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Sir Cormac McTeige MacCarthy and the Sept Lands of Muskerry, Co. Cork; with a Historical Pedigree.

BY HERBERT WEBB GILLMAN, B.L., J.P.

(COUNCIL MEMBER.)



ROMINENT in that period of the history of Muskerry, co. Cork, which lies between the time of clan government with its common tenure of land by the sept, and the time when this system was breaking down under the persistent pressure of the policy of the Crown, and when the tenure of lands was becoming fixed in private hands, stood the figure of Sir Cormac McTeige MacCarthy, knight *ex officio*, and the fourteenth lord of Muskerry. He was the second son of Teige McCormac Oge MacCarthy, eleventh lord, who died in 1565, and was succeeded by his tanist, a brother, Callaghan, twelfth lord, for a month; and on the latter's death, by the next in blood, Teige's own eldest son, Sir Dermot McTeige, thirteenth lord, who held the lordship till his death in 1570. Dermot's next brother, Sir Cormac McTeige, then at once obtained the lordship, and held it through a most eventful period up to his death in 1583. He was then succeeded, for one year, by his next surviving brother, Sir Callaghan McTeige; and it was not till the resignation of this latter that Cormac (Mor) McDermot MacCarthy, son of the thirteenth lord, and nephew of Sir Cormac McTeige, came in 1584 as sixteenth lord to the lordship. It will be seen from this statement, and the annexed pedigree, that all these devolutions of office followed strictly the rule of the tanist law, the lordship passing by lateral succession from brother to brother, or to the eldest in years of equal blood, subject to the decision of certain

hereditary officers as to the person entitled to succeed, and subject also to the approval of the whole clan according to that law.

The last two recited successions, however, namely, those of Sir Callaghan and Sir Cormac (Mor), though following the rule of tanistry, took place in defiance of agreements made by Sir Cormac McTeige with the Crown in pursuance of the policy before mentioned, and constituted one of the instances of the temporary failure of that policy; and the object of the present paper is to trace, in sufficient detail, the course of the changes initiated in Sir Cormac's time, which eventually led to the end contemplated by the government, and to show the effect which those changes exercised on the lands of Muskerry—a large and important district of our county. It is possible, now at length, to write fully this portion of our native history, which was briefly sketched in a former part⁽¹⁾ of the present volume, for there has lately been added to the invaluable documents preserved in the Public Record Office, Dublin,⁽²⁾ an official copy of the long-sought will of the

(1) pp. 30, *et seq.*

(2) The writer takes this opportunity of expressing his opinion that the greater part of our County Histories in Ireland can be, and indeed ought to be, rewritten in the light of the documents of late made readily available in this office. It is a department of which any nation might be justly proud; and the work done in arranging, indexing and editing by the able officers engaged there, as well as their courtesy and ready help, afforded freely to all comers, are beyond praise.

famous Sir Cormac McTeige, hitherto only partially available in a few extracts from it that are in print. The subsequent history of the district, and the origin of many well-known branches of the lordly line of the MacCarthys, flow mainly from the provisions of this will.

Prior to, and during half of the period of this lord's rule, property in all the lands occupied by the sept of the MacCarthys of Muskerry was vested in the sept itself, each man thereof being entitled according to his proved genealogy to the use and occupation of his assigned portion of the tribe land during his life, yielding certain well-understood services to his chief; and the chief himself, while holding office and by right of his office, had the occupation and use of the strongholds of the clan either personally or through appointed members of his family, and had also the usufruct of certain lands set apart for the ruling lord. These on his death passed with the lordship to his successor, who was often not his son. The land, in fact, belonged to the whole tribe in common, and not to separate proprietors. For example, it may be seen from the historical pedigree⁽³⁾ hereto annexed that in 1567, while Sir Dermot was lord and holding Blarney Castle as his residence, his next brother and tanist (or successor presumptive), Sir Cormac, held post at Carrignamuck; and, again, on the latter obtaining the lordship in 1570, and moving to Blarney, his then tanist, his next brother, Donal, resided at Carrignamuck, while the next youngest brother, Callaghan, is found at Castlemore, but afterwards at Carrignamuck as tanist after Donal's fall in battle in 1580. These changes of occupation are evidenced by the fiant of Elizabeth's reign preserved in the Public Record Office, and they show the tenure as dependent on office. The pedigree shows further that it is only after Sir Cormac's time that we hear of "heirs," or of members of the family being known by their residences, as, *e.g.*, Teige of Ballea, or, Donogh of Courtbrack and Mournie. This change was brought about by the system begun under Henry VIII. in other parts of Ireland, and persistently

carried out in Muskerry under Elizabeth and James I.—the system of "surrender and re-grant." Under this, the chief was assumed to be the sole proprietor of the soil, though, in Celtic law, it belonged to the tribe at large; he then "surrendered" this land into the hands of the Crown, and immediately a "re-grant" thereof was made to him and his heirs to hold as private property. Chieftain after chieftain in Ireland was won over to acceptance of this system by persuasion, by menaces, and often by heavy bribes, as will be seen presently in the case of Muskerry. The chief profited, of course, greatly by the change: his authority over his tribesmen was left untouched, the soil became legally his own property, subject to rights of occupancy of the "tenants" who were now becoming in consequence more or less fixed; and the only condition was a pledge to be loyal to the Crown, and to abstain from illegal wars and exactions; and the lands of the suppressed abbeys and of attainted persons were freely gifted as bribes to the chieftains. The tribesmen seem to have tacitly fallen in with the change, which, however, illegally introduced, led to private ownership and consequent improvement of the land, and gradually to the cessation of inter-tribal wars.

The following details of this system, as carried out in Muskerry, will now be readily understood, and as the subsequent history of the lands of the district depends on its adoption, it is desirable to quote the official documents in full. Sir Cormac became lord in 1570. He was a man, bold, clever, and, also, it must be confessed, unscrupulous, as appears from his dealings with his first "wife," so-called, Ellen MacCarthy, his own first-cousin, whom he married ("used" is the cruel word in his will) when the wife of another man, and afterwards coolly put away when he entered on a more ambitious marriage. From the outset he adhered to the interests of the Crown, and was repeatedly made sheriff of his county—a very important post at the time. Next, in 1577, came the royal grants, really bribes, the first on 20th September of that year, a minor one of the lease⁽⁴⁾ to him "of the site and possessions of the house of friars minors of Kilcrea, co. Cork, in Muskrey Country. To hold for 21 years. Rent 13s. 4d. Not to alien without licence. Fine 13s. 4d." This is the

(4) Fiant No. 3114, 20 Sept., xix. Eliz.

(3) The authorities from which this pedigree is compiled are stated in the note subjoined thereto. Though not exhaustive of the members of the family from 1380 to 1640, it contains more than enough to elucidate the present subject.

well-known abbey near Castlemore, parish Moviddy. But the second and much larger bribe soon followed. On the 6th of the next month⁽⁵⁾ there came a —

"Grant (under queen's letter 22 May sixth Eliz.) to Sir Cormac McTeig MacCarthy, of the whole preceptory of Morne *alias* Manymonye *alias* Manister ne Monye,⁽⁶⁾ Co. Corke, land in Morne, Kilcowan, Tynekerragh, and Garirelagh, Co. Cork, the rectories of Ardsbye, Kylcorne, Grannagh, Garriclone, the rectory of Kylmory, Teamplenetage *alias* Teamplematehie and Cloneth *alias* Clonrehidie, the rectories of Kylmoghilla *alias* Kilbrogan, Mocrompy, Balliburney *alias* Ballivorney, Inchegeinlaghe *alias* Inchegeyglagh, Agheris, Clonedrohid, Moviddy, Carrigrowghanbeg, Whitechurch *alias* Teamplegeoll, Kytanny, Moalla, portion of the tithes in the Navy *alias* Wona *alias* Backhouse, the rectory of Kilvoyle *alias* Kilbayllie and Killomney *alias* Kilnehomney, the rectories of Shangary in Imokell, Rostelan in Imokell, Grange, and Clommyne, possessions of the said preceptory, of the possessions of the late Hospital of S. John of Jerusalem in Ireland. The manor and castle of Clowghan,⁽⁷⁾ Co. Cork, and three carucates of its demesne lands, and half a carue of land in Ballicoman, possessions of Donald McCormac MacCarthy, of Clowghan in Carby, Co. Cork, attainted. The site of the house of friars of the order of S. Augustin near Cork, a third of a mill in Dowglas near the city, and the tithes of the mill. The site of the abbey and the town of Innislawnaght *alias* Ennislawnaght *alias* Innislanaghe, Cos. Tipperary and Waterford, the demesne lands in Innislawnaght, mountain and common of pasture in Co. Waterford of the demesne lands, messuages, land, 2 watermills, 3 eel weirs, one salmon weir, one little island with a garden, belonging to the abbey, the lands of the Grange of Innyslawnaght, Co. Tipperary, Ballyorcle *alias* Ballyorley, Kilmalashe, Loghkeragh *alias* Loghtikeraghe, Grangeherweye, Kilmaveighe *alias* Kilmavie, with the tithes of Kilmaveigh, same co., a messuage and garden in Clonmell at the west gate of the town, the rectory of Innyslawnaght with the tithes thereof, Grangehervie, the Grange of Innyslawnaght, Ballyorcle, Kilmalashe, and Loghkeraghe, the manor of Kilmack, the lands in Kilmack *alias* Killnemack, Co. Waterford, the rectory of Glanwydan, same co., the lands of Curraghne-managhe, Grenan, Insemore, Kilmoghhome, Minck, Dromcure, Kynaine, Knockenecarragh, the marsh land and weir of Glanbane, and all lands within the limits of the castle and town of Killmahue on the west, and the limits of the burgh of Clonemell on the east, and the

mill field, the Dean field, the high field, and the field of Clonemell, and the mill of Typperhenye and Lemlessemolleran, cos. Waterford and Tipperary. To hold in tail male, in common socage. Rent £40—viz., for Morne £13, for Cloughane 43s. 4d., for the friary 16s. 8d., and for Innyslawnaght £24. 6 Oct. xix."

All this was an enormous bribe; and that it had to do with the "surrender and regrant" policy is clear. Sir Cormac had, in September, 1577, already surrendered the sept lands into the queen's hands; and the very letter of her majesty, which authorized the above gift, authorized also the re-grant of the sept lands to this chief personally. The patent passed on 20th July, 1578; but the date of the royal letter appears in the first line, and is that before quoted. The fiant⁽⁸⁾ runs as follows:—

"Grant (under queen's letter, 22 May, sixth Eliz.) to Cormac McTeige MacCarthy, of the Blarney, Co. Cork, knt., of the whole country of Muskrie, and the territories of Iveleary, Tuonedromyn, Iflanlo, Tuonerouskaghe, Clanconoghor and Clanfynine, the manors of Blarney, Kilkrea, Mocrompe, Castellmore by Movyddy, Carrignamuck, Carrigadrohid, Downyne, and Ineskean," the lands of these manors, and "Kilnehomney, Kielvillie, Ballyvantane, Balliworoughow, Garranwaterig, Garrihestie, Ballea, Knockyogogaine, Ballihulin, Balligarvan, Kilnemartie, Downedearegrek, Carricknegeilaghe, Carricknecorrie, Annaghalie, Kilmorry, Kilvyhile, Kilbarry, Kilshensham, Cloghda, Ballinoa, Inshiali, Agglis, Mohallaghe Rwe, Knockardbleaghtane, Knockshanvoy, Cloghroe, Knockykhiriell, Cwifflughe, Kilinamuckie, Killineovearo, Mathehy, Teawir, Ballincraney, Garrandarraghe, Downaghmore, Ballywornie, Keanyvie, Aghibolig, Karrikippane, Corryworroughow and Cloghines, and the patronage of the churches of Knocky-villie, Kilvenan, Moviddy, Aghinagh, Mocrompe, Clonedrohid, Kilcorny, and Kilcoleman, all in Co. Cork, being in the queen's hands by virtue of his surrender dated 8 Sept., xix. To hold for life, remainder to Lucas Dillon, of Moymet, Knt., Nicholas Walshe, of Waterford, Esq., Peter Butler,⁽⁹⁾ of Grallaghe, Co. Tipperary, Esq., and Edm. Butler, of Callan, co. Kilkenny, gent., their heirs and assigns for ever, to the use of the will of Cormac. To hold by the service of one Knight's fee. Rent, two hawks or £6 13s. 4d. Saving to all subjects of the English nation their rights by English law and not by Irish tenure. 20 July xx."

By this grant, therefore, the whole "country of Muskerry," i.e., the lordship, and the land-

(5) Fiant No. 3121, 6 Oct. xix. Eliz.

(6) Specially devised in Sir Cormac's will, *infra*.

(7) The writer identifies the castle with that afterwards named Lissangle, by the river 'Ilen, north of Skibbereen.

(8) No. 3373. 20 July, xxth Eliz.

(9) Father of Joan, Sir Cormac's "lawful wedded wife."

lordship of the lands, as well as the proprietorship of the manors, and lands, etc., specially mentioned, passed to Sir Cormac for his life with power to dispose thereof by will. Tanist devolution was ignored. Cormac's will, consequently, becomes here of the greatest interest for Muskerry history, and, as before stated, a full copy of it can now be given. Sir Cormac acted fully up to his powers of disposal, but it will be seen in the sequel that although some of his bequests effected their object, the limitations of the lordship and the lands to his own issue failed because a later lord himself also adopted the policy of "surrender and re-grant," and thus defeated that provision of Sir Cormac's will. The will *in extenso* is as follows :—⁽¹⁰⁾

"In dei nomine. I, Sir Cormac McTeige, Knight, do make my last will and testament in manner and form following, being of perfect wit and memory, God be praised. First I commit my soul unto Almighty God, and my body to be buried at Kilkrey [with] my ancestors. And I protest before God that Joan Butler is my lawful wedded wife, and that Ellen Barrett was, at the time I used her and before, the lawful wife of James Fitz Morice.⁽¹¹⁾ And so Cormac Oge my son is my lawful and undoubted heir of my body lawfully begotten. Item.—Where(as) there is a patent passed unto me of the manors, castles, towns, lands and tenements of Moycrumoyhe" (Macroom), "Carickedrohid, Castlemore, Blarney and the rest of the castles, towns, lands, hereditaments, lands and tenements of the whole country of Muskerry, with the appurtenances, to hold to me during my life, the remainder after my death to Sir Lucas Dillon, Knight, and others,

⁽¹⁰⁾ The spelling in this copy has been here modernized. The copy is made from a volume lately deposited in the Public Record Office by Dr. Gregg, bp. of Cork, Cloyne, and Ross, a Will-Grant and Registry Book of the Cork Diocese, extending from 1571 to 1612. It is the oldest volume of its kind in Ireland, save one of the Dublin Diocese extending from 1467 to 1483, which latter is about to be edited by Mr. H. F. Berry, M.A., for the Royal Soc. of Antiq. Ireland. The Cork volume contains probate copies of forty wills, nine administrations, and twenty-one other records, such as decrees of divorce, inventories of effects of deceased persons, etc. The names of the parties are generally those of well-known old Cork families. The volume itself appears to have been for some time formerly in Dr. Caulfield's hands, who published extracts therefrom; and it was then probably that Mr. Daniel McCarthy (Glas) was enabled to make the quotations published in his work mentioned in the next note. He gave no reference in quoting, and, indeed, the existence of this volume was generally unknown till quite recently.

⁽¹¹⁾ Daniel McCarthy (Glas), in his *MacCarthys of Gleanmacroim*, pp. 145-6, seeks to identify this person.

to the use of my last will and testament, My will is, for conscience sake, that Kallaghan McTeige, my brother, shall have and enjoy the whole Lordship of Muskerry together with all the manors, towns, and hamlets thereof (except the manor of the Blarney and Toyheny-blarny,⁽¹²⁾ with the appurtenances and the other lands hereafter devised), to have and to hold the said Lordship of Muskerry as aforesaid, and the lands, tenements, and hereditaments thereunto appertaining (except the Blarney and the other lands otherwise devised) unto the said Kallaghan McTeige during his natural life; the remainder after his decease unto my nephew, Cormac McDermot, during his natural life; the remainder after his decease unto my nephew, Teige McDermot, during his natural life; the remainder after his death to my *son and heir*, Cormac Oge, and *his heirs male* of his body lawfully begotten, and to be begotten. And for lack of such issue, or heirs male, the same to remain to my son, Teige McCormac, and the heirs male of his body lawfully begotten, and to be begotten. And for lack of such heirs, the same to remain to the right heirs of my grandfather, Cormac Oge, for ever. Item.—I will that the said Kallaghan, my brother, and the said Cormac, my nephew, and the said Teige McDermot, my nephew, shall, within one month after my death, and before they shall enter into any castle, or other lands devised to them severally, be bound, with other sufficient sureties, to the contentation of Nicholas Walshe, Esquire, Stephen Water, and Donell McOyn illoighey,⁽¹³⁾ gent., or any two of them, unto my sons, Cormac Oge and Teige McCormac, by bond obligatory in the sum of two thousand pounds, to stand to and perform this my last will and testament. And if any of them enter into any of the premises contrary to the effect of this my will, that then the bequests made unto any so entering contrary to my will to be void, and the same to remain to the next in remainder by limitation of the devises herein mentioned. And, performing as aforesaid, to enjoy and have the same, anything formerly appointed to the contrary notwithstanding. Item.—My will is that my said wife, Joan Butler, shall, during her life, have the town, lands and tenements of Kile[bonane], and the rents and profits thereof, with the appurtenances which I gave and assigned as her dower *at the church door*⁽¹⁴⁾ upon her marriage. And beside, my will

⁽¹²⁾ Spelled elsewhere in the will "Twoyheny-blarny," meaning the Tuath (tua), or district of Blarney. Compare Twohclochroo *infra*, the district of Cloghroe. In what follows a reference to the pedigree is advisable.

⁽¹³⁾ Donell McOwen Illoyhey (or MacLoghy) MacSweeny, captain of galloglasses, and then chief warden of Blarney Castle, and father-in-law of Donogh, son of Sir Cormac, and also of Teige McDonal-ny-countey.

⁽¹⁴⁾ This mode of making a marriage settlement by public recital at the church door after the celebration

is that also the said Joan shall have, during her natural life, the lands and tenements of Towoyhney-blarny, and both the Cloghines with the appurtenances. And the keeping and guard of the castle of the Blarney within the grate to be chiefly to Donell McOyn illoyghey, and the coming in and out of Donocke Rwo McShaine I Conill and Richard Fitz Davy Oge, as the men chiefly to be trusted in *the behalf of my said heir*, Cormac Oge, they [to] yield free egress and regress unto my said wife, Joan, and to my children by her, into and out of that castle, and my wife, and children by her, to have all the goods therein as I left the same hereby in presence of Stephen Water and Donell Mc[Oyn] ylloighey, and others, save such shot and powder as is there, which I leave for the warding of that castle *to the behoof [of] Cormac Oge*, aforesaid. And after her death, the said castle and lands, as aforesaid, left to my wife, being the Blarney, Twoyheney-blarny, and Kilebonane, with the appurtenances, to remain to my son and heir, Cormac Oge, aforesaid, and to the [heirs] male of his body lawfully begotten, and to be begotten. And for default of such heirs, to the heirs male of [the] body of Cormac Oge, my grandfather. And for default of such issue to the heirs generals of me, the said Cormac McTeige for ever. And my will is that if my wife, Joan Butler, shall be disposed to marry a husband before the perfecting thereof, she shall make a sufficient lease unto my said son and heir, Cormac Oge, of the castle and Twoyhney Blarney, aforesaid, with the appurtenances and other profits thereof, with reservation of such rent and other services during her life as shall be then awarded unto her by indifferent men to be chosen betwixt them, or in default of their agreement, by Sir Lucas Dillon, Knight, Nicholas Walshe, Esquire, Edmund Butler, Esquire, Stephen Water, and Donell McOyn illoyghey, or by any two of them, or such of them as shall be then living. And in default of her passing of the lease aforesaid before her marriage, her estate then to cease, and the said Cormac Oge is estate with the other limitations aforesaid to be then presently executed. I do leave with my heir male, Cormac Oge, my interest in the Abbey of Ynislaynaghe, beside Clonemell, in the county of Typerary, half my part of the next lands to the Blarney of Twohclochroo, my part of McWilliam⁽¹⁵⁾ is lands, my interest of Cloghan, and of St. Austin's, with all other, my right, title, interest, and estate to Carrighneyfarr,

of a marriage is worth noting, as is also the "custom of Muskerry," mentioned below, of "preferring" the chief's daughters "to good husbands," viz., by a levy on some or all of the tribe lands. Another example of the latter custom is briefly mentioned *ante* p. 35 of this volume.

(15) There are indications that this McWilliam was of the Barretts of Ballinacollig; but the matter needs further investigation.

with the appurtenances, and all other lands attained or *purchased* by me, and not devised by this my will unto any other (save Iniskien to be to Donell McOyn illoighey), to have and to hold to the said Cormac Oge, all the said parcels to him and his heirs male of his body lawfully begotten, or to be begotten. The remainder thereof to my son, Teige McCormac, and his heirs male lawfully begotten, or to be begotten; the remainder to the [right] heirs of my grandfather, Cormac Oge, so as the remainder of my purchase thereof be to Donaghe McCorm[ac] and his heirs male to be lawfully begotten. And till my heir, Cormac Oge, come to full age, my wife Joan Butler, Stephen Water, and Donell McOyn Ylloighey, to levy and tourne⁽¹⁶⁾ the profits of the said lands and the keeping thereof, with my chain of gold I gave the said Cormac Oge, to the best use, for Cormac Oge my son is use, with the keeping of my evidences, writings, and everything belonging to my children by the said Joan. I do leave with my son, Teige McCormac, Bally Ea, Ballygarrywan, and Ballygraney, with the appurtenances, and to his heirs male lawfully begotten, or to be begotten. The remainder to Cormac Oge and his heirs male as aforesaid; the remainder to Donoghe McCormac and his heirs male as aforesaid; the remainder to my right heirs, so as he that shall have the said towns yearly pay 13s. 4d. ster. to Donoghe McTeige McOyn MacCarthy during his life.

"Item.—My will is that the said Donoghe McCormac shall have Moneyster-ney-Moyneyh, according my interest therein upon my blessing to my heir, Cormac Oge, to allow the same, together with Saint John's is Church, parcel thereof, the other half of Cloighroo and the Pluckans, with their appurtenances, to the said Donoghe and his heirs male as aforesaid, the remainder to Cormac Oge and his heirs male as aforesaid, the remainder to the said Teige McCormac and his heirs male as aforesaid, the remainder to my right heirs. Item.—My will is that the said Cormac Oge and Donoghe McCormac do reasonably agree for some rent or other allowance with Fynyn McDermod McOyn, Donoghe McTeige McOyn, and Donoghe McPhelymey, during every their lives for any their challenges to any part of Cloighroo, as Stephen Water and Donell McOyn Ylloighey will award. Item.—My will is that my brother, Donoghe McTeige, shall have the castle of Downyne, and the lands thereof, with the appurtenances, to him and his heirs male of his body lawfully begotten, or to be begotten; the remainder to my son and heir, Cormac Oge, and his heirs male for ever.

"Item.—My will is that the said Kallaghan, my brother, or he of them as aforesaid that shall have the Lordship of the Country of Muskry, shall yearly pay her Majesty, her heirs and successors, such reservation as there is in my patent

(16) Tourne, *i.e.*, *attorn*, to act as attorney over.

aforesaid by a caste of hawks or the rent reserved, and also that he the said Kallaghan, or otherwise, as aforesaid, shall prefer my three daughters by Joan Butler, aforesaid—viz., Ellynne ny Cormac, Gilley ny Cormac, and Mary ny Cormac to good husbands, *as the custom of Muskerry is*. And that likewise the said Kallaghan shall take order for my debts as I appointed the same.

"Item.—My will is that if Cormac and Teige McDermot, brethern, my nephews, or any of them, any way do stand in disallowing any part of this my last will and testament, then their interest hereby to be void. And performing and allowing the premises, then my will is that they come to the Lordship of Muskerry as aforesaid, after the death of Kallaghan that they have Carrigmuckey and Castle ney Ynshey⁽¹⁷⁾ during their life, the remainder to Cormac Oge for ever.

"Item.—My will is that all my goods chattel and debts due to me shall be disposed and divided, as, particularly, I told and left with my wife, Joan Butler, Stephen Water, Donell McOyn illoighey, and Sr William Noynyn, priest; and do hereby appoint, ordain and constitute, my wife Joan Butler, Cormac Oge, Teige McCormac, Stephen Water, and Donell McOyn Ylloighey, my executors, still meaning that my brother, Kallaghan, shall answer my debts, and be my only executor to that purpose. In testimony whereof I, the said Sir Cormac McTeige, have subscribed and put my seal the xvi. of June, 1583.

(Sd.) "JESUS MARIA.
CORMWCKE McTEIGE." ○

"This will was signed and allowed by Sr. Cormwcke aforesaid, in presence of us—Joan Butler, Stephen Water, Gulielmus. Noinus.⁽¹⁸⁾ Donell Mc(T)Owen Mcloghy is sign manual."

"Et nos Philippus Goldens, artium liberalium magister, Archideaconus ac officialis generalis Corckagen and Clonen, annexum testamentum sigillo testatoris sigillatum, manu propria ejusdem (ut asseritur) signatum, ac subscriptionibus testium fide dignorum consignatum, notisque in formā premissā exhibitum, approbamus, ratificamus et confirmamus. Administrationem omnium et singulorum bonorum, chattalorum, jurium ac debitorum dicti defuncti supra nominatis executoribus, juxta voluntatem testatoris, damus, concedimus et committimus per presentes. Acceptā prius cautione sufficienti de fideli administratione faciendā et ad verum perfectumque computum et rationem nobis et nostris successoribus reddendam quando et quoties requisiti fuerint. Datum Corkagie sub sigilli nostri et

(17) Carrignamuck, by river Dripsey, and Castle Inch, by river Lee.

(18) Noinus, i.e., "Nunan"; mentioned also at the end of the will.

manus subscriptionis testimonio, nono die Octobris Ao. Dmi., 1583.

(Sd.) "PHIL. GOLDENS, Archid.,
Ac officialis Generalis,
Corckagen et Clonen."

Such is this important document—a large part of the history of Muskerry. The situation on Sir Cormac's death may be thus summed up:—He had the power of disposing by will of two sets of lands—first, those granted to him to hold absolutely by the queen in 1577; and, second, the lands of Muskerry with the lordship, of which latter he could make a legalized disposal under the queen's re-grant of 1578. In the will just quoted he exercised these powers; but the eventual result was far different from what he had planned for his own immediate family. The remainders over of the immense territories of the lordship which he bequeathed to them were dissipated by the same royal hand that had given him the legal right of bequeathing them. At the same time, however, the royal policy proved successful so far as breaking down the tribal common tenure of the Muskerry lands, and assigning them as private property to the lord of that country, subject only to the rights in English law of the occupiers as tenants. How these results were brought about will appear from a few further details, which show also how the carefully-laid plans of an able and astute man ended in vanity.

Sir Cormac's will, made in exercise of the vast powers just referred to, begins by reciting the patent passed to him in 1578 for "the whole country of Muskerry," which he defines as the manors, castles, towns, lands, hereditaments, and tenements thereof, with their appurtenances, and he at once bequeaths these (with some exceptions, to be mentioned presently), with the whole "Lordship of Muskerry," to his next brother, his *tanist*, Kallaghan, *for life*, with remainder on his death to the latter's *tanist* (see PEDIGREE), the testator's nephew, Cormac McDermot MacCarthy, also for life, and after him to this latter's *tanist* and brother, Teige McDermot MacCarthy, also for *his life*, with remainder finally to the testator's own "son and heir, Cormac Oge," and the *lawful heirs male of his body*. In this Sir Cormac adhered, for conscience sake, as he says, to *tanist* succession through three lives, after the termination of which, however, his conscientious feelings induced him to go

no further in that direction, for he then tied up the lordship and lands strictly to his own heirs for ever. What happened next was this:—Callaghan took up the lordship as fifteenth lord, but held it for only a year, 1583-4. The facts would indicate him as a man little fitted to cope with the times. He made a composition with his tanist and nephew, Cormac, by which certain lands were assigned to Callaghan for himself, and Cormac succeeded to the lordship (in 1584) as Sir Cormac McDermot MacCarthy, sixteenth lord, and at once entered on the office and assumed the lands, and held them till his death in 1616, when both office and lands passed on to his eldest son and heir, Cormac Oge, seventeenth lord, created in 1628 Lord MacCarthy, Baron of Blarney, and Viscount MacCarthy of Muskerry; and the lands were confiscated as the absolute property of his descendants in 1641, and again, after their partial restoration, in King William's time. But this succession of Cormac Oge was clearly contrary to the provisions of Sir Cormac's will of 1583. The remainders over had to be got rid of, and this was accomplished without difficulty by the sixteenth lord adopting, for his own advantage, the policy of surrender and re-grant. This he did in 1589, surrendering the lands as if his own property, and obtaining from the queen a re-grant dated 9th May, 1589. Doubtless the crown ministers of the time little relished the fact of Sir Cormac reverting to tanistry even for his conscience sake, and for even three lives; and it is probable that they facilitated the sixteenth lord's plans readily enough. As a conclusion to this part of the history, it should be mentioned that the seventeenth lord, Cormac Viscount Muskerry, himself also on his accession in 1616 surrendered and obtained a re-grant, probably not only to make assurance doubly sure, but also to bar claims of his uncle, Teige, and others mentioned in the patent soon after granted (9 July, xv. Jac. I.).

The subject would not be complete without brief reference to the minor bequests of Sir Cormac's will, the first of which was to his wife Joan *née* Butler. He left to her, for her life, her marriage settlement lands of Kilbonane (a townland, or parish, near Kilcrea and Castlemore), and also Blarney Castle and its district, Tuath-ne-Blarney; and he added careful dispositions for the ward and keeping

of the castle for her and his son's use, relying on his "trusted" warder, Donell MacSweeney, and two others. But, alas, for the vanity of human wishes, MacSweeney gave up his trust to the new lord, for he is found in Macroom Castle in 1584,⁽¹⁹⁾ and, again, in charge of Mashanaglas Castle next year. The sixteenth lord can have found little obstacle in obtaining possession of Blarney. In the re-grant (9 May, 1589,) made to him he is described as already of that castle, and the document, moreover, conveys to him Tuath-ne-Blarney specifically, a noticeable fact, as this district was not mentioned in the original grant (1578) to Sir Cormac. Clearly, Joan was dispossessed of the castle and district; but as her marriage land of Kilbonane is not mentioned in the re-grant to the sixteenth lord, it may be inferred that her possession of that remained undisturbed to solace her in affliction.

The manor of Iniskeane was bestowed by Sir Cormac on his trusted warder, MacSweeney; but that also was swept into the net of the grant to the sixteenth lord. But the specific bequest to "his son and heir" (a phrase unknown to tanistry) proved more effectual, that, namely, of the Abbey of Innislawnaght, in county Tipperary, half of the district of Cloghroe in Muskerry, Cloghane in Carbery, Carrignavar, and, in fact, all that Sir Cormac had obtained by purchase, or by royal gift of 1577. Cormac retained Cloghroe subject to "rents and services" to the lord, and several other lands, and founded the family of that place, though probably residing at Kilcrea and Castlemore. Innislawnaght passed by sale to Sir Edward Gough, to whom it was confirmed in 1591, by queen's re-grant⁽²⁰⁾ under the names of Edward Gough, of Clonmell, Esq., and Mary Gough, otherwise Woodhouse, his wife, which was again confirmed by a surrender and re-grant by King James to their "son and heir," Sir James Gough. Cloghane was sold by Sir Cormac's two elder sons in 1594 to Sir Walter Fitz-James Copinger,⁽²¹⁾ whose son, Dominick, however, forfeited it in 1641, but seems to

(19) Fiant 4469, 5 July, xxvi. Eliz., and 4764, 6 Oct., xxvii. Eliz. See a paper by the present writer on "Castlemore and Neighbouring Castles in Muskerry."

(20) Fiant 5591 of 25 Oct., xxxiii. Eliz., and Patent, 14 July, xvi. Jac. I.

(21) *History of the Copingers*, by W. A. Copinger, B.L., etc. Manchester and London: 1884.

have recovered the property. Carrignavar was lost to Cormac, for it is mentioned in a clause all to itself in the re-grant of 1589 to the sixteenth lord, as "Grant of the lands of Carrignavar, Co. Cork, to hold for ever in common soccage;" and it passed to this lord's second son, Donal, who built the castle, and founded the well-known family here.

Ballea, and other lands bequeathed to Teige, Sir Cormac's second son by Joan, remained with him subject to rents and services to the lord; and he is the beginner of the family of that place and castle. The bequest of Mourne Abbey and lands to Donogh, Sir Cormac's son by Ellen Barrett, made him the "Maister-na-Mona;" and, from an inquisition held in 1606, it appears he died in February, 1605, possessed of these and much other landed property, which passed to his eldest son and heir. He originated the family of Mourne and Courtbrack. It may be added, though beyond the scope of the present paper, that Mourne passed by sale, about 1630, to Richard Hawes, an English settler, of Cronody, in Muskerry, whose stepdaughter and heiress, Mary Elwell,

married Captain Philip Cross, and was ancestress of the families of Cross of that and other places. Mourne passed by marriage, again, in the close of the last century to the Mair family; and it was sold in 1854, in the Encumbered Estates Court, as the property of Lieut.-Col. Cornelius Philip Cuyler Mair. But the fate of Mourne is a history in itself.


Enough has been said here to show the progress of the change from tribal common land to individual ownership in Muskerry at the close of the sixteenth century. The land, however, remained still chiefly in native hands, except where it passed from them by sale. The further changes of landlordship introduced by the Cromwellian and Restoration settlements and by the Williamite attainders complete the course of such events; but the history of the former has still to be written, not merely for that large district, but for most of Ireland. The records thereof are extant, but the searching through and digesting them would form a work of much labour.

The Past History of the Diocese of Cork.

BY THE REV. PATRICK HURLEY, P.P., ST. FINN BARR'S, INCHIGEELA.

(COUNCIL MEMBER.)

(Continued from page 164.)

"O His Grace the Lord Primate in Dublin.

"In obedience to the directions from the committee of ye Lords, signed by your Grace, I send enclosed these returns to ye queries which I have already received from the clergy of my dioceses, and I shall transmit the rest as soon as they can be procured.

"I choose to send the original returns, judging they may more effectually answer the instructions of the committee than my extracts.

I am,

Your Grace's

Most obedient humble servant,

(Signed), PETER CORK AND ROSS."

"May it please your Grace—I now send ye remaining returns from my clergy to the queries mentioned in ye order of the Committee; and am,

Your Grace's

Most obedient and humble servant,

(Signed), PETER CORK AND ROSS.

Cork, Dec. 17th, 1731."

"An account of Popish priests, etc., in the parishes following, in ye diocese of Corke:—

"Ballinadee has one Popish priest resident, and a Masshouse built this last year.

"Inshonane has a Popish priest residing in it.

"Leighmoney has no Popish priest con-