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Title: Will of Daniel Mac Owen Mac Swiney, Mashanaglass, 1674. Diocese of Cork and Ross. With notes

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Will of Daniel Mac Owen Mac Swiney, Mashanaglass, 1674.

DIOCESE OF CORK AND ROSS.

DANIEL McOWEN SWYNY.

In nomine Sanctissime Trinitatis, Amen.

I, Danyell, son of Owen Swyny, late of Mashanyglassip in the Barony of Muskary and County of Cork, gentleman, and now of Knockenneirk, in the said Barony and County, being at this parte sound of body and memory (praised be God), do make and declare this my Last Will and Testament in manner and form following, hereby revoking and annholdinge all former wills and Testaments, either nuncupative or in script by me heretofore by me made or declared.

Imprimis. I bequeath my soul to my Saviour and Redeemer, Jesus Christ, through the meritt of whose bitter passion I do expect and hope to enjoy eternall rest and tranquility, And do ordain my body to be interred in the Abbey of Kilcrea, if conveniently it may be done.

Item. I leave and bequeath unto my now Lawfull married wife Ellen Swynie alias Carthy, after my decease, duringe her natural Life my right and Interest in the last two plowlands of Kilbronane, the half plowland of Coolkellure, all being in the Barony of Carbry, and Cantred of Glowneycoyne, together also with my right and Interest of, in and to the half plowland of Cureleigh and west half plowland of Kilmidye, in the Barony of Muskery, also I leave and bequeath to my said wife during her viduitye, and no longer, the west half plowland of Bellrewes, in the parish of Kenneagh, in the Barony of Carbry, aforesaid.

Item. I bequeath also to my said wife during her natural Life the plowland and half of Garraneriogh, provided always that if she, my said wife, shall enjoy the above-mentioned lands to her before bequeathed after my decease, that then this clause concerning Garraneriogh, containing three half plowlands, aforesaid, shall be utterly void and of no effect. Also, I do hereby leave and bequeath to my said married wife during her natural Life, my now dwelling house, kitchen and stable in Knockanenneirke, aforesaid, together with the killhouse thereunto next adjoining, together with the two Closes on the east and west of the said dwelling house, together with free egress and regress thereunto from tyme and competent firebook, together with the grazing of twelve Collopps free during her said Life in and upon Knockenneirk, aforesaid.

(We are indebted to Mr. William McSweeny, New York, for permission to publish this certified copy of will destroyed in 1922. The contents afford valuable information as to the disposal of property and the intimate domestic life of the period).

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Item. I leave and bequeath to my son Bryan McSwynye, and to the Heirs males of his body Lawfully begotten or to be begotten, all my right and interest in the last ploughland of Killronane, after the decease of my said married wife, forever.

Item. I leave and bequeath to my son Edmond McSwynye, the middle ploughland of Killronane, to have and to hold to him, the said Edmond McSwynye, and the Heirs male of his body Lawfully begotten, or to be begotten, for ever, after the decease of my said married wife.

Item. I leave and bequeath to my son Danyell McSwynye, my Interest of a Mortgage which I have in the half plowland of Kulcellure, to have and to hold to him, and his Heirs for ever, and thereafter my said wife's decease.

Item. I leave and bequeath to my sons Roger McSwynye and Donnogh McSwynye, my right and Interest of and in the plowland of Cureliogh and west Kilandyre, aforesaid, to be equally divided betwixt them after my said wife's decease.

Item. It is my will, and I so do ordain, that if it shall happen that either of my said two sons Bryan or Edmond shall happen to dye without issue male of his body, Lawfully begotten, that then and in such case, the survivor and his heirs shall have and enjoy the benefits of what is hereby by me bequeathed to him the survivor, and his Heirs forever. And, further, it is my will that if any of my said sons beforementioned, I mean Danyell, Roger and Donnogh, shall likewise happen to dye without issue male as aforesaid, that then and in such case, the proportion to him hereby bequeathed, shall be equally distributed betwixt the survivors or survivor of him so happening to dye, and to the Heirs male of his or their bodys Lawfully begotten or to be begotten, forever.

Item. I do ordain, and it is my Will, that my eldest son, Owen McSwynye, his Heirs, or Assigns, shall give and deliver, or cause to be given and delivered, unto my daughter, Ellin Swyny, the number of four score cows, viz. :—thirty in calf cows, thirty Gomhnays (Gawneys), twentie heifers and a plough of horses and mares consisting (of) eight in number, And the said cows and horses aforesaid to be given and delivered within eight months after my decease, with twenty pounds sterling after the recovery of my Estate in Carbry, viz : the two plowlands and half of Bellrowes.

Item. I leave and bequeath to my daughter Mary Swynyie, the number of fifty cows, viz : twenty milche cows, twenty heifers, ten yearlings and a plough of horses and mares consisting (of) six in number And the said number of cows and horses to be delivered (h) er by my said son Owen McSwynyie, within twelve months after my decease.

Item. I leave and bequeath to my daughter Honnora Swynyie, the number of four score cows, viz : thirty milche cows, thirty gawnaghs, twenty heifers, one plough of garrons and mares, consisting of eight in number, the said cattell to be delivered within a twelve month after my decease, with twenty pounds sterling, after the recovery of my said estate of Bellrowes, aforesaid.

Item. It is my will, and so do ordain my said daughters and every one of them to be excluded from the benefitt of what is hereby bequeathed

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to them, if they, and every one of them do not marry with the consent of their nearest friends, next their eldest brother and approbation.

Item. I leave and bequeath unto my eldest son Owen macDanyiell Swynyie, after the decease of my said married wife, all my right, title and Interest of and in the half plowland of Knocenneneirke, the three half plowlands of Lackyriogh, and the half plowland of Killglass, all containing three ploughlands, situate in the Barony of Muskery and County of Cork, aforesaid, together also with the two plowlands and half of Bellrowes in the Barony of Carbry and County of Cork, aforesaid. To have and to hold all and singular the said receited and specified premisses with appurtenances unto the said Owen macDanyiell Swynyie, and to the Heirs male of his body Lawfully begotten, or to be begotten, for ever. And for want of such issue male, then all and singular the premisses to be and descend to my second son Bryan MacSwynyie and to the Heirs male of his body Lawfully begotten or to begotten, forever. And for want of such issue male, then the premisses to be and descend to my third son Edmond mac Danyiell Swynyie, and to the Heirs male of his body Lawfully begotten or to be begotten, forever. And, for want of such issue male, then the premisses to be and descend to my fourth son Danyiell MacSwynyie, and to the Heirs male of his body Lawfully begotten, or to be begotten, forever. And, for want of such issue male, the premisses to be and descend to my fifth son, Roger MacSwynyie, and to the Heirs male of his body Lawfully begotten or to be begotten, forever. And for want of such issue male then the premisses to be and descend to my youngest son Donnogh McSwynyie and to the Heirs male of his body Lawfully begotten or to be begotten, forever. And for want of such issue male then the premisses to be and descend to my brother Edmond MacOwen Swynyie and to the Heirs male of his body Lawfully begotten or to be begotten, for ever. And for want of such issue male then the premisses to be and descend to the next in blood of my father(s) side and his Heirs male aforesaid, forever.

Item. It is my will and so do ordain, that my son and Heir Owen macDanyiell Swynyie, or his Heirs, shall satisfy and pay after the decease of my said married wife, unto my sons Bryan McSwynyie, Edmond McSwynyie, Daniell MacSwynyie, Roger McSwynyie and Donnogh McSwynyie, the sum of £12 ster. yearly during the space and term of ten years next after the decease of my married wife, in manner and form following, viz : the sum of £3 yearly to be paid during the said term to my son Bryan, the like sum of three pounds ster. to my son Edmond Mac Swynyie yearly during the said term, the sum of forty shillings to be paid yearly to my son Danyiell McSwynyie during the said term the like sum of forty shillings to be paid to my son Roger McSwynyie and the like sum of forty shillings ster. to be paid yearly during the said term to my son Donnogh McSwynyie, provided always that if my said sons Bryan, Edmond, Daniell, Roger and Donnogh, do before or after the decease of my said wife receive the respective Legacies by this my last Will and Testament bequeathed and left unto them, that then and in such cases the payment of the said twelve pounds per annum as aforesaid shall be utterly void and of no effect.

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Item. I leave and bequeath unto my son and Heir Owen McSwynyie my great brewing pan.

Item. I leave and bequeath to my said wife during her natural life, the two quarters of Land called Steyrryenreanige, a part of Midbaranige, in the parish of Fanlobus, in the Barony of Carbry. And after her decease to my son Donnogh McSwynyie, and his Heirs male of his body Lawfully begotten or to be begotten, forever.

Item. I leave and bequeath to my sisters Ellen ny Owen Swynyie and Marg(a)rett ny Owen Swynyie, the third parte of five hundred pounds sterling due to me from Dermott McCarthy and McDonnogh, Esqrs., and the other two parts to my brother Edmond McSwynyie, and the Heirs male of his body Lawfully begotten or to be begotten, and for want of such issue male to my son and Heir Owen McSwynyie and his bretherin to be equally divided betwixt them.

Item. I do hereby constitute and ordain my brother Edmond McSwynyie and Phellimye MacTeige Carty my brother-in-law, Executors of this my last Will and Testament and do appoint my cousin Charles MacTeige Carthy to be tutor and overseer of this my last Will and Testament and that my said Executors do so this my last Will and Testament to be duly executed in all points according the contents and true meaning thereof ordaining my said tutor to bring them to an exact account from time to time as occasion shall require.

Item. I leave and bequeath to the Convent of Kilcrea twenty shillings ster., and six shillings to Father Michael o Cullane the Capusian (Capuchin) Fryer And forty shillings more to be putt upon the hands of Father Fynyine McCormacke and Father Thomas Carrall to be disposed of to the use of my Soule, as they in their discretion shall think fitt And ten shillings to be paid to my parish priest that now is Doctor Swynyie.

Item. I leave my blessing to my son Owen McSwynyie, and do desire him earnestly to pay my debts with all convenient speed And do also leave my blessing with all the rest of my children and do desire them to relieve one another according to their ability, and to be obedient and dutifull to their mother, as they are bound by the Law of God and nature. In Witness of this my Last Will and Testament I have hereunto putt my hand and seal the 21st day of May Anno Domini 1667.

Being present John Swyny Daniel McSwyny
Joana Cartie
Charles M Carthy
Nicho (Nicholas) Corballie.

Addenda to the Original Will of Daniel McSwyny of Knockeneirk.

1st addition.

I, Daniel MacSwyny, of Knockeneirk, in the Barony of Muskery and County of Cork, Gent., being of perfect sense and memory, doth as an addition to what formerly I bequeathed to my wife to the use of her young children, do by all these presents also bequeath unto her to the use aforesaid, all the Tillage that is or shall be upon the half plowland of Cnockenirck for one whole year after my death, to be plowed, sowed, reaped, carried away and placed in the conveniest place she shall think fitt; together with the grazing of

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two plough of horses and mares, during that season upon the premises aforesaid. Hereby revoking and recalling any other act or acts done heretofore by me to the contrary.

In witness whereof I have hereunto put my hand and seal, the 28th day of November, 1669.

his
Daniel Mc Swyny
mark

Being present at the signing
and sealing thereof, Charles McCarthy
Daniel Deigane
J. Edmond McSwyny.

In Dorso Daniel MacSwyny
his Act 1669.

2nd addition. *In Nomine Trinitatis, Amen.*

I, Daniel McSwyny of Cnockaneirk, in the Barony of Muskrye and County of Corke, Gentleman, being of perfect sense and memory, as an additionall to what heretofore I bequeathed in my last Will and Testament, bearing date the 21st day of May, 1667, unto my son Brien McSwynye, I do also by these presents leave and bequeath unto to him the said Brien, his heirs and Assigns forever, all my right and Interest in the half plowland of Cullcellur in the Barony of Carbry, parish of Fanlobus and Cantridge of Glaunycinne, being left unto my son Daniel Oge McSwyvnye in the sixth point of my will and Testament.

Also, I leave and bequeath unto him the said Brien and his Assigns the sum of five pounds sterling per annum during his natural life and injoin my son and heir Owen McSwyvnye, his heirs and Administrators to pay the said sum of five pounds sterling unto the said Brien McSwyvnye, or his Assigns yearly in two gales vizt. two pounds, ten shillings on the 29th day of September and two pounss, ten shillings more on the 25th of March, and that to commence and begin the first day after my death, and so to continue yearly during the natural life of the said Brien And in cause performance be not made herein, I do by these presents authorise and Impower my said son Brien McSwyvnye, or his Assigns, to distrain on the half plowland of Cnockaneirk, or the half plowland of Killglasse, or either of them, for the said sum, and the said distress to be dealt withall as the law in matters of that kind alloweth. Hereby revoking and recalling anything to the contrary in any former Will as to these particulars appertaineth. Also, I leave and bequeath this to be annexed as an additional to my former Will, as witness my hand and seal this 13th day of September, 1670.

Daniel McSwyny.

Being present
John Swyny Doctor
in Divinity. Dermott Oge Duffe.

3rd additional.

I, Daniel McSwyny, of Cnockuuneirk, in the County of Cork and Barony of Muskry, Gentleman, being of perfect sense and memory, do, by this my additional Will, to be annexed to my last Will and Testament, bearing date

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the 21st of May, Anno Domini 1667, leave and bequeath unto my married wife Ellen Swyny, alias Carthy, all the corn belonging unto me growing upon the aforesaid Lands of Cnockuuneirk to be disposed of to the use of her young children, as she in her discretion shall think fitt Also I bequeath untǫ my said wife the plowing and sowing of all the stubbles that I have manured with sand these three years past, or will manure untill Mickelmas next, and then for four crops to come, without any consideration for the same, alowing also for my said wife the grasing of ten horses upon the aforesaid half plowland, untill the said stubbles be plowed and harrowed.

Hereby revoking and recalling any act done by me to the contrary.

In witness whereunto I putt my hand and seal the 22nd day of August, 1670.

Daniel McSwyny.

Being present
Charles M Carthy
Brien McSwyny
J. Edmond McSwyny
Finin Carty

Commissa fuit administratio bonorum executoribus renuntiantibus Eugen. MacDaniel Swyny filio defuncti xvto (15) Maij 1674 ad perimplendum Testamentum dicti defuncti et codicilli per Franciscum Sing Legum Doctorem vicarium pro inventario Michael prox.

Zacharius Travers.

Notes on Will.

By JOHN T. COLLINS.

Mashanyglassip—Mashanaglass, parish Aghinagh.
Knockenneirk—Knocknaneirk, parish Kilmurry.
Kilbronane—Kilronane, parish Fanlobus, South of Dunmanway.
Kullcellure—Coolkelure, parish Fanlobus, North of Dunmanway.

The Cantred of Glowneycoyne represents the territory of Gleanachroim, the Irish name for the district watered by the Bandon river from its source to the neighbourhood of Enniskeane.

Cureleigh, probably Curraleigh, parish Clondrohid.

Kilmidye, probably Kilmeedy, parish Drishane.

Bellrewes—Belrose, parish Kinneigh.

Garraneriogh—probably Garranereagh, parish Kilmichael.

Viduitye—Widowhood.

Kill-house may mean still-house or perhaps a lime-kiln.

Firebook—" firebote," i.e., turf, timber, etc.

Collipps—Cattle or horses, from the Irish " Colpa," a single beast, i.e., cow, horse, steer, etc.

Gomhnays, gawneys, gawnaghs—That class of cattle commonly known as " strippers."

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Garrons—Horses which have been gelded.

Kilandyre—an unidentified place-name.

Lackyriogh—Lackareagh, parish of Kilmichael.

Killglass—now Grenville, parish Kilmichael.

Steyrrenreanige, Midbaranige—seem obsolete, but there are two townlands in this parish (Fanlobus) with similar name endings, i.e., Cooranig and Milleenananig.

The Will shows that the Convent of Kilcrea was yet revered in 1667 though over a century had elapsed since its "suppression."

Father Michael O'Cullane (Collins) was probably the recognised Guardian of the Convent, and residing in the district. His name as Brother Michael Coillean, Capuchin Friar, appears as a witness of the will of John Fitzgerald of Knockynvilly (Knockavilla, south of Kilcrea), dated Dec. 11, 1665, and recorded in a former number of the *Journal*.

The testator, himself, appears to have been a direct descendant of Owen McDonnell Mac Swynye of Mashanaglass Castle who was included in a pardon dated February 17, 1601. In 1604 he received another pardon, being still resident there. In 1612 James I. sent a letter to the Lord Deputy to accept a surrender of his lands and make him a re-grant of same. In 1641 his son (or grandson) Owen-Oge Mac Swyny acted his part in the great struggle made by the Irish people, and for his action his castle of Mashanaglass, with over 1,200 acres of land in which were "some very good timber trees" was declared forfeited.

After the Restoration, the ownership of the lands of Muskerry was vested in the Earl of Clancarty, with power to grant leases to all the sub-chiefs who had followed him into action in 1641, and who had suffered as a result, and Mashanaglass was so restored to Daniel, son to Owen, the forfeiting proprietor in 1641, and this Daniel Mac Owen was the testator of the foregoing will.

A deed of award was made in September 1, 1663, between Daniel Mac Owen Mac Swyny, then of Mashanaglass, Owen, his son, and Donogh, Earl of Clancarty, under which the Mc Swynys gave up for ever their right to the castle and lands of Mashanaglass, etc., and Donogh, Earl of Clancarty, entered into possession. In exchange, the Earl granted Daniel Mac Owen Mac Swyny some of the lands mentioned in his will, i.e., Garranereigh, Knocknaneirk, Lackareagh and Kilglasse.

In one of the appendices to Caulfield's *Records of Kinsale*, the subsequent changes in ownership of these lands is traced, of which the following is a condensed account.

In 1686, Owen Mc Swyny (who was the eldest son mentioned in the Will) died, leaving sons Daniel, Brian, Edmond and a daughter married to one Terence Mc Swyny. His widow, whose maiden name was Mary Murphy, also survived him.

In 1694, Mary, and Daniel, son and heir to Owen, joined in a lease of part of Garranereagh (her jointure land) to Father Roger Mc Swyny, uncle to Daniel, for 41 years at a rent of £40 per annum.

In 1697, Mary, the widow, married one Murphy "Guerdol" a crooked attorney. In 1698 old Father Roger (who appears to have been the fifth

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son of Daniel Mac Owen, and as such mentioned in the Will) heard of a good match for Daniel, his nephew, but the young lady's friends broke off the match on account of a claim made on the lands by Murphy " Guerdol " and Bailey of Castlemore.

In 1703, Daniel conveyed the lands of Knockanneirk, etc., to Samuel Sweete of Ardecluig (or Bellmount) who was to pay him £30 per annum rent during the lifetime of his mother, Mary. She was also entitled to a similar rent, and on her death the entire rent of £60 should revert to Daniel. A relation of Samuel Sweete's, John Beamish (who lived at Kilourragh, south of Ballineen) purchased the rights to these rents for £650 or 10½ years purchase. These conveyances seem to have been in the nature of disguised deeds of trust, for the benefit of Daniel Sweeney, who must have already felt the difficulties which were attached to Irish Catholic owners of property under the new regime. As no such trust was stated in the deeds, Beamish shortly put in motion the Statute of Frauds and Perjuries, which directed all trusts to be in writing, or void ; and on that foundation sold the rent-charge to Mr. Arthur Bernard of the Castle Bernard family. Other leases granted by Daniel Mac Swyny were West Garranereagh to — Northridge and Knockanreagh to one Jackson.

The McSwynys do not seem to have tamely acquiesced in Beamish's repudiation of his trust, but kept up their claim to the lands for at least thirty years. A suit was brought in Exchequer by Arthur Bernard in 1733, against various parties, including Owen and Mary Mac Swiney. In an affidavit by Paul MacSwiney of Bengow (Bengour) he mentions the following necessary witnesses as being very old men :—Major Terence McSweeney of Dromguinney, Co. Kerry, Arthur O'Leary of Killaghy, Arthur O'Leary of Cume and Daniel McSweeney of Glanereagh, all of Co. Kerry, with Patrick Sweeney of Mahallagh and William Dugan of Pullerick in Co. Cork.

Dr. Caulfield does not give the result of the law-suit, but states he has the original MSS. in his possession.

It is probable that the Bernard's won, for the chief landed proprietor in the parishes of Killmurry and Kilmichael, prior to the Land Purchase Act, 1903, was the Earl of Bandon.

OLD CORK SILVER.

The following explanation of the origin of Irish town marks is given by Arthur Vicars in an old periodical :—

> " Owing to the condition of the roads in Ireland in former times, and the liability of robbery, plate could not well be sent to Dublin to be hall-marked, therefore many Irish towns adopted marks of their own. The Cork Guild adopted the City Arms—a ship between two castles—in three marks. This was changed in the early part of the eighteenth century for the mark ' sterling,' which continued to the close of that period. The City marks were always accompanied by the makers' marks."

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