

A legal deed in Irish, 1622



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ABSTRACT

This paper presents an annotated transcription and translation of a legal deed in Irish, dated 1622, recording an agreement between Cairbre Ó Conchobhair and Richard Lane, pertaining to lands in Co. Roscommon. Historical background is provided as an introduction.

THE DOCUMENT PRESENTED HERE – a deed of conveyance from Cairbre Ó Conchobhair to Richard Lane – forms part of a large collection of deeds and papers relating to the family of Lane of Tulsk, Co. Roscommon, and Rathcline, Co. Longford, ultimately (1676–1724) Viscounts Lanesborough, deposited among the Masters' Exhibits of the English Court of Chancery.¹ A document in the collection refers to their deposit, 'pursuant to an order of the Court of Chancery', by Mary, Dowager Viscountess Lanesborough, in 1729.²

THE LANE FAMILY

The founder of the Lane family in Ireland was an Elizabethan soldier, Captain George Lane, who, like many of his kind, acquired an Irish wife, Áine, daughter of Cormac Ó Fearghail,³ and who acquired some lands in Co. Roscommon, some of it at third hand from other settlers. By 1607 he was in possession of 13 quarters of land in 'Quyren [*Cuibhreann*] Sleight Felim Clery of Tulsk and Quyren O Flanagan of Bealawoghter' and was refusing to pay the 6^s 8^d per quarter which had been decreed to Hugh O Conner Roe by an amending indenture to the Composition of Connacht.⁴ He died (according to an inquisition *post mortem* taken on 6 September following) on 22 February 1613/14, leaving a widow, called in the inquisition, 'Ammalyn Lane *alias* Ny Farell' and a 22-year-old son and heir, Richard.⁵ On 13 May following, his widow, calling herself Aney Lane of Tulsk, obtained a quitclaim to certain lands from one of the O Flanagans.⁶

¹London, TNA, 106/104–6, 153. This collection was discovered by KWN, more or less by chance, many years ago, while waiting for a document in the old Public Record Office in Chancery Lane, London.

²TNA C.106/153, box 2.

³NLI G.O. MS 155 (*Linea Antiqua*), p. 66a. Her mother was a Burke of Benmore, Co. Galway, a collateral and dispossessed branch of Clann Riocaird.

⁴NAI, R.C. 5/29, pp 186–91.

⁵NAI, R.C. 9/15 (Inquisitions in Exchequer series, Co. Roscommon, no. 44 of James I) George and Áine also had a least one daughter, Anne, wife of John O'Ferrall of Tirlickeen, Co. Longford, and mother of Sir Connel Farrell.

⁶TNA C.106/153, box 1.

The son, Richard Lane, one of the parties to the deed edited here, continued the process of land-acquisition, residing first in the old O Flanagan castle of Bealahoghter, and later at Tulsk. As the son of a Gaelic mother, he seems to have been on close terms with some of the Irish neighbours, especially with Maoileachlainn Modartha Ó Maoil Chonaire, for whom he acted as a trustee, and several legal documents relating to whom are present in the collection.⁷ On the other hand, he was also a member of the privileged New-English community, and served as High Sheriff of County Roscommon in 1629, an office which has led to the presence in the collection of that very rare survival, the roll of a sheriff's tourn court held in Athlone Barony in that year.⁸ Another important part of the collection is a group of deeds relating to Hugh (Aodh mac Toirdhealbhaigh Ruaidh) O Conor Roe and his sons, from whom Lane acquired lands, and the involved history of his confiscated 'lordship' of Cloonybeirne, Co. Roscommon.⁹

Richard Lane had married Mabel, the daughter of Garret FitzGerald, a younger son of the family of Donore, Co. Kildare, by his English wife Grace Mainwaring, by whom he had a son, Sir George Lane, afterwards Viscount Lanesborough, and four daughters, of whom the eldest Mabel, became the first wife of Roger O Ferrall, the compiler of the genealogical collection *Linea Antiqua* to which we owe most of these details.¹⁰ Although he seems to have been a Protestant, as a strong Royalist he suffered the confiscation of two-thirds of his lands by the Commonwealth,¹¹ the remainder being distributed to transplanted, and some of which, including those that are the subject of the deed edited here, he never recovered.¹² The Restoration, however, brought about a recovery of his fortunes, and the honour of a baronetcy, granted in January 1661, by which he became Sir Richard. He died in 1668.

The great majority of the collection, however, concerns the affairs of Richard's son, Sir George Lane, and his acquisitions and land speculations in the chaotic title situation created by the 'Cromwellian' confiscation and the Restoration settlement. They include, besides the records of legal proceedings, title deeds (some, relating to Dublin, going back to the Middle Ages) and many documents relating to the transplantation, including petitions to the Commissions sitting at Athlone and Loughrea, and claims submitted to the Restoration Court of Claims. They relate to many parts of Ireland, and deserve a full catalogue. Since there is already an excellent, though necessarily short, biography of George Lane by Dr Toby Barnard,¹³ we will not attempt one here.

⁷KWN furnished abstracts of these to Benjamin Hazard, who has cited them in Hazard (2010: 25 n. 124) and (2015).

⁸TNA C.106/153, box 2 (unfortunately a small portion is at present illegible due to dirt).

⁹TNA 106/105, Box 2, 106/153, Box 2.

¹⁰NLI G.O. MS 155 (*Linea Antiqua*), pp. 60a, 201.

¹¹Decree of the Transplantation Commissioners sitting at Loughrea, C.106/104 Box 1.

¹²'Schedule of the lands claimed by Sir George and Sir Richard Lane', in C.106/104 Box 1, compared with *Books of Survey and Distribution, Co. Roscommon* (Simington 1949).

¹³Toby Barnard, 'Lane, George', in *ODNB*.

His land acquisitions seem to have begun as early as 1650, when he acquired the manor of Rathcline, Co. Longford, from the Dutton family who had obtained it in the Jacobean Plantation of that county.¹⁴ After the Restoration he founded there the town of Lanesborough, for which he obtained a charter of incorporation, with the right to send two members to the Irish parliament and from which, when ennobled in 1676, he took his title of Viscount Lanesborough. He died in 1683. Mention must be made here of another large collection of his papers, including his political correspondence, which must have remained at Rathcline when the present collection was taken to England, and have passed with the Rathcline estate to its later owners, who took it with them to Gowran, Co. Kilkenny. There it was surreptitiously rescued from imminent incineration on the orders of a land agent, and is now in the National Library of Ireland.¹⁵

A further small section of the Masters' Exhibits collection consists of legal papers relating to George's son, James Lane, the Second Viscount Lanesborough, who died without lawful issue in 1724, his heirs being his sister's sons, the Lane-Fox family. Their descendants remained as the absentee owners of parts of the Lanesborough estate, in Counties Leitrim and Waterford, down to modern times. The second Viscount, however, must have had illegitimate offspring, as in his will he refers to his grandson, John Bell Lane, probably the John Lane of Rathcline who died in 1757. Finally, the collection includes a few non-Irish items relating to Cheshire; a small group of sixteenth-century deeds; and an interesting deed of 1331, by which Hugh de Venables sells the marriage of his son William to Maud de Vernon for a large sum.¹⁶

SLIOCHT FEIDHLIMIDH / FÉILIM CHLÉIRIGH

Feidhlimidh Cléireach, ancestor of the sept, was the fourth son of Aodh mac Feidhlimidh Uí Chonchobhair (died 1362), king of Connacht, and a younger brother of Toirdhealbhach Ruadh (died 1426), who was contender for the kingship with his kinsman Toirdhealbhach Óg (or Donn, died 1407). This rivalry led to the emergence of the two rival Ó Conchobhair lines of Ó Conchobhair Ruadh (Roe) and Ó Conchobhair Donn (Don), each forming part of the two great factional allegiances headed respectively by the two rival De Burgo headships of Mac Uilliam Íochtair (in the modern county Mayo), and Mac Uilliam Uachtair of Clann Riocaird (Clanrickard) in the present County Galway. In addition to this division, the *Ruadh* line was subject to recurrent and violent internecine dissensions between brothers as well as more distant relations, and even between father and son.¹⁷

¹⁴Bodleian Library, MS Carte 177, p. 199.

¹⁵NLI MSS 8631–6. There is a brief note of its rescue in MacLysaght (1978: 177–8).

¹⁶TNA C.106/104, box 1.

¹⁷The Ó Conchobhair Donn line does not seem to have been so often subject to internal dissension.

Feidhlimidh Cléireach died in January 1410/11.¹⁸ In 1420 his two eldest sons, Maghnus and Domhnall, had gone to Ogulla Church to remove some armour which had been stored there, apparently unaware that Toirdhealbhach Óg's son Ruaidhrí and his followers were present in Ballybeg close by, when they were set upon and killed, Maghnus at Tusk in his flight, and Domhnall, who had taken refuge in the church itself, being burned to death when it was fired over his head.¹⁹ Tusk castle, in subsequent times the centre of the Sliocht Feidhlimidh, did not come into their possession until later. It had been built in 1406 by Toirdhealbhach Ruadh²⁰ and, although destroyed next year by the *Donn* faction on their way to inaugurate their candidate, Cathal mac Ruaidhrí, at Carnfree, must have been rebuilt, as on Toirdhealbhach Ruadh's death in 1426 it passed to his son Cathal Dubh, from whom it was taken next year by Cathal mac Ruaidhrí.²¹ In 1430 it was recovered by Cathal Dubh from the sons of Toirdhealbhach Óg, to whom it had passed.²²

Feidhlimidh Cléireach's sons, however, must have acquired some interest in the immediate area, as in 1448 one of them, another Feidhlimidh, gave land in Tusk for the foundation of a Dominican Friary, soon after which he was mortally wounded at nearby Kilcoola in a brawl with the sons of Cathal Dubh (one of whom, Brian, was likewise mortally wounded by Feidhlimidh's nephew Cormac Cam, son of Maghnus mac Feidhlimidh Chléirigh) and was buried in the still incompleting and unconsecrated friary.²³ Thereafter Sliocht Cathail Dhuibh fell into rapid decay. The last mention of them in the annals is in 1482,²⁴ and in 1585 their *cuibhreann* amounted to only a quarter-land and a half, compared with the twenty-six and a half of 'Cowryn Slight Phelime Clery'.²⁵

Thereafter the Sliocht Feidhlimidh figure in the recurrent internal dissensions which befell the *Ruadh* faction. In 1449, when many of the faction (including his own brothers) turned against Tadhg (mac Toirdhealbhaigh Ruaidh) Ó Concubhair Ruadh, a grandson of Feidhlimidh Cléireach, Domhnall mac Rosa, was wounded.²⁶ A similar situation arose in 1465, after Tadhg's death in the preceding year, when his sons and his brothers fought each other and the Sliocht Feidhlimidh, after being plundered, took the side of Tadhg's sons.²⁷ In 1468 they were again victims in the campaign of plunder conducted

¹⁸ *A.Conn.* s.aa. 1410.3, 1411.3.

¹⁹ *A.Conn.* s.a. 1420.15.

²⁰ Ó hInnse (1947), s.a. 1406.12.

²¹ *A.Conn.* s.aa. 1407.8–9, 1427.7.

²² *AFM* IV, 880 (s.a. 1430).

²³ Mac Fhirbhisigh Annals in *Misc.IAS*, 220–1, where Cormac Cam is called 'Son of Machon', but see his genealogy in RIA MS 23 Q 10.

²⁴ *AFM* IV, 1120 (s.a. 1482).

²⁵ Freeman (1936: 153 and 157).

²⁶ *Misc.IAS*, 223.

²⁷ *Ibid.*, 256–7. In this, as in later references, 'O Connor Roe's sons' ('Clann', later 'Sliocht Uí Chonchobhair Ruaidh') denotes the surviving sons of Toirdhealbhach Ruadh and their descendants, who constituted a single sept as late as 1585, although in one reference the descendants of Cairbre (died 1482, *A.Conn.* (misidentified in index), *AFM* (omitted by a printer's error in the English translation and consequently from the index)) are distinguished as 'Sleight Carbery O Connor of Annagh'.

by Tadhg's son, Feidhlimidh Fionn, in his attempt to establish dominance, which only came to an end when he was defeated near Oran by MacDavid Burke and stripped of his spoils.²⁸ In 1478 they were again at war against Feidhlimidh Fionn, who was supported by Ó Conchobhair Donn and opposed by his own brothers and uncles, and in this Toirdhealbhach Ruadh, son of the then clan-head, Feidhlimidh Cléireach's youngest son Ruaidhrí, was killed.²⁹

In 1485 the newly acceded Mac Uilliam of Clann Riocaird, Uilleag Ruadh, in a destructive raid broke down and burned the castle of Tulsk and the nearby settlement of Corker.³⁰ In 1488 Feidhlimidh Fionn finally achieved his ambition, and was inaugurated as Ó Conchobhair Ruadh on the death of his uncle Donnchadh, but he was opposed by Ruaidhrí mac Feidhlimidh Cléirigh and forced next year to retreat into Uí Mhaine, where he died on Easter Monday 1490.³¹ Ruaidhrí mac Feidhlimidh Chléirigh, although a man in his eighties, was installed as his successor; his enemies, the descendants of Tadhg Ó Conchobhair, brought Ó Domhnaill to support them, but the latter failed to take Tulsk castle.³² Ruaidhrí died two years later and was buried in Tulsk.³³

We have no information on the sept in the immediate aftermath of Ruaidhrí's death, but it would seem that they continued the feud with the sons of Feidhlimidh Fionn, and they might even have put forward one of Ruaidhrí's sons as Ó Conchobhair Ruadh. In 1499 the Earl of Kildare, in the course of an expedition to Connacht, took the castle of Tulsk from Sliocht Feidhlimidh and handed it over, along with their hostages, to Aodh Ó Conchobhair, who is described as 'the second lord' (*an dara Tighearna*), a paraphrase for Ó Conchobhair Ruadh. This Aodh can be identified with the Aodh mac Feidhlimidh Fionn who heads the Ó Conchobhair genealogy in a tract which can be dated to this period.³⁴ After Kildare's departure, Aodh was driven from his lordship by Mac Diarmada and forced to flee across the Shannon, where he summoned Mac Uilliam Íochtair to his rescue. The latter took Tulsk castle which must have been recaptured by the Sliocht Feidhlimidh, and it and the hostages were once more delivered to Aodh Ó Conchobhair.³⁵ The Sliocht Feidhlimidh seem to have been feuding not only with the sons of Feidhlimidh Fionn but also with the other descendants of his father Tadhg, as in 1511 the sons of Ruaidhrí's son Cathal were slaughtered at Tulsk by the sons of Tadhg

²⁸*AFM* IV, 1056 (s.a. 1468).

²⁹*Ibid.*, 1108 (s.a. 1478).

³⁰*Ibid.*, s.a. O'Donovan mistakenly took the placename 'Carcair' as a common noun, and translated it as 'prison'. In the late sixteenth century Corker belonged to the Sliocht Feidhlimidh Finn.

³¹*AFM*, s.aa. 1488–9.

³²*Ibid.*, 1180 (s.a. 1490).

³³*Ibid.*, 1188 (s.a. 1492). Reference to his old age shows that the editorial footnote in *A. Conn.*, p. 594, is misconceived.

³⁴The older of the two genealogical tracts in TCD MS 1372 (H.4.31).

³⁵These events only figure in *AFM* (were the Mac Fhirbhisigh Annals their source?). The Earl's capture of Tulsk is referred to briefly in *AU*. 'The son of Cairbre mac Briain', who was killed by a gunshot in its capture by Mac Uilliam, was presumably a member of the Sliocht Feidhlimidh.

Buidhe, a nephew of Feidhlimidh Fionn.³⁶ This is the last annalistic reference to the sept for a long time. The genealogical collections, which figure a number of the fifteenth-century members of the sept, have only two that come briefly into the sixteenth, two grandsons of Ruaidhrí: Conchubhar son of Cathal and Tuathal son of Brian Ruadh. We can carry on the pedigree for a further generation; in 1563 Feidhlimidh and Aodh, two sons of Cairbre son of Brian Ruadh, were killed by the descendants of Tadhg and the O Flanagans on an expedition of the Sliocht Feidhlimidh.³⁷ This is, we think, the last annalistic reference to the sept.

In the following period the Sliocht Feidhlimidh, like many of their neighbours, fell victim to the process of land-acquisition of outsiders, not only the English settlers like George Lane, but also, and especially, frontiersmen from the western borders of the Pale. In the case of the Sliocht Feidhlimidh, this was Christopher Nugent, Baron of Delvin (died 1602), head of the most powerful clan of frontiersmen.³⁸ An inquisition taken in March 1627/8, apparently to provide evidence in a lawsuit, found that 'Terence' (Toirdhealbhach) and John O Connor, by their deed dated 10 June in the tenth year of Elizabeth (1568), had granted the lands of Carrowgarve, Cloonagh [Clooneigh], Clooncorra [Cloon-corr] and Diriquirk [Derryquirk] to Christopher, Lord Baron of Delvin, who in turn had granted them to his second son Christopher Nugent.³⁹

This Toirdhealbhach is perhaps the grandfather of the grantor of the deed edited here, while John O Connor is probably the Shane O Connor of Tulske pardoned in 1587,⁴⁰ and Christopher Nugent the younger⁴¹ is more usually styled 'of Corbetstown' (Co. Offaly). Among the Lane Manuscripts⁴² is a paper deed of 2 May 1611, endorsed 'a conveyance of the Sleight Phelimes to Mr. Christopher Nugent' by which Shane O Conhour, Rorie Duffe O Conhour, Rorie Grane O Conhour, and Hugh mcCarburie O Conhour, all of Cloneath, grant the quarters of Cloneyta and Clancore, the two quarters of Cargarrave and the two quarters of Leskoyrke to Christopher Nugent of Tulske, Esq., his heirs and assigns.

The last named of these grantors (all of whom make their marks to the deed) is the grantor of our deed. In the mass surrender and regrant of Connacht in

³⁶ALC II, 212 (s.a. 1511). Tadhg Buidhe subsequently became Ó Conchobhair Ruadh in 1519, and was the ancestor of all the subsequent holders of the title. The names (Ruaidhrí Ruadh, Brian, Tadhg and Cathal) which follow the entry were taken by the indexer to be those of the killers: they were perhaps rather those of the victims.

³⁷ALC II, 385 (s.a. 1563). Diarmaid son of Cairbre Ciotach, killed along with them, was also probably a member of the sept.

³⁸The loss of the Nugent/Delvin archives, which probably occurred when their heirs, the Greville-Nugents, ceased to reside at Clonyn Castle in the 1920s, must count as a historical disaster, analogous to that of the loss of the Clanrickard archives.

³⁹NAI, R.C. 4/15 (Chancery Series, Roscommon, no. 28 of Charles I). KWN has corrected obvious errors in the placenames.

⁴⁰*Fiants of Elizabeth*, §4022.

⁴¹He must not be confused with his namesake, the son and heir of Sir Thomas Nugent of Moyrath Co. Meath, who had acquired the lands of the Sliocht Briain Bhallaigh Uí Chonchobhair; see NAI, *Salved Chancery Pleadings*, H.115.

⁴²TNA C. 106/106.

1617–20 all the Nugent lands in Tulske commencing with the castle, like those in Co. Sligo, were surrendered by and regranted to another Palesmen settler, Christopher Delahoyde of Derron,⁴³ who cannot have been acting except as a trustee for Nugent, who was certainly in possession of them at his death in 1626. As he was childless, his heir was his elder brother, Richard, who by then had a rise in the peerage to Earl of Westmeath.⁴⁴

The Inquisition *post-mortem* on George Lane states that he held Lishquirk (Lissacurkia) in mortgage from some of the sept of ‘Sleight Phelim’,⁴⁵ and in the general surrender and regrant of 1617–20 Richard Lane held Derricurk quarter, a quarter of Ardkeenagh, a third of Corregow, amounting to half a quarter, and half a quarter of each of the quarters of Liskurke and Lisnatwoy.⁴⁶ None of these belonged to him in 1638, nor are they included in the mortgage of his entire estate which he made in October and November 1631 to three Galway merchants.⁴⁷ This mortgage for £700, at the very high interest of £100 *per annum* (much more than the 10% usual at this period) suggests that he was in financial difficulties, possibly explained by the loss of much of his estate to Christopher Nugent’s brother and heir, the Earl of Westmeath, through legal proceedings. Although there appears to be no record of a formal decree of the Court of Chancery in such a case at this period,⁴⁸ many cases were settled before reaching such a conclusion. The loss of a suit would explain the absence from the Lane collection of any deeds of title relating to the lands in question, since they would have been surrendered along with the lands themselves. Presumably the document edited here, and that of 1611 quoted above (which would appear to have belonged to the other side in such a suit) had been overlooked.

The deed edited here is referred to in the ‘schedule’ of lands claimed after the Restoration by Sir George and Sir Richard Lane, which includes ‘half a quarter of land in Lissquirk and Lisnetwoye, and half a quarter of land in Lissenoyde in Corrigarve, purchased by the claimant 12 November 1622 from Hugh and Owen mcCarbery O Connor.’⁴⁹ There is no surviving deed from this brother of Aodh in the collection.

Although none of the Sliocht Feidhlimidh appears as a landowner in the surrender and regrant of 1617–20, the *Books of Survey and Distribution*, which took its details of ownership from the Strafford survey carried out in 1637–8 for the projected Plantation of Connacht, names three members of the sept as landowners.⁵⁰ Connor mcShaen O Connor and Callaca [Calbhach]

⁴³ *Cal. Ir. Patent Rolls James I*, 351. There has been no modern study of the mass surrender and regrant by the Connacht landowners of 1617–20, so shamefully overturned to make way for a projected plantation of Charles I; see however, Butler (1917: 101–5).

⁴⁴ NAI, R.C. 4/15 (Inquisition *post-mortem* in Chancery Series, Roscommon, no. 20 of Charles I).

⁴⁵ As n. 5, above.

⁴⁶ *Cal. Ir. Pat. Rolls James I*, 353. The other halves of these quarters were included in the Delahoyd (Nugent) regrant.

⁴⁷ TNA C.106/106.

⁴⁸ KWN is very grateful to Ms Therese Hicks who checked the relevant years in the repertory of Chancery Decrees (NAI, R.C.6).

⁴⁹ As n. 12, above.

⁵⁰ Simmington (1949: 76–7).

mcRory Duff O Connor, sons of two of those named in 1611, held respectively four and two cartrons of the three quarters (i.e. twenty cartrons) of Clooneath and Clooncor. Carbery mcTeig Boy O Connor held three cartrons in the same denominations, and also the isolated cartron of Lisnaheath. All these had been included in the Delahoyd/Nugent surrender and regrant. Had the O Connors, in a reversal of the more usual process, recovered them in the meantime?

The wording of the deed edited here, although in Irish, follows the usual form of conveyances in Latin or in English at this period. The only original feature that one can perceive is the inclusion in the recital of ‘nest of hawks [i.e., goshawks] and merlins’, and of honey, another forest product. It is very unlikely that the goshawk, a bird of deep forest, and much in demand by falconers, ever nested in these lands, although we know that they did in the woods of O Hanly’s Country, near the Shannon.⁵¹ The lands which figure in the deed lay in the modern townlands of Lissacurkia, Corrareagh and Corragarve, in Kilcooley Parish and in the Barony of Roscommon, County Roscommon.⁵²

TEXT

The following is the text of a conveyance of two half-quarters (99 Irish acres) of land in the parish of Kilcooley, Co. Roscommon, from Aodh mac Cairbre mheic Thoirdealbhaigh Uí Chonchobhair of Tuillsce to Richard Lane of Béal Átha Uachtair, dated 12 November 1622. It occurs as an unnumbered document in The National Archives (Masters’ Exhibits) C. 106/153 (box 2). The text is written on a leaf of folio paper that was subsequently folded three times along its short edge. As with similar Irish deeds of the early seventeenth century,⁵³ words and letters have been lost from its periphery due to folding and to general wearing.

In the reproduction of the text below proper nouns are capitalized, scribal contractions are expanded in italics, and lost words and letters are supplied within square brackets. The arrangement of lines adheres to that of the original document, line-numbering being editorial; the equal-sign represents the scribe’s horizontal double-hyphen where words are broken at the end of lines (lines 3, 10 and 16).

The language is Early-Modern Irish, of a standard to be expected of Maoileachlainn Modartha Ó Maoil Chonaire, signatory (line 23) and – based on his signature – also the scribe. A brother of Flaithrí Ó Maoil Chonaire, Maoileachlainn was named by Míchéal Ó Cléirigh as one of four contemporary scholars ‘most expert and learned in the knowledge of difficult Irish’.⁵⁴ Borrowings of legal expressions and vocabulary, remarked on in the notes, reflect the indebtedness of the document to English common law.

⁵¹D’Arcy (1999: 85–90); Nicholls (2001: 183–4).

⁵²The authors are indebted to Luke O’Donoghue for his help in preparing the typescript of this paper.

⁵³E.g. Mac Niocaill (1970: nos IV–VI); Ó Macháin (2004: Deed II).

⁵⁴‘ona maighistreibh do ba foirtille 7 dobadh foghlamtha an eolas chrúais na gaoídhilge inar laithibh féin’, Ó Cléirigh (1643: 3).

Noteworthy orthographic features are few, with the exception perhaps of *u* (lines 1, 18, 19) and *hs* (lines 2, 6, 12, 16, 18) representing initial *bh* (eclipsis) and *sh* respectively.

Transcription

1. Bódh a fhios ag gach áon léighfius et éistfeas an sgríbheann go ufuilimsi
Ao[dh]
2. mac Cairbre Uí *Conchobhair* o Thuillsce duine uasal do hSlíocht Feilim
Chleirigh
3. ag tabhoirt leithcheathramhan Leasa an Nid *dar* ab ainm oile
leithcheathramha na Corr=
4. rátha is an Chorraidh Gairbh et leithcheathramhan a leathbhaili Leasa an
Choirce 7 Lis na
5. Túaidhe úaim féin 7 óm oidhridhibh go bráth do Risdeard Láne ó Bhel
Átha Úachtair
6. duine úasal. et dá oidhridhibh et dá hsidginoidhridibh go bráth itir mhín et
aimhrei[dh]
7. et sraith feoir thirim 7 inbhear éisc et ceann muilinn et mil 7 nead
seabhui[c]
8. et meirillíúin et gach uili ní as gnáth do bheith ar fhearann fa thalamh et ós
9. cionn talmhan don mheid bhías a leanmhoin an fhearoinnsi díobh an
fearann go
10. síorraidhi et na sochoirsi go brath do beith ag Risdeard Láne et agá oidh=
11. ridhibh et do dhéna misi Aodh mac Cairbri meic Toirrdhealbaigh mo
thiotal féi[n]
12. et tiotal 7 tabhortas mathor et mo hseanathor do dhíon et do hseasamh 7 do
13. bharántas go bráth do Risdeard Láne et dá oidhridhibh an aghoidh gach
14. uile dhuine do aigeóradh ar dtiotal nó ar dtabhortas et dá bhríogh
15. sin ataim ag déanamh turnoidhe am ainm et am ionad féin do Bhrían mac
16. Seamois Uí Fhearghoil ré fódaibh seilbhe an dá leithcheathramhansa do
hseach=
17. adadh go sóthóilte do Risdeard Láne et do dhaingniughadh an sgríbhinn
18. atáimsi Aodh mac Cairbri ag cor mo láimhe et mo hséla air a ufiadhnoisi
na
19. ufiadhan chuirfius a lámha ar an dinntiúr .12. Nouimbér .1622.
20. Beinge present at Aodh mac Cairbri Uí *Choncobhair* [a lámh]
21. the sealeinge & et a hséla
22. deliveringe hereof
23. Maoile[ach]lainn modartha Ó M[aoil] *Conairi testis*
24. Diarmuid mhac
25. Mhaoiltuile testis
26. John Conry
- [in dorso:] Hugh mc Carbery o
- conors conveyance to
- mee

Translation

Let all who shall read and hear the document know that I, Aodh son of Cairbre Ó Conchobhair from Tuillsce, gentleman, of the *sliocht* of Féilim Cléireach, am giving the half-quarter of Lios an Nid, which is otherwise known as the half-quarter of An Chorr-ráith and of An Corrach Garbh, and a half-quarter in the half-townland of Lios an Choirce and Lios na Tuaidhe, from myself and my heirs forever, to Richard Lane from Béal Átha Uachtair, gentleman, and to his heirs and assigns forever: both level and uneven land, and meadow of hay, and fish-inlet, and mill-site, and honey, and nest of hawk and merlin, and every single thing commonly found on land, below ground and above ground, however many of them shall pertain to this holding; the land in perpetuity and these benefits forever to be possessed by Richard Lane and his heirs.

And I myself, Aodh son of Cairbre son of Toirdhealbhaich, shall protect and safeguard and warrant my own title and the title and power of alienation of my father and grandfather for Richard Lane and for his heirs forever against every single person who would contest our title or our power of alienation.

And therefore I am appointing Brian son of Séamus Ó Fearghail as attorney in my own name and in my stead in order to deliver the ‘sods of possession’ of these two half-quarters peaceably to Richard Lane.

And to confirm the document I myself, Aodh son of Cairbre, am putting my hand and seal on it, in the presence of the witnesses who shall sign the indenture. 12 November 1622.

Being present at	Aodh mac Cairbri Uí Choncobhair his hand
the sealing and	and his seal
delivering hereof	
Maoileachlainn Modartha	Ó Maoil Chonairi witness
Diarmuid Mhac Mhaoil Tuile	witness
John Conry	

NOTES

1. *gach áon léighfius et éistfeas*: This opening formula reflects the language of charters (cf. Flanagan 2005: §§12–15) and occurs in a number of Irish legal documents, e.g. *LMLDI* D16 and D22; Hardiman (1828: nos XXII, XXVII (*éisdfeas* only), XXX (*léighfeas* only), XXXIV, XXXVIII (*éisdfeas*, *léighfeas agus tuicfeas*)); Mac Niocaill (1970: nos IV, VI, VII (*éisdfeas* only)).

1–2. *Aodh mac Cairbre Uí Chonchobhair*: Hugh McCarbery/mcCarburie O’Connor, whose ancestry is set out in the introduction.

2. *Thuillsce*: Tulsk, par. Ogulla, bar. Roscommon, Co. Roscommon.

2 and 6. *duine uasal*: In the Irish deeds this term conveys the meaning of ‘gentleman’, a broad, undefined title of social status (‘nobleman’ in English usage was restricted to members of the peerage) sometimes indicating that the person referred to, or members of his family, were or had been landowners.

hSliocht Feilim Chleirigh: The sept – a term developed in English specifically to translate *sliocht* (KWN) – descended from Feidhlimidh Cléireach Ó Conchobhair, who died in 1410/11, as explained above. A *sliocht* (the equivalent of earlier *fine*) comprised the descendants of a common ancestor who shared a corporate identity (KWN).

3. *leithcheathramha*: The acreage of the *ceathramha*, one quarter of a *baile* (*fearainn*), varied considerably throughout Ireland, and even within counties (Simmington 1949: xxxvii–xxxviii). In the present case we are fortunate in that the extent of the *leathbhaile* (two *ceathramhna*) mentioned in this text (note to line 4 below) is given in the *Books of survey and distribution* for Roscommon as 198 plantation (or Irish) acres (Simmington 1949: 76). Thus the conveyance of two *leithcheathramhna* or half-quarters in this deed is the equivalent of 99 Irish acres. In Roscommon the Irish acre was 7,840 square yards, 3,000 square yards in excess of the statute acre (KWN).

Leasa an Nid: Lios An Nid (referred to as ‘Lissenoyde’ above) appears not to have survived as a placename, but the text tells us that it was an alternative name for the half-quarters of *An Chorr-ráith* (possibly Correagh, par. Kilcooley, bar. Roscommon) and *An Corrach Garbh* (Corragarve, par. Kilcooley), which bounds Correagh on the west.

4–5. *leathbhaili Leasa an Choirce 7 Lis na Túaidhe*: In the *Books of survey and distribution* (Simmington 1949: 76) ‘Lisrkey *alias* Lisneato’ is cited as containing two quarters: a *leathbhaile* in other words. Lios an Choirce is Lissacurkia (par. Kilcooley, bar. Roscommon, Co. Roscommon), approximately two miles south-west of Corragarve; its alternative name (referred to in the inquisition on George Lane above as ‘Lisnatwoy’) may not have survived into modern times.

5. *Risdeard Láne*: Richard Lane of Tulsk (c. 1591–1688), father of George, the founder of Lanesborough, Co. Longford. Details of his life are given above.

Bhel Átha Úachtair: Ballyoughter (referred to in the Lane Papers as Bealawoghte and Bealahoghter (see above)) in the townland of Lurgan, par. Shankill, Co. Roscommon (Ó Riain et al. 2005: 96); cf. Pender (1939: 573); to be distinguished from Ballyoughter in Ballaghaderreen, par. Kilcolman.

6. *hsidginoidhridibh*: *sighineighre*, *sighinoighre* ‘an assign’ does not appear in *DIL*, yet, with variant spellings, it occurs frequently in the legal deeds, e.g.: *LMLDI* D22; Hardiman (1828: nos XXI, XXII, XXX, XXXIV, XXXVIII, XXXIX); Mac Niocaill (1970: no. VII). The variant form (plural only) *signibh* occurs in Hardiman (1828: no. XXI) and Mac Niocaill (1970: nos II and V), while *signaidhe* is also found in Mac Niocaill (1970: no. V).

6–8. The listing of the appurtenances and benefits (*sochair* line 10) of the land being conveyed is a feature of some deeds, where the lists have a formulaic, all-encompassing aspect, not necessarily reflective of actual features of the property. That in *LMLDI* D22 is representative: ‘ideir fhér agus ithir, ideir chré agus choill, idir riasg agus mhóin agus mílleach, idir muilend agus abhallghort, idir áitiughadh agus fhoirgneamh’. Other formulas also include water and fishing: see Hardiman (1828: nos XXII, XXX, XXXIV, XXXVIII). As remarked already, in the present instance the inclusion of *nead seabhui[c] et meirilliúin* is unusual, as is that of honey. (Honey as a means of payment is recorded in a Latin indenture of 5 May 1520 between the Earl of Kildare and Edmund Duff of Í Chinnseallaigh, at a rate of 16d per gallon: TCD MS 9827/1 (KWN)).

7. *sraith*: generally denotes a meadow located near to a river (*DIL* s.v.), which aligns it with the two items that follow: *inbhear éisc et ceann muilinn*.

feoir thirim: Apart from the present instance, the earliest known attestations for this term for hay appear to be those in the near-contemporary *Trí Bior-Ghaoithe an Bháis* (Bergin 1931: ll. 3798–3808, 5381–2). Kelly (1997: 46–7) refers to the absence in Irish of a term for hay in the pre-Norman period.

ceann muilinn: Literally ‘the head of a mill’, the term occurs in a gloss to the legal text on millraces, *Coibnes Uisci Thairidne* (Binchy 1955: 70, §12); Binchy (p. 57) suggested it is to be equated with *cennáit muilind* ‘the head (site) of a mill’ (p. 77, §IV), followed by Gearóid Mac Eoin (1982: 17).

8–9. *fa thalamh et ós cionn talmhan*: This expression also occurs in Hardiman (1828: nos XXXVII and XXXVIII), reflecting the principle referred to in the maxim ‘cuius est solum, eius est usque ad coelum et ad inferos’ (Wylie 1975: 152).

12. *tabhortas*: Gift of freehold, power of alienation; cf. *LMLDI* D7, D20, D24.

12–13. *do bharántas*: For the quasi-verb-noun function of *barántas* here, compare ‘do sheasamh, do bharantas, do chothughadh agus do chosaint’ (Hardiman 1828: no. XXXVIII). Aodh undertakes to defend his ancestral title to and power of alienation of the lands being conveyed against anyone who might subsequently challenge that title and power by, it is implied, asserting a prior claim against the lands.

15. *turnoidhe*: (cf. *aturnae* *LMLDI* D22, *tonaeiri* D11, *turnibh* D20) This is not a trained legal official but merely someone appointed to act as an agent or representative, in this case for Aodh mac Cairbre in the specific matter of formally handing over the property. The agent for such a task was otherwise known as the *báille seilbhe* ‘bailiff of seisin’ (*LMLDI* D22, Hardiman (1828: nos XXVIII, XXX) and Mac Niocaill (1970: nos IV and VI)). It is noteworthy

that no mention is made of Aodh mac Cairbre receiving consideration (*díolaidheacht LMLDI D24*, Hardiman (1828: no. XXXIX)) for the property.

15–16. *Brian mac Seamois Uí Fhearghoil* has not been identified.

16. *fódaibh seilbhe*: The phrase ‘fód seilbhe/sealbha’ occurs a number of times in bardic poetry in contexts that suggest, as here, outright ownership or freehold: McKenna (1939, 1940: 71.13, 32); Ó Donnchadha (1931: XXIII.33–4; Mhág Craith (1967, 1980: 16.2); Ó Raghallaigh (1938: 153, q. XXVI); cf. also Plummer (1968: I, 272.11) (translated ‘sod of possession’ in Plummer (1968: II, 264)) and ‘Gheobhainn léighse is fód sealbha air na mílte acra talaimh’, cited from Séamus Dall Mac Cuarta in *Corpas*. The term may derive from the medieval practice of Feoffment with Livery of Seisin: ‘This form [of conveyance] involved ceremonial action by the parties to the conveyance; they had to enter physically upon the land to be conveyed and the grantor (feoffor) had to deliver (hence ‘livery’) the seisin to the grantee by some symbolic act, such as handing over to him a sod of earth’ (Wylie 1975: 80–81).

18. *mo hséla*: The document shows no sign of having had a seal attached to it.

19. *dinntiúr*: Formal, chirographic indentures are rare among the corpus of Irish deeds: *LMLDI* 19 (NLI MS 18,997) and Mac Niocaill (1970: no II) (NLI MS G 983/3) are examples. Three citations of the word are given in *DIL* (s.vv. *dintiúr*, *deinntiúr*) and others will be found in Hardiman (1828: nos III, XII, XXVII), Mac Niocaill (1970: nos II, IV), and *LMLDI* D11, D19, D22.

23. *Maoileachlainn Modartha*: Scribe of the deed, and brother of Flaithrí Ó Maoil Chonaire (Walsh 1947: 61–2; Hazard 2010, 2015); ‘John Conry’ (l. 26) may also have been a relation.

24–5. *Diarmuid Mhac Mhaoil Tuile*: Probably a member of the Roscommon family of medical scholars (Nic Dhonnchadha 2016: 120; Ó Muraíle 2016: 102); possibly to be identified with the ‘Dermot M’Moeltwly of [Cloyfenlagh = Cloonfinlough, bar. Roscommon] surgeon’ recorded in July 1585 (*Fiants of Elizabeth*, §4741). As the signatures on this document suggest, the participation of members of the learned families – as scribes, agents or witnesses – in these legal records was commonplace; the documents from the Inchiquin Archive are representative: Mac Niocaill (1970: nos II and V (Mac Bruaidealha), III (Mac Cruitín), VI (Ó Maoil Chonaire), VII (Ó Maoil Chonaire and Mac Fhlannchadha)).

ABBREVIATIONS

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| <i>A.Conn.</i> | <i>A. Martin Freeman, Annála Connacht: the Annals of Connacht (A.D. 1224–1544) (Dublin, 1944).</i> |
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ALC	William M. Hennessy, <i>The Annals of Loch Cé. A Chronicle of Irish Affairs from A.D. 1014 to A.D. 1590</i> , 2 vols (London, 1871).
Cal. Ir. Patent Rolls James I	<i>Irish patent rolls of James I: facsimile of the Record Commissioners' calendar prepared prior to 1830</i> (Dublin, 1966).
Corpas	Corpas Stairiúil na Gaeilge 1600–1926 (http://corpas.ria.ie/).
Fiants of Elizabeth	<i>The Irish fiants of the Tudor sovereigns during the reigns of Henry VIII, Edward VI, Philip & Mary and Elizabeth I</i> , 4 vols (Dublin, 1994) II–III.
KWN	Kenneth W. Nicholls
LMLDI	<i>Late Medieval Legal Deeds in Irish</i> (https://sites.google.com/site/irishlegaldeeds/).
Misc.IAS	<i>The Miscellany of the Irish Archaeological Society</i> , vol. 1 (Dublin, 1846).
NAI	National Archives of Ireland.
NLI	National Library of Ireland.
ODNB	Oxford Dictionary of National Biography (https://www.oxforddnb.com/).
TNA	The National Archives (Kew, London).

BIBLIOGRAPHY

- BERGIN, OSBORN 1931: *Trí Bior-Ghaoithe an Bháis: Séathrún Kéitinn do Sgríobh* (Dublin).
- BINCHY, D. A. 1955: 'Irish law tracts re-edited', *Ériu* 17, 52–85.
- BUTLER, W. F. T. 1917: *Confiscation in Irish History* (Dublin).
- D'ARCY, GORDON 1999: *Ireland's Lost Birds* (Dublin).
- FLANAGAN, MARIE THERESE 2005: *Irish Royal Charters: Texts and Contexts* (Oxford).
- FREEMAN, A. MARTIN 1936: *The Compossicion Booke of Conought* (Dublin).
- HARDIMAN, JAMES 1828: 'Ancient Irish deeds and writings, chiefly relating to landed property, from the twelfth to the seventeenth century, with translations, notes, and a preliminary Essay', *Transactions of the Royal Irish Academy* 15, Antiquities, 3–96.
- HAZARD, BENJAMIN 2010: *Faith and Patronage: The Political Career of Flaithrí O Maolchonaire c. 1560–1629* (revised ed., Dublin and Portland).
- , 2015: 'Flaithrí, Fírbisigh and Maoileachlainn: three Uí Mhaol Chonaire brothers in the late sixteenth and early seventeenth centuries', in Emer Purcell, Paul MacCotter, Julianne Nyhan, and John Sheehan (eds), *Clerics, Kings and Vikings: Essays on Medieval Ireland in Honour of Donnchadh Ó Corráin* (Dublin), 209–16.
- KELLY, FERGUS 1997: *Early Irish Farming: A Study Based on the Law-Texts of the 7th and 8th Centuries AD* (Dublin).

- MAC EOIN, GEARÓID 1982: 'The early Irish vocabulary of mills and milling', in B. G. Scott, (ed.), *Studies on Early Ireland: Essays in Honour of M. V. Duignan* (Belfast), 13–19.
- McKENNA, LAMBERT 1939, 1940: *Aithdioghluinn Dána: A Miscellany of Irish Bardic Poetry*, 2 vols, ITS 37, 40 (Dublin).
- MACLYSAGHT, EDWARD 1978: *Changing Times in Ireland since 1898* (Gerrards Cross, England).
- MAC NIOCAILL, G. 1970: 'Seven Irish documents from the Inchiquin Archives', *Analecta Hibernica* 26 (1970), 45–69.
- NIC DHONNCHADHA, AOIBHEANN 2016: 'The Irish *Rosa Anglica*: manuscripts and structure', in Liam P. Ó Murchú (ed.) *Rosa Anglica: Reassessments*, ITS Subsidiary Series 28 (London), 114–97.
- NICHOLLS, KENNETH 2001: 'Woodland cover in pre-modern Ireland', in Patrick J. Duffy, David Edwards and Elizabeth Fitzpatrick (eds), *Gaelic Ireland: Land, Lordship and Settlement c. 1250–c. 1650* (Dublin), 181–206.
- Ó CLÉIRIGH, MÍCHÉAL 1643: *Foclóir na Sanasan nua in a mínighthear cáil eigin dfoclóibh cruaidhe na gaoidheilge* (Lobháin).
- Ó DONNCHADHA, TADHG 1932: *Leabhar Cloinne Aodha Buidhe* (Baile Átha Cliath).
- Ó HINNSE, SÉAMUS (ed.) 1947: *Miscellaneous Irish Annals (A.D. 1114–1437)* (Dublin).
- Ó MACHÁIN, PÁDRAIG 2004: 'Dhá théacs dlí', in John Carey, Máire Herbert and Kevin Murray (eds), *Cín Chille Cúile: Texts, Saints and Places: Essays in Honour of Pádraig Ó Riain* (Aberystwyth) 309–15.
- Ó MURAÍLE, NOLLAIG 2016: 'The hereditary medical families of Gaelic Ireland', in Liam P. Ó Murchú (ed.) *Rosa Anglica: Reassessments*, ITS Subsidiary Series 28 (London), 85–113.
- Ó RAGHALLAIGH, TOMÁS 1938: *Filí agus Filidheacht Chonnacht* (Baile Átha Cliath).
- Ó RIAIN, PÁDRAIG, Ó MURCHADHA, DIARMAID and MURRAY, KEVIN 2005: *Historical Dictionary of Gaelic Placenames: Foclóir Stairiúil Áitainmneacha na Gaeilge*, Fascicle 2 (*Names in B-*) (London).
- PENDER, SÉAMUS 1939: *A Census of Ireland circa 1659* (Dublin).
- PLUMMER, CHARLES 1968: *Bethada Náem nÉirenn: Lives of Irish Saints Edited from the Original MSS*, 2 vols (corrected reprint, Oxford).
- SIMMINGTON, ROBERT C. 1949: *Books of Survey and Distribution Being Abstracts of Various Surveys and Instruments of Title, 1636–1703, Vol. I: County of Roscommon* (Dublin).
- WALSH, PAUL 1947: *Irish Men of Learning: Studies by Father Paul Walsh* (ed. Colm Ó Lochlainn, Dublin).
- WYLIE, J. C. W. 1975: *Irish Land Law* (London).

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