former annual allowance to Easter One thousand seven hundred and fifty-six, by the sum of One pound nineteen shillings and sixpence, by means of which difference the sum of Two hundred and seventeen pounds eight shillings and fourpence halfpenny, settled as the amount of the clear annual value of the said rectories, tythes, and premises, from Easter One thousand seven hundred and fifty-one to Easter One thousand seven hundred and fifty-six as aforesaid, would from Easter One thousand seven hundred and fifty-six, and for the succeeding years, be increased to the sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny; and the said Master further certified, that he had taxed the parties' costs to the time of the aforesaid decree, in manner thereby directed, and as was stated in the said Report: And whereas by an order made in the said causes on the eleventh day of March

Further Pro. One thousand seven hundred and fifty-eight, it was ordered, that it  
 ceedings in should be referred back to the said Master to take an account of the  
 Chancery. rents and profits of the estates comprized in the said Deed or collateral  
 security for seven years last past, immediately preceding the then last Easter Day, including the rents received, or which ought to have been received at that season, and to distinguish what the same had produced upon a medium for each of the said seven years; and the said Master was likewise to enquire what lives were subsisting on leases upon any part of the said estates, and the annual value of such estates in lease, if the same were to be let at the best rack rent that could be got for the same, and the said Master was also to inquire into the respective ages of the several lives subsisting upon such respective leases, and likewise what was the value of the reversion of such respective leases to be sold, subject to the respective lives thereon, and to state the same to the Court, and the said Master was also to compute what annual sum of money such respective leasehold estates would produce, in case the same were continued to be renewed according to the course and method of renewal in such part of the country, and to state the same to the Court; and his Lordship did reserve the consideration of subsequent costs and all further directions, until after the said Master should have made his Report: And whereas by an order made in the said causes on or about the eleventh day of May One thousand seven hundred and fifty-eight, it was ordered, that upon the Earl of Derby's consenting to pay, within two months from that time, to Hugh Hammersley, Gentleman, by the consent of and for the use of the said Bishop and Archdeacon, (to be disposed of, distributed, and paid by them according to the directions of the decretal order made on the hearing these causes, the sum of One thousand one hundred and thirty-two pounds eleven shillings

and eightpence farthing sterling, being the clear amount settled by the said Master's Report, made in the said causes, dated the seventh day of July One thousand seven hundred and fifty-one), of the damnification sustained by the clergy claiming under the grant or demise, dated the first day of November One thousand six hundred and sixty-six as aforesaid, in the said decree mentioned, by means of their eviction from the rectories and tythes in question in the said causes, down to Easter One thousand seven hundred and fifty-one, (after deducting the sum of One thousand four hundred and forty-two pounds fifteen shillings and ninepence farthing, before paid by the said Edward Earl of Derby, on account thereof, pursuant to an order made the second day of August then last, and also the sum of One thousand and eighty-seven pounds one shilling and ten pence halfpenny sterling, being the amount of the clear yearly value of the said rectories and tythes for five years, from Easter One thousand seven hundred and fifty-one, to Easter One thousand seven hundred and fifty-six, at the rate of Two hundred and seventeen pounds eight shillings and fourpence halfpenny a year, as estimated by the said Report, and also the further sum of Four hundred and thirty-eight pounds fifteen shillings and ninepence sterling, being the amount of the clear yearly value of the said rectories and tythes for the two succeeding years, from Easter One thousand seven hundred and fifty-six, to Easter One thousand seven hundred and fifty-eight, at the yearly rate of Two hundred and nineteen pounds seven shillings and tenpence halfpenny, as also estimated by the same Report, the order made upon the hearing of the said causes for further directions upon the Master's Report, and as to the matter of subsequent costs reserved by the said decree, dated the eleventh day of March One thousand seven hundred and fifty-eight, should be discharged; and that upon the said Edward Earl of Derby's undertaking to pay to the Bishop and Archdeacon of the said Isle for the time being, to be disposed of as aforesaid, the said yearly sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny, being the clear annual value of the said rectories and tythes for the time then to come, from Easter One thousand seven hundred and fifty-eight, as the same should from time to time become due by yearly payments, to be made in sterling money to the said Bishop and Archdeacon, or their order, at the Town Hall in Liverpool, on every Easter Monday between the hours of twelve and one of the clock at noon, the first payment to be made on Easter Monday One thousand seven hundred and fifty-nine, the said Edward Earl of Derby, should be continued in the possession of the manor of Bispham, and the farm or tenement called Methop, and other the premises comprized in the Deed of the twenty-ninth day of January One thousand six hundred and sixty-six, in the decree mentioned, and to be at liberty to let leases thereof from time to time, as there should be occasion, for the best improved rents that could be got for the same, subject to the further order of the Court, the said Bishop and Archdeacon agreeing to waive and relinquish all demand of subsequent costs reserved by the said decree: And whereas the said annual sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny, directed to be paid by the before recited order of the eleventh day of May One thousand seven hundred and fifty-eight, to the said Bishop and Archdeacon for the time being, or their order, hath been regularly paid to Easter One thousand eight hundred and nine: And whereas the said Edward, late Earl of Derby, is since dead, leaving Edward Smith Stanley, now Earl of Derby, his

grandson and heir at law : And whereas the Right Reverend Claudius Criggan, is now Lord Bishop of Sodor and Man: And whereas by Indentures of Lease and Release, bearing date respectively, the twenty-seventh and twenty-eighth days of May, in the year of our Lord One thousand seven hundred and seventy-eight, and made between the said Edward, now Earl of Derby, and the Right Honourable Elizabeth, late Countess of Derby, then his wife, and since deceased, of the first part; the Honourable Thomas Smith Stanley, brother of the said Edward, now Earl of Derby, and Geoffrey Hornby, the younger, of Preston, in the county of Lancaster, Esquire, of the second part; Alexander, afterwards Earl of Rosslyn, then Alexander Wedderburn, Esquire, his Majesty's Solicitor General, and Andrew Stuart, Esquire, one of the Keepers of his Majesty's Signet in Scotland, of the third part; the Most Noble Douglas, Duke of Hamilton and Brandon, and Sir Watts Horton, Baronet, of the fourth part; John Burgoyne, Esquire, Lieutenant General of his Majesty's Forces, of the fifth part; and the Reverend John Stanley, rector of Winwick, in the said county of Lancaster, of the sixth part; (being the settlement executed in pursuance of an Indenture quadrupartite, bearing date the twenty-third day of June One thousand seven hundred and seventy-four, and made or expressed to be made, between the said Edward, Earl of Derby, of the first part; the said Elizabeth, Countess of Derby, then the Right Honourable Lady Elizabeth Hamilton, of the second part; the said Alexander Wedderburn, and the said John Stanley, of the third part; and the said John Burgoyne and Andrew Stuart, of the fourth part); the said manors, messuages, lands, and hereditaments, mentioned and contained in the said in part recited Indenture of the twenty-ninth day of January One thousand six hundred and sixty-six, were, together with other hereditaments, granted and conveyed unto the said Thomas Smith Stanley and Geoffrey Hornby, their heirs and assigns, to the uses in the said Indenture of Release expressed and contained, of and concerning the same and herein-after in part mentioned, that is to say, to the use of the said Alexander Wedderburn, afterwards Earl of Rosslyn, and Andrew Stuart, their executors, administrators, and assigns, for the term of one hundred years, to be computed from the decease of the said Edward, late Earl of Derby, if the said Edward, now Earl of Derby, and Elizabeth, Countess of Derby, then his wife, should both so long jointly live, upon certain trusts for securing to the said Elizabeth, then Countess of Derby, during the joint lives of her and the said Edward, now Earl of Derby, an annual sum of Eight hundred pounds for her separate use, in the nature of pin money; and after the expiration or sooner determination of the said term of One hundred years, to the use of the said Edward, now Earl of Derby, and his assigns for his life, without impeachment of waste; with remainder to certain trustees therein named, and their heirs during his life, upon trust to preserve the contingent remainders from being defeated or destroyed; and after his decease to the use, intent, and purpose, that the said Elizabeth, Countess of Derby, and her assigns, (if she should survive the said Earl,) should receive yearly, during the term of her life for her jointure, and in lieu and bar of dower, one yearly rent or sum of Three thousand pounds, to be issuing and payable out of the said hereditaments, clear of all deductions, with usual powers and remedies of entry and distress, and detention of possession, and perception of the rents, issues, and profits for recovering, and enforcing the payment of the same when in arrear, and subject thereto, to the use of the said Alexander Wedderburn, (afterwards Earl of

Rosslyn,) and Andrew Stuart, their executors, administrators, and assigns, for the term of two hundred years upon certain trusts, for further and better securing the said annual sum or yearly rent of Three thousand pounds; and after the expiration or sooner determination of the said term of two hundred years, to the use of the said Douglas, Duke of Hamilton and Brandon, and Sir Watts Horton, their executors, administrators, and assigns, for the term of one thousand years, for the purpose of raising portions for the daughters and younger sons of the said marriage, in manner therein mentioned; with remainder to the first and every other son of the said Edward, now Earl of Derby, by the said Elizabeth, then Countess of Derby, severally and successively according to their respective seniorities in tail male; and for default of such issue, to the use of the said Edward, now Earl of Derby, his heirs and assigns for ever: And whereas the said Edward, Earl of Derby, intermarried with the said Lady Elizabeth Hamilton, on or about the twenty-third day of June One thousand seven hundred and seventy-four, and had issue by her one son only, namely, Edward Stanley, commonly called Lord Stanley, and two daughters, and no other issue: And whereas the said Edward, Lord Stanley hath attained his age of twenty-one years; And whereas the said Elizabeth, Countess of Derby, some time since departed this life: And whereas the said Claudius, Lord Bishop of Sodor and Man, and Daniel Mylrea, Archdeacon of the said diocese, on behalf of the poor clergy, ministers of the Gospel, resident and exercising their ministerial functions within the said Island, and also on behalf of the master of the Free School within the said Island, filed their bill of revivor and supplement in Easter term One thousand eight hundred and nine, against the said Edward, Earl of Derby, and Sir Vicary Gibbs, Knight, his Majesty's Attorney General, stating the said bill filed in Michaelmas term One thousand seven hundred and forty-two, and the said answer, and the said decree and proceedings thereon; and that the said Earl of Derby departed this life some time since, leaving Edward Smith Stanley, now Earl of Derby, his grandson and heir at law, him surviving; and that the said Isaac Clopton departed this life some time since, without devising his legal estate in the said premises herein-before mentioned, and without leaving any person his heir at law, and therefore that the said Sir Vicary Gibbs, Knight, his Majesty's Attorney General, on behalf of his Majesty, insisted that the interest of the said premises devolved to his Majesty, and that the said suit became abated by the deaths of the said Edward, Earl of Derby, and Isaac Clopton, and that the said complainants were entitled, as they were advised, to have the same revived against the said Edward Smith Stanley, Earl of Derby, as the grandson and heir at law of the said Edward, Earl of Derby, deceased, and Sir Vicary Gibbs, his Majesty's Attorney General, and restored to the same plight and condition in which they were at the time of the respective deaths of the said Edward Earl of Derby, and Isaac Clopton; it was therefore prayed, that the said

Further Pro-  
ceedings in  
Chancery.

plaintiffs might have the benefit of the said suit and proceedings therein, against the said defendants respectively, in like manner as they could have had against the said Edward, Earl of Derby and Isaac Clopton, if they had been living; and that it might be referred to one of the Masters of the said Court, to inquire the annual value of the said rectories, advowsons, donations, and right of patronage of all hospitals, churches, vicarages, chapels, and all other entail benefits whatsoever, as well spiritual as temporal, with their appurtenances, arising within the said Island, from Easter One thousand eight hundred and eight, the time the said sum of Two hundred

and nineteen pounds seventeen shillings and tenpence halfpenny had ceased to have been paid, and to take an account how much the complainants, the Bishop and Archdeacon, and other persons claiming under the Grant mentioned in the original Bill, had been damnified by not receiving the actual value of the rectory and tythes during such time; and that the said Master might take an account of the rents of the manor of Bispham, and the farm called Methop, and also all other the premises, with the appurtenances comprized in the Deed of collateral security, which had been received by the said Edward Smith, Earl of Derby, or by any other person or persons by his order, or for his use, since Easter One thousand eight hundred and eight, the time the said Two hundred and nineteen pounds seventeen shillings and tenpence halfpenny a year ceased to be paid; and that what the said Master should compute to be the amount of the clear annual value of such rectories and tythes might be directed to be paid by the said Edward Smith, Earl of Derby, or by any other person who should claim the premises comprized in the said collateral security under the said Edward Smith, Earl of Derby, under the annual rents and profits of the said premises, to the plaintiffs, to be distributed by them according to the trusts declared by the said Grant of the first of November One thousand six hundred and sixty-six: And whereas the said Edward, now Earl of Derby, put in his answer to the said Bill of Revivor and Supplement, and insisted upon the matters and things therein stated and set forth, in bar of the demands of the plaintiffs; and particularly the said defendant insisted on the said final Order of the eleventh of May One thousand seven hundred and fifty-eight, by which said Order, as the said defendant was advised, the amount of the recompence provided by and out of the said collateral security, and of the damnification sustained, was fixed and ascertained for the future at the said yearly sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny: And whereas by virtue of an Order of the said Court of Chancery, the said plaintiffs amended their said Bill of Revivor and Supplement, by making the said Edward, Lord Stanley, a party to the said suit, but no further proceeding hath been had in the said cause: And whereas, by Articles of Agreement, bearing date the sixteenth day of

Articles of  
Agreement  
dated 16th  
February 1811,  
recited.

February in this present year One thousand eight hundred and eleven, and made or expressed to be made between the said Edward, now Earl of Derby, of the first part; the Most Noble John, Duke of Atholl, Knight of the most ancient Order of the Thistle, Governor of the Isle of

Man, of the second part; and the said Edward, Lord Stanley, Claudius, Lord Bishop of Sodor and Man, Daniel Mylrea, Archdeacon of the said Island, William Scott, Receiver General of the said Island, John Cosnahan, of the said Island, Esquire, which said William Scott and John Cosnahan had been appointed joint trustees with the said Bishop and Archdeacon, for the purposes mentioned in the said Indenture of the first day of November One thousand six hundred and sixty-six, by the said John, Duke of Atholl, who is the right heir of Charles, Earl of Derby, party to the said Indenture of the first day of November One thousand six hundred and sixty-six, the Reverend the Vicar General and Vicar of Malew in the said Isle, the Reverend the Vicar General and Vicar of Saint Anne in the said Isle, the Reverend the Vicar of Rushen in the said Isle, the Reverend the Vicar of Jurby in the said Isle, the Reverend the Vicar of Lonnan in the said Isle, the Reverend the Vicar of Kirk Braddan in the said Isle, the Reverend the Vicar of Conchan in the said Isle, the Reverend the Vicar of German in the said Isle, the



Reverend the Vicar of Michael in the said Isle, the Reverend the Vicar of Kirk Patrick in the said Isle, the Reverend the Vicar of Kirk Maughold in the said Isle, the Reverend the Vicar of Lezayre in the said Isle, the Reverend the Vicar of Marown in the said Isle, and the Reverend the Vicar of Arbory in the said Isle, of the third part; reciting as or to the effect hereinbefore recited; and also reciting that the said Edward, Earl of Derby, and Edward, Lord Stanley, and the said John, Duke of Atholl, Claudius, Lord Bishop of Sodor and Man, Daniel Mylrea, Archdeacon of the said Isle, and William Scott, Receiver General of the said Isle, and the said John Cosnahan, on behalf of themselves and the clergy of the said Isle, being desirous to prevent any litigation that might thereafter arise, touching or concerning the said annual sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny, so settled and reported by the said Master Eld to be the amount of the said annual value of the said rectories, tythes, and premises, from which the said Isaac, late Lord Bishop of Sodor and Man, and Jonathan Fletcher, were so evicted as aforesaid, had agreed that the sum of Sixteen thousand pounds of lawful money of Great Britain should be paid by the said Edward, Earl of Derby, to the said John, Duke of Atholl, Claudius, Lord Bishop of Sodor and Man, and Daniel Mylrea, William Scott, and John Cosnahan, to be applied for the benefit of the clergy of the said Isle, in manner hereinafter mentioned; and that the said manor and premises in the said county of Lancaster should be exonerated, freed, and discharged from the payment of the said sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny, and every other payment to which the same were liable, under and by virtue of the said Indentures of the twenty-sixth and twenty-ninth days of January One thousand six hundred and sixty-six; and had also agreed to make an application for an Act of Parliament, to enable them to carry the said Agreement into effect, in manner hereinafter mentioned; it was therefore witnessed, that it was thereby covenanted, concluded, declared, and agreed upon, that as soon after the execution of the said Articles as the same could be done, they, and every of them, should apply to the Legislature for an Act of Parliament, for freeing, exonerating, and discharging the said manor and premises in the said county of Lancaster, so comprized in the said Indentures of the twenty-sixth and twenty-ninth days of January One thousand six hundred and sixty-six, as aforesaid; and in the said Articles and Settlement so executed, on the marriage of the said Edward, Earl of Derby, and Elizabeth, Countess of Derby, his wife, of and from the payment of the said annual sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny, and of and from every other annual payment, to or with which the said manor and premises was or were subject or liable, or charged, by the said Indenture of Release of the twenty-ninth day of January One thousand six hundred and sixty-six; and also of and from all and every the uses, trusts, estates, intents, purposes, powers, provisoes, conditions, declarations, and agreements to, for, or with which the said manor and premises were by the said Articles and Settlement, or either of them, limited and charged, or agreed to be limited and charged; and also for vesting the said manor and premises so exonerated and discharged in Geoffrey Hornby, Rector of Winwick, in the county of Lancaster, Clerk, to the use of Thomas Graham, of Lincoln's Inn, in the county of Middlesex, Esquire, and George Kinderley, of the same place, Gentleman, their executors, administrators, and assigns, for and during the full end and term of five hundred years, to be computed from the day next before the day of the date of the

said Articles of Agreement, Deed, or Instrument, now in recital, and thenceforth next ensuing, and fully to be compleat and ended without impeachment of or for any manner of waste; but nevertheless upon the trusts, and for the intents and purposes thereinafter mentioned, of and concerning the same (that is to say) upon trust, that the said Thomas Graham and George Kinderley, or the survivor of them, or the executors, administrators, or assigns of such survivor, should as soon as the same could be done after the passing of the said proposed Act of Parliament, by mortgage, sale, or other disposition of all or any part of the premises comprized in the said term of five hundred years, for all or any part of the said term, or by, with, and out of the rents, issues, and profits of the manor and premises comprized therein, or by any other ways or means, as to them the said Edward Earl of Derby, and Edward Lord Stanley, their executors, administrators, or assigns, should seem meet, levy and raise the clear sum of Sixteen thousand pounds of lawful money of Great Britain, with interest for the same from the date of the said recited Articles of Agreement, and pay the same to the said John Duke of Atholl, Claudius Lord Bishop of Sodor and Man, Daniel Mylrea, William Scott, and John Cosnahan, and their successors, to be by them applied as aforesaid, and that subject to the said term of five hundred years, and to the trusts thereof, the said manor and premises should be and remain in the said Geoffrey Hornby and his heirs, to the several uses, upon the several trusts, to and for the several ends, intents, and purposes, and subject to, with, and under the several powers, provisoes, conditions, declarations, and agreements in the said Indenture of the twenty-eighth day of May, One thousand seven hundred and seventy-eight, expressed and declared of and concerning the said manor and premises, or such and so many of them as should be then subsisting and capable of taking effect; and it was thereby further declared and agreed that he the said Edward Earl of Derby, his heirs, executors, or administrators, should and would well and truly pay or cause to be paid unto the said John Duke of Atholl, Claudius Lord Bishop of Sodor and Man, Daniel Mylrea, William Scott, and John Cosnahan, or their successors as aforesaid, in addition to and together with the said sum of Sixteen thousand pounds, all the arrears of the aforesaid annuity or yearly sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny, up to Easter Day One thousand eight hundred and nine, (which from that time should cease and be no longer paid,) and also all such costs, charges, and expences as they the said John Duke of Atholl, Claudius Lord Bishop of Sodor and Man, Daniel Mylrea, William Scott, and John Cosnahan, or any of them, should or might have incurred or sustained, or be liable to pay for or on account of the obtaining and passing the said intended Act of Parliament, or in anywise relating thereto, and that upon the passing of the said intended Act of Parliament, the said Bill of Revivor and Supplement should be dismissed, and each of the said parties, plaintiffs and defendants, should pay their own costs: And whereas it appears by the Schedule hereunto annexed, that the said sum of Sixteen thousand pounds is an adequate compensation for the said rectories and tythes, therefore it will be greatly for the benefit and advantage of all persons who are parties to the said Articles of the sixteenth day of February last past, and of all persons who are now, or hereafter may be, seized, possessed of, or entitled to any estate or interest of or in the said rectories, tythes, and premises so comprized in the said Indenture of Demise of the first day of November One thousand six hundred and sixty-six, or of or in the manor and hereditaments comprized in the said Indentures of Lease and Release of the twenty-

sixth and twenty-ninth days of January One thousand six hundred and sixty-six, and the said Indentures of Lease and Release of the twenty-seventh and twenty-eighth days of May One thousand seven hundred and seventy-eight, that the said Articles of the sixteenth day of February last past should be carried into execution (but subject and without prejudice to the provisions made by the said Indentures of the twenty-seventh and twenty-eighth days of May One thousand seven hundred and seventy-eight, for the younger children of the said Edward now Earl of Derby, by the said Elizabeth then Countess of Derby his wife, and the term of one thousand years thereby created for securing the same) but the said purposes cannot be effected without the aid and authority of Parliament: Wherefore your Majesty's most dutiful and loyal subjects, the said John Duke of Atholl, and Edward Earl of Derby, and Edward Lord Stanley, beseech your Majesty, and the said Claudius Lord Bishop of Sodor and Man, Daniel Mylrea, Archdeacon of the said Isle of Man, and the said William Scott, and John Cosnahan, as trustees for the clergy of the said Isle of Man, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, by the authority of the same, That the said recited

Recited Articles of Agreement confirmed, except as herein mentioned.

Articles of Agreement of the sixteenth day of February last past, and all the covenant clauses, stipulations, declarations, and agreements therein contained, shall be, and the same are hereby ratified, confirmed, and established, according to the tenor, purport, and true intent and meaning of the same, save and except as hereinafter is mentioned; and for

rendering the same Articles of Agreement more valid and effectual for the purposes thereby intended, it is hereby further enacted, that the said manor, or Manor of Bispham, &c. reputed manor of Bispham, in the said county of Lancaster, and the exonerated demesne lands of the said manor, and the farm and tenement called from certain Payments and Methop, and all and singular other the messuages, tenements, farms, vested in lands, and hereditaments of the said Charles formerly Earl of Derby, in Trustees for Bispham aforesaid, and which by the said Indentures of Lease and Release of the twenty-sixth and twenty-ninth days of January One thousand herein mentioned. six hundred and sixty-six, were by the said Charles Earl of Derby granted

and conveyed unto and to the use of the said Isaac then Lord Bishop of Sodor and Man, and the said Jonathan Fletcher, then Archdeacon of the Isle of Man, and their heirs, upon the trusts and for the intents and purposes in the said Indenture of Release declared of and concerning the same, together with all and singular houses, out-houses, cottages, edifices, buildings, barns, byers, coach-houses, stables, dove-cots, yards, gardens, orchards, backsides, tofts, crofts, lands, meadows, pastures, heaths, moors, marshes, waters, waste grounds, folds, fold-courses, and liberty of foldage, feedings, parks, waters, commons, mulctures, customs, tolls, duties, furzes, trees, woods and under-woods, and the ground and soil thereof, mounds, fences, hedges, ditches, freeboards, ways, waters, watercourses, fishings, fisheries, fowlings, courts leet, courts baron, perquisites and profits of courts, view of frankpledge, and all that to the view of frankpledge doth belong, reliefs, heriots, fines, amerciements, sums of money, goods and chattels of felons, felons of themselves, fugitives, and outlawed persons, deodands, waifs, estrays, chief rents, rents charge, rents seck, rents of assize, fee farm rents, boons, services, royalties, jurisdictions,

franchises, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever to the said manor, messuages, lands, tenements, cottages, hereditaments, and premises belonging, or in anywise appertaining, or with the same, or any of them respectively, now or at any time or times heretofore demised, leased, held, used, occupied or enjoyed, or accepted, reputed, deemed, taken, or known as part, parcel, or member of them, or any of them, or appurtenant thereunto, with their and every of their rights, members, and appurtenances, and the reversion and reversions, remainder and remainders, yearly and other rents, issues, and profits of all and singular the said premises, shall, from and immediately after the passing of this Act, be, and the same are hereby freed and absolutely acquitted, exonerated, and for ever discharged of and from the payment of the said annual sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny; and of and from every other annual sum, to or with which the said manor, lands, tenements, hereditaments, and premises were made subject, liable, or charged, by the said recited Indenture of the twenty-sixth and twenty-ninth days of January One thousand six hundred and sixty-six; and also of and from all and every the uses, trusts, intents, purposes, powers, provisoes, declarations, and agreements in and by the said recited Indenture of the twenty-third day of June One thousand seven hundred and seventy-four, and the said Indentures of Lease and Release of the twenty-seventh and twenty-eighth days of May One thousand seven hundred and seventy-eight, limited, provided, expressed, or declared, of and concerning the premises, (save and except and subject and without prejudice to the said term of one thousand years by the said Indenture of the twenty-eighth day of May One thousand seven hundred and seventy-eight limited to the said Douglas Duke of Hamilton and Sir Watts Horton, their executors, administrators, and assigns, for the purposes of raising provisions for the daughters and younger sons of the said Edward now Earl of Derby, by the said Elizabeth then Countess of Derby, his wife as aforesaid); and that the said manor, lands, tenements, hereditaments, and premises, so freed, acquitted, exonerated, and discharged, (save and except, and subject nevertheless as aforesaid), shall, from and immediately after the passing of this Act be settled upon and vested in, and the same are hereby settled upon and vested in the said Geoffrey Hornby and his heirs, to the use of the said Thomas Graham and George Kinderley, their executors, admipistrators, and assigns, for and during, and unto the full end and term of five hundred years, to be computed from the day next before the day of the date of the said Articles of the sixteenth day of February last past, and from thence next ensuing, and fully to be complete and ended, without impeachment of or for any manner of waste; but nevertheless, upon the trusts, and for the ends, intents, and purposes, and subject to and with the powers, provisions, declarations, and agreements hereinafter expressed or declared of and concerning the same, and that subject to the said term of five hundred years, and to the trusts thereof, the said manor, lands, tenements, hereditaments and premises, shall be settled upon and vested in, and the same are hereby settled upon and vested in the said Geoffrey Hornby and his heirs, to such of the uses, upon such of the trusts, and for the several ends, intents, and purposes, and subject to, with, and under the several powers, provisoes, conditions, declarations, and agreements, in the said Indenture of Release of the twenty-eight day of May One thousand seven hundred and seventy-eight, expressed or declared of and concerning the same, or as are now existing and capable of taking effect.

II. And it is hereby further enacted and declared, That the said manor, messuages, lands, tenements, hereditaments, and premises, are hereby vested in the said Thomas Trustees to Graham and George Kinderley, their executors, administrators, and raise £16,000. assigns, for the said term of five hundred years, upon the trust and for the intents and purposes hereinafter mentioned, that is to say, upon trust that they the said Thomas Graham and George Kinderley, or the survivor of them, or the executors, administrators, or assigns of such survivor, do and shall with all convenient speed after the passing of this Act, by mortgage, sale, or other disposition, of all or any part of the premises comprised in the said term of five hundred years, for all or any part of the said term, or by, with, and out of the rents, issues and profits of the said manor and premises comprised therein, or by any other reasonable ways or means, levy and raise the sum of Sixteen thousand pounds of lawful money of Great Britain, together with interest for the same, after the rate of Five pounds for every One hundred pounds by the year, to be computed from the sixteenth day of February last past, (being the day of the date of the said recited Articles of Agreement) and that the said sum of Sixteen thousand pounds shall, by the person or persons advancing the same, be paid into his Majesty's High Court of Chancery in Great Britain, and shall, under the directions of the said Court, be applied in the manner hereinafter expressed and contained of or concerning the same.

III. And be it further enacted, That all the interest of the said sum of Sixteen thousand pounds, which shall have accrued or become due from the day of the date of the said Articles of Agreement, and be unpaid at the time of the passing of Interest to said Articles of Agreement, and be unpaid at the time of the passing of be paid half this Act, shall be paid and payable immediately after the passing of the yearly. same; and that the interest which shall become due and payable after the passing of this Act shall be raised and paid by two equal half-yearly payments in every year; and that the first half-yearly payment of the same shall be made at the expiration of six calendar months next after the passing of this Act.

IV. And it is hereby further enacted, That the said Thomas Graham and George Kinderley, and the survivor of them, and the executors, administrators, and assigns of such survivor, shall from time to time pay such of the rents, issues, and After paying the Interest, Profits of the Manor to go to Earl Derby, &c. profits of the said manor, hereditaments, and premises, as shall remain after or not be applied on or for answering the trusts and purposes afore-said unto, or permit the same to be received by the said Edward now Earl of Derby, and his assigns, during his life, and after his decease to and by the person or persons who, under or by virtue of the limitations contained in the said Indenture of the twenty-eighth day of May One thousand seven hundred and seventy-eight, shall for the time being be entitled to the same manor, hereditaments, and premises, in remainder or reversion immediately expectant on the determination of the said term of five hundred years, for his and their proper use and benefit.

V. Provided always, and it is hereby further enacted and declared, That when the trusts hereinbefore expressed and contained, of and concerning the said term of five When Trust to cease. hundred years, shall be performed, and the said Thomas Graham and George Kinderley, and each of them, their and each of their executors, administrators, and assigns, shall be fully reimbursed and satisfied, all costs, charges, and expences, to be occasioned by or relating to the said trusts, the said term of five hundred

years shall, subject to any disposition of the same which shall have been made for the purposes aforesaid, absolutely cease and determine.

VI. And be it further enacted, That the person or persons advancing the said sum of Sixteen thousand pounds, or any part of the same, shall pay the sum or sums of money

The £16,000 to be paid into the Bank, and afterwards laid out in the Purchase of Freehold Lands, which shall be conveyed to the Bishop of Sodor and Man and the Archdeacon of the Isle of Man, for the purposes herein mentioned.

advanced by him or them into the Bank of England, in the name and with the privity of the Accountant-General of the said Court of Chancery, (*ex parte* the purchaser or purchasers, or mortgagee or mortgagees, as the case may be, of the Bispham estate of the Earl of Derby,) to the credit of the Bishop of Sodor and Man, and the Archdeacon of the Isle of Man, for the time being, pursuant to the method prescribed by the Act of the twelfth year of King George the First, chapter thirty-two, and the general orders of the said Court, and without fee or reward, according to the Act of the twelfth year of the reign of King George the Second, chapter twenty-four; and that as soon as conveniently may be after the said monies shall have been paid into the said Court of Chancery as aforesaid, the same shall, upon petition to be preferred to the said Court in a summary way by the Bishop of Sodor and Man and the

Archdeacon of the Isle of Man for the time being, be laid out and invested in the purchase of freehold messuages, lands, and hereditaments situate in England, or of freehold or customary messuages, lands and hereditaments situate in the Isle of Man, which shall be approved of by the said Court of Chancery; and that immediately after such purchase or purchases shall be so made, the said messuages, lands, and hereditaments, so to be purchased as aforesaid, with their appurtenances, shall, under the direction of the said Court, be conveyed and assured unto, or to the use of, or vested in the said Bishop of Sodor and Man and Archdeacon of the Isle of Man for the time being, and their successors, upon trust to pay and apply the rents, issues, and profits thereof, upon such and the same trusts, for such and the same purposes, and in such and the same manner, as by the said Indenture of the first day of November One thousand six hundred and sixty-six are declared and mentioned of and concerning the respective rectories, tythes, oblations, rates, and other ecclesiastical rights and duties therein mentioned, and thereby demised by the said Charles then Earl of Derby to the said Isaac then Lord Bishop of Sodor and Man, and Jonathan Fletcher then Archdeacon of the Isle of Man, their executors, administrators, and assigns, for the said term of ten thousand years, or as near thereto as circumstances will then admit of.

VII. Provided always, and it is hereby further enacted, That it shall and may be lawful to and for the said Bishop of Sodor and Man, and the said Archdeacon of the said

Lands may be leased. Isle of Man, for the time being, by Indenture under their hands and seals, from time to time to demise or lease to any person or persons all or any part or parts of the lands and hereditaments so to be purchased with the said sum of Sixteen thousand pounds, or any part thereof, for any term or number of years, not exceeding twenty-one years, in possession, but not in reversion, or by way of future interest, so as upon every such lease or leases so to be made as aforesaid, there be reserved and made payable during the continuance thereof, to be incident to and go along with the reversion and inheritance expectant on the same, the best and most improved yearly rent and rents that can be reasonably had and obtained for the same, without taking any fine or foregift, or any other matter or thing, in the nature or in lieu of any fine or fore-

gift, for or in respect of the making thereof, and so as none of the said lessees to whom such lease or leases shall be made be, by any clause or words therein contained, freed from impeachment of or made dispunishable for waste; and so as in every such lease or leases there be contained a clause of re-entry, in case the rent and rents thereupon to be reserved be behind or unpaid by the space of twenty days, and so as the lessee or lessees to whom such lease or leases shall be made as aforesaid do respectively seal and deliver a counterpart or counterparts of such lease or leases.

VIII. And be it further enacted, That until a proper purchase can be found upon which the said sum of Sixteen thousand pounds can be laid out or invested, the same shall from time to time be laid out and invested under the directions of the said Court of Chancery in the purchase of Navy or Victualling Bills, or of Exchequer Bills, and the interest arising from the money so laid out in the said Navy or Victualling Bills or Exchequer Bills, and the money received for the same, as they shall be respectively paid off by Government, shall be laid out in the name of the said Accountant-General in the purchase of other Navy and Victualling Bills or Exchequer Bills, all which said Navy and Victualling and Exchequer Bills shall be deposited in the bank in the name of the said Accountant-General, and shall there remain until a purchase or purchases shall be found and approved as before directed, and until the same shall, upon a petition setting forth such approbation, to be preferred to the Court of Chancery in a summary way by the Bishop of Sodor and Man and the Archdeacon of the said Isle for the time being, be ordered by the said Court to be sold by the said Accountant-General, for the completing such purchase or purchases, in such manner as the Court shall think just and direct.

IX. Provided always, and be it further enacted and declared, That it shall and may be lawful for the said Court of Chancery from time to time in a summary way upon a petition to be for that purpose presented by the Bishop of Sodor and Man and the Archdeacon of the said Isle for the time being, to direct such Exchequer Bills, &c. any part of the said Navy, Victualling, or Exchequer Bills not exceeding the said sum of Two hundred and nineteen pounds seven shillings and tenpence halfpenny per annum, to be paid to the said Bishop and Archdeacon for the time being, to be by them applied and paid over to the persons who would for the time being be entitled to the yearly rents, issues, and profits of the hereditaments so to be purchased, in case the same had been purchased pursuant to this Act.

X. And be it further enacted, That the Certificate or Certificates of the said Accountant-General, with the receipt and receipts of the cashier of the bank, to be thereto annexed, and therewith filed in the Register Office of the Court of Chancery, of the payment into the Bank of England of the said sum of Sixteen thousand pounds, shall be deemed and taken to be a good and sufficient discharge to the person or persons respectively paying the same, and to his, her, or their respective heirs, executors, administrators, and assigns, for the said sum of Sixteen thousand pounds, or so much thereof as in such certificate or certificates, and receipt or receipts, shall be expressed to be paid; and after filing such certificate or certificates, and such receipt or receipts as aforesaid, such person or persons shall be

absolutely acquitted and discharged of and from the said monies, and not be obliged to see to the application, or be in any manner answerable or accountable for the loss, mis-application, or non-application thereof.

XI. And be it further enacted, That it shall be lawful for the said Court of Chancery from time to time, upon a petition in a summary way, of the said Edward Earl of Derby, Court of Chancery to direct application and investments of money, &c. or other the person or persons so for the time being entitled as aforesaid, if such person or persons shall be of full age, or of his, her, or their guardian or guardians, during his, her, or their minority, or respective minorities, or of the said Bishop of Sodor and Man, and the said Archdeacon of the said Isle of Man for the time being, or either of them, to make such orders, and give such directions, touching or concerning the sale, layings out, investments, receipts, and payments, hereinbefore directed to be made, and touching and concerning all other acts, deeds, matters, or things, in anywise relating thereto, as the said Court shall deem necessary, proper, or expedient.

XII. Saving always to the King's most excellent Majesty, his heirs and successors, as well in right of his Crown, as in right of his Duchy and County Palatine of Lancaster, and to all and every other person or persons, bodies politic and corporate, their respective heirs, successors, executors, and administrators, (other than and except his said Majesty and his successors, in such rights aforesaid, so far as respects his and their right or title to the said hereditaments by escheat, in consequence of the decease of the said Isaac Clopton without an heir, as hereinbefore is mentioned: and other than and except the said John Duke of Atholl, and his heirs, and also his successors for the time being, Lords or Ladies of the Isle of Man, and the said Claudius Lord Bishop of Sodor and Man, and his successors Bishops of Sodor and Man, the said Daniel Mylrea, and his successors, Archdeacons of the said Isle of Man, and the said Edward now Earl of Derby, and the said Edward Lord Stanley, and the heirs male of his body, and the heirs and assigns of the said Edward now Earl of Derby,) all such estates, rights, interests, claims, and demands of, in, to, and out of the said manor, messuages, lands, tenements, and hereditaments, as they, every, or any of them had before the passing of this Act, or should, or could, or might have had or enjoyed, in case this Act had not been made; and also saving always to his said Majesty, his heirs and successors, the same right of seigniory in the said hereditaments so become escheated as aforesaid, as in the life time of the said Isaac Clopton, and as if no escheat of the said hereditaments had happened.

XIII. And be it further enacted, That this Act shall be printed by the printer to the Evidence. King's most excellent Majesty, and that a copy thereof, so printed, shall be admitted as evidence thereof, by all judges, justices, and others.



## THE SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

## Estimated Annual Value of the Improprate Tithes in the Isle of Man.

PARISHES.						Amount of Tithes now upon Lease by the Duke of Atholl.	Estimated value of Tithes sold by the Atholl Family.
						£ s. d.	£ s. d.
Lezayre	..	..	..	..	..	62 0 0	60 0 0
Manghold	..	..	..	..	..	31 10 0	10 10 0
Lonnan	..	..	..	..	..	95 0 0	0 0 0
Conchan	..	..	..	..	..	32 0 6	0 0 0
Malew	..	..	..	..	..	92 8 0	115 0 0
Rushen	..	..	..	..	..	91 0 0	94 15 0
Arbory	..	..	..	..	..	0 0 0	52 5 0
Santan	..	..	..	..	..	0 0 0	42 0 0
Michael	..	..	..	..	..	0 0 0	65 0 0
Marown	..	..	..	..	..	0 0 0	50 0 0
Eighteen turkeys and eighteen geese paid in kind						5 0 0	0 0 0
						408 18 6	489 10 0
Total of Tithes now upon lease						.. ..	408 18 6
Do. do. sold						.. ..	489 10 0
							898 8 6
DEDUCTIONS.							
Bishop's Proxy Money						4 0 0	
Stipends to Vicars of Malew, Lezayre, and Rushen						31 6 8	
						35 6 8	
						5 0 11	
						30 5 9	
Annual reserved rent						62 0 0	
Annual allowance on account of £130 payable every } 30 years, as estimated by Master Eld .. }						3 18 7	
6 per cent. on gross amount for collecting, risk, &c. } according to Master Eld's computation .. }						53 18 0	
							150 2 4
							748 6 2
The sum of £748 6s. 2d. being payable and secured upon Estates in } England liable to Property Tax .. .. }							74 16 0
							673 10 2
Agency for receiving in Liverpool at 1½ per cent.						.. ..	10 2 2
Net annual produce						.. ..	663 8 0

Twenty-five years purchase upon the net annual produce of the Improprate Tithes (£663 8s. 0d.) amounts to £16,575.

ROBT. STEWART.

NOTE  
AS TO THE INSULAR REVENUE.

In Appendix No. 1 to the *Notes on the Chronicle*,<sup>(1)</sup> reference is made to the surplus Customs' revenue of the Island. It may be convenient here to refer to the various sources of Insular revenue, now or heretofore payable, the Acts or Authority under which it has been or is raised, and the relative positions of the Crown and inhabitants of the Island with respect to surplus revenue.

I.—The several branches of the Crown revenue, and of revenue now raised by authority of Parliament, may be arranged under the following heads:—

1. Customs,
2. Land,
3. Fine Fund,
4. Post Office,
5. Harbours,
6. Lighthouses.

I.—CUSTOMS' REVENUE.

Previous to 1767 the duties of Customs on goods imported into and exported from the Island was levied by authority of the Insular Legislature.

The payment of duties was recognised by orders made by Commissioners of Edward Earl of Derby, the sixth Lord of the House of Stanley, on the 18th July, 1561,—(*Mills' Statutes*, 41.)—in these words:

(A.D. 1561.)—That the clerk of the shippes do make a perfect book of all such wares as the merchant stranger shall bring into the country, and how and to whom the said wares are distributed, and what wares he shall carry out of *Mann*, and *how much custome is due for the same, &c.*

A.D. 1577.—The "Customs" legally payable in 1561 were probably those set forth in "The rates of the Customs at every port within the *Isle of Mann*, allowed and confirmed by the Right Honourable *Henry*, Earl of Derby, Lord of the said Isle," on the 28th June, 1577. (*Mills' Statutes*, 43.) The rates so allowed may have been set forth and declared by authority as the rates at that time legally payable, and may not have been then enacted for the first time. Most of the written laws at that time were not new enactments, but merely declarations of

the law made by the local authorities, such as the Deemsters, or the Deemsters and Keys, committed to writing to prevent uncertainty for the future. But whether made for the first time or not in 1577, the rates were not made by the sole authority of the Lord;—being made, they were “allowed and confirmed” by him. That this is the correct view is apparent from the fact that the Deemsters and Keys were, on the 21st June, 1669, required to deliver their opinion to whom a fee of one penny for “the entering of every boat, bark, or pickard,” as mentioned in the rates, was payable. They gave as their opinion that it was payable to the “Captain’s clerk,” and consequently not to the Lord. Unless the rates had been made by lawful authority, no opinion would have been asked or given.

A.D. 1594.—On the 24th June, 1594, in Tynwald, amongst answers given by the Deemsters and Keys to Governor *Randolph Stanley*, to various “articles and questions of doubt,” the right of the Governor (or *Captain* as he is called,) in Council, to restrict the exportation of “stuff or merchandize,”—the “wares” to be exported being specified in a licence of the Governor or his deputy, and being those “which may best be spared for the best commodities of the inhabitants of the said Isle,” is declared. (*Mills’ Statutes*, 66.)

A.D. 1637.—By Act of Tynwald, 24th June, 1637, it was enacted, in consequence of “the complaint of the commons and poor sort of inhabitants, that they are much impoverished by having corne and graine, cattle and other provisions, exported out of the Island, without consideration what may be necessary to be reserved for the sustentation of the inhabitants of that Island,” that no goods should be exported without the licence of the Lord, or his lieutenant or captain, or his deputy. (*Mills’ Statutes*, 93.)

A.D. 1645.—By Act of Tynwald, 24th June, 1645, a further enactment as to the exportation of goods was made “for the full declaration of the meaning” of Statutes concerning “transportation of corn, cattle, and other commodities, which do not absolutely agree one with another,” and “the true use thereof.” By this Act the Governor and Council are to consult weekly when goods may be exported by licence of the Governor or his deputy. And it is provided that on complaint made by the “country for restraint of such commodities, or of too much licence given thereof,” the Governor shall assemble the Tynwald “to consider of and determine what is or may be most fitt to be transported, always considering the general good and safety of the Island.” (*Mills’ Statutes*, 110.) Probably the disagreement of Statutes mentioned,

refers to an apparent difference between the two Laws of 1594 and 1637. By the former the restraint on exportation was to be exercised by the Governor in Council, and from the latter it might be inferred that the Lord or the Governor might act without the advice of the Council.

These various declarations and enactments fully recognize the right of the Tynwald, to legislate as to the duties of Customs. If the Lord by his own power could have levied duties, there was no necessity for action on the part of the Legislature, and the Lord would not have submitted to it; and moreover the restraints on exportation really affected and limited the duties payable to the Lord. It may be said that the Lord might have had power to impose the duties, and yet not to restrain exportation; but had he possessed the power of imposing duties, and yet had considered it necessary for the good of the Island that exportation should be limited, he most probably would have checked exportation by means of high duties rather than have given countenance to any recognition of a right of interference on the part of the Tynwald.

A.D. 1692.—On the 4th July, 1692, the Governor and Council violated the law by making a new *Book of rates* without the consent of the Keys. This book of rates which was confirmed by the Lord is given at length in the *Report of the Commissioners of 1791*. (*Appendix A. No. 3.*) This was probably one of the cases alluded to by the Commissioners, (*Report*, p. 67.) “in which the commands of the Lord Proprietor have been obtruded as laws on the people.” This book of rates appears to have been submitted to until the year 1737. The reasons for such submission were thus forcibly expressed by *Mr Curwen*, in his speech in the House of Commons in 1805, (p. 49.)—“These, Sir, were days of calamity to the Isle of Man; they had other and more important subjects of dispute with their Lord. He had pressed forward claims to all their lands. The Island was then deeply depressed in poverty, and it would have been imprudent to irritate the Lord Proprietor on a subject of comparatively, and at the moment, little importance to them. These duties were of trivial amount; paid by strangers; and it was not then foreseen how much, and by what means that amount was afterward to be augmented. Even in 1706, it appears, Sir, by an Act of Tynwald, stated by the Committee, that ‘the poverty and mean circumstances of the people’ had prevented the payment of the Lord’s fines; and that to raise on the Island an assessment of so small a sum as £160 a delay of three years was necessarily given. Where then could the Keys have

looked for the resources to enter into new contests with this powerful Lord Proprietor? They might be silent; but 'it was their poverty not their will' consented."

A.D. 1711.—On the 5th November, 1711, was promulgated "An Act for preventing frauds in Her Majesty's Customes by the exportation of forreigne goods from this Island." English officers of Customs, acting in the name of Queen Anne, had been sent to the Island, most probably to watch and report on the exportation of goods from the Island, they having no authority to exercise their official duties in the Island, or to control the exportation of goods there. On their complaint of certain articles of merchandize, entitled in England to drawback, shipped from thence, and afterwards carried from the Island privately into Great Britain or Ireland, and of foreign goods exported from the Island and privately landed in Great Britain or Ireland, the Tynwald by this Act restrained or controlled, under heavy penalties, the exportation of goods from the Island, so as to ensure the payment of the British or Irish duties if landed in Great Britain or Ireland, and to prevent the landing there of goods shipped for foreign countries, and certain powers as to search and otherwise were conferred on the English officers. (*Mills' Statutes*, 195.)

A.D. 1714.—The last-mentioned Act was passed in the expectation that the British Parliament would permit the inhabitants to import into Great Britain, beasts and goods of the growth, produce, or manufacture of the Island free of duty, according to proposals submitted by a Committee of the Tynwald Court to the Commissioners of Customs in England, agreed to by them, and laid before the Lords of the Treasury; but the expectation not having been realized, the Tynwald by an Act promulgated on the 27th May, 1714, suspended the operation of the Act for one year, and from year to year afterwards until the inhabitants of the Island obtained the freedom of trade sought. (*Mills' Statutes*, 208.)

A.D. 1726.—By Act promulgated 18th November, 1726, the exportation of salt from the Island was prohibited. (*Mills' Statutes*, 212.)

A.D. 1737.—By the Act of Tynwald promulgated the 24th June, 1737, styled sometimes the *Magna Charta* of the Isle of Man, sec. 14, the *Book of rates* illegally made by the Governor and Council and allowed by the Lord in 1692, was with some exceptions and variations confirmed, prohibitions with respect to the importation of malt and grain were enacted, and the exportation of goods, otherwise not prohibited, was declared to be free unless prohibited by the Tynwald Court, "according

to the rules prescribed by the Statute made in the year of our Lord 1645, in that behalf, or as they shall see most necessary for the publick good of the said Isle, any law or usage to the contrary notwithstanding.” (*Mills' Statutes*, 246.)

This Act of 1737 was a complete acknowledgment on the part of the Lord of the illegality of levying taxes without the consent of the Keys, as well as of the Governor and Council, and more especially as the Act was in reality a *Bill of Rights* alleging and redressing grievances of various kinds which affected “the liberties and properties” of the people, one of such grievances being that “the present book of rates for the payment of dutys upon goods and merchandizes exported from and imported into this Isle hath not hitherto had the consent and concurrence of the twenty-four Keys.”

A.D. 1748.—The last Act of the Legislature of the Island relating to the Customs was one promulgated on the 24th June, 1748, for laying “an additional duty upon English and Irish ale, and to repeal the Statute prohibiting the importation of malt.” By this Act duties are imposed on ale, malt, apples, and pears imported into the Island. (*Mills' Statutes*, 286.)

As previously mentioned,<sup>(1)</sup> the whole revenue of the Island, (except that levied for special purposes, such as for harbours and highways,) after defraying the expenses of the Government, belonged to the Lord. But it is not likely that the Legislature would have consented to any increase of Customs duties which would have materially increased the personal benefit derived by the Lord therefrom, without securing some equivalent; and the Legislature had the right to direct the application of the revenue raised by its authority.

A.D. 1767.—The first Act passed by the English Parliament for levying Customs duties was the Act, 7 Geo. III. c. 45, (1767)—“An Act for encouraging and regulating the trade and manufactures of the *Isle of Man*; and for the more easy supply of the inhabitants there with a certain quantity of wheat, barley, oats, meal, and flower, authorized by an Act made in this session to be transported to the said Island.” In the preamble it is alleged that “it is expedient that provision be made for encouraging, improving, and regulating the trade and manufactures of the said Island and the fisheries on the coasts thereof.” By sec. 1 it is enacted that from the 5th July, 1767, the duties payable to His Majesty in the Island on all goods imported there or exported from

thence shall cease, and that other specified duties on goods imported into the Island should be paid. The duties repealed were those payable under the Insular laws. By sec. 2 the duties payable were to be revised under the authority and direction of the Commissioners of the Treasury, or of the Lord High Treasurer, and the application of them is directed in the following words:—

And (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) the said rates and duties shall from time to time be brought and paid into the receipt of His Majesty's Exchequer, distinctly and apart from all other branches of the public revenue, and such part thereof as shall remain after the necessary expenses attending the government of the said *Isle of Man* and the administration of justice there are from time to time defrayed, shall be reserved for the disposition of Parliament.

A.D. 1780.—By Act 20 Geo. III. c. 42, (1780.)—"An Act for granting to His Majesty several additional duties upon certain goods imported into the *Isle of Man*, and for better regulating the trade, and securing the revenues of the said Island,"—new duties, to take effect from the 5th July, 1780, were directed to be paid "for further provision towards defraying the expenses of government of the Isle of Man, and better raising and securing a revenue for that purpose." Sec. 3 directs the application of the duties to be raised in words similar to those in the Act 7 Geo. III. c. 45, namely:—

And (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) the said rates and duties shall from time to time be brought and paid into the receipt of His Majesty's Exchequer, distinctly and apart from all other branches of the public revenue, and such part thereof as shall remain after the necessary expenses attending the government of the said *Isle of Man* and the administration of justice there are from time to time defrayed, shall be reserved for the disposition of Parliament.

A.D. 1798.—By Act 38 Geo. III. c. 63, (21 June, 1798.)—"An Act for the further encouragement of the trade and manufactures of the *Isle of Man*; for improving the revenue thereof; and for the more effectual prevention of smuggling to and from the said Island;"—after stating that a report had been made in consequence of a Commission from His Majesty, for the purpose of obtaining information upon various points respecting the Isle of Man, which report had by His Majesty's command, been laid before the House of Commons, and that it was expedient that until Parliament could take the said report under their consideration, some temporary encouragement and relief should be granted to the trade and manufactures of the Island, as well as some further regulations made for the more effectual prevention of smuggling to and from

the Island,—various alterations were made in the duties of Customs to take effect from the 5th July, 1798. No special enactment was made as to the application of the duties,—the clause in the Act of 1780 being unrepealed. The Act was to continue in force until the 5th July, 1801, but by various subsequent Acts, it was with some amendments continued until the 5th July, 1805.

A.D. 1805.—By Act 45 Geo. III. c. 99, (10th July, 1805,)—"An Act for regulating and encouraging the trade, for the improvement of the revenue, and prevention of smuggling to and from the *Isle of Man*,"—the duties granted by previous Acts were consolidated. By sec. 3 the duties are to be raised under the authority and direction of the Commissioners of Customs in England; and the application of the revenue is directed by the following words:—

And (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) the said rates and duties shall from time to time be brought and paid into the receipt of His Majesty's Exchequer, distinctly and apart from all other branches of the publick revenue, and such part thereof as shall remain after the necessary expenses attending the government of the said *Isle of Man*, and the administration of justice there, are from time to time defrayed, and the payment of bounties or charges from time to time payable thereout, shall go to and make part of the Consolidated Fund of *Great Britain*.

The latter portion of the foregoing quotation may be considered as the first appropriation of the surplus of the Customs revenue by the Parliament; for whether intended as an absolute appropriation or not, such has been the effect of the words "shall go to and make part of the Consolidated Fund of Great Britain." By the former Acts the surplus was "reserved for the disposition of Parliament," and it is thus shown that for a period of 40 years, from 1765 to 1805, Parliament hesitated to appropriate for Imperial purposes, revenue not intended for those purposes by the Acts under which the duties were levied. It was not without reason that the Manx people considered "the surplus revenue set apart by Parliament undoubtedly for their use." (*Mr. Curwen's Speech in House of Commons*, 1805.) Notwithstanding, however, the absorption of the surplus in the Consolidated Fund under the Act of 1805, such absorption was not considered as an annihilation by Parliament of the claims of the Manx people, who not unnaturally looked upon the direction for the account of the Manx revenue to be kept distinctly and apart from all other branches of the public revenue, as some recognition of their claims.

A.D. 1810.—By Act 50 Geo. III. c. 42, (2nd June, 1810,)—"An Act for consolidating the duties of Customs for the *Isle of Man*, and for



placing the same under the management of the Commissioners of Customs in England,"—all duties theretofore payable were to cease on the 5th July, 1810, and the duties set forth in the schedule to the Act to be paid. The appropriation of the revenue is directed by sec. 9:—

That all sums of money received under the authority of this Act shall be remitted to the Receiver-General and Cashier of the Customs in *England*, agreeably to such directions as may from time to time be given for that purpose by the said Commissioners of the Customs in *England*, to be paid into the receipt of His Majesty's Exchequer, distinctly and apart from all other branches of the public revenue; and such part thereof as shall remain after the necessary expenses attending the government of the said *Isle of Man*, and the administration of justice there, and all other charges, are from time to time defrayed, shall go to and make part of the Consolidated Fund of *Great Britain*.

A.D. 1811.—As great inconvenience and delay attended the mode of obtaining, under the last mentioned Act, the requisite sums of money for defraying the expenses and charges in the Island, the Act 51 Geo. III, c. 52, (31st May, 1811,)—"An Act for explaining and amending an Act passed in the last session of Parliament, for consolidating the duties of Customs for the *Isle of Man*, and for placing the same under the management of the Commissioners of Customs in *England*,"—was passed; and by sec. 1 the following provision as to payments in the Island was made:—

That any of the collectors of the Customs in the *Isle of Man* appointed to receive the duties imposed by the said recited Act shall, and he and they is and are hereby authorized and required, agreeably to such directions as shall from time to time be given for that purpose by the Commissioners of His Majesty's Customs in *England*, or any four or more of them, to retain such sum or sums of money in his or their hands as may be sufficient to defray the necessary expenses attending the government of the said *Isle of Man*, and the administration of justice there, and other charges incurred in the said *Isle*, which may have heretofore been or may hereafter be deemed fit and proper charges to be deducted from and paid out of the duties of Customs collected in the said *Isle of Man*, and also for the purpose of defraying any bounties that may be due by law upon herrings caught by the inhabitants of the said *Isle of Man*, and upon the amount of the said expenses, charges and bounties being ascertained, the said Commissioners of His Majesty's Customs in *England*, or any four or more of them, are hereby authorized to direct the same to be paid out of the said monies so retained to such person or persons as may be entitled to receive the same; and the residue of the said monies arising from duties of Customs in the hands of the said collectors, after paying such expenses, charges and bounties, shall be remitted to the Receiver-General of the Customs in *England*, to be paid into the receipt of His Majesty's Exchequer for the purpose of being carried to the Consolidated Fund of *Great Britain*; anything in the said recited Act of the fiftieth year of the reign of His said Majesty, or any other Act or Acts to the contrary notwithstanding.

A.D. 1825.—By Act 6 Geo. IV, c. 105, all previous Acts relating to the Customs of the Isle of Man were repealed; and by Act 6 Geo. IV, c. 115, (5th July, 1825,)—"An Act for regulating the trade of the *Isle of Man*,"—the laws relating to the Customs of the Island were consolidated, and a new Table of Duties was enacted, to take effect on the 5th January, 1826. Sec. 15 directs the application of the revenue:—

That the duties of Customs shall be raised, levied, collected, paid, recovered, and accounted for under the authority and direction, or under the management and controul of the Commissioners of His Majesty's Customs, and, except the necessary charges of raising, collecting, levying, recovering, and accounting for the same, the said rates and duties shall from time to time, (subject to the deductions hereinafter mentioned,) be brought and paid into the receipt of His Majesty's Exchequer, distinctly and apart from all other branches of the public revenue, and shall go to and make part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that any of the Collectors of Customs of the said Isle shall, and he and they is and are hereby authorized and required, agreeably to such directions as shall from time to time be given for that purpose by the Commissioners of His Majesty's Customs, to retain such sum or sums of money in his or their hands as may be sufficient to defray the necessary expenses attending the government of the said *Isle of Man*, and the administration of justice there, and other charges incurred in the said Isle, which have heretofore been or may hereafter be deemed fit and proper charges to be deducted from and paid out of the duties of Customs collected in the *Isle of Man*, and also for the purpose of defraying any bounties that may be due by law upon herrings caught by the inhabitants of the said *Isle of Man*, and upon the amount of the said expenses, charges, and bounties being ascertained, the said Commissioners are hereby authorised to direct the same to be paid out of the said monies so retained, to such person or persons as may be entitled to receive the same.

A.D. 1833.—A fresh consolidation of the laws relating to the Customs of the Island was effected by Act 3 and 4 William IV, c. 60, (28th August, 1833,)—"An Act for regulating the trade of the *Isle of Man*,"—which prescribed a new Table of Duties to commence on the 1st September, 1833. The application of the revenue is directed by sec. 16, in the same words as sec. 15 of the Act 6 Geo. IV, c. 115, omitting only the words:—"And also for the purpose of defraying any bounties that may be due by law upon herrings caught by the inhabitants of the said Isle of Man,"—and also the word "bounties" in a subsequent part of the clause.

A.D. 1844.—By Act 7 and 8 Vict., c. 43, (19th July, 1844,)—"An Act to amend the laws relating to the Customs of the *Isle of Man*,"—new Customs duties were enacted. It was estimated that by the new duties there would be raised a larger amount of revenue than by those previously in force, and it not being the object of Parliament to increase

the surplus revenue, and in order to give the Island the benefit of any additional revenue, the duties and rates theretofore payable in respect of ships and goods arriving at and imported into the Island for the maintenance of harbours were, by sec. 19, repealed; and by sec. 20 the sum of £2,300 yearly was directed to be paid out of the Customs revenue for harbour purposes. Sec. 18 contains a direction as to the application of the revenue, like that contained in sec. 16 of the Act 3 and 4 William IV, c. 60.

A.D. 1845.—A further consolidation of the Customs laws of the Island was effected by Act 8 and 9 Vict. c. 94, (4th August, 1845.)—“An Act for regulating the trade of the *Isle of Man*,”—the duties being re-enacted. Like provisions as to the application of the revenue and the support of the harbours to those contained in 7 and 8 Vict., c. 43, are contained in secs. 24 and 25.

A.D. 1853.—By “The Customs Tariff Act, 1853,” (16 and 17 Vict., c. 106,—20th August, 1853,) new duties for the Island were enacted; and by “The Customs Consolidation Act, 1853,” (16 and 17 Vict., c. 107,—20th August, 1853,) secs. 353 and 354, the application of the revenue is thus directed:—

353.—The duties of Customs payable on the importation of goods into the Isle of Man shall be collected, paid, recovered, and accounted for under the management and control of the Commissioners of Her Majesty's Customs; and, except the necessary charges of collecting, recovering, and accounting for the same, the said duties shall from time to time (subject to the deductions hereinafter mentioned) be brought and paid into the receipt of Her Majesty's Exchequer, distinctly and apart from all other branches of the public revenue, and shall go to and make part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that any of the Collectors of Customs of the said Isle shall retain, and he and they is and are hereby authorized and required agreeably to such directions as shall from time to time be given for that purpose by the Commissioners of Her Majesty's Customs, to retain such sum or sums of money in his or their hands, as may be sufficient to defray the necessary expenses attending the government of the said *Isle of Man*, and the administration of justice there, and other charges incurred in the said Isle, which have heretofore been or may hereafter be deemed fit and proper charges to be deducted from and paid out of the duties of Customs collected in the said *Isle of Man*; and upon the amount of the said expenses and charges being ascertained, the said Commissioners are hereby authorized to direct the same to be paid out of the said monies so retained, to such person or persons as may be entitled to receive the same.

354. The necessary expenses attending the government of the *Isle of Man* and the administration of justice there, and other charges incurred in the said Isle, which have heretofore been deemed fit and proper charges to be deducted from and paid out of the duties of Customs collected in the said Isle, or which may hereafter be deemed proper

charges, and also the annual sum of Two thousand three hundred pounds, made payable by an Act passed in the eighth and ninth years of the reign of Her present Majesty, chapter ninety-four, section twenty-five, to Her Majesty's Receiver-General in the said *Isle of Man*, and to be applied for the lawful purposes of the Harbour Commissioners therein mentioned, shall and may be retained and paid by the Collector of Customs of the said Isle, out of the duties of Customs collected in the said Isle, as hereinbefore provided.

In order that the Island might have the benefit of the estimated increase of Revenue under the new duties, the following provision was made by sec. 355:—

In addition to the deductions from the Customs duties hereinbefore provided for, there shall be set aside annually a sum equal to one-ninth part of the amount derived from such duties, to be applied by the Commissioners of the Treasury in effecting improvements in the harbours and other public works in the *Isle of Man*, the necessary repairs and improvements in the harbours taking priority to other public works; and it shall be lawful for the Court of Tynwald from time to time to determine what improvements and public works shall be so undertaken, the Lieutenant-Governor having a veto upon such decision.

Leaving the matter of the right to the surplus revenue from 1765 to 1844 an open question, the Parliament, by the Acts of 1844 and 1853, fully recognized the principle that the inhabitants of the Island were entitled to the benefit of any additional surplus created by an increase of duties. On each occasion this principle was contended for by the Insular Government, the House of Keys, and inhabitants, in the communications with the Imperial Government; but at the same time, the claim of the inhabitants to the whole surplus was not abandoned.

A.D. 1854.—By Act 16 and 17 Vict., c. 107, (10th August, 1854,)—"An Act to alter the mode of providing for certain expenses now charged upon certain branches of the public revenue and upon the Consolidated Fund,"—it was enacted by sec. 1:—

From and after the first day of April, 1854, the several charges and payments described in schedules (A) and (B) to this Act, and which, under the acts and authorities in the same schedules respectively referred to, are charged on or made payable out of the several branches of the public revenue in such schedules mentioned, or on or out of the monies in the hands of Commissioners or Collectors or other Receivers of such revenues or otherwise now charged on or payable out of all or any parts of such revenue respectively, or on or out of the Consolidated Fund of the United Kingdom shall cease to be so charged and payable; and such of the said charges and payments as are described in the said schedule (A) shall be charged on and payable out of the said Consolidated Fund: and such of the said charges and payments as are described in the said schedule (B) shall be paid out of such aids or supplies as may be from time to time provided and appropriated by Parliament for the purpose, &c.

Schedule (A) contains amongst other charges the following:—

Charges upon the Customs revenues of the *Isle of Man*, under the Act 16 & 17 Vict. cap. 107.

The effect of this provision was, the payment of the whole Customs revenue, except the expenses of collection and the one-ninth for public purposes, into the Consolidated Fund; and to make the expenses of the government, and of the administration of justice, and the annual sum of £2,300 for the Harbours, chargeable on that Fund instead of on the revenue. Any other "fit and proper charges," previously paid out of the Customs revenue, would have to be voted by Parliament, instead of the payment being directed by the Treasury as had been the case theretofore.

A.D. 1864.—By "The *Isle of Man* Harbours Amendment Act, 1864," (27 and 28 Vict., c. 62,—25th July, 1864,) sec. 2, it was enacted, that any deficiency in the dues authorized by a previous Act to be levied at Port Erin for payment of a Loan to be made by the Public Works Loan Commissioners, to an extent not exceeding £1,600 yearly, shall be charged and paid out of the surplus Customs revenue of the Island, if there should be "any surplus applicable thereto, after providing for all existing charges upon such revenue, and before any charges of a new and distinct character are imposed thereon"; all advances so to be made out of the surplus revenue, with interest at 3½ per cent., to be repaid when the Harbour Dues, or other moneys applicable, should be more than sufficient to provide the annual payments in respect of the Harbour.

(Reference has been made to the various Acts of Parliament which had a bearing on the question of the surplus revenue only. No reference has been made to many Acts by which some changes were made in duties, or by which the trade of the Island was affected, or by which previous Acts were repealed or altered.)

A.D. 1866.—The last Act affecting the surplus Customs revenue is the "*Isle of Man* Customs, Harbours, and Public Purposes Act, 1866," (29 Vict., c. 23,—18th May, 1866.) By this Act the duties on the importation of certain goods were increased, as from the 15th March, 1866, and the application of the revenue is directed by the following sections:—

3. The Commissioners of Her Majesty's Customs shall apply the duties of Customs collected in the *Isle of Man*, (except the necessary charges of collecting, recovering, and accounting for the same, which charges they are hereby authorized and directed to retain and pay out of the gross amount collected, notwithstanding the provisions of the Act of the seventeenth and eighteenth of Victoria, chapter ninety-four,) in manner following; (that is to say,) they shall thereout pay and defray the necessary expenses attending the government of the *Isle of Man*, and the administration of justice there, and other charges incurred in the Isle, which have heretofore been or may hereafter be deemed fit and

proper charges to be deducted from and paid out of the duties of Customs collected in the *Isle of Man*, including so much (if any) of the services which shall have been voted by the House of Commons applicable to the Isle of Man as the Commissioners of Her Majesty's Treasury shall from time to time direct: Provided that no part of the said duties of Customs shall be applied for or towards any of the Navy services, except the salaries and expenses of the Coast Guard service of the *Isle of Man*, and that no part of the said duties of Customs shall be applied for or towards any of the Army services, except the charge of the Volunteers of the *Isle of Man*.

4. Out of the same duties of Customs the said Commissioners shall pay the annual sum of Two thousand three hundred pounds, made payable by the Act eighth and ninth of Victoria, chapter ninety-four, section twenty-five, to Her Majesty's Receiver-General, in the *Isle of Man*, and to be applied for the lawful purposes of the Harbour Commissioners therein mentioned.

5. In addition to the payments out of the Customs duties hereinbefore directed, there shall be set aside annually a sum equal to one-ninth part of the gross amount of the duties of Customs collected in the *Isle of Man*, to be applied by the Commissioners of the Treasury in effecting improvements in the Harbours and other public works in the *Isle of Man*, the necessary repairs and improvements in the Harbours taking priority to other public works; and it shall be lawful for the Court of Tynwald, from time to time, to determine what improvements and public works shall be so undertaken, the Lieutenant-Governor having a veto upon such decision; such one-ninth part of the said gross amount of the duties of Customs collected in the *Isle of Man*, being in satisfaction of and in substitution for the sum equal to one-ninth part of the amount derived from such duties by the Customs Consolidation Act, 1853, section Three hundred and fifty-five, directed to be set apart and applied as therein mentioned.

6. It shall be lawful for the Harbour Commissioners of the Isle of Man, or the major part of them, (of whom her Majesty's Receiver-General in the *Isle of Man* or his deputy for the time being shall be one,) from time to time, with the approbation of the Commissioners of Her Majesty's Treasury, to borrow of or from any Commissioners, body, or person willing to advance the same on the security of two other ninth parts of the gross amount of the duties of Customs collected in the *Isle of Man*, such sum or sums of money as the Court of Tynwald (with such approbation as aforesaid) may have determined to be necessary for the purpose of effecting improvements in the Harbours of the *Isle of Man*; and it shall be lawful for the Court of Tynwald, from time to time, to determine what improvements shall be so undertaken, the Lieutenant-Governor having a veto upon such decision; and it shall be lawful for the said Harbour Commissioners, or such majority of them as aforesaid, by any deed or deeds under their hands and seals, to charge the said two-ninth parts of the said gross amount of the duties of Customs collected in the *Isle of Man* on the security whereof any such money as aforesaid might be borrowed, with the repayment of the principal money and interest according to the terms agreed on with any Commissioners or other body or person by whom the respective advances may be made; and the Commissioners of her Majesty's Customs shall, in the event of any such charge being made, pay and apply the said two-ninth parts of the said gross amount, or so much thereof as shall be necessary, in payment of such principal and interest accordingly.

7. Subject to the charges aforesaid, the sum of Ten thousand pounds out of the duties of Customs of the *Isle of Man* shall be brought and paid into the receipt of Her Majesty's Exchequer, distinctly and apart from all other branches of the public revenue, and shall go and make part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and in case the Customs duties of the *Isle of Man* shall not be sufficient in any year to pay the whole of the said Ten thousand pounds, then the deficiency shall be added to the Ten thousand pounds becoming due in the succeeding year, and be payable with the like priority, and so on from year to year as regards the deficiency, if any, of the preceding year or years: Provided always, and be it enacted by way of substitution for the provisions of the *Isle of Man Harbours Amendment Act, 1864*, section two, that if there shall be any deficiency in respect of the works in that Act mentioned as proposed to be erected at *Port Erin* in the *Isle of Man* by the application of the Loan therein mentioned to meet the claims of the Public Works Loan Commissioners to payment as such claims fall due, then the amount so deficient, to any extent not exceeding One thousand six hundred pounds in any one year, shall be charged and paid, and deducted by the Commissioners of Her Majesty's Customs, out of the said sum of Ten thousand pounds, before the payment thereof into the receipt of Her Majesty's Exchequer; and if after the completion of the said proposed works at *Port Erin*, it shall be found that the Harbour Dues and other monies received and applicable to the payments to be made to the Public Works Loan Commissioners are more than sufficient to provide for such annual payments as they shall fall due, the balance, after providing for such payments, shall be applied yearly to repay any monies which shall have been advanced out of the surplus of Customs revenues under the authority of the said *Isle of Man Harbour Amendment Act, 1864*, or which shall have been advanced out of the said annual sum of Ten thousand pounds, under the authority of this Act, with interest thereon respectively at the rate of three and a quarter per centum per annum, from the time of the advance to the time of repayment.

8. The surplus, if any, of the duties of Customs of the *Isle of Man*, after deducting the sums hereinbefore directed or authorised to be paid or set aside thereout or charged thereon, shall be applied for such public purposes of the *Isle of Man*, to be approved of by the Commissioners of Her Majesty's Treasury, as the Court of Tynwald shall from time to time determine, the Lieutenant-Governor having a veto upon such decision.

9. The clear surplus income (if any) arising from the said duties of Customs in any year which shall not be required for the purposes of that year, shall be invested in such names and on such securities as the Commissioners of the Treasury shall from time to time direct, and the sums so invested, with the interest and accumulations thereof, shall form a fund to be called "*The Isle of Man Accumulated Fund*," and such fund, or any part thereof, shall from time to time be applicable for the purposes and in the manner in which the same would have been applicable if it had been surplus income of the year in which it shall be applied.

The mode and order of the application of the Customs revenue under this Act may be thus briefly stated:—

1. Charges of collection.
2. Expenses attending the Insular Government, the administration of justice, and other charges which may be deemed fit and proper to be

paid out of the duties of Customs, including the proportion applicable to the Island of moneys voted for services by the House of Commons, but not including Navy service except the expenses of the Coastguard, and not including Army service except the expenses of the Volunteers.

3. £2,300 for the purposes of the Harbour Commissioners.

4. One-ninth of the gross revenue for harbours and other public works under the vote of the Tynwald Court.

5. Two-ninths of the gross revenue to be mortgaged for harbour improvements under the vote of the Tynwald Court.

6. £10,000 to the Consolidated Fund, but subject to the payment of the charge not exceeding £1,600 yearly, created under the Act of 1864 on the Customs revenue for Port Erin harbour, in case the dues to be received there be insufficient to meet the principal and interest of the Loan for such harbour.

7. The surplus revenue for public purposes in the Island under the vote of the Court of Tynwald.

This Act was passed to carry into effect an arrangement agreed to by the Treasury and the Tynwald Court. The question as to the past surplus revenue was not raised in the negotiations, though the right of the inhabitants to the surplus was affirmed as on previous occasions. In some form or other the Island will now have the benefit of the whole Customs revenue, with the exception of £10,000, (or in case of the insufficiency of the dues at Port Erin harbour for the purposes for which they are applicable, £8,400,) which may be considered as the Insular contribution for Imperial protection.

By a Treasury Minute of the 5th July, 1866, full instructions were given as to the management of the revenue for the purpose of carrying into effect the provisions of the Act, and as to the manner in which charges applicable to the Island defrayed by various departments of the Government, namely, the Committee of Council on Education, the Board of Works, the Office of Woods, &c., the Admiralty, and War Office, are to be ascertained, apportioned, and charged against the Customs revenue.

## 2.—LAND REVENUE.

Previous to the Revestment in 1765, the Crown of England was entitled to the revenues arising from the small baronies of *Bangor* and *Saball*, and *St. Trinion*, which had belonged to suppressed religious



houses in Ireland and Scotland, to the rent-charge reserved in the grant of the possessions of Rushen Abbey and other suppressed religious houses in the Isle of Man, of the 2nd May, 1610,<sup>(1)</sup> and to gold and silver mines (if any) in the Island. These baronies, rent-charge, and mines, formed part of the hereditary possessions of the Crown.

The Lords of the Island were entitled to demesne and other lands in the Island, (including therein the small adjacent islands,) chief rents, fines, and services in respect of lands, fisheries, mills, &c. within the manor of *Man*, commonly called the *Lord's lands*, (which manor comprehends the greater part of the Island); manorial privileges in respect of mills, water, and otherwise; escheats, rights of forest, game and warren, mines, quarries of stone, wrecks of the sea, and other rights arising out of, or connected with, or partaking of the nature of real estate. The possessions of the Lord included the land revenues, tithes, &c. comprised in the grant of the 2nd May, 1610. The revenue derived from these various sources was brought into the Lord's treasury along with the other revenues of the Lord.

A.D. 1704.—It is not intended here to enter into the matter of the disputes which for a very long period up to 1703 existed between the Lords and the tenants of the *Lord's lands*, as to their respective rights in the land;—the Lords claiming to be entitled absolutely, and not acknowledging the tenants to be more than tenants at will; and the tenants claiming to have in their lands customary estates descendible from ancestor and heir. These disputes were finally settled in 1703, between James, the tenth Earl of Derby and a committee of the House of Keys, the terms of settlement being embodied in an Act of Tynwald, (commonly called *The Act of Settlement*,) promulgated on the 6th June, 1704. The Abbey lands were included in the settlement made. By the Act the customary estates of inheritance claimed by the tenants were confirmed, and certain increased rents and fines payable to the Lord were legalized. (*Mills' Statutes*, p. 163.)

A.D. 1777.—The Act of Settlement was, after the Revestment, confirmed by another Act of Tynwald promulgated on the 9th September, 1777. (*Mills' Statutes*, p. 361.)

A.D. 1692.—By the *Book of Rates* made by the Governor and Council and confirmed by the Lord in 1692, certain *royalties* were made payable in respect of slates, flags, tombstones, and stones for tables. (*Report of Commissioners of 1791, Appendix A, No. 3.*)

A.D. 1737.—By the Act of 1737 which confirmed, with certain exceptions, the *Book of Rates*, it appears that the royalties therein mentioned were payable on exportation, and it is provided that the payment of royalties on flags and slates to be exported should cease, but that the duty on limestone should continue. (*Mills' Statutes*, p. 247.) The royalties would be payable in respect of stone raised in the *Lord's* or *Abbey* lands, and would form, therefore, part of the Land revenue of the Lords.

The sale of his sovereign rights in the Island by the Duke of Atholl included, though not in express words, the castles, with customary services to which the inhabitants were liable in relation to the castles, forts, and court-houses, and also the harbours or sea ports, and bay or salmon fisheries. The remaining possessions of the Duke of Atholl were afterwards, in 1827 and 1828, sold to the Crown of England, as mentioned in *Appendix No. 1 to the Notes on the Chronicle*, p. 151.

A.D. 1771.—By Act of Parliament, 11 Geo. III, c. 52, the produce of the bay fisheries is directed to be applied for the repair of the harbours.

A.D. 1829.—By Act of Parliament, 10 Geo. IV, c. 50, (19th June, 1829,)—"An Act to consolidate and amend the Laws relating to the management and improvement of His Majesty's woods, forests, parks, and chases; of the Land revenue of the Crown within the survey of the Exchequer in *England*; and of the Land revenue of the Crown in *Ireland*; and for extending certain provisions relating to the same to the *Isles of Man* and *Alderney*,"—provision was made as to the management and application of the Insular Land revenue:—

Sec. 8. That from and after the passing of this Act all honours, hundreds, castles, lordships, manors, forests, chases, woods, parks, messuages, lands, tithes, fisheries, franchises, services, rents, and other land revenues, possessions, tenements, and hereditaments whatsoever, (advowsons of churches and vicarages only excepted,) which now do belong to his Majesty, or hereafter shall belong to his Majesty, his heirs or successors, within the ordering and survey of the Court of Exchequer in *England* or *Wales*, in *Ireland*, in the *Isle of Man* and its dependencies, and the *Isle of Alderney*, whether in possession, remainder, or reversion, (which said honours, hundreds, castles, lordships, manors, forests, chases, woods, parks, messuages, lands, tithes, fisheries, franchises, services, rents, and other land revenues, possessions, tenements, and hereditaments, are hereinafter, for the sake of distinction, called "the possessions and land revenues of the Crown to which this Act relates,") shall be under the management of the present Commissioners of His Majesty's Woods, Forests, and Land revenues, and of their successors, to be from time to time appointed by His Majesty, his heirs and successors, by his or their letters patent; and the said Commissioners and their successors shall continue to be called "The Commissioners of His Majesty's Woods, Forests, and Land Revenues," &c.

The Act contains various provisions as to the letting, exchanging, and selling the possessions to which the Act relates, and as to the investment of purchase moneys, &c. The following section relates to the application of the income:—

Sec. 113. That the annual income of all the said possessions and land revenues of the Crown, to which this Act relates, including fines or leases, and all other sums received in respect of such leases or otherwise, for or in respect of the said possessions and land revenues (except from sales or exchanges) shall be applied in manner following: (that is to say,) in the first place, in payment of the costs, charges, and expenses attending the management of the said possessions and land revenues; in the next place, in the payment and discharge of any annual sum or sums of money, or any pensions already charged or to be charged thereon respectively, and in the payment of any other principal sum and the interest of any principal sum or sums of money which is already or may be hereafter charged upon the said possessions and land revenues; in the next place, so much of the monies to arise from the said annual income as the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the time being shall from time to time think proper, shall be applied towards the payment and discharge of the costs, charges, and expenses of the repairs, alterations, and improvements of *Buckingham House*, and the buildings, offices, and grounds appertaining and belonging thereto; provided that the sum to be so applied under this Act to such repairs, alterations, and improvements shall not exceed the sum of £150,000, over and above the sum of £346,000, which has been already applied thereto previous to the passing of this Act; and, subject to the applications aforesaid, the said annual income shall, during the life of His present Majesty, be carried to and made part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and from and after the demise of His present Majesty, (whom God long preserve,) shall be payable and paid to the King's Majesty, his heirs and successors.

By this section the surplus Land Revenue of the Island is treated as part of the hereditary revenues of the Crown, which the King (after the example of George III.) on his accession placed at the disposal of the House of Commons during his life,—the House making other provision by Act 1 Geo. IV. c. 1, “for the support of His Majesty's household and of the honour and dignity of the Crown.” By such Act the hereditary revenues of the Crown were, during the King's reign, to be added to the Consolidated Fund. Considering that the purchases of the possessions of the Dukes of Atholl were made,—that in 1765 under Act 12 George I, c. 28, by moneys derived from the Customs' duties of Great Britain,<sup>(1)</sup> and those in 1827 and 1828 under Act 6 Geo. IV, c. 34, by moneys payable out of the Consolidated Fund,<sup>(2)</sup>—it is not very clear why the revenues from such possessions are treated as hereditary

1 See page 94.

2 See page 149.

revenues of the Crown, unless it may have been thought that the Manx Land revenues were too insignificant to be separately dealt with. Probably it might be said that the conveyances from the Dukes of Atholl were but releases or surrenders to the Crown of rights acquired under grants from the Crown; rights, which, had not the grants been made, would have been hereditary. In one sense, this may be a correct view; but as the purchase or consideration moneys were paid out of the national funds, and not out of the hereditary revenues or out of moneys arising from the hereditary possessions, the rights surrendered must be considered as purchased on behalf of the nation.

It is questionable whether the surplus revenue is now by Act of Parliament appropriated. On the respective accessions of William IV. and Her present Majesty arrangements were made as to the hereditary possessions of a like nature to those made on the accession of George IV.

A.D. 1831.—By Act 1 William IV. c. 25, sec. 2, (22nd April, 1831,) the income of the hereditary possessions is thus appropriated:—

That the produce of all the said hereditary rates, duties, payments, and revenues in *England* and *Ireland* respectively, (other than the hereditary duties of Excise on beer, ale, and cider, payable in *England*;) which at the time of the decease of His said late Majesty, King *George* the Fourth, made part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and also the produce of the several and respective hereditary duties and revenues (other than and except the hereditary duties of Excise on beer, ale, and cider,) which were payable to His said late Majesty, King *George* the Fourth, in that part of *Great Britain* called *Scotland*, and also the said yearly sums of £348,000, and £6,500, payable to His present Majesty out of the revenue of Excise arising in *England* and *Scotland* respectively, under and by virtue of the said recited Act of the last session of Parliament, and also the same branches of the hereditary revenue, and the produce of the hereditary casual revenues arising from any droits of Admiralty, or droits of the Crown, or from the duties called the Four and a half *per centum* duties or *West Indian* duties, and from all surplus revenues of *Gibraltar*, or any other possession of His Majesty out of the United Kingdom, and from all other casual revenues arising either in the foreign possessions of His Majesty or in the United Kingdom, which have accrued since the decease of His said late Majesty, and which shall not have been applied and distributed in the payment of any charge thereupon respectively, or which shall accrue during the life of His present Majesty, (whom God long preserve,) shall be carried to and make part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and from and after the decease of His present Majesty, (whom God long preserve,) all the said hereditary revenues, including the duties on beer, ale, and cider, shall be payable and paid to his heirs and successors.

A.D. 1837.—The appropriation of the hereditary revenues of the Crown made on the accession of Her present Majesty is contained in sec. 2 of the Act 1 Victoria, c. 2, (23rd December, 1837,) in these words:

That the produce of all the hereditary rates, duties, payments, and revenues in *England*, *Scotland*, and *Ireland*, respectively, and also the small branches of the hereditary revenue, and the produce of the hereditary casual revenues arising from any droits of Admiralty, or droits of the Crown, or from the duties called the Four and a half *per centum* duties or *West Indian* duties, and from the surplus revenues of *Gibraltar*, or any other possession of Her Majesty out of the United Kingdom, and from all other casual revenues arising either in the foreign possessions of Her Majesty, or in the United Kingdom, which were surrendered by His said late Majesty, King *William* the Fourth, for his life, and which, upon the demise of His said late Majesty, became payable to Her present Majesty, which have accrued since the decease of His said late Majesty, or which shall accrue during the life of Her present Majesty, (whom God long preserve,) and which shall not have been applied and distributed in the payment of any charge thereupon respectively, (save and except the hereditary duties of Excise on beer, ale, and cider, in *Great Britain*,) shall be carried to and made part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and from and after the decease of Her present Majesty, (whom God long preserve,) all the said hereditary revenues shall be payable and paid to Her Majesty's heirs and successors.

Lands which have been purchased in the Island by the Commissioners of Woods, &c. on behalf of the Crown out of moneys the produce of the hereditary revenues will of course be considered as hereditary possessions of the Crown.

A.D. 1832.—By Act 2 William IV, c. 1, (13th February, 1832,) the management of the Crown possessions and Land revenue was vested in new Commissioners, to be called "The Commissioners of His Majesty's Woods, Forests, Land revenues, Works, and Buildings."

A.D. 1851.—By Act 14 and 15 Vict., c. 42, (1st August, 1851,) the management of the Crown works and buildings was separated from that of the woods, forests, and land revenues, and the management of the latter was vested in two Commissioners to be styled "The Commissioners of Her Majesty's Woods, Forests, and Land revenues,"—the Treasury having power to assign to one Commissioner the management of a distinct portion of the Crown possessions.

A.D. 1866.—By "The Crown Lands Act, 1866," (6th August, 1866,) sec. 2, one moiety of the net annual income of the Land revenue of the Crown in respect of "coal, ironstone, or mineral, stone, slate, clay, gravel, sand, or chalk, or of any substance obtained by mining, quarrying, or excavating," shall be carried to the account of the capital of the Land revenue, and the other moiety to the account of the income of the Land revenue.

(Reference to various other Acts relating to the management merely of the Land revenue, and not to the application of the revenue, has been omitted.)

A.D. 1860.—By Act of Tynwald,—“The Wreck Act, 1860,”—(10th August, 1860,) sec. 39, it is directed as to the application of the net proceeds of unclaimed wrecks :—(1) If the wreck was found on the shore of the Isle or its dependencies, or within the sea to the Isle belonging, the net proceeds to be paid to the agent or receiver of Her Majesty’s Woods, Forests, and Land revenues; and (2) If the wreck was found elsewhere, then the net proceeds to be paid during Her Majesty’s life into the receipt of Her Majesty’s Exchequer, in such manner as the Treasury may direct; and from and after Her Majesty’s decease to be paid to Her Majesty’s heirs and successors.—(*La Mothe’s Statutes*, 274.)

As the revenue is derived, not from taxes levied by authority of the Legislature, but in respect of property or rights from very ancient times vested in the Sovereigns of the Island, from property wrested or acquired from suppressed convents, and chiefly from rights strictly manorial, the Island cannot be considered as having a claim to the surplus revenue. Previous to 1765, the Lord’s Land and other revenues together made a kind of *Manæ Consolidated Fund*, out of which all Insular Government expenses were paid,—the surplus of the whole going to the Lords. But this arrangement was one for the convenience of the Lords merely, it being less expensive to have all branches of revenue, as nearly as might be, brought under one management. The manorial revenues of the Lords were not liable to the expenses of government, any more than were the manorial revenues of the Bishops arising from the *Bishop’s Barony*, or were the manorial revenues of the Crown of England derived from the baronies of *Bangor* and *Sabal* and *St. Trinion*.

Since 1829 some of the expenses of the Government have been at various times paid out of the Land revenue by the direction of the Treasury, but as the Customs revenue, which is directly chargeable with such expenses, and the Land revenue, were both added to the Consolidated Fund, it was quite immaterial out of which branch of revenue the expenses were paid.

Out of the Land revenue are paid, from time to time, charges incumbent thereon in respect of the tithes, and possessions of suppressed religious houses, now part of the Land revenue; and also grants and donations for churches, schools, &c. Such grants and donations do not form part of the expenses of Government; they are gratuitous contributions, such as are considered morally obligatory on proprietors of property, to be made for the benefit of the localities from whence their income is derived.

## 3.—FINE FUND.

The *Fine Fund* is the name given to the fund formed of all *casual* revenues of the Crown not belonging or appropriated to a particular department, such as the Land revenue or the Customs, and is so designated from the circumstance that it consists mainly of Fines or pecuniary penalties. The Fund may be stated generally, to be the produce of all the revenue, not being Customs revenue or Land revenue, and not being revenue applied to special purposes, to which prior to 1765, the Lords of the Island were entitled.

The Fund (which has always been small in amount) has been from time to time applied in the payment of minor expenses of the Government, including the expenses connected with the Gaoi, (the Fund being credited with the profit arising from the work of prisoners,) some small salaries of officials, and for many years past the expense of maintaining the Police establishment. The Fund not being sufficient to meet the charges upon it, the deficiency has been periodically met by payments in aid from the Customs revenue.

In England the *casual* revenues form part of the hereditary revenues of the Crown. The *casual* revenues in the Island, (not connected with the Land revenue,) as part of the sovereign rights of the Lords, were purchased from the Duke and Duchess of Atholl in 1765, and vested in the Crown under the Revesting Act, 5 *Geo. III*, *cap.* 26; the consideration money of the purchase being paid out of the Customs revenue of Great Britain, under the Act 12 *Geo. I*, *cap.* 28. (See *Notes on the Chronicle*, secs. 24 and 28.) In the schedule to the Revesting Act, the casual revenues are included in the words—"felons' goods, waifs and strays, forfeitures, perquisites of Chancery, wrecks of the sea, seizures, fines and perquisites out of the Spiritual Court, freedoms of aliens," &c.;<sup>(1)</sup> though probably some of such casual revenue would belong to the Land revenue.

It would appear that in the arrangements as to the revenue of the Island, which resulted in the passing of "The Isle of Man Customs, Harbours, and Public Purposes Act, 1866," the Fine Fund was treated as in the like position as the Customs revenue, and the sum of £10,000 payable yearly to the Exchequer under that Act was considered to be in full for the claim of the Imperial Government, both to the surplus

<sup>1</sup> See p. 114.

Customs revenue and the casual revenues. This is shown by the following extracts from a Treasury Minute, dated the 5th July, 1866, directing the mode in which the provisions of the Act are to be carried out:—

While dealing with this part of the subject [*Expenses of Government,*] my Lords will offer some remarks on the Fine Fund of the Island. Hitherto it has been the custom to apply this Fund to various services connected with the administration of justice, &c., the public being only charged with the deficiency. It appears to my Lords that it would be more correct in principle, and more useful for purposes of comparison, if these charges were paid in full out of Customs receipts, credit, of course, being taken for the fines as revenue. If this course should be adopted, orders must be given to the officer who collects the fines to pay over quarterly to the Customs department the sums which he receives. My Lords would wish to be informed whether the Commissioners of Customs or the Lieutenant-Governor see any objection to such an arrangement.

And under the head “Disposition of Surplus Income,”—

The Treasurer should collect all fines and pay them over quarterly to the Customs. He should make a quarterly estimate of the expenditure which has hitherto been defrayed from the Fine Fund, and should draw for that amount on the Collector of Customs. My Lords understand that these payments are of a minute and miscellaneous description, and that an account of them has hitherto been rendered to the Lieutenant-Governor. If then the Lieutenant-Governor should be of opinion that he is in a better position for controlling such expenses than the Commissioners of Audit, my Lords would not object to the present arrangement remaining unaltered, the Treasurer furnishing, of course, to the Commissioners of Customs a certificate from the Lieutenant-Governor that the account is correct, which certificate would be a sufficient voucher for the Commissioners of Audit; but my Lords must have the assurance of the Lieutenant-Governor as to the efficiency of the control which he exercises.

The Lieutenant-Governor, by letter to the Secretary of the Treasury, dated the 13th July, 1866, states with reference to the foregoing extracts from the Treasury Minute:—

Under the head of “Expenses of Government” with reference to the proposed manner of dealing with the Fine Fund, and respecting which their Lordships desire my opinion, I beg to state that I entirely concur in the course the Minute proposes should be adopted.

With reference to the auditing of the Accounts of the Fine Fund, I am of opinion that as the payments are of a minute and miscellaneous description, the Lieutenant-Governor is in a better position for controlling such expenditure than the Commissioners of Audit. Two or more members of the Council assist the Governor in auditing these accounts, to which they subsequently attach their signatures; and I fully believe in the thorough efficiency of the control thus exercised by the Lieutenant Governor and the Audit Court.

It will be thus seen that the Island receives the benefit of the casual revenues of the Crown included under the designation of *The Fine Fund*.



## 4.—POST OFFICE.

A.D. 1767.—A Government or public Post Office in the Isle of Man appears to have been first established under Act of Parliament 7 Geo. III, c. 50 (1767),—"An Act for amending certain Laws relating to the revenue of the Post Office, and for granting rates of postage for the conveyance of letters and packets between Great Britain and the Isle of Man,"—it having "been found necessary, for the convenience and improvement of trade and commerce, and for the more safe and speedy conveyance of letters and packets between Great Britain and the Isle of Man, to establish a packet boat between the port of Whitehaven in the county of Cumberland, and the port of Douglas in the Isle of Man." The Post Office thus established was to be under the direction and management of the Postmaster-General of Great Britain. By secs. 4 and 5 of the Act the Postmaster-General and his deputies are authorised to take certain rates for the conveyance of letters, &c. to and from and within the Island. The application of the revenue is thus directed by sec. 7:—

That all the monies arising by the rates aforesaid, except the monies which shall be necessary to defray such expenses as shall be incurred in the collection and management of the same, and all other expenses attending the said Office, [*Post Office of Great Britain,*] and the due execution of the Acts relating thereto, shall be appropriated and applied to such and the same uses, to which the present rates of postage are respectively now by law appropriated and made applicable.

The following references to the Acts of Parliament in force in 1767, will show to what "uses" the British revenue was applicable. By the section above recited the Manx revenue was to be applied to the like uses.

1 Anne, Stat. 1, c. 7 (1701).—By sec. 3 the revenue of the Post Office, being treated as part of the hereditary revenue of the Crown, is declared to be "for the support of Her Majesty's household, and of the honor and dignity of the Crown;" and by sec. 7 the Sovereign is restrained from alienating, granting, or charging the revenue beyond his or her life.

9 Anne, c. 10 (1710), secs. 35 and 38.—After payment of the expense of management of the Post Office, £700 weekly for 32 years from 29th September, 1711, to be paid into the Exchequer, "towards the establishment of a good, sure, and lasting fund, in order to raise a present supply of money for carrying on the war, and other Her Majesty's most necessary occasions, such sum of £700 weekly to be paid in preference to other charges. Sec. 38.—All annuities and other payments and

incumbrances charged in the revenues of the Post Office by former Acts or Grants to be next payable. Sec. 42.—One third of the surplus revenue over and above the sum of £111,461 17s. 10d., (being the amount of the gross revenue under repealed Acts for one year to 29th September, 1710,) and over and above the £700 weekly, to be reserved for the disposal of Parliament.

1 George I, Stat. 1, c. 1 (1714). By this Act provision is made for the support of His Majesty's household, &c. It is declared that the revenues of the Post Office, &c., are to be, during the King's life, for defraying expenses of the Civil Government, and better supporting the dignity of the Crown.

3 George I, c. 7 (1716). By sec. 1 the payment of £700 weekly into the Exchequer, under 9 Anne, c. 10, is made perpetual.

1 George II, Stat. 1, c. 1 (1727). Provision is by this Act made for the support of His Majesty's household, &c. The Post Office revenue, and produce of other branches of revenue, are to be, during the King's life, for the expenses of government, &c.

1 George III, c. 1 (1760). The King having placed the hereditary revenues of the Crown during his life at the disposal of Parliament, provision was made by this Act for the support of His Majesty's household, and of the honor and dignity of the Crown. By sec. 3 the amount payable to the King during his life was made chargeable on the Aggregate Fund, and the produce of the hereditary revenues of the Crown, including those of the Post Office, were directed to be carried to such Fund.<sup>(1)</sup>

5 George III, c. 25 (1765). By this Act new rates of postage were imposed. By sec. 24 the moneys arising from the rates were to be applied to such and the same uses as the former rates.

These references show the "uses" to which the revenue was applied at the time of the passing of the Act of 1767. It may be stated generally, that the duties of postage were considered as hereditary revenue, or as substituted for hereditary revenue;—that provision, beyond the hereditary revenues, was made by Parliament for Queen Anne, and

<sup>1</sup> The *Aggregate Fund* was established by 1 George I, Stat. 2, c. 12 (1714). It was absorbed in the *Consolidated Fund* of Great Britain, established by 27 Geo. III, c. 13 (1787), sec. 47. The hereditary revenues of Scotland were to be carried to the Consolidated Fund by 28 Geo. III, c. 33 (1788), sec. 13. The Consolidated Funds of Great Britain and Ireland were united by 56 Geo. III, c. 98 (1st July, 1816).

Kings George the First and Second, during their respective lives; the hereditary revenues being also limited to them, without power of alienation, during their lives;—that various charges affecting the Post Office revenue had been created by previous Sovereigns and by Parliament;—and that on the accession of King George III, he accepted a provision from Parliament in lieu of all hereditary revenues, which, after deducting charges of collection, and other charges affecting such revenues, were to be carried to the Aggregate Fund.

A.D. 1787.—By Act 27 George III, c. 13 (1787), sec. 48, the revenues of the Post Office were to be carried to the Consolidated Fund.

A.D. 1805.—By Act 45 George III, c. 11, (12th March, 1805.)—"An Act for granting certain additional rates and duties in Great Britain on the conveyance of letters,"—extra rates on letters to and from the Isle of Man were imposed. By sec. 6 the rates are to be carried to the Consolidated Fund, but the purposes for which they were raised are thus declared:—

That all the monies arising and to arise by the said rates and duties, or any of them, shall be deemed an addition made to the revenue, for the purpose of defraying the increased charge occasioned by any Loan made, or Stock created or to be created, by virtue of any Act or Acts passed or to be passed in this session of Parliament; and that the said monies shall, during the space of ten years next ensuing, be paid into the receipt of His Majesty's Exchequer at Westminster, distinctly and apart from all other branches of the public revenues; and that there shall be provided and kept in the office of the Auditor of the said receipt, during the said period of ten years, a book or books in which all the monies arising from the said rates and duties, and paid into the said receipt, shall, together with the monies arising from any rates and duties granted in this session of Parliament, for the purposes of defraying such increased charge as aforesaid, be entered separate and apart from all other monies paid or payable to His Majesty, his heirs or successors, upon any account whatever.

A.D. 1820.—By Act 1 Geo. IV, c. 1 (6th June, 1820), sec. 1, the produce of the hereditary rates, duties, payments and revenues in Great Britain and Ireland, which were formerly carried to the Aggregate and Consolidated Funds, were to be carried to the Consolidated Fund during the life of the King, who, in lieu thereof, accepted a Parliamentary provision for the support of his household and of the honor and dignity of the Crown. Probably the Isle of Man Postage revenues were not distinguished from those in Great Britain and Ireland in the actual application of them, but the Manx revenues of Postage cannot be considered as hereditary revenues of the Crown.

A.D. 1822.—By Act 3 Geo. IV, c. 105 (5th August, 1822),—"An Act for granting rates of Postage for the conveyance of letters and packets between the port of Liverpool, in the county of Lancaster, and the Isle of Man,"—duties on letters and packets conveyed to or from Liverpool and Douglas were declared. By sec. 3 the application of the moneys to be raised is thus directed:—

That the monies to arise by the rates and duties aforesaid, except the monies which shall be necessary to defray such expenses as shall be incurred in the collection and management of the same, shall be paid into the receipt of the Exchequer, and carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and applied to such and the same uses as the present rates and duties of postage are now or shall be directed to be paid and applied.

A.D. 1837.—In 1837 a consolidation of the Post Office laws was effected, and by Act 1 Vict. c. 33 (12th July, 1837),—"An Act for the management of the Post Office," (which Act included the Isle of Man,) sec. 13, it is enacted:—

That the monies to arise by the several duties granted by the Post Office Acts (except the monies which shall be necessary to defray such expenses as shall be incurred in the receipt and management of the same, and except all annuities and yearly sums now charged thereon by law,) shall be paid into the receipt of Her Majesty's Exchequer, and carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

By Act 1 Vict. c. 34 (12th July, 1837),—"An Act for the regulation of the duties of Postage,"—new Postage rates to and from and within the Isle of Man, to commence on 1st August, 1837, were enacted.

A.D. 1839.—By Act 2 & 3 Vict. c. 52 (17th August, 1839),—"An Act for the further regulation of the duties of Postage until the 5th day of October, 1840,"—the Treasury were authorised to alter the rates of Postage. (Under this Act a reduced uniform rate of Postage throughout the United Kingdom, the Isle of Man, and the Channel Islands was established; the first minimum uniform rate being 4d, subsequently reduced to 1d. Postage stamps were also authorised by the Act to be used.)

A.D. 1840.—By Act 3 & 4 Vict. c. 96, (10th August 1840),—"An Act for the regulation of the duties of Postage,"—new Postage rates from the 1st September, 1840, were enacted. (The Act required the payment to be regulated by weight, and the *minimum* uniform rate of 1d. within the United Kingdom, the Isle of Man, &c. was continued. The money order department of the Post Office, which had been previously in use, was established by the Act.)

A.D. 1848.—By Act 11 & 12 Vict. c. 117, (4th September, 1848,)—"An Act for rendering certain newspapers published in the Channel Islands and the Isle of Man liable to postage,"—the Postmaster-General, with the consent of the Treasury, is authorised to fix rates of Postage on newspapers printed or published in those Islands.

It is thus seen that the Postage revenue of the Island has been always applied to Imperial, and not Insular, purposes. Beyond the obtaining, from time to time, Parliamentary returns of the amount of revenue, &c., no effort appears to have been made on the part of the Island to obtain the surplus revenue for the benefit of the Island. But there seems to be no valid reason why the Island is not entitled to the surplus Postage revenue as much as to the surplus Customs revenue. The Postage revenue arises from duties or taxes levied by Parliament without the consent of the Legislature or people of the Island,—taxes to which no claim could be made for Imperial purposes under the purchase of the Sovereign rights of the Duke of Atholl, for no like taxes existed at the time of the purchase. The advantages of the connection of the Island with the English Postal system are inestimably great, but still,—all expenses attending or connected with the Insular branch of the Post Office being paid,—no substantial reason seems to exist why revenue should be obtained for Imperial purposes from the Island by means of the Post Office.

#### 5.—HARBOURS.

A.D. 1577.—By the Table of "the Rates of the Customs at every port within the Isle of Mann, allowed and confirmed by the Right honourable Henry, Earl of Derby, Lord of the said Isle," on the 28th June, 1577, duties called *Anchorage*s are made payable to the Lord in respect of "ships, barks, and pickards, both with and without cock boats, anchoring in a dry harbour, or within the Heads." (*Mills' Statutes*, 43.)

A.D. 1692.—The *Book of Rates* illegally made by the Governor and Council, and approved of by the Lord in 1692, altered the Anchorage Duties of 1577 by reducing them by one half the amount in favour of "the countryman,"—the former rates being payable by "the stranger." This was a change apparently for the benefit of the natives of the Island, but the benefit given was more than made good by increased duties on imports and exports. (*Report of Commissioners of 1791, Appendix A, No. 3.*)

Whether the receipt of the Anchorage Rates by the Lords involved on their part, originally, the obligation of improving and keeping in repair and order the Harbours, cannot now be ascertained. By the Act next referred to, by which the Legislature "with the gracious permission and condescension of his Lordship," appropriated the Anchorages for the amendment and repair of the Harbours, it is implied that the Harbours were not repaired out of the duties payable to the Lords.

A.D. 1734.—By Act of Tynwald promulgated on the 26th September, 1734,—“An Act for repairing and amending the Sea-ports and Harbours of this Isle,”—duties were made payable for the repair and improvement of the Harbours, in respect of certain ships and vessels, and of certain goods imported and exported, for 21 years from the 29th September, 1734, and the Anchorage rates were directed to be applied, for the same term, for the like purposes. The funds were to be applied by supervisors appointed by the Tynwald Court, and acting under the “instructions and directions” of the Court. (*Mills' Statutes*, 220.)

A.D. 1740.—By Act of Tynwald promulgated on the 24th June, 1740, provision was made for the collectors of rates and supervisors taking oaths for the due performance of their duties, and for the appointment of a Committee of the Tynwald Court annually, to act on behalf of the Court. (*Mills' Statutes*, 262.)

A.D. 1753.—By another Act of Tynwald promulgated 5th July, 1753, the Acts of 1734 and 1740 were continued for 21 years from the 10th October, 1755. (*Mills' Statutes*, 302.)

The Insular Harbours were amongst the Sovereign rights purchased from the Duke and Duchess of Atholl in 1765. They are included in the words “royalties, regalities, franchises, liberties, and sea-ports,” in sec. 1 of the Revesting Act, 5 Geo. III, cap. 26, and which by that section are declared to be “unalienably vested in His Majesty, his heirs and successors.” As by the 4th section of the Act all “lands” were reserved from the conveyance by the Duke and Duchess of Atholl to the Crown, it has of late years been considered that the purchase of the Harbours and Sea-ports did not include the soil of the then Harbours, but merely the *right of Harbour* for ships and vessels,—a kind of *franchise or easement* which the Crown on behalf of the public acquired on the lands of the Duke and Duchess and their heirs. However this was, after 1765, and so long as the Dukes of Atholl continued in the enjoyment of their reserved rights, the Harbours were from time to time

enlarged and improved without any compensation being made by the Crown or the Harbour Commissioners of the Island to the Dukes of Atholl. At present, compensation is made out of the Harbour funds to the Land revenue for any land, whether part of the foreshore or bed of the sea, required for Harbour improvements. For the same reason, rents received for the use of lands, or for the enjoyment of special privileges within what may be considered the precincts of the Harbours, though formerly added to the Harbour funds, are now paid to the Land revenue.

A.D. 1771.—Subsequently to the Revestment, the Harbours continued to be managed under the Insular Acts until A.D. 1771, in which year was passed an Act of Parliament, (11 George III, c. 52,)—"An Act for repairing, amending, and supporting the several Harbours and Sea Ports in the Isle of Man." The preamble and first section are in these words:

Most gracious Sovereign,—Whereas the Isle of Man, from its situation in the middle of *Saint George's Channel*, affords a convenient refuge for ships, in case of sudden and cross gales of wind, which frequently happen in those narrow seas, and therefore the preservation of Your Majesty's ships, and the interests of trade and navigation in general, require that the several Sea Ports and Harbours thereof, now vested in Your Majesty, should be maintained and supported in proper condition and repair. And whereas the duties formerly imposed for this purpose by the Statutes of the said Island, arose almost entirely from the contraband trade carried on there, which being totally suppressed since the purchase thereof by your Majesty, the fund for maintaining the Harbours has failed, and they are become ruinous, and likely to fall entirely to decay, unless some other funds are provided: Now therefore, we, Your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all sums of money that have been raised, levied, collected, or paid, by virtue of all or any of the Statutes of the said Island, for or on account of the Harbours therein, at any time or times from and after the seventeenth day of May, in the year One thousand seven hundred and sixty-five, (at which time the said Island became vested in his Majesty,) until the fifth day of July, in the year One thousand seven hundred and seventy-one, and which have or shall have been paid into the hands of His Majesty's Receiver-General of the said Island, or his deputy, shall be by him or them, or under his or their direction, immediately laid out or employed for or towards the repairs of the several Harbours in the said Island; and the said Receiver-General, or his deputy, shall forthwith transmit an account of such disposal of the money to the Commissioners of the Treasury, or the High Treasurer for the time being.

New dues on ships arriving in any of the Harbours, and on certain goods imported into the Island, are authorised by the second and third sections to be levied for the repair and support of the Harbours; and by the fourth section the "duties of ten shillings payable to His Majesty in the said Isle, for and upon every boat or other vessel employed in the herring fishery," and the "money arising to His Majesty from the several bay fisheries of the said Island," are directed to be applied for the like purpose.

The rates levied by Insular authority are repealed, and the application of the new dues is directed by the second section in these words:—

That from and after the said fifth day of July, in the year One thousand seven hundred and seventy-one, all and every the several and respective dues, rates, duties, and impositions, granted or payable by virtue of all or any the said Statutes of the said Island, for or on account of the Harbours therein, shall cease, determine, and be no longer due or payable; anything therein contained, or any other law, statute, ordinance, custom, prescription, or provision to the contrary notwithstanding. And instead and in lieu thereof, there shall be raised, levied, collected and paid, for the purposes intended by this Act, of amending, repairing, keeping in repair, and supporting the several Harbours of the said Island, the several and respective rates, duties, and impositions following, &c.

By the 5th section the moneys applicable to the Harbours are placed under the management of Commissioners, consisting of His Majesty's Receiver-General in the Island, his Deputy, the Collector, Comptroller, and Searcher of the port of Douglas, the Deputy Water Bailiffs of each of the other ports of Derbyhaven, Peel, and Ramsey, and four creditable and substantial merchants; one for each of the four ports of Douglas, Derbyhaven, Peel, and Ramsey; to be elected once in every three years by the other Commissioners.

A.D. 1814.—By Act of Parliament 54 George III, c. 143, (27th July, 1814,)—"An Act to repeal the duties granted by an Act passed in the eleventh year of His present Majesty, for repairing, amending, and supporting the several Harbours and Sea Ports in the Isle of Man, and for granting new duties in lieu thereof, and for giving further powers to the Commissioners appointed under the said Act,"—it was (sec. 1.) enacted:—

That from and after the passing of this Act all and every the rates and duties and impositions granted or made payable by the said recited Act [11 Geo. III. c. 52,] shall cease and determine, and be no longer due or payable, and instead and in lieu thereof there shall be raised, levied, collected, and paid, for the purposes of amending, repairing, keeping in repair, and supporting the several Harbours of the said Island, the several and respective rates, duties, and impositions specified and set forth in the schedule to this Act annexed.



A.D. 1840.—By Act 3 & 4 Vict. c. 63, (7th August, 1840.)—"An Act to extend the powers of the Commissioners appointed for the execution of two Acts for supporting the several Harbours and Sea Ports in the Isle of Man,"—the Harbour Commissioners were [sec. 1.] empowered, with the consent of the Treasury, to borrow from the Exchequer Loan Commissioners, (now the Public Works Loan Commissioners,) "on the security of the rates, duties, penalties, forfeitures, impositions, or other moneys, by the said recited Acts [11 Geo. III, c. 52, and 54 Geo. III, c. 143,] granted or authorised to be raised as aforesaid," money, [sec. 4.] "to be applied and disposed of, in, or for the repairing and amending, improving, enlarging, securing, preserving, and maintaining the said Harbours and Sea Ports in the said Isle of Man, and the several works connected or to be connected therewith," subject to the control and direction of the Treasury.

A.D. 1844.—By sec. 19 of the Act 7 & 8 Vict., c. 43, (19th July, 1844,)—"An Act to amend the Laws relating to the Customs in the Isle of Man,"—the Harbour duties and rates imposed by the Act 54 Geo. III, c. 143, were repealed, and by sec. 20 it was directed that there should be paid to Her Majesty's Receiver-General, out of the Customs revenue, £2,300 yearly, to "be applied by the said Harbour Commissioners to the same purposes to which the duties imposed by the said Act, and hereby repealed, would be lawfully applicable by the said Harbour Commissioners."

A.D. 1845.—The last mentioned Act of 1844 was repealed by Act 8 & 9 Vict., c. 84, sec. 2, (4th August, 1845,) but by Act 8 & 9 Vict., c. 94, sec. 25, (4th August, 1845,) the payment of £2,300 yearly out of the Customs revenue was continued.

A.D. 1853.—The Act of 1845, last mentioned, was repealed by sec. 348 of "The Customs Consolidation Act, 1853," (16 & 17 Vict., c. 107,—20th August, 1853,)—and by sec. 354 of the same Act the payment of £2,300 yearly, out of the Customs revenue, "to be applied for the lawful purposes of the Harbour Commissioners," was continued. By sec. 355 of the Act further provision was made for the Harbours in these words:

In addition to the deductions from the Customs duties hereinbefore provided for, there shall be set aside annually a sum equal to one-ninth part of the amount derived from such duties, to be applied by the Commissioners of the Treasury in effecting improvements in the Harbours and other public works in the Isle of Man, the necessary repairs and improvements in the Harbours taking priority to other public works, and it shall be lawful for the Court of Tynwald from time to time to determine what improvements and public works shall be so undertaken, the Lieutenant-Governor having a veto upon such decision.

A.D. 1854.—By sec. 1 of the Act 17 & 18 Vict., c. 94, (10th August, 1854,) the charges on the Customs revenue under the last mentioned Act of 1853 were made chargeable on the Consolidated Fund of the United Kingdom instead of the Customs revenue.

A.D. 1860.—By sec. 1 of the Act 23 & 24 Vict., c. 56, (6th August, 1860,)—"An Act to make further provision for improvements in the Harbours of the Isle of Man,"—the Harbour Commissioners were authorised with the approbation of the Treasury, to borrow on the security of the annual sum of £2,300, to be applied under sec. 354 of the Act of 1853, and of the sums to be set aside annually for effecting improvements under sec. 355 of the same Act, or of the annual sums to be applied or set aside under either of such sections, money, "for the purpose of effecting improvements in the Harbours," but by sec. 5 all money borrowed on the security of the sums to be annually set aside under sec. 355 of the Act of 1853 are to "be applied to such improvements and works only as the Court of Tynwald shall have determined to be undertaken."

A.D. 1863.—By sec. 2 of "The Isle of Man Harbours Act, 1863,"—(26 & 27 Vict., c. 16,—28th July, 1863,—An Act to authorise the taking of Harbour dues at Port Erin in the Isle of Man, in order to provide a fund for the improvement of the Harbour, and for other purposes:)—the Harbour Commissioners are authorised to take dues in respect of vessels entering the Harbour. By sec. 4 the Harbour Commissioners are empowered, with the approval of the Board of Trade, to borrow "on the security of the dues leviable under this Act, or on that security jointly with any other security, or on such other security alone, such money as may seem necessary for the making and maintaining of the intended improvements of the Harbour." By sec. 5 it is directed that the Harbour Commissioners

Shall apply all money received by them in respect of the dues and all other money coming to their hands from the Harbour, or from any property connected therewith belonging to the Commissioners, for the purposes and in the order following, and not otherwise:

- (1) In paying any expenses preliminary to or connected with the preparation and passing of this Act:
- (2) In paying the expenses of the maintenance, management, and regulation of the Harbour:
- (3) In paying the interest on any money borrowed under this Act, and any sum payable on account of the principal thereof:

And the Commissioners shall from time to time, subject to the approval and in conformity with any directions of the Board of Trade, revise the scale of dues received under this Act, so that the produce thereof may always be, as far as is practicable, sufficient, and not more than sufficient, for the payments before in the present section directed, but so that the dues levied do never exceed in amount the dues specified in the schedule to this Act.

A.D. 1864.—By sec. 2 of “The Isle of Man Harbours Amendment Act, 1864,” (27 & 28 Vict., c. 62, 25th July, 1864,)—it is provided that if there be any deficiency in the dues which will be payable in respect of the works proposed to be erected at Port Erin, by the application of a loan of £58,200, intended to be made under the Act of 1863, by the Public Works Loan Commissioners, to meet the claims of such Commissioners to payment, as such claims fall due, the amount deficient to an extent not exceeding £1,600 in any one year, shall be charged and paid out of any surplus Customs revenue of the Island, after providing for all existing charges upon such revenue, and before any charges of a new and distinct character are imposed thereon;—the amount paid out of the Customs revenue, with interest at the rate of 3¼ per cent., to be repaid out of the Harbour dues when sufficient.

A.D. 1866.—By “The Isle of Man Customs, Harbours, and Public Purposes Act, 1866,” (29 Vict., c. 23,—18th May, 1866,) sec. 4, the Commissioners of Customs are directed out of the Insular duties of Customs to pay the annual sum of £2,300 made payable by the Act 8 & 9 Vict., c. 94, sec. 25, “to be applied for the lawful purposes of the Harbour Commissioners therein mentioned.” By sec. 5 there is directed to be set aside out of the Customs duties a sum equal to one-ninth part of the gross amount of the duties of Customs “to be applied by the Commissioners of the Treasury in effecting improvements in the Harbours and other Public Works in the Isle of Man, the necessary repairs and improvements in the Harbours taking priority to other public works,” the Tynwald Court determining what improvements and public works shall be undertaken; “such one-ninth part of the gross amount of the duties of Customs collected in the Isle of Man, being in satisfaction of, and in substitution for,” a like part of the Customs duties directed to be applied under sec. 355 of the Customs Consolidation Act, 1853. By sec. 6 the Harbour Commissioners are authorised, with the approbation of the Treasury, to borrow on the security of two other ninth parts of the gross amount of the Customs revenue such sum or sums of money as the Tynwald Court, with the like approbation, “may have determined to be necessary for the purpose of effecting improvements in the

Harbours of the Isle of Man." By sec. 7 it is provided, by way of substitution for sec. 2 of the Harbour Act of 1864, that any deficiency in respect of the works at Port Erin to meet the claims of the Public Works Loan Commissioners, to an extent not exceeding £1,600 yearly, shall be charged on the sum of £10,000 payable out of the Customs duties, under the same section 7, into the receipt of Her Majesty's Exchequer. Sec. 10 contains the following provision as to Harbour dues:—

In case the dues which, under the authority of any Act of Parliament heretofore passed, may be taken from vessels using any of the Harbours in the Isle of Man, shall not be sufficient to keep down the interest and instalments of principal payable under any mortgage of the said dues made under the authority of any Act of Parliament, it shall be lawful for the Commissioners of Her Majesty's Treasury, with the consent of the Court of Tynwald, from time to time to alter the scale of dues, but so as not to reduce the same or any of them below the amount prescribed by any Act of Parliament.

The same section authorises the Treasury, with the consent of the Tynwald Court, to revise the constitution of the Harbour Commissioners. (Sections 4, 5, 6, and 7, are given at length at p. 200.)

From these various extracts and references it will be seen that (except as to Port Erin,) no revenue for Harbours by way of duties or rates is now raised, or authorised to be raised,—the whole moneys required for Harbour purposes, with the exception of the revenue arising from the bay or salmon fisheries,—revenue of very small amount,—being paid out of the Customs duties. As to Port Erin, after the dues there become payable, the Harbour Commissioners, with the approval of the Board of Trade, may, by authority of the Act of 1863, sec. 5, under certain circumstances, reduce the scale of dues set forth in the Act; and the Treasury, with the consent of the Tynwald Court, may, by authority of the Act of 1866, sec. 10, under certain circumstances, increase such scale of dues.

[Lighthouse dues may be payable, by order of Her Majesty in Council, to the Harbour Commissioners as a *Local Authority*, under secs. 46 & 47 of Act 25 & 26 Vict., c. 63. But as to such dues, see under next head of Revenue—*Lighthouses*.]

#### 6.—LIGHTHOUSES.

Until 1815, no revenue was raised specially for Lights on the coasts of the Island. Whatever Lights existed, were maintained out of the Harbour revenues. The condition of the Lights may be inferred from

the following description of that at Douglas contained in the examination of Nicholas Christian, harbour master, before the Commissioners of Inquiry in 1791. (*Appendix D to their Report, No. 17.*)

In 1787, eighty-four yards of the lowest end of the pier, with a Lighthouse thereon, was destroyed by a violent gale of easterly wind, and has not since been rebuilt. The only light at present to direct vessels into the Harbour is a lanthorn upon a pole erected at the extremity of the remains of the former pier which was destroyed in 1787,—the former Lighthouse was a brick building between 30 and 40 feet high, lighted each night by seven or eight half-pound candles, with a tin circular reflector behind them of about 8 feet diameter, and could be seen at the distance of 4 or 5 leagues at sea: he thinks the present light cannot be seen above a mile at sea. There is no person to attend the present light through the night; but about 12 or 1 o'clock a person goes to trim and put fresh oil in the lamp.

The Commissioners in their Report (*page 92,*) thus refer to the subject of Lighthouses:—

The erecting of Lighthouses in the Isle of Man was a measure we heard frequently discussed and much recommended during our stay in the Island. None are there at present. In dark and stormy nights, upon coasts extremely dangerous, the want of them must, we should think, be severely experienced, and the loss of money, lives, and much property ensue. Indeed the general security of the navigation of that part of St. George's Channel could not, it should seem, fail to be promoted by Lights erected on a spot so commanding and central as the Isle of Man, and the homeward and outward trade of the contiguous ports of England, Scotland, and Ireland, to be particularly benefited. The Calf of Man, Langley's Point, Douglas Head, and the Point of Airs, are the several spots selected as the most fit for erecting Lighthouses.

*Trinity House.*—Under the supposed authority of an Act of Parliament, 8 Eliz., c. 13 (1565),—"An Act touching Sea-marks and Mariners,"—by which the Corporation of the Trinity House of Deptford Strond was empowered to place "beacons, marks, and signs of the sea, in such place or places of the sea shores, and uplands near the sea coasts, or forelands of the sea,"—which provision was by Act 48 George III, c. 104, sec. 61, (25th June, 1808,) and afterwards by sec. 90 of 6 Geo. IV, c. 125, (5th July, 1825,) extended to all vessels duly appointed to exhibit Lights therein for the preservation of ships and vessels at sea,"—the Trinity House, in 1847, placed a floating-light vessel on the Bahama Bank, about 7 miles E. by N. from the town of Ramsey. Tolls for the maintenance of the Light were received under Royal Letters Patent, dated 29th July, 1847, and by a subsequent Order in Council. (*Parliamentary Paper, sess. 1853, No. 977.*) The Acts of Parliament referred to do not extend to or include the Isle of Man.

A.D. 1815.—By authority of Act of Parliament, 55 George III, c. 67, (Local)—“An Act for enabling the Commissioners of the Northern Lighthouses to erect Lighthouses on the Isles of Man and Calf of Man,” (7th June, 1815,)—such Commissioners of Northern Lighthouses erected Lighthouses on the Calf of Man and at the Point of Ayre. The Act recites other Acts of Parliament relating to the erection and maintenance of Lighthouses in Scotland by the Commissioners. By the Act they were authorised to purchase lands, to take rates or duties from the masters or owners of ships and decked vessels passing the Lights, or sailing within certain limits, and to borrow money on the security of the rates for the erection of the Lighthouses and buildings. The application of the revenue is thus directed by sec. 5:—

That the said Commissioners shall apply the produce of the rates and duties by the said recited Acts and this Act granted, in making the purchases aforesaid, in erecting and maintaining the said Lighthouses and other buildings, exhibiting proper lights therein, in paying the expenses of preparing and passing this Act, and in repaying the money to be borrowed and interest thereof: And the surplus or residue of the rates and duties by the said recited Acts and this Act granted, which shall remain after answering the purposes of the said recited Acts and this Act, shall once in every year be vested in some one or other of the public Funds; and the same, together with the interest thereof, shall be allowed to accumulate until the yearly interest shall amount to a sum equal to the whole expence attending the Lighthouses under their charge, when the whole rates and duties by the said recited Acts and by this Act granted, shall cease and determine.

A.D. 1836.—By Act 6 & 7 William IV, c. 79, sec. 40, (13th August, 1836,) the rates payable to the Commissioners were reduced in amount.

A.D. 1853.—By “The Merchant Shipping Law Amendment Act, 1853,” (20th August, 1853,) sec. 4, after the 1st October, 1853, the Lighthouse tolls or dues received by the Trinity House, the Commissioners of Northern Lighthouses, &c., were directed to be carried to “one Aggregate Fund, to be called *The Mercantile Marine Fund*, such Fund to be applicable to the purposes of the services in respect of which the said tolls, rates, fees, and payments are levied, and to the execution of works necessary or expedient for permanently reducing the expence of such services, and, save as hereinafter specially mentioned, to no other purpose whatever.” By sec. 11, upon the erection of any new Lighthouse, Her Majesty, by Order in Council, was authorised to fix the tolls to be paid in respect thereof; and by sec. 15, in like manner, the tolls or rates might be reduced, increased, or varied.

A.D. 1854.—By “The Merchant Shipping Act, 1854,” (10th August, 1854,) sec. 389, the superintendance and management of all Lighthouses, Buoys, and Beacons in Scotland, and the adjacent seas and islands, and

in the Isle of Man, are vested in the Commissioners of Northern Lighthouses, (one of the General Lighthouse Authorities constituted by the Act,) but subject to the powers or rights lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local Lighthouses, Buoys, or Beacons, (in the Act named *Local Authorities*,) and subject also under secs. 392 and 393 to the inspection of the Trinity House and Board of Trade. By sec. 396 the Light dues in respect of existing Lighthouses, Buoys, and Beacons then payable to the General Lighthouse Authorities, are continued; but by sec. 397 the dues are subject to revision by Her Majesty in Council. By sec. 404 each General Lighthouse Authority, with the sanction of the Board of Trade, to be obtained through the Trinity House, may erect or place new Lighthouses, Buoys, and Beacons, &c. By sec. 410 Her Majesty, by Order in Council, may fix dues to be payable in respect of new Lighthouses, Buoys, and Beacons. By sec. 413 provision is made for the surrender or sale of Lighthouses, Buoys, or Beacons by a Local Authority to the General Lighthouse Authority; and Her Majesty may, by Order in Council, direct the payment of such dues as might be fixed and made payable if the surrendered or sold Lighthouse, Buoy, or Beacon were new. The application of the Light dues is directed by sec. 403 in these words:—

All Light dues coming to the hands of any of the said General Lighthouse Authorities under this Act shall be carried to the account of *The Mercantile Marine Fund* hereinafter mentioned, and shall be dealt with in manner hereinafter prescribed.

Sec. 418 of the Act directs to what purposes the Mercantile Marine Fund shall be applied. These purposes include the expenses of Local Marine Boards, and the survey of passenger ships, the expenses incurred by the General Lighthouse Authorities, expenses in maintaining life boats, &c., for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for rewarding the preservation of life in such cases; the expenses incurred with regard to the performance of the duties of Receivers of Wrecks, and any expenses specially charged on the Fund by Act of Parliament.

A.D. 1862.—By “The Merchant Shipping Act Amendment Act, 1862,” (29th July, 1862,) sec. 46, Her Majesty in Council, on the application of a Local Authority, may fix dues to be paid to such Local Authority in respect of shipping, wherever a “Lighthouse, Buoy, or Beacon is erected or placed, or reconstructed, repaired, or replaced by the “Local Authority. The application of the Light dues payable to a Local Authority is directed by sec. 47:—

All Light dues leviable by any Local Authority under this Act shall be applied for the purposes of the construction, placing, maintenance, and improvement of the Lighthouses, Buoys, and Beacons, in respect of which the same are levied, and for no other purpose.

Her Majesty may, by Order in Council, from time to time reduce, alter, or increase all or any of such dues, so that the same may, as far as it is practicable, be sufficient, and not more than sufficient for the payment of the expenses incurred by the Local Authority in respect of the Lighthouses, Buoys, or Beacons, for which the dues are levied.

One Lighthouse,—that at Douglas Head,—has been surrendered by the Harbour Commissioners to the Northern Lighthouse Commissioners under the power contained in sec. 413 of the Act of 1854, and Light dues are levied by the last-named Commissioners in respect of such Lighthouse, and of those at the Calf of Man and Point of Ayre. All other Lighthouses are maintained by the Harbour Commissioners, who have not yet sought to obtain Light dues under the authority of sec. 47 of the Act of 1862.

With respect to the application of any surplus revenue arising from Lighthouses, &c. in the Island under the management of a General Lighthouse Authority, after payment of expenses, it will be seen from what has been stated, that the Island participates in the benefit of the surplus so far as it participates in the expenditure from the Mercantile Marine Fund, for life boats, preservation of life and property in cases of shipwreck, &c., under sec. 418 of the Act of 1854.

No surplus revenue available for any general purposes can arise from the dues which may be levied in respect of Lighthouses, Buoys, or Beacons, under the management of a Local Authority, as the whole revenue is to be applied solely for the maintenance, improvement, &c. of the Lighthouses, Buoys, or Beacons, in respect of which the dues may be payable.

II.—Taxes for other purposes formerly imposed by Parliament, but now repealed, may be classed under the following heads:—

1. Greenwich Hospital.
2. Merchant Seaman's Fund.

The duties for Greenwich Hospital were *imposed*, or rather were *assumed or declared to be imposed* previous to the Revestment in 1765, and the fact of Parliament assuming to impose them, is apparently a



contradiction of the statement on p. 142, that Parliament, in 1767, by Act 7 Geo. III, c. 45, "*for the first time* assumed the power to impose taxes on the people of the Island." Perhaps the more correct expression would have been—"for the first time assumed the power to impose taxes on the people of the Island, *and levied them.*" But substantially the statement is true. The earlier taxes, as will be seen, affected not the Manx people generally, but a very limited class of them only—the seamen,—but from such limited class no such taxes were levied in the Isle of Man prior to 1765. The assertion that they were not so levied has been on the part of the Island frequently made, and it does not appear to be capable of denial or contradiction. The Acts imposing these taxes do not appear to have been acted on or even recognised in the Island. The duties for the Merchant Seaman's Fund did not affect seamen *in* the Isle of Man previous to 1834, even if they did then which, it will be seen, is doubtful. But Manx seamen, as subjects of the Crown, *when in England*, were liable to the payment of the duties under both heads. Although the term *taxes* is here applied to the payments to be made under the Acts referred to, they were evidently considered by Parliament as payments, though compulsory, made by the seamen for their own benefit and "encouragement."

#### I.—GREENWICH HOSPITAL.

A.D. 1696.—By Act 7 & 8 Wm. III, c. 21, (1696,) it was enacted that every seaman who should serve His Majesty, his heirs and successors, or any other person in any of His Majesty's ships, or in any ship or vessel belonging to the "subjects of England," or *any other His Majesty's dominions*, should allow out of his wages sixpence per month, for the better support of the Royal Hospital for seamen at Greenwich.

A.D. 1711.—By Act 10 Anne, c. 17 (1711), the liability to the duty extended to, and payment was directed to be made by every seaman or other person employed in any ship or vessel belonging to "any of the subjects of Great Britain or Ireland, or *dominions thereunto belonging.*" Certain apprentices were exempted from the payment of the duty.

A.D. 1729.—By Act 2 Geo. II, c. 7, (1729,) the liability to the duty was further extended to, and payment was directed to be made by every seamen and other person "that shall serve or be employed in any ships or vessels belonging, or that shall belong, to any of the subjects of His Majesty, his heirs or successors, within the said Islands of Jersey,

Guernsey, Alderney, Sark, and Man, and every of them respectively, and within all and every His Majesty's Colonies, Islands, and dominions, in America." Persons employed in fishing for home consumption on the coasts thereof only were exempted from payment of the duty. The receivers of the duty in England were empowered "to depute and appoint any officer or officers of the Customs of His Majesty, his heirs or successors, in the several ports of the said Islands, Colonies, and dominions respectively, or such other person or persons" as they should think fit to collect the duty.

The preamble of the last mentioned Act contains a remarkable declaration and admission by Parliament that the Isle of Man and other places named are not included in words declaring an Act applicable to all the *dominions of Great Britain and Ireland*, and that to bind the Isle of Man it must be referred to by express name. The preamble recites the power as to collection of the duty given by 10 Anne, c. 17, and thus proceeds:—

Which power not extending to the Islands of Guernsey, Jersey, Alderney, Sark, and Man; nor to His Majesty's Colonies, Islands, and dominions in America, the said duty of sixpence *per mensem* has not hitherto been collected in any of the said Islands, Colonies, or dominions, notwithstanding the general direction in the said Act of the tenth of Queen Anne, that the same should be paid by all masters, owners, seamen, and others employed in any ships or vessels belonging to any of His Majesty's subjects of Great Britain and Ireland, *and the dominions thereunto belonging*, to the great loss and prejudice of the said Hospital.

In 1729 there were no collectors or officers of His Majesty's Customs in the Isle of Man. Officers of Customs had been sent in the reign of Queen Anne to the Island, and by Act of 1711 the Insular Legislature conferred certain powers on the English officers, but such powers were suspended by Act of 1714, and they were not revived. (*Mills' Statutes*, 195, 208.)

A.D. 1745.—By Act 18 Geo. II, c. 31, (1745,) every officer or seaman, or other person employed in any privateer or private ship of war, having a letter of marque, belonging to any of the subjects of Great Britain or Ireland, or dominions thereunto belonging, or to any of the subjects of His Majesty within the Islands of Jersey, Guernsey, Alderney, Sark, and Man, or within His Majesty's Colonies, Islands, and dominions in America, is required to pay the duty of sixpence per month.

A.D. 1834.—By Act 4 & 5 Wm. IV, c. 34, (25th July, 1834,) the several Acts as to the payment of the duty were repealed, and in lieu of the duty a sum of £20,000 yearly, chargeable on the Consolidated Fund, was made payable to the Commissioners of the Hospital.

The benefits of the Hospital were not originally confined to seamen in the service of the Crown, but they were intended for the benefit of all seamen who registered themselves for the service of the Crown, and who "should by age, wounds, or other accidents, be disabled for future service at sea, and should not be able to maintain themselves comfortably, and for the children of such disabled seamen, and the widows and children of such of them as should happen to be slain, killed, or drowned in sea-service," "so far forth as the said Hospital should be capable to receive them, and the revenue thereof would extend." Afterwards the benefits were extended to every seaman "having been wounded, maimed, or hurt, in defending any ship belonging to the subjects of this kingdom against the enemies thereof, or in taking any ship from the enemy, and thereby being disabled for sea service;" and again to "every seaman on board any merchant ship who shall be maimed in fight against any pirate:" and subsequently to "seamen on board any merchant ship or vessel, who shall be maimed in fight against any enemy of His Majesty, his heirs and successors." (*Preamble to Act 20 Geo. II, c. 38.*)

## 2.—MERCHANT SEAMAN'S FUND.

A.D. 1747.—This Fund was established by Act of Parliament 20 Geo. II, c. 38, (1747,) by reason of Greenwich Hospital not being "capable to receive, nor the income thereof sufficient to provide for the seamen in the service of the Royal Navy, who are wounded, maimed, or worn out by age, or otherwise intitled to the benefits thereof, so that the seamen in the Merchants' service, maimed and disabled in fight, have seldom or never been admitted into the said Hospital, though intitled thereto, and proper objects of charity;" and by reason of there being "no provision at all made [by the Greenwich Hospital Acts] for such seamen in the Merchants' service as are maimed or disabled by accidental misfortune, or for those worn out by age, or for the widows and children of those who shall be killed, slain, or drowned in the said service." By sec. 1 was created a Body Corporate for the management of the Fund; and by sec. 17, sixpence per month is to be paid by every seaman or other person employed in any merchant ship, or other private ship or vessel belonging "to any of the subjects of His Majesty, his heirs or successors, in that part of Great Britain called England" to the Fund. Certain apprentices, persons engaged in fishing on the coasts, and persons employed in boats on rivers were exempted from the payment. This Act has no reference to the Isle of Man;—its operation was confined exclusively to England.

A.D. 1834.—By Act 4 & 5 Wm. IV, c. 52, (13th August, 1834,) the former Act was partially repealed, and the benefits of the Fund extended. By sec. 5 the sum of two shillings per month is required to be paid to the Fund by every master; and by sec. 6 the sum of one shilling per month by every seaman, pilot, and other person employed in any merchant ship, or other private ship or vessel belonging to any “of the subjects of His Majesty, his heirs or successors, whether the said ship or vessel shall be employed on the high sea or coasts of Great Britain or Ireland.” By a proviso to sec. 6 persons employed in boats on the coasts of Great Britain or Ireland, or the Islands of Guernsey, Jersey, Alderney, Sark, and Man, in taking fish, and persons trading within rivers, are exempted from the payment. It is manifest that the words enacting the payment of the duty are not sufficient of themselves to extend the operation of the Act to the Isle of Man. If seamen in the Isle of Man were intended to be included, it was only by inference from the circumstance that in the proviso persons fishing on the coasts of the Island are exempted, but such proviso could hardly have the effect of extending the operation of the words in the enacting part of the clause; and besides the proviso was capable of taking complete effect by exempting subjects of the Crown in Great Britain or Ireland who might be fishing on the coasts of the Isle of Man.

A.D. 1851.—By “The Seaman’s Fund Winding-up Act, 1851,” (14 & 15 Vict., c. 102,—8th August, 1851,) sec. 20, compulsory payments to the Fund cease.

III.—In connection with the subject of the Revenue, it remains now to refer to the rates or duties existing or levied under Insular authority, and not included under the foregoing heads.

#### *Temporary Purposes.*

Money for special and temporary purposes has, on several occasions, been levied by a general rating by authority of Acts of Tynwald. (1) Under Act of Tynwald, 2nd February, 1709, £160 “upon the several tennants and inhabitants of this Island out of their severall and respective buildings, as well Abbey lands as Lord’s lands, milnes, cottages, and intacks,” for the purpose of defraying the charges incurred by the Commissioners on behalf of the Island in treating with the Lord as to the Act of Settlement; the sum of £20 towards erecting or procuring a convenient place in Castletown for the Keys to meet in, instead of

Castle Rushen; and the sum of £10 for the repairing and finishing the south and north aisles of St. John's Chapel;—the last two sums to be levied “upon all and every the tennants and inhabitants of this Isle, as well Barron's tennants as Lord's tennants;” (the Act of Settlement affected the Lord's and Abbey tenants only, the two latter sums were for the benefit of the Island at large; the purposes for which the money was to be applied being the providing places for the meetings of Tynwald, or of the House of Keys,—one branch thereof.) (*Mills' Statutes*, 183.) (2) Under Act of Tynwald, 24th June, 1711, £100 to be levied from the several tenants and inhabitants out of their respective holdings, to defray the charges of the persons to be “sent from this Island to attend the English Parliament for obtaining a free trade for this Island with Great Britaine,” and a further sum of £5 for the expenses of collection. (*Mills' Statutes*, 193.) (3) Under Act of Tynwald, 1st October, 1739, the repairs and amendment of “the chappel of St. John Baptist at the Tynwald,” out of a fund to be raised by a Capitation tax of one penny payable by every inhabitant, native and stranger, of sixteen years of age and upwards, (with certain exceptions,) yearly for 14 years. (*Mills' Statutes*, 257.) And (4) under Act of Tynwald, 5th July, 1753, “for the encouragement of publick industry, in such branches and in such manner as shall hereafter be agreed upon by the Governor, Officers, Deemsters, and twenty-four Keys, as occasion offers well,” the sum of 6s. 3d. out of the duty of 12s. 3d.,—the duty then made payable for each Public-house Licence. (*Mills' Statutes*, 303.)

#### *House of Keys.*

Money for payment of the expenses of the House of Keys has been provided from time to time:—

Act of Tynwald, 26th Sept. 1734, “for reparation of their House, and to find other necessarys at the times of their meetings,” 9d. out of the duty of 2s. 6d. then made payable for each Public-house Licence. (*Mills' Statutes*, 226.)

Act of Tynwald, 5th July, 1813, “for the purpose of repairing or improving the House wherein the Keys assemble on public business, and other purposes of the like nature, as the House of Keys may in their discretion order and direct, the sum of 1s. 9d. out of the duty made payable for each Licence to sell ale, wines, spirits, &c. (*Mills' Statutes*, 418.)

A like sum was appropriated out of the duty made payable for each Licence to sell ale, &c., under Act of Tynwald, 29th December, 1819, “to the House of Keys for the purpose of repairing or improving the

house wherein the Keys assemble on public business, and for such other purposes as the House of Keys may in their discretion order and direct." (*Mills' Statutes*, 480.)

Act of Tynwald, 20th Sept., 1830, sec. 15, "for the purpose of repairing or improving the house wherein the Keys assemble on public business, and for such other purposes as the House of Keys may in their discretion order and direct," the sum of 1s. 6d. British, (or 1s. 9d. in Manx currency—the currency previously referred to in the Acts,) out of the duty then made payable for each Licence to sell ale, &c. (*Geneste's Statutes*, 35.)

Under "The Taverns' Act, 1857," sec. 23, the sum of £100 yearly is appropriated out of the duties then made payable for Licences to retail ale, &c., "to the House of Keys, for the purpose of being applied in repairing or improving the house wherein the Keys assemble on public business, and for payment of such other expenses as the House of Keys may incur in discharge of their public duties." (*La Mothe's Statutes*, 128.)

The amount appropriated to the House of Keys not having been sufficient, provision for the payment of the deficiency at the time of the first dissolution of the House under "The House of Keys Election Act, 1866," was thus made by sec. 138 of the Act:—

Whereas the moneys heretofore payable to the House of Keys out of the duties received for public house and other Licences for the purpose of being applied in repairing or improving the House wherein the Keys assemble on public business, and for payment of such other expenses as the Keys may incur in the discharge of their public duties, have been insufficient for such purposes, and there is now owing by the House of Keys the sum of £250, or thereabouts, for payment whereof provision ought to be made, the said sum shall therefore be a charge on the Fund called the Isle of Man Accumulated Fund mentioned in the ninth section of a certain Act of Parliament called "The Isle of Man Customs, Harbours, and Public Purposes Act, 1866," and the said sum shall be paid to such person or persons as may be named in a Resolution of the said House of Keys before the dissolution thereof under this Act, for the purpose of applying the same in discharge of the obligations incurred by the said House.

Under the same Acts of 1734, 1813, 1819, 1830, and 1857, part of the revenue raised was to be paid to the Comptroller or Clerk of the Rolls, and the Secretary to the Governor, but the payments to them are evidently remuneration for the trouble with respect to the issue of the Licences, and accounting for the duties.

Various dues, charges, or obligations in respect of persons or property exist by Common Law, or ancient custom, such as Lord's or chief rent and manorial services, tithes, church rates or assessments, commonly

called *church cess*, Easter offerings, parish clerks' dues, and sumners' dues. With respect to some of these, special Acts of Tynwald have been passed from time to time.

*Lord's Rent, &c.*

Disputes, questions, and differences "which had arisen between the Lords of the said Isle and their tennants, touching their estates, tenures, fines, rents, suites, and services," were, with respect to the manor of Man commonly called *Lord's lands*, and the Abbey lands, arranged by the "Act of Settlement," 1704, confirmed by Act of Tynwald, 1777. (*Mills' Statutes*, 162, 361.)

*Tithes.*

By Act of Tynwald, 1839,—“An Act for the Commutation of Tithes in the Isle of Man,”—“for the purpose of further encouraging the industry of owners and occupiers of land, and for avoiding all future controversies between the clergy and the people respecting tithes,” the tithes to which the Crown, the Bishop and clergy, and the trustees of Dr. Thomas Wilson's Charity were entitled in respect of the lands coming within the operation of the Act, were commuted into a rent-charge on the lands. (*Gell's Statutes*, 6.)

*Church Cess.*

The ordinary mode of levying cess by the resolution of the parishioners in vestry has been by various Acts dispensed with. The expense of the maintenance of a school building in each parish falls, by ancient custom, on the parish, and is included in the church assessment.

By the Kirk Patrick Church Act, 1710, four overseers to be appointed by the Bishop were authorised to call upon and oblige the parishioners to perform the labour necessary for erecting the church. (*Mills' Statutes*, 191.) By the Kirk Lonan Church Act, 1733, the church-wardens and four assistants; by the Kirk Arbory Church Act, 1758, the vicar and wardens; by the Kirk Andreas Church Act, 1800, the wardens and sidesmen; by the Jurby Church Act, 1813, the wardens and sidesmen; (*Mills' Statutes*, 214, 325, 402, 406,) by the Ballaugh Church Act, 1830, the Kirk Lonan Church Act, 1830, the Kirk Conchan Church Act, 1830, and the Lezayre Church Act, 1832, the wardens and sidesmen; (*Geneste's Statutes*, 57, 60, 65, 100,) by the Kirk Michael Church Act, 1834, the wardens and sidesmen; (*Jeffcott's Statutes*, 16,) by the Kirk Michael School-House Act, 1839, the wardens; by the Kirk

Marown Church Act, 1847, the wardens and sidesmen; by the Kirk Braddan Burial Ground Act, 1848, the wardens of St. Matthew's chapel in Douglas, as to the town of Douglas, and the wardens of the parish as to the remainder of the parish; (*Gell's Statutes*, 28, 113, 175,) by the Conchan Burial Ground Act, 1857, the churchwardens; (*La Mothe's Statutes*, 153,) and by the Malew Burial Ground Act, 1865, the churchwardens were authorised to raise the amount of assessment required in the respective cases.

#### *Schools.*

By Act, 10th April, 1851,—“An Act for making better provision for Parochial and other Schoolmasters, and for making further Regulations for the better government of the Parochial and other Schools, in the Isle of Man,”—a parish, or a district formed out of one or more parishes, may on adopting the Act, or some of its provisions, levy rates for the purpose of providing a commodious house for a school, a dwelling-house for the residence, and a garden for the use of the teacher, where no sufficient school-house or teacher's house or garden shall have been already provided, or for enlarging or repairing an insufficient school-house, or teacher's house; for the payment of a salary to the teacher; for providing books and good apparatus for teaching, and other furniture required for the school-house; and for providing a retiring allowance for old and disabled teachers; or for such of these purposes as may have been determined at the vestry or district meeting called to consider the question as to the adoption or non-adoption of the Act. (*Burman's Statutes*, 96.)

Previous to the passing of this Act, the common law or customary obligation on a parish was considered to be the maintenance of one school-building in the parish. Under the Act a parish may maintain several parochial schools, or school districts may be formed within one or more parishes, each district maintaining the school within it. Besides, a parish or district may assess itself for all school purposes beyond the mere maintenance of the building.

#### *Riots.*

By Act, 21st December, 1826,—“An Act for preventing Tumults and Riotous Assemblies, and for the more speedy punishing the Rioters; and for the appointment of Magistrates,”—provision was made for the payment of damages occasioned by riotous assemblies, the amount being levied by the churchwardens in the manner in which church



assessments are levied. It was provided that in case the damages and costs in each claim did not exceed £100, the amount should be paid by the parish; if exceeding £100 but not exceeding £200, the excess above £100 to be paid by the sheading; if exceeding £200 the amount to be paid by the district—northern or southern—in which the damage may have been sustained, but not more than £1000 damages in each claim to be recovered. The Act was to continue in operation for three years. (*Geneste's Statutes*, 8.)

By Act, 7th June, 1836,—“An Act for preventing Tumults and Riotous Assemblies, and for the more speedy punishing the Rioters,”—like provision as to the recovery of damages and costs to those contained in the Act of 1826 were enacted and are now in force. (*Jeffcott's Statutes*, 68.)

#### *Lodging Houses.*

By “The Common Lodging Houses Act, 1865,” (5th July, 1865,) duties are made payable for licences to keep common Lodging Houses, to be applied towards the expense of putting the Act into execution.

#### *Cattle Diseases.*

By “The Cattle Diseases Prevention Act, 1866, (16th August, 1866,) the Tynwald Court is authorised to levy a rate on all lands, houses, and other real Estate rated under the Lunatic Asylum Act, 1860, for defraying the expenses of carrying the Cattle Diseases Prevention Acts into execution, and for compensating owners of animals, the slaughter of which may be compelled under the provisions of such Acts. Under certain circumstances authority is given for borrowing on the security of the rates money for the purposes of the Acts. Real estate in towns is to be rated at one-third its annual value only,—other real estate at its full annual value.

The most important matters of local taxation may be classed under the following heads:—

1. Highways and Bridges.
2. Lunatic Asylum.
3. Town Improvements.

#### 1.—HIGHWAYS AND BRIDGES.

##### *Bridges.*

From 1739 to 1774, funds for building and repairing bridges over rivers, streams, and waters crossing the Highroads were provided separately from those for Highways.

A.D. 1739.—By Act 1st October, 1739, a Capitation tax of one penny payable by every inhabitant, native and stranger, of 16 years of age and upwards, yearly, for 14 years, was (subject to the repairs of St. John's Chapel,) levied for the building and repair of bridges. (*Mills' Statutes*, 257.)

A.D. 1742.—By Act 19th April, 1742, a duty of £1 4s. for each pedler's licence, payable yearly for 13 years, was added to the fund for bridges, or applied for "such other publick use for the common good of the country" as the Tynwald Court might see most proper. (*Mills' Statutes*, 267.)

A.D. 1753.—By Act 5th July, 1753, the Act of 1739 was continued in force for a further term of 21 years. (*Mills' Statutes*, 297.)

A.D. 1758.—By Act 5th July, 1758, the duty of £1 4s. on pedler's licences was revived for a term of 16 years, for the like purpose as those mentioned in the Act of 1742. (*Mills' Statutes*, 331.)

These Acts expired in 1774.

#### *Highways.*

A.D. 1713.—The first Act relating to the maintenance of Highways was promulgated on the 24th June, 1713. By this Act provision was made for the repairs of the roads in the country by the adjoining occupiers to the extent of 3s. 4d. each, and by additional labour of men, horses, carts, &c., to be provided by the occupiers of lands; and the streets in the towns to be kept in repair by the adjoining occupiers. (*Mills' Statutes*, 203.)

A.D. 1753.—By Act 5th July, 1753, a sum of 3s. 6d. out of the duty for Public-house Licences was appropriated for the Highways, and additional provision was made as to the expenditure of the labour available under the Act of 1713, and for ensuring the repairs of the streets in towns. The Act to be in force for 14 years and a few months. (*Mills' Statutes*, 303.)

A.D. 1763.—By Act 5th July, 1763, Taxes on dogs were imposed; the taxes to be applied for the repair of the Highways. The Act to be in force for five years. (*Mills' Statutes*, 340.)

#### *Highways and Bridges.*

Since the year 1776 there has been but one fund for Highways and Bridges.

A.D. 1776.—By the Highroad Act, 5th July, 1776, the Act of 1712 was repealed; an increased scale of labour in respect of lands was enacted, the sum of 9s. 9d. was appropriated out of Public-house licences, and new duties on dogs were imposed. (*Mills' Statutes*, 345.)

A.D. 1813.—By Act 5th July, 1813, for the term of 2 years from 10th October, 1813, increased duties on ale, wine, and spirit licences, and on dogs for Highway purposes were enacted. This Act was by Act 14th September, 1815, continued until 10th October, 1816, and again by Act 11th September, 1817, was continued until 10th October, 1819. (*Mills' Statutes*, 415, 445, 471.)

A.D. 1817.—By Act 31st July, 1817, a duty of £20 on Bankers' Licences was made payable to the Highway Fund. (*Mills' Statutes*, 464.)

A.D. 1819.—By Act 29th December, 1819, (taking effect on the 10th October, 1819, under the provision of a second Act promulgated on the 29th December, 1819,) for the term of 5 years, increased duties on ale, &c. licences, and on dogs, duties on hawkers' licences, and on spring carriages, and a labour rate in respect of carts, were enacted for the benefit of the Highway Fund. (*Mills' Statutes*, 476, 491.) This Act was continued in force until the 10th October, 1827, by Act 20th September, 1824, and further until the 10th October, 1830, by Act 31st July, 1827.

A.D. 1826.—By Act 21st December, 1826, the sum of £25, part of the duty of £50 payable on the admission of an Advocate, is appropriated to the Highway Fund. (*Geneste's Statutes*, 4.)

A.D. 1827.—By Act 31st July, 1827, a duty of £5 on brewers' licences is also made payable to the Fund. (*Geneste's Statutes*, 25.)

A.D. 1830.—By the Highroad Act 20th September, 1830, new duties for licences for selling ale, spirits, and wines; on dogs; and for hawkers' licences were enacted, and the duties for spring carriages and the labour rate in respect of carts were continued. (*Geneste's Statutes*, 30.)

A.D. 1835.—By the Game Preservation Act, 14th August, 1835, a duty of £2 2s. (less 1s. to the Governor's secretary,) is made payable to the Highway Fund in respect of licences to kill game. (*Jeffcott's Statutes*, 27.)

A.D. 1857.—By "The Taverns' Act, 1857," (6th July, 1857,) new duties to be paid to the Highway Fund, were enacted in respect of licences to sell ale, &c. (*La Mothe's Statutes*, 118.)

A.D. 1860.—By “The Douglas Town Act,” 1st May, 1860, sec. 43, Highroad labour in respect of houses in the Town was abolished, but a house duty of 3s. is made payable to the Highroad Fund out of the Town rates. (*La Mothe's Statutes*, 246.)

A.D. 1865.—“The Ramsey Town Act, 1865,” (5th July, 1865,) incorporates, as to the town of Ramsey, sec. 43 of the Douglas Town Act of 1860.

A.D. 1865.—By “The Taverns' Amendment Act, 1865,” (5th July, 1865,) duties are made payable in respect of occasional public-house licences; the amount, after deducting fees to the High Bailiffs, to be added to the Highway funds.

The Acts now in force are:—As to the labour in respect of real estate, the Act of 1776; as to the labour in respect of carts, &c., the Act of 1830; and as to money rates and duties, the Acts of 1817, 1826, 1827, 1830, 1835, 1857, 1860, and 1865 (two). No reference has been made to many Acts by which Fines for offences of various kinds are made payable to the Highway Fund.

## 2.—LUNATIC ASYLUM.

A.D. 1864.—Under “The Lunatic Asylum Act, 1860,” (13th November, 1860,) a Lunatic Asylum is to be established, and rates for payment of the expense of a valuation of real estate for the purpose of rating, and for payment of one moiety of the expenses of the maintenance of the Asylum, may be levied on real estate by order of the Tynwald Court.

A.D. 1864.—“The Temporary Lunatic Asylum Act, 1864,” (5th July, 1864,) authorised rates not exceeding 1½d. in the pound of rateable annual value for payment of “one-half of the expense attending the renting and fitting up and furnishing of a building for a temporary Asylum, and the whole of the expense of providing for pauper Lunatics therein.”

A.D. 1866.—“The Temporary Lunatic Asylum Act, 1866,” (5th July, 1866,) authorised money expended in making an addition to the Temporary Lunatic Asylum provided under the Act of 1864, and in the fitting up and furnishing the same, (about £400,) and the further money necessary for the maintenance of Lunatics, other than criminal Lunatics, to be levied either as a separate rate or rates, or along with any rates to be levied under the former Acts.

A.D. 1866.—“The Asylum Act, 1866,” (20th December, 1866,) authorised an expenditure, for providing further accommodation and the necessary furniture at the Temporary Asylum, not exceeding £200, to be paid out of any rate to be levied under the former Act of this year. Provision was also made for borrowing on the security of the rates a sum not exceeding £3,000 for the purposes of the Act of 1860.

### 3.—TOWN IMPROVEMENTS.

A.D. 1852.—Provision for Town Improvements was made by “An Act to provide for paving, cleansing, lighting, and watching the streets of the several Towns of this Island; and for making and keeping in repair public sewers therein, and otherwise improving the said Towns,” (30th January, 1852.) In any of the four towns of *Castletown*, *Douglas*, *Peel*, and *Ramsey*, adopting the Act in the manner prescribed thereby, Commissioners were to be elected, who should have power to levy a yearly rate in respect of premises within the town, not exceeding 2s. in the pound of annual rent or value, for the purposes of the Act. On the adoption of the Act, the liability of the inhabitants as to the repair of streets under the Highroad Acts was to cease, and houses of an annual value not exceeding £5 were exempted from one day’s labour to the Highroads.

This Act has not been adopted in any town, and as to the towns of Douglas and Ramsey it has been repealed under the Acts hereinafter referred to with reference to such towns.

#### *Douglas.*

A.D. 1860.—By “The Douglas Town Act,” (1st May, 1860,) provision is made for the election of Town Commissioners, who should have power to levy a rate for payment of the expenses of a Valuation of Property within the town, for the purposes of the Act; and a yearly rate not exceeding 1s. in the pound of annual value for the purpose of paving, cleansing, and lighting the streets, and for making and keeping in repair public sewers, and for otherwise improving the town. The liability of the inhabitants as to the repair of the streets under the Highroad Act, and to furnish labour for the highroads, is determined; but the Commissioners are to pay out of the rates to the Highroad Fund yearly a sum equal to 3s. for each inhabited house. This Act was in some respects amended by “The Douglas Town Amendment Act.” (13th November, 1860.)

A.D. 1864.—By “The Douglas Town Amendment Act, 1864,” (26th July, 1864,) additional powers were conferred on the Town Commissioners, and provision is made for the payment of duties for hackney cars and carriages, by porters, and for porters’ carts within the town.

*Ramsey.*

A.D. 1865.—“The Ramsey Town Act, 1865,” (5th July, 1865,) contains provisions as to the town of Ramsey similar, in many respects, to those contained in the Douglas Acts of 1860 and 1864. The annual rate to be levied by the Town Commissioners is not to exceed 1s. in the pound of annual value; and there is also provision for levying duties in respect of hackney cars and carriages, and of persons acting as porters, and also of porters’ carts.

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Some apology is perhaps due to the reader for the length of the foregoing statement as to the Insular Revenue,—a statement which may be thought to be erroneously designated a *Note*. I have but to say, by way of excuse, that the *Chronicle of the Isle of Man* ending at the Revestment in 1765, *Appendix* No. 1, containing an account of the connection of the House of Murray with the Island thereafter, became almost a necessity. The account of that connection could not exclude allusion to the surplus Customs revenue of the Island, in respect of which the Duke of Atholl made large claims;—mention of the surplus Customs revenue of course involved a *Note* containing an examination of the manner of the acquisition of that surplus; such examination led naturally to an enquiry as to the various sources of revenue belonging to the Crown, or raised by authority of Parliament, and the disposition of the surplus, not only of the Customs, but of the other branches of revenue;—this enquiry could not be satisfactorily made without reference to the Insular Legislature, and its part in the creation of revenue;—and, finally, the reference to the Insular Legislature conveniently afforded an opportunity of exhibiting the *taxing* powers which have been exercised by such Legislature, and the purposes for which, by its authority, revenue has been or is now raised in the Island.

“An Abstract of the Laws, Customs, and Ordinances of the Island,” edited at this time, would not be complete without introducing the matter contained in the foregoing *Note*, or the substance of it; and no opportunity for the purpose of inserting it would present itself during the progress of the work, so conveniently as in this place.

29th May, 1867.

J. G.

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ADDENDA.



APPENDIX

## R U L E S .

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- 1.—That the affairs of the Society shall be conducted by a Council, to meet on the first Tuesday in every month, and to consist of not more than twenty-four members, of whom five shall form a quorum, and that the President, Vice-Presidents, the Hon. Secretaries, and Treasurer shall be considered *ex officio* members. The Council may appoint two acting Committees, one for finance and the other for publication.
- 2.—That a Subscription of One Pound annually, paid in advance, on or before the day of annual meeting, shall constitute Membership; and that every Member not in arrear of his annual subscription be entitled to a copy of every publication issued by the Society. That no Member incur any pecuniary liability beyond his annual subscription.
- 3.—That the Accounts of Receipts and Expenditure be examined annually by two Auditors appointed at the annual meeting, on the 1st of May in each year.
- 4.—That Six Copies of his Work be allowed to the Editor of the same, in addition to the one he is entitled to as a Member.
- 5.—That no Rule shall be made or altered except at a General Meeting, after due notice of the proposed alteration has been given as the Council shall direct. The Council shall have the power of calling Extraordinary Meetings.

ARTICLE 2

1. The members of the Society shall be constituted by a General Meeting of the Society, and shall consist of an equal number of persons, not exceeding twenty, who shall be elected by the Society at its first meeting, and shall hold office for the term of three years, and shall be eligible for re-election.

2. The members of the Society shall be elected by ballot, and shall be elected for the term of three years, and shall be eligible for re-election.

3. The members of the Society shall be elected by ballot, and shall be elected for the term of three years, and shall be eligible for re-election.

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10. The members of the Society shall be elected by ballot, and shall be elected for the term of three years, and shall be eligible for re-election.

# LIST OF MEMBERS,

FOR THE YEAR 1865-66.

## HER MAJESTY THE QUEEN.

- Adams, Alfred W., Springfield.  
Adamson, Lawrence, H.M. Seneschal of Man  
Adamson, L. W., Ballabrooie, Douglas  
Anderson, Wm. J., Captain 32nd regiment  
Archer, Robert, Douglas  
Argyll, His Grace the Duke of  
Asaph St., The Right Rev. the Lord Bishop of
- Bacon, Major, Seafield  
Baldwen, Hargreaves, Laxey  
Barwell, Rev. E. L., M.A., Ruthen, North Wales  
Bath and Wells, the Hon. and Right Rev. the Lord Bishop of  
Beckwith, William, Harcroft, Braddan  
Beckwith, Miss E., Chester  
Bishop, Major, The Turretts, Colchester  
Bonaparte, His Highness Prince L. Lucien  
Booth, B. W., Swinton, near Manchester  
Bowering, Sir John, Knight, Exeter  
Brearey, W. A., Douglas  
Bridson, Paul, Hon. Sec. and Treasurer, Douglas  
Bridson, John, Liverpool  
Bridson, Thomas Ridgway, Bridge-house, Bolton-le-Moors  
Bridson, Henry, F.R.S.A., Harwood, Bolton-le-Moors  
Bridson, Jos. Ridgway, Crompton-fold, Bolton-le-Moors  
Bridson, William, Liverpool  
Brown, Rev. T. E., The College, Clifton  
Brown, Charles, Chester
- Cadman, Henry, Howstrake, Conchan  
Caine, Rev. William, M.A., Manchester  
Caine, Capt. Charles, Aigburth, Liverpool  
Caine, Miss, Douglas  
Callister, Wm., H.K., Thornhill, Ramsey
- Callow, T. C., Douglas  
Callow, Edward, London  
Carr, Rev. James, Formby, near Liverpool  
Carran, Thomas, Peel  
Christian, W. Watson, Ramsey  
Christian, Rev. W. Bell, B.A., Milntown  
Clague, Richard, Douglas  
Clarke, Archibald, Douglas  
Cleator, Charles, Douglas  
Clelland, Rev. James, Risby, near Warrington  
Clucas, John Thomas, Advocate, Douglas  
Clucas, John, Ballaquinny  
Connal, Michael, Chesterfield  
Corrin, Robert, Peel  
Corrin, Tom, Castletown  
Cowley, William, Peel  
Coxe, Rev. H. O., M.A., Oxford  
Crellin, John F., H.K., Orrysdale, Michael  
Crellin, Robert Q., Castletown  
Cubbon, William, Broomhill, Denny, Stirlingshire  
Cumming, Rev. J. G., M.A., F.R.S., Scole Rectory, Norfolk  
Cuninghame, P. T., H.K., Lorn House, Castletown  
Carphey, Mrs. H., Douglas  
Carphey, Rev. W. T., Vicar of Loders, Bridport, Dorset  
Curry, Philip Woods, Claughton-range, Cheshire  
Curwen, Rev. H., M.A., Rectory, Workington
- Dalrymple, William, Braddan  
Dalton, J. Stuart, Librarian to the Liverpool Free Public Library  
Derby, The Right Hon. the Earl of, Knowsley  
Dixon, Rev. R., D.D., St Matthews, Rugby  
Drinkwater, Deemster (a donation), Kirby

- Drinkwater, John, Caton, Lancashire  
 Dumbell, Geo. William, Belmont, Douglas  
 Dunlop, Alex. Murray, M.P., Greenock
- Fargher, R. B., Douglas  
 Farrant, William, Ballamoar, Jurby  
 Farrant, E. Curphey, H.K., Ballakillinghan, Lezayre  
 Faulder, Ed., H.K., Northop, Marown  
 Forbes, David, F.R.S., London  
 Freeland, Bazil P., Falkner-st., Liverpool
- Garrett, P. L., Douglas  
 Garrett, Thos., Walton-on-the-Hill, Liverpool  
 Garrett, John, Aspull, near Wigan  
 Gawne, Edward M., Speaker of the House of Keys, Kentraugh  
 Geldart, Rev. G. C., Kentish Town, London  
 Gell, James, H.M.'s Attorney-General for the Isle of Man, Castletown  
 Gell, John, H.K., Kennaa, German  
 Gell, Evan, H.K., Whitehouse, Michael  
 Gell, William, Douglas  
 Gelling, Richard, Fort William, Douglas  
 Gill, Rev. William, Vicar of Malew  
 Graves, Henry, Peel
- Hall, Mrs. Cecil, Douglas  
 Hardy, William, Keeper of the Records of the Duchy of Lancaster, London  
 Harris, Samuel, High Bailiff of Douglas, Marathon  
 Harrison, Rev. Bowyer, Vicar of Maughold  
 Harrison, W., H.K., Rockmount, German  
 Harrison, Ridgway, H.K., Woodside-house  
 Harrison, J. C. Tobin, H.K., Spring-valley  
 Haslam, Wm. H.K., Ballaglass, Maughold  
 Holmes, Rev. A. (the late) Vicar of Patrick  
 Hope, Hon. Charles, late Lieut.-Governor of the Isle of Man  
 Howard, Rev. Thomas, Rector of Ballaugh  
 Howard, Rev. W. W., M.A., H.M. Inspector of Schools, Exeter
- Jebb, Richard, Vicar-General, Douglas  
 Jeffcott, J. M., H.K., High-Bailiff of Castletown  
 Jefferson, Joseph, London  
 Jefferson, John, Douglas  
 Jefferson, George, Rainhill, Liverpool  
 Jesse, John (the late), F.R.S., Llanbedr Hall, near Ruthen  
 Johnson, R. H., Douglas  
 Jones, Thos., Librarian to the Chetham's Library, Manchester  
 Jones, Rev. Joshua, D.C.L., Principal of King William's College, Castletown  
 Kayll, John J., The Green, Sunderland  
 Keble, Rev. John (the late), M.A., Hursley, near Winchester  
 Kelly, Mrs. Gordon W., Oxney House, Writtle, Chelmsford  
 Kermodé, Rev. W., St. Paul's, Ramsey  
 Kermodé, Robt. Q., Mona's Vale, Tasmania
- Kewley, James, Rolls Office, Castletown  
 Keys, House of, Isle of Man  
 Kinley, Philip, Douglas  
 Kneale, William, Douglas  
 Kyrke, R. V., Stainsby Hall, Wrexham
- Lace, Francis J., Stone Gappe, Yorkshire  
 Lamothe, Henry C., Ramsey  
 Laughton, A. N., Douglas  
 Law Library, Castletown, Isle of Man  
 Lewin, D. D., St. John's Wood, London  
 Lloyd, Robert, Oakwood, Crayford, Kent  
 Loch, Henry B., C.B., Lieut.:Governor of the Isle of Man, President  
 Lumsden, William, Glenaspet, Patrick
- Mackenzie, Rev. Wm., Strathallan Villa, Douglas  
 Mackenzie, John W., F.S.A. Edinburgh  
 Mackinnon, John, Carnbro', Coatbridge  
 Mackinnon, Peter, Rosehall, Coatbridge  
 McBurney, Isaiah, L.L.D., F.S.A. Scot., Douglas  
 McHutchin, Rev. M. W., Talk Parsonage, Lawton, Cheshire  
 Manchester, The Lord Bishop of  
 Maxwell, Sir W. S., Bart. M.P., Keir, N.B.  
 Moore, Joseph C., The Ven. Archdeacon of Sodor and Man  
 Moore, R. J., H.K., High Bailiff of Peel  
 Moore, W. Fine, H.K., Cronkbourne, Braddan  
 Moore, Wm. E. Stevenson, Advocate, Peel  
 Moor, Rev. John Frewen, M.A., Bath  
 Murray, Mrs., Thornton, Douglas  
 Murray, George M., Mexico
- Napier, John, Launcefield House, Glasgow  
 Nelson, Samuel C., M.D., Douglas  
 Noble, H. B., Mona-terrace, Douglas
- Ogden, C. R., H.M.'s late Attorney-General for the Isle of Man  
 Oliver, John R., M.D., Hon. Sec., Woodville, Douglas  
 Ormsby, Rev. W. A., M.A., Rector of Smallborough, Norwich
- Philpot, Rev. Benj., M.A., F.G.S., (late Archdeacon of Sodor and Man,) Lydney Vicarage, Gloucestershire  
 Pole, C. Chandos, Falkner-st., Liverpool
- Quaritch, Bernard, Piccadilly, London  
 Quayle, Robert J., H.K., Castletown  
 Quirk, Richard, H.M.'s Receiver-General, Douglas  
 Quirk, Richard, H.K., Rheaby, Patrick  
 Quirk, Rev. James R., Vicar of Blandford Forum, Dorset
- Ready, Lieutenant-Colonel, Douglas  
 Reece, William Henry, Oakmount, Edgbaston, Birmingham  
 Robinson, William, Bolton-le-Moors

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| Rogers, Alfred S., Manchester                                    | Stephen, Deemster (a donation), Ramsey                      |
| Rogerson, Mrs. Thomas, Ballamillighan,<br>Braddan                | Stewart, Mrs. Hugh Dunn, Tonderghie,<br>Whithorn            |
| Rowe, Richard, Laxey Glen, Lonan                                 | Stowell, Rev. Hugh (the late), Canon of<br>Chester, Salford |
| Sayle, William, Woodbourne Terrace,<br>Douglas                   | Stowell, Rev. J. L., M.A., Vicar of Ger-<br>man, Peel       |
| Sherwood, Richard, Advocate, Douglas                             | Taubman, J. S. Goldie, H.K., The Nun-<br>nery, Douglas      |
| Simpson, Rev. Samuel, M.A., St. Thomas's,<br>Douglas             | Teare, Thomas, Douglas                                      |
| Smith, Henry, Bankfield, Ulverstone                              | Thomson, Thomas, M.D., Kirk Michael                         |
| Society of Antiquaries, Royal, London,—<br><i>Hon. Members</i>   | Tyrrell, Mrs., Ilfracombe, Devonshire                       |
| Society of Antiquaries, Royal, Scotland,—<br><i>Hon. Members</i> | Watts, H. B., Advocate, Douglas                             |
| Sodor and Man, The Hon. and Right Rev.<br>the Lord Bishop of     | Wilks, Miss, Douglas  |
| Sparrow, Rev. W. C., Ludlow                                      | Woods, George, Aigburth, Liverpool                          |
| Spittall, Alexander, H.K., Lauriston; near<br>Douglas            | Wright, George, Oxford Road, Manchester                     |
| Stanley, Lord, M.P., Knowsley                                    | Wood, John, Derby Square                                    |
| Steele, Alex, Ph.D., Crescent, Douglas                           | York, His Grace the Archbishop of                           |

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The Hon. Secretaries request that any change of address, or irregularity in the delivery of their Books, may be communicated to them.

<p>1. The first part of the book is devoted to a general survey of the history of the United States from the discovery of the continent to the present time.</p> <p>2. The second part is devoted to a detailed account of the political and social conditions of the country during the same period.</p> <p>3. The third part is devoted to a description of the geographical features of the United States, and to an account of the natural resources of the country.</p> <p>4. The fourth part is devoted to a description of the climate and the seasons of the United States, and to an account of the diseases which are prevalent in different parts of the country.</p> <p>5. The fifth part is devoted to a description of the principal cities and towns of the United States, and to an account of the commerce and industry of the country.</p>	<p>1. The first part of the book is devoted to a general survey of the history of the United States from the discovery of the continent to the present time.</p> <p>2. The second part is devoted to a detailed account of the political and social conditions of the country during the same period.</p> <p>3. The third part is devoted to a description of the geographical features of the United States, and to an account of the natural resources of the country.</p> <p>4. The fourth part is devoted to a description of the climate and the seasons of the United States, and to an account of the diseases which are prevalent in different parts of the country.</p> <p>5. The fifth part is devoted to a description of the principal cities and towns of the United States, and to an account of the commerce and industry of the country.</p>
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The following is a list of the principal cities and towns of the United States, and of the commerce and industry of the country.

## PUBLICATIONS OF THE MANX SOCIETY.

### FOR THE YEAR 1858-59.

Vol. I.—An Account of the Isle of Man, with a Voyage to I-Columb-kill, by William Sacheverell, Esq., late Governor of Man. 1703. Edited, with Introductory Notice and copious Notes, by the Rev. J. G. Cumming, M.A., F.G.S.

Vol. II.—A Practical Grammar of the Ancient Gaelic, or Language of the Isle of Man commonly called Manx. By the Rev. John Kelly, LL.D. Edited, together with an Introduction, Life of Dr. Kelly, and Notes, by the Rev. William Gill, Vicar of Malew.

### FOR THE YEAR 1859-60.

Vol. III.—Legislation by Three of the Thirteen Stanleys, Kings of Man, including the Letter of the Earl of Derby, extracted from Peck's "Desiderata." Edited, with Introduction and Notes, by the Rev. William Mackenzie.

Vol. IV.—*Monumenta de Insula Manniæ*, or a Collection of National Documents relating to the Isle of Man. Translated and edited, with Appendix, by J. R. Oliver, Esq., M.D. Vol. I.

Vol. V.—*Vestigia Insulæ Manniæ Antiquiora*, or a Dissertation on the Armorial Bearings of the Isle of Man, the Regalities and Prerogatives of its ancient Kings, and the original Usages, Customs, Privileges, Laws, and Constitutional Government of the Manx People. By H. R. Oswald, Esq., F.A.S., L.R.C.S.E.

### FOR THE YEAR 1860-61.

Vol. VI.—Feltham's Tour through the Isle of Man, in 1797 and 1798, comprising Sketches of its Ancient and Modern History, Constitution, Laws, Commerce, Agriculture, Fishery, &c., including whatever is remarkable in each Parish, its Population, Inscriptions, Registers, &c. Edited by the Rev. Robert Airey.

Vol. VII.—*Monumenta de Insula Manniæ*, or a Collection of National Documents relating to the Isle of Man. Translated and edited by J. R. Oliver, Esq., M.D. Vol. II.

Vol. VIII.—*Bibliotheca Monensis*; a Bibliographical Account of Works relating to the Isle of Man. By William Harrison, Esq., H.K.



Island shall be placed at the disposal of the Manx Society for publication as one of their series; and the learned and zealous Secretary of the Cambrian Archæological Association, the Rev. E. L. Barnwell, has consented to edit the same in conjunction with the Rev. J. G. Cumming and Dr. Oliver. The Council look forward with pleasure to this volume as giving much satisfaction to the Members of the Manx Society, and can but express their thanks to the Cambrian Association for their liberality. The volume may be expected to be ready during 1867.

The Council have now the pleasure of informing the Members as well as others who may be induced to join this Society for the current year that an application made some time since to the House of Keys, through Mr W. Harrison, for permission to print such papers from its journals as might be considered of historical importance, has been most liberally accorded by that House which has appointed a committee consisting of Robert J. Moore, J. M. Jeffcott, and William Harrison, Esqrs., to select such papers from its journals as may be considered of sufficient interest for publication by the Manx Society, and has given permission that copies may be taken for that purpose. Mr Jeffcott has kindly consented to edit these papers, adding such Notes as may appear necessary. The first portion will be put to press at the earliest possible moment.

In making this announcement the Council congratulate the Members that the Manx Society has been honoured as the medium through which this valuable series of documents, extending over a century and embracing a very important crisis in Insular history, will be given to the public. The Council, as stated in the last report, had been led to hope that some progress would have been made during the last year with the papers left by the late James Burman, Esq., relative to the life and times of William Christian, otherwise "Illiam Dhone;" which papers it will be remembered were unfortunately mislaid during the illness of that much lamented gentleman. It is to be regretted that the efforts of Mr Burman's executors and his successor in office to discover these missing manuscripts have not as yet been successful. It is the intention, however, of Mr. Gell (with the assistance of Mr. Fred. Gill the executor) rather than disappoint the Members, to print the text with notes explanatory of the mode of trial and to give an Appendix containing documents illustrative of the time of Lord Fairfax here, as well as to incorporate what he can of Mr Burman's MSS:

The Council cannot conclude this Report without again calling upon the Members to aid them in editing such papers as have been placed in their hands for publication. This literary labour has hitherto been imposed upon a few editors.

The Report of the Treasurer, which is appended hereto, will shew the state of the finances of the Society.

H. B. LOCH, President.

Douglas, 14th May, 1866.

Dr.

THE TREASURER IN ACCOUNT WITH THE MANX SOCIETY FOR THE YEAR ENDING APRIL 30, 1866.

1865.

	£	s	d
To Arrears of Subscriptions collected ...	14	0	0
Ditto for 1863-64 ...	26	0	0
Ditto for 1864-65 ...	88	0	0
Subscriptions collected for the present year, 1865-66 ...	13	0	0
Difference between Pounds due and Guineas remitted...	0	8	0
9 Books supplied to members...	3	7	6
Interest allowed by Bankers to December 31, 1865 ...	9	17	5
	<hr/>		
	154	12	11
Balance in the Bank and Treasurer's hands at the com- mencement of the year, May 1, 1865...	352	6	6

Cr.

	£	s	d
1866.			
Jan. 6.—By Mrs. H. Curphey, balance of Account ...	2	18	7
"    "    "    for printing Vol. XI. ...	40	10	2
"    "    "    binding do. &c. ...	14	9	0
"    Book-postage of Vol. XI. to distant members	2	5	0
"    By Paid for delivery of Vol. XI. to members in and about town ...	0	11	0
"    R. B. Fargher advertising annual meeting, 1865 ...	0	2	6
"    Mr. G. A. Dean for photography in Vol. XI. ...	1	18	6
"    Proprietors of St. James's Hall for use of room for 12 months, and fires, 3s. 6d. ...	0	15	6
"    Incidental Expenses, including disbursements by Hon. Secretaries and Treasurer for post- ages, stationery, and carriage of parcels, &c. as per Cash-book, including delivery of cir- culars by George Woods for 12 months ...	3	1	1
"    Lewthwaite, for packing paper ...	0	2	4
	<hr/>		
May 1, " Balance in Bank ...	66	13	8
"    Ditto in Treasurer's hands ...	£416	7	10
	23	17	11
	<hr/>		
	440	5	9
	<hr/>		
	506	19	5
	<hr/>		

1866, May 1.—To balance in hand ...  
PAUL BRIDSON, Treasurer.

May 8th, 1866.—Audited by ARCHIBALD CLARKE,  
CHARLES CLEATOR.

Printed by HARRIET CURPHEY,  
The Manx Sun Office, King Street,  
Douglas.

11-12-3-30

