

# Land Ownership in the 1600s

CHAPTER

6

Under the Brehon law, land was owned by the ancient Irish families who were ruled by their elected chieftains. The Normans, who invaded Ireland in the name of King Henry II, fought these chieftains for control and proprietorship of these lands. They then built castles and keeps from which to control the territories they had taken. With the passage of time however, the Norman lords adopted Irish customs, used Irish as their spoken language and formed marriage alliances with the Gaelic chieftains who continued to hold and rule their lands under Brehon law.

English power continued to weaken until Henry VII ascended the throne and commenced the re-establishment of royal sovereignty in Ireland. His son Henry VIII continued with this policy. The instrument he chose for the subjugation of the Irish chiefs was known as the policy of 'Surrender and Regrant'. Many of the Irish chiefs surrendered their lands and Gaelic titles in return for a legal title to their lands under English law. This policy had the merit, for England, of the avoidance of a costly military campaign. For the Irish chiefs it meant that they acquired a legal title to their lands. One of these was Ulick de Burgo, Mac William Uachtar, who

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became the Earl of Clanrickard. In 1650 Richard, the second earl, became the owner of the Priory of Clontuskert as well as the rectories of Kilclooney and Aughrim as part of his grant. He was a Catholic and does not appear to have appointed a Protestant as curate to any of these benefices.

Under Queen Elizabeth (1558-1603), the administration by the Crown was further extended. The final surrender of lands by western lords and chieftains, and their re-granting, was known as the 'Composition of Connacht'. It was hoped that in future, the Connacht war-lords would concentrate on farming and become landlords. One of the chieftains who retained his territory in this way was Seán na Máighe O'Kelly who accepted his lands of Clonmacnawen, which would be known henceforth as the barony of Clonmacnawen – an English administrative division. The major portion of Clontuskert parish is in this barony.

Under James I (1603-1625), English Common Law was enforced throughout the country and Brehon Law as well as Gaelic systems of land ownership were abolished, particularly after the Flight of the Earls in 1607. While the O'Donnells left Tyrconnell, two sons of Niall Garbh O'Donnell, a first cousin of Red Hugh, got land in County Mayo. One of their descendants, Manus O'Donel, is buried in a large stone tomb under the East Window in Clontuskert Priory. This branch of the family became Protestants and changed the spelling of their name to O'Donel.

During the reign of Charles I (1625-1649), the Catholic Church was able to re-establish itself in certain areas. The English Civil War broke out between the supporters of the King and the Parliamentarians which had the support of the New Model Army, led by Oliver Cromwell. Charles was convicted of high treason and beheaded.

Cromwell came to Ireland in 1641 at the head of the forces

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of the English Parliament. He waged a bloody war against the forces of the King and against the Catholics who had supported the King. In addition, he held Catholics responsible for the murder of thousands of Protestants during the Ulster rebellion of 1641. When his successful campaign had ended, those who had fought in the armies of the Commonwealth and those who had given financial support, were rewarded with land in Ireland. 'Disloyal' Protestants forfeited one-fifth of their estates but continued to live on the remaining four fifth of their lands. Catholics however forfeited their entire estates and were transplanted to lands two-fifth of their value in Connacht. Thus was coined the phrase attributed to Oliver Cromwell, 'To hell or to Connacht'.

Although Cromwell himself never set foot in Clontuskert, nonetheless his impact on Ireland had major repercussions for the inhabitants of the parish.

Anthony Brabazon owned 243 profitable acres and 39 unprofitable acres at Ardranny. All of his profitable acres were seized and given to Nicholas Ayleward. In total, he was granted over 900 acres in Ardranny. The Ayleward family came to Clontuskert from Faithlegg, County Waterford. Col. Carey Dillon, Peter Pelley, Nicholas Ayleward, John Horane, and John Donnellan received 719 acres between them. All of this land was taken from the Earl of Clanrickarde, John and Loughlin Donnellan, John Kelly, Walter Kelly, Fferdoragh Brasill (also known as Teigue O'Kelly), and Daniel McRogan. The land was in an area of Clontuskert called Killerin, which was somewhere in the Ballagh - Tristaun area.

Anthony Brabazon owned a further 212 acres in another portion of the parish called Ballendolohan, a placename that has also gone out of use. The land was given to Teige Daley, Miles Burke and others. Anthony Brabazon also had 120 acres in Carrowcule (Carrowkeel) taken from him and given to Teige

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Daley and Nicholas Archdeacon.

Three landowners, John Kelly, John Coffey, and Donnagh Coffy owned 306 acres between them in Tuam-Catrin (now Kellysgrove). This historic area in the parish is dealt with in Chapter 1. Their land was given to James Keally (Kelly?). The headstone over the Coffy grave can be seen in the nave of the Old Abbey. The final change-over in land ownership took place in Mackney. There were six owners of the 280 acres: John McOwen Kelly, Walter Kelly, Daniell O’Coffy, Feogh O’Kelly, Fordorogh (or Daniel) O’Kelly and James McTeige O’Kelly. This land was given to Thomas Keally, Peirce Archdeacon, Bryan Kealy and James Keally.

There were also changes in land ownership in the section of the parish which is in the Longford Barony. As in the Clonmacnowen section, this is also dominated by O’Kelly names. In Ballymuna, which was also known as Ballymannagh, Gortglasse, Cleigh, Gortgaune, there were 421 acres, all of which was given to John Eyres. The land was previously owned by Walter Fitz Thomas Kelly, Edmund Kelly, Laughlin McDonnell O’Maddin, and Teige Mcffraigh O’Kelly.

The next exchange was in Ballymore. Again, the precise location of Ballymore is uncertain. There is a Ballymore in Lawrencetown but the 1641 table states that the Ballymore location is in Clontuskert. The owners of the 551 acres are listed as: Walter Fitz Thomas Kelly, Edward Kelly Fitz Thom, Conner Oge McManny O’Kelly, John O’Maddin Esq., and William McTeige McWilliam O’Kelly. All of this land was given to John Eyres and Sir James Cuffe.

Tirrowane (Tirrooaun) and its 96 acres is the next area for exchange. Again, the property went to John Eyres. It had been owned by John Donnellan, John Laurence Esq., William McTeigue McLoughlin O’Kelly and William McTeigue McWilliam O’Kelly.

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The final change of ownership in the Longford Barony section of the parish involved 241 acres which also went to John Eyres. The land had been owned by two people, Walter Fitz Thomas Kelly and John McDermod O'Kelly.

Among those who suffered great hardship in moving from their profitable estates to Clontuskert, were the Archdeacon family from County Kilkenny. The Archdeacons were descended from Sir Stephen L'Erchdykyn, who arrived with the first Norman invaders and were given lands in Ballyragget in the year 1212. Through a combination of shrewd business endeavours and advantageous marriage alliances, their wealth increased dramatically through the years. In the fifteenth century, probably as a stage in their gradual Gaelicisation, some branches of the family adopted the name MacCody. The name Archdeacon has disappeared in Kilkenny, but the name Cody has become widespread there. Redmond Archdeacon, who was born in 1621, was punished for his opposition to the Parliamentary forces by being transported to Connacht. On St. Stephen's Day 1653, he arrived with his wife Rose in Crossconnell, where he had been allotted 827 acres of land for a rent of £5 a year. This estate, although considerable, fell far short of the wealth to which he had been accustomed in Kilkenny. When his wife died after a number of years, he married a widow, Eleanor Davrells whose family name was Bourke. He made a will 'at Clontuskert' in 1675 and died two years later. His son Nicholas succeeded him, inheriting the lands at Crossconnell.

The next mention of the family occurs in a will made by another Nicholas Archdeacon in 1766, where his address is given as Gortnamore (Gortnamona) which at some stage had become the family residence. The last of the Archdeacons in Clontuskert was a girl who married into the Bourke family in the early 1800s. Sometime prior to this marriage, it appears that the family had

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become bankrupt, owing over £10,000 to the Bourkes.

The acquisitions and forfeitures were legalised under the Act of Settlement, 1652. This act also denied pardon to prominent persons who had 'proved disagreeable' to the existing government. These included Ulick Bourke, the Earl of Clanrickarde, and Anthony Brabazon of Ballinasloe Castle. In 1653, Brabazon went into exile where he died that same year. However, Ellis Brabazon, his wife, was granted the lands of Rory O'Kelly, son of Owen of Creagh and a direct descendant of the Irish chieftain, Seán na Máighe O'Kelly.

Cromwell died in 1658 and Charles the Second became king in 1660. Under the Act of Settlement of 1662, Protestants were to be restored to their estates. Catholics who had been dispossessed merely for being Catholics were also to have their lands restored. The Earl of Clanrickarde was one of the few to benefit from this act, when his lands in Kilclooney were restored to him. This Act was suspended in 1665 because of the vast number of rival claims. The greatest changes in land ownership occurred with the Cromwellian Settlements in the mid 1600s. The Books of Survey and Distribution indicate under successive columns the owners of the land in 1641, the lands confiscated from these owners, the number of profitable and unprofitable acres and the names of the new owners. For the most part, the new owners remained in possession of these lands until the next agrarian upheaval, the Great Famine in the late 1840s. Following this catastrophe, there was a major change in land ownership as the old landlords faced bankruptcy and new investors such as Pollok, purchased estates under the Encumbered Estates Act.