The Manor of Ballinaclogh in Ormond.

By Dermot F. Gleeson, M.A., D.Litt.

In a Ms. (1) of date A.D. 1631 at Kilkenny Castle quoted by J. P. Pendergast there appears the following: "The two great Manors the Earls had in Ormond, were Weperous, now called by the Irish, Ballynaclogh, and the other, the Nenagh; upon these two Manors the whole country depended. The first the Earl lost by the Kennedies; the latter the Earl hath still in his possession." The "Earls" referred to are, of course, the Butler Earls of Ormond, and the Manor of Ballinaclogh is roughly coincident with the parish of that name in Upper Ormond, about two miles south of Nenagh town. In the numerous references in the Ormond deeds it is sometimes also called "Weyperous" as in this quoted Ms., and sometimes the Manor "de Vadó Petroso," i.e., "of the stony ford." These aliases have created some confusion in the minds of commentators. John O'Donovan identified Ballinaclogh with Cloughjordan, while Colonel Harvey de Marisco thought that "Vadó Petroso" referred to a Manor in South Tipperary still called "Stoneyford." (2) The recent publication of the Ormond Deeds calendar has put the identification of all these names with Ballynaclogh beyond any doubt. Indeed, the "Ford" is still there and still so called, but without the addition of 'stony.' Incidentally, the manor name of Weyperous throws a curious light on the vernacular of the Norman settlers, for it obviously represents gué pierreux, the French equivalent of vacum petrosum, stony ford.

The history of this manor in the medieval period provides a very interesting cross section of the whole story of the Norman invasion and its results. Theobald Walter and his knights came to 'the cantred of Ermonia' some time in the last two decades of the 12th century, probably about 1190. By the beginning of the 13th century the Castle of Nenagh had been put in hands and strong Norman settlements effected around it and at Ballynaclogh and also in Lower Ormond about Terryglass and Lorrha, where castles were built of stone. (3) It is probable that the building at Ballinaclogh castle at this time was responsible for the Irish name which still endures, while the Normans took the 'stony ford,' which is still a feature there, and made a place name of it.

2. Dr. Curtis has suggested the very probable explanation that the modern Ballynaclogh is really the Irish Beal Atha na Cloiche, thus containing the "Ford" name.
Amongst the train of Norman knights were the great family of Marisco from the island of Lundy in the Bristol channel and the Manor of Huntspill Marreys in Somerset. Their name figures largely in the early Irish Rolls and their history, both in England and Ireland, will be found set out in great detail and accuracy by Dr. E. St. John Brooks in the issues of the R. Society of Antiquaries Journal for 1931/2. The name in Irish history later became variously 'Morris,' 'MacMorres,' 'de Maricisis,' and finally 'Morrissey,' in which last form it still endures in Ormond. By 1234 Jordan de Marisco had a Manor in Ormond at 'Conceduffey.' This place, with the help of Dr. Orpen, Dr. Brooks identified as Cloughjordan, although it is just possible that it is Curraghdiff in the parish of Aglishcloghane, near Borrisokane. They also had lands in Lower Ormond in the region of Lorcha, at Portland, and in the Terryglass area at Ballymassey and Balregane. By 1254 William de Marisco is found in possession of the castle of Vadó Petroso, and a document in the Ormond Calendar of date 1360 refers to it having been in possession of Herbert de Marreys (de Marisco) in the time of the then Earl's grandfather. It is apparent from all the papers that the de Marisco family had got possession of most of these properties at the time in the beginning of the 13th century when the able and unscrupulous Geoffrey de Marisco was Justiciar of Ireland and was engaged hereabouts and in the Limerick area in warfare with the Irish. When the Bishop of Killaloe died in 1216, Geoffrey made a determined but unsuccessful bid to have his own nephew, Robert Travers, intruded into the See. Travers was born in Dundalk, but it is significant that from this time forward the place name "Traverstown" is found in Ballynaclogh, where it still remains. Moreover, from this time also the Manor of Latteragh is found in the possession of the Marisco family. This Manor was held from the Bishop of Killaloe and not from the Earls of Ormond, and there can be little doubt that the true explanation of this is that when Travers was holding the mensal lands of the Bishopric to the east of the Shannon by force, he granted Latteragh to his mother's family, who held it thereafter until the 18th century. In 1284 the Inquisition post mortem of William de Marisco finds that "he held in Co. Tipperary of Theobald Walter 6 knights fees in the caitred of Ermonia, worth in all issues of land as well as of demense £26 13s. 4d. per annum, besides a third part held in dower by Berta, who was wife of Wm. de Marisco the younger."—he also held Latteragh, lands in Kilmore adjoining, and others in Lower Ormond. William died in England and is buried at Bath. His son John died leaving a minor as heir, and the profits of the Manor of 'Vadó Petroso' thereafter turn up for some years in the Escheatators' accounts during the minority. The heir, Herbert de Marisco, married the Escheator's daughter (Walter de la Hayes) when he came of age in 1297, and got possession of his Manor of Vadó Petroso, and his English estates. Herbert died in 1326 or 1327. Stephen, his son, succeeded, and got possession of the Manor and other properties. Stephen alienated the Manor of Wymperous or Vadó Petroso (i.e., Ballyna-

4. The references to these events will be found set out in great detail by Dr. Brooks op. cit.

5. Vide my "Diocese of Killaloe in the 13th Cent." in this Journal for 1939. Dr. Brooks apparently did not appreciate the significance of the Latteragh possessions of the De Mariscos. There was no "Manor" there but an ecclesiastical 'termon' which apparently accrued to the Bishop of Killaloe as successor to the old monastic settlement of St. Oídran there, in the same way as the "Plebania" of Tuamgraney, in Co. Clare, "of St. Cronan," of which many mentions are found in the Papal Registers.

6 and 7. Brooks, in J.R.S.A.I., Dec., 1931, p. 96. All the documents connected with these events are here set out.
clogh) to James, Earl of Ormond, before 1331. This appears from two deeds in the Ormond Calendar, dated respectively April 26, 1351, and April 11, 1360, which are attached together. The first recites that the Earl had proposed an exchange of lands with Stephen de Marreys "of the Manor of Weyperous on the one side, and the island of Lundy and other lands of Stephen in England on the other." That is, the Earl was to give Weyperous to Stephen in exchange for the English lands. This shows, as Dr. Brooks points out, that the Butlers had acquired not only the lordship but the actual possession of Weyperous or Ballinaclogh at some date prior to 1331. The first deed goes on to say that the proposed exchange could not take place, as the Earl had given the "carrucate of Schynnagh McCassin" (now 'Ballygasheen') "to the Prior of St. John's of Nenagh, Gilbert Soutoun" (i.e., Tyone Abbey, O.S.A.). The Prior by this deed now surrendered Ballygasheen to the Earl, "and if Stephen did not agree, the Earl will compensate the Prior." Stephen, apparently, did not agree to the exchange, since Weyperous or Vadó Petroso is thereafter found in possession of the Butler family, while Lundy and Huntepsill Marreys remained with the de Mariscoes. The latter, however, retained Latteragh, which they held of the Bishop of Killaloe, as well as other Manors in South Tipperary and property in Lower Ormond.

The Deed of 1360 above referred to, is a grant of the Manor of Weyperous by James, Earl of Ormond, to Edmund le Botiller "as fully as Herbert de Marreys, knight, held it of Edmund le Botiller, grandfather to the Earl. This grant was given "at Nenagh on Saturday after Easter, 34th year of Edwd. III." (i.e., 11th April, 1360). The de Marisco family were thereafter out of the possession of Ballinaclogh and the Inquisition taken after the death of Stephen de Marreys in 1378 does not include it amongst his Irish properties. It is worthy of note, however, that they must have built the castle there in the 13th century, for in 1338 there is reference to it in the Rolls Calendar.

In 1337 a further Deed by Earl James of Ormond (a grant of land to one of the O'Kennedys of Aglishcloghe in Lower Ormond) is dated from "Vadum Petrosum," showing that the Earl was still at the Castle there. In 1360 the Deed of April 11th of that year, already referred to, appears in full in the Ormond Calendar. It is a grant of "the whole Manor of Weyperous" to Edmund le Botiller to hold "by homage fealty, suit of Court of the Earl's Court at Nenagh from fortnight to fortnight, a rose at each feast of the Nativity of St. John the Baptist, and royal service of 100s. whenever scutage runs." It was to the heirs male of his body only, and on failure there was a reversion to the Earl and his heirs.

But neither Edmond nor the Earl can have held Ballinaclogh long after 1360. For between that date and the end of the century the Irish under the great warrior Kings of Thomond, Brian O'Brien (1369-1400) and Morrogh na Raithinghe, had aroused all Thomond from Loop Head to the Ossory borders

9. For some further account of this transaction vide my "Priory of St. John at Nenagh" in J.R.S.I., Dec., 1938.
10. For this see Brooks op. cit.
12. Inq. p.m. of the property of the Earl of Ormond. In the Cal. Pat. Rolls, 1338, Eleanor, the Earl's widow, petitioned that "the Castle and Manor of Weyperous should be restored to her."
and had cleared all Ormond and Eli of the Normans. Indeed, this deed is, perhaps, the last dealing with land there by the Butlers as overlords before their return 200 years later. At what date Nenagh Castle—their last stronghold—itself fell, is not too clear, but it was after 1360 and before the end of the century. After this time, therefore, the O'Kennedys had possession of their old lands at Ballinaclogh again—nor has their grip on them since ever entirely relaxed. The Castle may have been destroyed in the wars in Ormond in 1348, for in 1356 Edmund Botiller, son of John (the same who had the grant of the Manor in 1360) entered into an agreement with the Earl at Nenagh on September 2nd "to repair, rebuild and restore the said Manor according to his power, within twelve years, at his own cost and to dwell in the same and after the twelve years to render to the Earl and his heirs such rents and services as the Earl and four of his Council should ordain." (14) The 1360 deed was therefore a consequence of this Agreement and it is apparent that the Manor must have been "waste" when Edmund took it over in 1356.

The Ormond Earls were out of possession of all the two Ormond baronies as between about 1370 or 1380 and 1533. In 1505 it is true that Earl Thomas had granted to Sir Piers Butler, his cousin, "al manner of lands, rentis, services, manours with their appurtenances, with all other casewelties and profittes, to be taken in Ormond in the land of Ireland." But the deed has the proviso "that the said gifts nether graunte, take none effect tyll the said Sir Piers recover the possessions of the premisses and also that the said Sir Piers shall yield and pay unto the said Earl, the fourth part of that that he shall receive of the Kynne of Ormond unto the time that the said Sir Piers recontynue or recover the possessions aforesaid." (15) Actually however Sir Piers was sometime recovering possession but he had it by 1533 when two interesting deeds give evidence of it. O'Kennedy, 'Captain of his nacion,' is testified to have given seisin of Ormond to Sir Piers 'in the lifetime of (Earl) Thomas' by delivering to Sir Piers and his attorneys "the ring of the castle gate" of Nenagh. The record of the seisin and possession is set out at large in a long Latin notarial instrument drawn up at Nenagh Friary by the Official of the Bishop of Killaloe on 18th September 1533 and witnessed by a large number of local notabilities, lay and clerical. But the O'Kennedys were then in possession of Ballinaclogh and no attempt was made to disturb them. When Thomas Dubh, the 10th Earl, had succeeded to the title and lands by 1550, he entered into an agreement with the O'Kennedys and "John O'Kennedy of Ballenaclohy, Matthew Donn O'Kennedy of Baliytotty, and Iriell O'Kennedy of Killuryane" (i.e. Kilruane) "bound themselves to Thomas Butler, Earl of Ormond, in £100 sterling; on condition that they shall keep the King's peace and faithfully serve, support and pay the King and the Earl according to the form of convention formerly made between them and the King and said Earl; also that each of them shall as far as he can, cause his tenants and followers to do likewise," etc.(18)


15. C.O.D. III., p. 318. The reference to the "Kynne of Ormond" refers to the Mairt Iarla or Earl's rent, paid by the Irish as a 'Rent of Cowes' in the 13th/14th centuries and often called the "Cows of Ormond." It was transmuted to a money payment by the 16th century Leases to the O'Kennedys, when the Butlers recovered Ormond.


18. C.O.D. V., p. 56.
The agreement was carried a step further when on June 10 1583, Earl Thomas granted to Philip O'Kennedy of Ballyneclough in Ormond and Hugh, his brother (alias "Ea") of the same "the said town of Ballyneclough, with the castle lands etc., of the same, to have and to hold to said Philip and Hugh for the term of their lives at an annual rent of 40s." (19) Philip O'Kennedy of this Deed will be found third in the list of Freeholders of Upper Ormond in a contemporary roll in Kilkenny, and there described as "Phillipe MacDiormanda na Ropply of Ballyclohy, Gent." (i.e., Philip, son of Diarmuid of Rapplagh). (20) From the same roll we learn that Donogh O'Vealla O'Kennedy was at Traverstown, Donogh MacMorogh at Tullowmoysan, Teig 'MacKennedy' at Dolla, and Philip MacDonnell O'Kennedy at "Cuyl Osluaydy"—all in this neighbourhood. (21) The head of the Upper Ormond 'clan' at that time was Connor Achuan, known as "MacTeige of the O'Kennedys," who lived at Ballycahill Castle in the adjoining parish. When he died in 1583, (22) Philip of Ballyneclough succeeded him as O'Kennedy Donn.

At this point in the history of Ormond and Ballinaclough we are fortunate in having a wealth of documentary evidence of an unusual and highly interesting kind, as to the nature of the O'Kennedy lordship of Upper Ormond, and also as to the status of the family in occupation of the Manor of the Stony Ford and the adjoining Ballycahill, in the old parish of Donemona. First of all there is a Bond of date February 1566/7 perfected "upon the repair of the Lord Deputy into the County of Tipperary, minding as well the reducing of all the inhabitants dwelling as well within the borders and remote parts of the said Liberty to the acknowledging of their allegiances to her Majesty and their duty to the Court of the said Liberty, the which of long time they have withdrawn, as also to reform the manifold griefs and enormities of the residue of the people." This Lord Deputy was Sir Henry Sidney, and his visit to Ormond marked the recovery of the whole of the ancient Butler Lordship to the Earls of Ormond after the passage of two hundred years, although the actual possession of the soil, subject to the payment of the Mait Earl, remained with the O'Kennedys and their tenants until Cromwell's time, save for the Butler Mansions and their lands at Nenagh and elsewhere. The Deed goes on to recite that Connor O'Kennedy, alias MacTeige, of Ballycahill, "refused to make his appearance before the Lord Deputy, contemptuously and arrogantly." (23) He is called "the Lord MacTeigue" in the Deed of 1550 already quoted. However, he was apprehended by the forces of the Deputy and after humble submission was "received to grace" and entered into Bonds in £600 to keep the Queen's peace and appear before the Earl's Seneschal as and when required, and delivered


20. Vellum Roll ex Kilkenny Castle Mss., printed by me as Appendix to my "Last Lords of Ormond" (Sheed and Ward, 1938).

21. "CuylOsluaydy" in "the parish of Kilmore" is mentioned in a gloss to Feliue Oengus (printed edition, p. 187) as the place where three Irishmen named O Siaistí, O h-Annos, and O Calchín stole the mules and asses of Cardinal Pápar (temp. A.D. 1154), "wherefore Peter's Successor sold the tribute and due of Ireland to the Saxons." In this text it is called "Cell O Siaistí O Glesain." It may be the modern 'Kilusty,' but from the reading of the Panel of Freeholders, it is quite clearly in the parish of Kilmore, in Upper Ormond, and not, as John O'Donovan supposed in his note in A.F.M. near Kilkishen, in Co. Clare. The proximity of another 'Kilmore' to Kilkishen and the occurrence of a place name with a resemblance to KIL O Siaistí in this area, mislead him. The reference to "Peter's Successor" is of course to the Bull of Adrian.

22. Vide A.F.M. sub an.

his son, John O'Kennedy, to Sir Edmund Butler, the Seneschal, as hostage. (24) This Connor is "Chonnor Achuayn, alias MacTeigue" of the Panel of Freeholders, (25) O'Kennedy Donn, Lord of Upper Ormond, whose death in 1583 is recorded by the Four Masters, who term him "a ready, tranquil, domestic man, without reproach." He was succeeded in the title and lordship by Philip O'Kennedy, of Rapplagh originally, but living in 1583 at Ballymaclogh. (27) This Philip had obtained Ballinaclough on Lease from the 10th Earl by a Deed of August 17, 1570 "to have and to hold unto the Feast of next Easter at a rent of 40s." In the Lease Philip is described as "son of Dermot Ne Roppollagh O'Kennedy, late of Roppollagh, Co. Tipperary." (28) Therefore, after 1583, O'Kennedy Donn, lord of Upper Ormond, in the Irish order, resided in the old inheritance at Ballinaclough Castle: for it is clear from the succeeding papers that his lease did not expire in Easter 1571 and that his family remained there until the Cromwellian times and after. The O'Kennedys still held Ballycahill for they were there in the 17th century in the castle, when they mortgaged a portion of their lands there to Alderman Clement Fanning of Limerick "together with one chamber in the castle of Ballycahill" for £1.00, the interest in which Clement later transferred to his daughter, Joan. (29)

A very remarkable document from the Kilkenny papers attests to the further history of the O'Kennedys of Ballinaclough. This is no less than a family pedigree of the descendants of Dermot of Rapplagh and his son Philip above referred to, together with what in modern times would be called an Abstract of Title, showing all the dealings with Ballinaclough Manor between 1597 and the Cromwellian times. The pedigree and abstract are marked "7 Aug., 1665." This pedigree and all the evidences were produced to me by Hugh MacDermot Kennedy the day and year Afsd. J. W." (30) Apparently, "J. W." was an official of the Court of Claims of the Cromwellian period and the papers were produced to obtain a Certificate from the Court restoring the Manor to the O'Kennedys. In this Hugh was not successful, as we shall see, for the Earl of Ormond (by then the 1st Duke) recovered them himself and with them apparently the pedigree and "evidences" referred to, which thereafter found their way to Kilkenny Castle. Taking the contents of these documents together with the other evidence from the Ormond Deeds and contemporary documents, we can trace the history of the Manor in much detail for this period, 1570-1653. The castle had been rebuilt before 1583 we know from the quoted deed. When Earl James of Ormond died his Inquisition post mortem recites that his pos-

24. Ibid.
26. Vide my "Last Lords of Ormond" Appendix I.
27. A.F.M. sub an. Connor is described as "a ready, tranquil, domestic man, without reproach from his birth."
29. By Deeds from Kilkenny Castle, dated 8th December, 1623, and 20th June, 1628, copies of which have been kindly given me by Dr. Curtis. Alderman Fanning's daughter's name is given in the latter as "Joan," so that it appears possible that she is daughter of the Honora O'Kennedy, only child of Rory, as shown in the pedigree, who is described as 'Onor Fanning' in the deed of 1639 infra in text. It appears clear from the various documents that Rory's wife, Joan Butler, must have been a blood relative of the Earls of Ormond, though I have not been able to find her in the Ormond pedigree. As confirmation of this we find contemporarily in the Ormond Deeds that O'Kennedy of Killeary was married to the sister of the wife of the 10th Earl, Thomas Duh. Vide N. 42 infra.
30. This document and the pedigree, being subsequent in date to 1603, will not appear in Professor Curtis's Calendar of the Ormond Deeds. He has kindly given me copies and I print them hereunder and refer to them respectively as the "Abstract" and the "Pedigree" hereafter in the text.
sessions included "In Weyperous, 200 acres in the Lordship, usually under plough, value 2d. per acre in time of peace, nothing in time of war, and in the said Manor there are one Castle, one hall, one chapel with a thatched roof and two rooms covered with tiles." (31) Now from the abstract and pedigree, Dermot of Rappaghagh had two sons—Philip and Hugh. Philip, as we have seen, became O’Kennedy Donn, and got Ballinaclogh on Lease from the Earl. The abstract recites that the Earl in 1583 set Ballinaclogh to "Philip and Hugh, it being then in their possession as tenants at will." By his Deed of 3rd July, 25th Elizabeth (1583), the Earl set the premises to Hugh and his wife, More Ny Carroll and the heirs male of Hugh “and therefore did order by consent of the parties and their Counsell, that Philip should enjoy a share during his life and after his death the whole to go according to the entayle.” This left Ballinaclogh to Hugh and his heirs, with a life interest only in portion to Philip. A “difference arising between Philip and Hugh concerning the town and castle of Ballinaclogh” in the year 1597, the matter was referred by Earl Thomas to Peter Palmer, Justice of the Liberty, who found the facts to be as above. (33) But in 1599 the Ormond chiefs joined in the O'Neill rebellion, including apparently Philip and Hugh. Mountjoy was afraid to enter the Liberty to repress it, but eventually he stirred up the old Earl Thomas to do so. (34) On 11th August, 1599, the Earl in person came to Ballinaclogh Castle and laid siege to it “a strong castle and won it, and had the killing of divers of the O’Kennedys and took pledges of the loyalty of several of the inhabitants of Ormond.” (35) But he did not take the castle and Manor from the O’Kennedys, though, perhaps, Philip was then killed, for he does not thereafter appear on the scene. But in 1601 per the abstract (27th May), in consideration of 200 marks, Hugh mortgaged Ballinaclogh to Trustees for the Earl of Ormond. The premises are then described as “all and singular the Castle and all other hereditaments with their appurtenances in the towne and fields of Weyperous, alias Ballynacloghe.” The next deed in the abstract is dated 1st February, 1605, and by it Hugh and the Mortgagees together conveyed “the lands in the schedule annexed” to Rory O’Kennedy, son of Hugh by his second wife, in tail, thence to William, his second son, in tail, remainder to Brian, Hugh’s son by his first wife, with remainder to the right heirs of Hugh.” There are two notes—one that the deed was not delivered, but that possession was formally given, the second that “Ballynacloghe is not in the parcels which argues that the tenements there were not parcels of it”—that is that the deed did not settle Ballinaclogh itself but only some portions of the manor.

31. This appears in a copy Inquisition post mortem to appear in Vol. VI. C.O.D., copy kindly given me by Dr. Curtis. In the same series is another paper, a Writ of Thomas the 10th Earl to the Sheriff of the Palatinate of Tipperary. This states that by Inquisition at Clonmel 36th Eliz. (1596) it was found that “Philip O’Kennedy of Ballynecloghe, in the Liberty of Tipperary, Gentleman, was lawfully seized in his demesne as of fee of half of one castle, 10 messuages and 40 acres of land, with the appurtenances, when Hugh O’Kennedy of the same, Gentleman, Conogher A Cone” (i.e., Connor Achauyn of Ballyechahilly) “and Brian MacSwyne, kern, and other malefactors unknown, on 20th February, 36th Eliz., entered the premises by force of arms and forcibly expelled said Philip and disseised him against the Queen’s peace.” The Sheriff was ordered to re-possess Philip. This refers to the “difference arising between Philip and Hugh” mentioned in the abstract at the same date, and it shows moreover that the O’Kennedy holding in Ballynaclogh at this date was “of fee” and not a mere Leasehold.

32. Vide the Abstract. This shows why Philip had only “half the Castle and a portion of the lands in 1597 as shown by the Inquisition in the previous note. Philip was the Irish chief and here we see the clash of the Irish and English laws of descent.

33. Vide Abstract. This refers to the Writ issued in consequence given at n. 31 supra.

34. For details of this period in Ormond vide my “Last Lords of Ormond,” Cap. II.

The next deed on the title is dated 'of even date with the last' and sets out that Rory covenanted with his father, Hugh, that Hugh should enjoy the profits of the premises during his life notwithstanding the previous deed, and also that Rory would in due course convey the lands to his brother, William, and his heirs. This deed is apparently a conveyancing device of the lawyers of the day to secure a life interest to Hugh and also to ensure that when Rory should die there should be no doubt about William's title to succeed—this being deemed advisable, since the pedigree shows that Rory had no male heirs. The information here is amplified by a deed not given in the abstract, which Professor Curtis has found in Kilkenny Castle and kindly given me a copy of. It is a release dated in 1609 by Earl Thomas of his interest in the mortgage of 1601 shown above. The release is to Rory O'Kennedy and his wife, Joan Butler.

After 1609 we find Rory in occupation of Ballinaclough, so that Hugh must have died about this time. On 22nd September, 1626, Rory, with Darbie O'Twohie (now Tuohey) mortgaged a unidentified property (the abstract does not give the place names) to Constance MacEgan of Kilnahalagh (now Sopwell in Lower Ormond, near Borrisokane) in consideration of an advance of £300. The abstract recites that some of these lands were at Rapplaghbeg on the other side of Nenagh, and it may be that the Manor of Ballymaclogh was not affected by the Deed. Constance MacEgan was son of the last great Brehon, Carbry MacEgan, and brother of Flann, to whose school at Ballymaclogher in Lower Ormond, came such noteworthy pupils as Duaid MacFirbisigh and Michael Ua Clerigh. The abstract marks this deed as "a copy only not authentic" and it seems probable that the original was held by MacEgan. In 1632, Rory made a new settlement of Ballymaclogh on 25th March, when by Deed he conveyed "in fee the castle, towne, and lands of Ballymaclogh, with the parcell and members thereof," to Owney O'Dwyer of Clonypurk (of the family of the O'Dwyers of Kilnamangan), in trust "to the Use of the said Rory and Joan, his wife, during their lives, with reversion to the heirs male of the said Rory, remainder to the use of William, brother to the said Rory, during his life, remainder to Dermot O'Kennedy, son and heir of the said William during his life, remainder to Hugh O'Kennedy, son and heir apparent to the said Dermott and heirs male of his body, remainder to the heirs male of the said William, remainder to heirs male of the said Rory." This particular type of Deed was then very common amongst the Irish proprietors, then for the first time dealing with their lands by English law and was designed, amongst other things, to protect their heirs against the Court of Wards, by vesting the fee simple in a Trustee. There are many similar instances of these deeds at this time to be found recited amongst the Inquisitions of James I and Charles I, notably in the MacEgan family of Brehons, who had by this time turned to the study of English law and precedent, when this law was extended to the "Irish quarters" by James I. On 15 April, 1635, Rory O'Kennedy leased Ballymaclogh (which must have been excluded from the operation of the Deed of 1632) to his brother William for 99 years at a peppercorn rent, in consideration of £100, with a covenant that Rory might re-

37. Vide the "Abstract."
38. Numerous instances will be found in the Inquisitions post mortem of Tipperary in the Lodge Collection P.R.O., and in the Tipperary Inquisitions collection in R.I.A. temp. Jas. I. and Chas. I.
enter at the expiration of 21 years on repayment of the £100 and other sums to be payed to him by the said William."(39) On February 2, 1636, there is a further Deed to MacEgan by which Rory releases to him in consideration of £350, all his rights (of re-demption, etc.) under the previous Mortgage, subject to a condition that Rory may redeem through himself or his heirs on re-payment of the £359 "together with such other monies as shall appear to be left out by the said Constance MacEgan in reparation, etc." This deed is marked "This is only a copy attested by Constance MacEgan."(40) We have next the Ormond Deeds in Kilkenny, a most important Deed which does not appear at all on the Abstract presented by Hugh O'Kennedy in 1665, and which may have been unknown to him.(41) This is dated 26th October, 1639, when Rory must have been well advanced in years. By this Rory and his wife "Joan Kynedy als. Butler" in consideration of £300 sterling English money paid to them by the Right Honourable James Earl of Ormond and Ossory, and of a further £300 secured to be paid by the said Earl "unto the heirs of the body of Onor Fanning als. Kynedy, daughter to the said Rory and Joan, after the deaths of the said Rory and Joan and of the said Onor, and for other good and valuable considerations" did "give, grant, bargain, sell, enfeof and confirm to Henry Comerford of Holy Cross, Gent., his heirs and assigns, all and singular, the Castle, Towne, Hamletts, lands, Tenements, and other hereditaments of Ballynecholough aforesaid in Upper Ormond in the sayd County of Tipperarie, containing fewer plough lands of the said country measure, etc.," to hold to the said Henry "for the proper use, benefit and behoof of the said Earl, his heirs and assigns, For Ever, of the chief lords of the fee, by the services thereon due and of right accustomed." Rory and Joan warranted the premises to the uses aforesaid "against themselves and their heirs and against all manner of persons clayme to the said premises or any parcell or parcellers thereof, by, from or under them," and further "that the said Rorpe shall deliver up to the said Earl, all such writings, evidences, and muniments as he, the said Rorye hath, concerning the said premises. The deed further recites that Rory and Joan have already delivered up peaceable possession of the premises to Henry Comerford for the Earl "to hold for ever according to the true meaning and purport of these presents." The deed is executed by Rory by making "his sign" and by Joan by making "her mark" and is witnessed by Wm. Grace, John Purcell, George Comerford, Pierce Grace, Michael Kennedy, John Grace, Teige O Mullagheany ("his mark"), and Fiacra McBirhagray, "Constable of the Barony." Except for Comerford and Purcell—doubtless the Earl's agents—the names are local.(42) After this date there is a final deed on the Abstract in 1641 by which Rory, in consideration of £180 paid by his nephew, Dermot O'Kennedy of Ballynenagh, and "in consideration and to the intent that his lands should continue in his right heirs male," authorized and appointed Dermot "to release the several towns and lands marked with the

39. Vide the "Abstract."
40. Ibid.
41. This deed will not appear in the Ormond Deeds Calendar but a copy has been kindly given me by Dr. Curtis.
42. Vide n. 29 supra. There is here clearly a suggestion that Onor Fanning, Rory's daughter, married Alderman Clement Fanning, of Limerick, the Mortgagee of Ballycahill, in 1623, and was mother of the Joan Fanning of the Deed of 20th June, 1626, who would be so called from her grandmother, Joan Butler. For the notable family of Fanning vide Lenihan's "History of Limerick."
43. Vide "Civil Survey of Tipperary," Vol. 2 (Irish Misc. Commission—ed. Simington), pp. 288 ff. There is a Mullaghna at Kilballynagassagh, a Grace holding Killitory (part of the old Abbey lands of Tyone), Pierce Grace is at Curraghleigh, while Fiacra MacBirragra, the barony Constable, appears at Ballyvanran. All these are in Ballindigloch parish or close by.
figure "3" in the annexed list, and consents to make further assurance of the said lands to Dermot and his heirs, and also consents from henceforth to stand seized of the said lands to the use of Dermot and his heirs." Unfortunately, we have not got "the annexed list," but it would seem that this last deed does not refer to the Manor lands of Ballynacloagh.

In connection with all these various dealings with the lands of the Manor, it is to be pointed out that in the years between 1626 and 1639 a most determined project was set on foot by the Earl of Strafford to plant the whole two baronies of Ormond on the lines which had been at least partially successful in Leix, Offaly and Eli Cearbhall. Details of this can be seen elsewhere. In 1634 when this project seemed imminent, Rory O'Kennedy of Ballynacloagh and Rappagh, journeyed to Cork to interview Sir Wm. St. Leger, Governor of Munster, with a view to getting his lands preserved from the plantation. St. Leger wrote to Ormond about him, and it is of interest to note that he says to him: "True it is that Rory O'Kennedy has been with me and hath made me an overture for Rappagh only, whose propositions and demands were as large as if his title were the best in the world." He goes on to add that he made no agreement with him and desired Ormond to be confident "that I will no further proceed either with him or any other in your Lordship's country without giving your Lordship an advertisement and desiring your approbation thereof." On reading the assignment to the Earl of Ormond in the light of these facts, and remembering that he, Rory, had already conveyed all his interest in Ballynacloagh to a Trustee in 1632, it is a reasonable inference that he feared in 1639 that his lands at Ballynacloagh would be seized for the plantation by Strafford on the grounds that this title was bad and that thus he conveyed them—probably with the consent of the whole family—to the Earl in 1639 to save them from the planters as Manor lands of the Earl. The conclusion that this 1639 deed was an arrangement of this kind becomes more obvious when we find Rory and Donogh Kennedy returned fourteen years later, in 1653, by the Civil Survey jurors as proprietors of "the lower ploughlands of Ballynaclohy" containing 524 acres, I.P.M., and holding "by descent from their ancestors." Rory was, no doubt, our Rory of the Deeds—he is the only one of the name in the pedigree—while Donogh was his nephew, who then (1653) held only three fourths of a plowland of Ballinaclough, Rory holding the rest. The remainder of the family can also be located in the Civil Survey in the same parish. William, Rory's brother, held Ballyneany and part of Ballyquive, while Morrogh Kennedy of Traverstowne held there and in Brokenplow, as well as other lands in the parishes of Kilkaery and Templedrerry. He is clearly the Morrogh of the pedigree, who is son of Brian, son of Hugh by his first marriage to More ny Carroll, and really represents the senior line of the Ballinaclough house, to which, no doubt, his family would have succeeded but for the second Butler marriage. He (per the pedigree) had sons, Mahon and Brian, both of them living in 1665. The Castle has gone in the wars and the Manor is described in the Civil Survey as containing "on the said lands, the stump of an irreparable castle with a church and one Mill, the river of Geagh running through it." No claim or title of the Earl of Ormond to Ballinaclough is mentioned, but, doubtless, the Deed of 1639 was used by the Duke of Ormond on the Restoration to

prove his title before the Court of Claims and so have the lands restored to him
and not to the descendants of Rory O'Kennedy.

The Books of Survey and Distribution of the reign of Charles II, show
that the Duke of Ormond recovered the entire of Ballinaclough as his ancient
inheritance. Under the Cromwellians the Manor lands had been allotted
to Colonel Daniel Abbot for his arrears. Abbott was Governor of Nenagh Castle
and when Sir William Flower came to Nenagh in October, 1660, and demanded
possession of Ballinaclough, Tyone, and Nenagh Castle from the Colonel, we
are told he was "greatly troubled." Sir William was offered a rent of 4s. an acre
for Ballinaclough "which we conceive to be a considerable rent."(47) The old Manor
lands remained in the Ormond family until the end of the century. Then, when
the 2nd Duke of Ormond acquired parliamentary powers to dispose of some of
his inheritance to pay the debts of his grandfather, the great Duke, Ballinaclough
was disposed of to the Bayly family, who have held it to our own time. (48) Of
the castle there is now practically no trace—nor was there in O'Donovan's
time. The few remains of the old chapel which were not used for building pur-
poses, are to be found near the Bayly residence by the riverside. Tradition
locally calls them "the monastery"—no doubt because this domestic chapel of
the old Manor was once served by the Canons of Theobald Walter's foundation
at Tyone nearby. Besides the chapel attached to the Castle, there are remains
of a parish church in the graveyard. This is described in detail in the O.S.
Letters by Curry. (49) The church is divided into nave and choir, and is eighty
one feet in length over all, the choir being twenty feet in width and the nave
twenty-six feet. It was apparently reconstructed, as were so many of the
Ormond churches, in the 15th century, and perhaps again later to serve as a
Protestant church in the Reformation period. The O.S. maps (50) show a large
stone on Gibbet Hill nearby, known as "Conor Tierney's stone" but the tradition
regarding this has not survived.

The connection of the O'Kennedys with Ballinaclough parish did not cease
with the Cromwellian regime. The recovery of the Manor by the Duke ended
the connection with it of the descendants of Rory MacHugh of Rapplagh. But
the Pollenorman family survived into the late 18th century. In 1659 "Bryan
Kennedy, Esq.," is found as 'titulato' or chief gentleman in "Pollinormond." (51)
He is the Brian, son of Murrough, of the pedigree, descendant of the first mar-
rriage of Hugh of Rapplagh. In the Hearth Money Rolls of 1665/6, the Pollen-
orman family appear again, (52) while Lenihan's Ms. copy of the Books of Survey
and Distribution for the County Tipperary, is expressed to be made from a copy
"made by Andrew Brian Kennedy of Pollenorman in the year 1705 for Bryan
Kennedy of Nenagh, Attorney at law." (53) The books show that the lands of
Morrog Kennedy of Traverstown were granted to the Duke of Ormond in part
and in part to some of the Cromwellian settlers like Colonel Pritty and Fleet-
wood. But that his descendants got them back there can be no doubt whatever
from their subsequent history. For this family undoubtedly held Traverstown,

48. The relevant documents are in the Quit Rent Office.
50. O. S. Maps—1840 issue.
52. "Tipperary Hearth Money Rolls" (ed. Laffan).
53. This Ms. of Lenihan is in my possession. It was copied by him from a Ms. in the
Archives of Dr. Leahy, Archbishop of Cashel, at Thurles. It seems probable that Bryan the
Attorney may have been Brian, son of Donough, son of William, of the Pedigree (Note B).
Pollenorman, and a large demense adjoining up to the middle of the 18th century. Colonel Morris in his “Genealogical Memoir,” gives a long account of them in which he suggests that at least part of their land was gained by trickery from the Morris family. This, like a great deal of other matter in this work, can be taken with considerable reserve.\(^1\) Captain John Kennedy of Pollenorman was licensed in 1705 as a Roman Catholic, to carry arms—a sword, a gun, and a case of pistols.\(^2\) In the middle of the 18th century, however, the family moved to Morrestown, Co. Kildare, and sold their ancient property to the Going family. By Lease of 9th July, 1759, John Kennedy of Morrestown, Co. Kildare, Esq., demised to Robert Going, Junior, of Tullowmoynan, Co. Tipperary (adjoining Traverstown) for a fine of £256 10s. 2d., all the lands of Poulenorman, containing 366 acres, 1 rood and 39 perches, for 31 years.\(^3\) By a Mortgage of the 8th February, 1759, the same John, in consideration of an advance of £1,200 from Robert Going, demised to him the “town and lands of Traverstown, containing by estimate 62 acres, Broken Plough (72ac.), Crossylaney (129a.), Addane (67a.), Clonmore 16a., Cooneen (18 ac. and 140 ac.), Ballindiganny (4½ acres), with a proviso for redemption and interest at 5%.\(^4\) John Kennedy apparently died between 1759 and 1764, and on the 11th August in the latter year, Christina Kennedy, “widow and reliet of John Kennedy, Esq., deceased, and Mary Kennedy and Alice Kennedy, both of Morrestown, and daughters and heirs of John Kennedy,” sold all the lands mentioned in the foregoing deed to Robert Going, Junior, and his father, Robert, Senior, for £8,720, out of which the £1,200 advanced on the Mortgage was deducted.\(^5\) The Deed contains the very interesting proviso that there was excepted from the sale “that small plot of ground in Ballindiganny whereon the chapel and priest’s house stands.” This plot is actually the same on which now stands the Catholic church of Killeen with the curate’s house adjoining in Templeduff parish, about two miles from Ballinaclogh. The other leading Kennedys of Ballinaclogh moved to the mountainy districts of Curreney and Foulduff in the Cromwellian period, but still convey their dead to their ancestral graveyards in Ballinaclogh and Killkeary and Kilaneave. Tradition has it that in the old days no one but a Kennedy had a right of burial at Ballinaclogh. In the Reformation period, a ‘stranger’ erected a marble tomb there, but the hardy men from Curreney descended one night from the mountains and, as one of them related to me, “made pound pieces of it.” Of the O’Kennedys who moved to Kildare, I have not been able to discover anything, but the name is still found in that

\(^1\) “Genealogical Memoir of the Family of Montmorency Morris” by Colonel Harvey Morris (Paris, 1828). Copy in National Library. Col. Morris was an officer of the French Army, born at Knockalton, Nonagh. He fought in the rebellion of 1798 and later went to France. (Vide Dict. Nat. Biography.) He also wrote “Les Montmorency de France et d’Irelande” (Paris, 1816). Both works contain numerous wild and inaccurate statements, and the illustrations are not to be trusted.


\(^3\) Registry of Deeds, Bk. 214, p. 217. No. 140878. By another Deed (Bk. 117, p. 25), by way of Deed Poll of 17th Aug., 1744, John Kennedy, of Morrestown, assigned to Henry Dillon all his estate and title as executor of Hugh Kennedy, deceased, or in his own right in Lease to him, by George Mathew, of Thomastown. It is recited that part of Traverstown was in Lease to John Kennedy by Henry Pretty, Esq., for 31 years, and part of Clonmore and Addane also in Lease from Lord Arran to Hugh Kennedy, of Curraghaleigh, deceased. He also assigned to Dillon, his interest in four Debentures of £50 and one for £20 in the Turnpike road from Limerick to Toomevara.


County at Straffan and other places, and tradition survives there of the Tipperary origin. The Goings family retained Poulanormal and Traverstown up to modern times, as did the Bayleys, Ballinaclogh. The old mill at the bridge at Ballinaclogh was originally the Manor Mill, referred to supra in the Ormond Deeds, and also in the Civil Survey. It was worked up to comparatively recent times by the Boland family as a corn and woollen mill for the local people, but is now derelict. Such are the consequences of the march of time, that now all memory of the Earls of Ormond, and the Kennedys of Pollanormal, or even of the castle of Ballinaclogh has almost vanished from the district.

The whole of this story provides matter of considerable interest for this difficult period of Irish history. The recovery of the English lordship and its effects on this typical portion of the 'Irish quarters' is shown in detail. The consequential impact of the feudal system with its complicated system of conveyancing forms, on the old Irish tenures, appears very clearly from the wording of the deeds. They represent an attempt, sustained over half a century, to maintain the Irish system in the new dispensation of English law, then for the first time introduced to Ormond. With the aid of the new lawyers, whose terminology must have been a sore trial to Rory O'Kennedy of Ballinaclogh, the old Lord of Upper Ormond, last of a long line, attempted to preserve the inheritance of his family from the "adventurers and projectors" then moving about the country in the wake of Strafford, seeking what they might devour. With the aid and under the shadow of the great Duke of Ormond, Rory, as we have seen, was at least partially successful. But the old days were gone for ever, and though the mensal lands of the old tuath of O'Cinneide Domn survived to his descendants in some measure until the sale to the Goings, the end of the fateful 18th century saw a stranger in Ballinaclogh and the fame and title of "the Lord MacTeigue" vanish in the mists of history.

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(THE ABSTRACT.)

1 April, 1597. A difference arising between Philipppe and Hugh concerning the town and Castle of Ballymaclogh, with all the lands and tenements thereunto belonging, the same was referred by Thos., Earl of Thomond, to Peter Palmer, Justice of the Liberty, who, reciting that whereas Tho., Earl of (Ormond) by Indenture dated (word obliterated) 23 Eliz., did set the premises for life to the sd. Phillippe and Hugh, being then in their possession as tenants at will and afterwards by his Deed, dated 3rd July, 25 Eliz., did set the premises to the sd. Hugh and to More Ny Carroll, his wife, and the heirs male of the sd. Hugh, begotten on the body of the sd. More, therefore did order by consent of the pties and their counsel that Philipp should enjoy a share during his life and after his death the whole to go according to the sd. entayle.

27 May, 1601. A copy of a deed, attested by Robt. Roth by which Hugh Kennedy with his feoffees of Trust, Richard Forstall of Callan and Willm. Troddy of same, in consideration of 200 marks, did mortgage for so much unto Robt. Rowth, Henry Skeath (Sheeth?) and Walter Lawes to the use of the sd. Earl of Or: all and singular the Castle, etc., and all other hereditaments with their appurtenances in the towne and fields of Weyperous als Ballymacloghie, the reversion and rest of the premises and of every part and parcel thereof with the lands, etc.: th sd. Richd. and Willm. did reserve in a Writ of Entry in the post atg. against the sd. Hugh and More in the Court of the Liberty.

1st Feb., 1605. The sd. Hugh and the sd. feoffees did conveyed the lands in the annesed schedule mentioned, to Rory in tayle and to Willm., remainder to Brien in tayle, remainder to the right heirs male of the sd. Hugh.
Ballynaclohy is not in yt. parcel, which argues the tenements there are not parcels of it.

1 July, 1606. By Deed bearing sd. even date with the last, Rory doth covenant that Hugh shall enjoy the profits of the premises during his own life, notwithstanding the sd. feoffment, and also to convey to his brother Wllm. and the heirs male of his body, the lands, (i) in the annexed list marked with the figure of (i).

22 Ther, 1626. Rory O'Kennedy and Darby oge O'Twochle of Ballynecloche, in consideration of £300, did convey to Constance MacEgan of Kinnamonagh, the lands in the annexed list marked with the figure 2 and other petty parcelles which are sd. to be part and parcel of Rappelghbegge, with condition of re-entry to ye said Rory, his heirs or assigns, upon payment of £300, between the feasts of Christmas and SS. Philipp and Jacob (sic., i.e., James) att any time.

A copy onley produced—not authentick.

25 March, 1632. Rory O'Kennedy, in consideration of natural love and affection, did by Deed convey to Ony O'Dwyer of Cleonyshep, Esq., in fee, the Castle, townes, and lands of Ballynaclohy, with the parcelles and members thereof, to the Use of the sd. Rory and Joan, his wife, during their lives, reversion to the heirs male of the sd. Rory, remainder to the Use of Wm., brother to the sd. Rory, during his life; remainder to Dermott, son and heir of Wm., during his life. Remainder to Dermott O'Kenedy, son and heir of the sd. Willm., during his life; remainder to Hugh Kenedy, son and heir apparent of the sd. Dermott, and the heirs male of his body; remainder to the heirs male of the said Dermott; remainder to the heirs male of the said Willm.; remainder to the right heirs of the said Rory.

15 April, 1635. Rory O'Kennedy, in consideration of £100 sterling, did devise Ballynarrackan (marked (i) in the annexed list with the figure of (i)) unto his brother Wllm., for 99 years, reserving one grain of pepper, until that, upon payment of £100, together with such other payments as shall appear under the hand of the said Rory to be payed to him by the sd. Wllm., it shall and may be lawfull for the sd. Rory, his heirs, exors., admors., or assigns upon just payment by them in the month of April, and that then after the end and expiration of 21 years from the May day after the first payment or tender the sd. Lease shall be void.

The words are 'Deed indented' but na manual indent.

2 February, 1636. Rory O'Kenedy in consideration of £350 did release to Constance MacEgan all his right in the Deed of Mortgage aforesaid, contained, with condition of re-entry to the sd. Rory, his heirs and assigns upon payment of the sd. £350, together with such moneys as shall appear to be laid put by the said Constance in Reparacion, etc.

This is only a Copy attested by Constance MacEgan.

2 October, 1841. Rory O'Kenedy, in consideration of £180 payed by his nephew, Dermott O'Kenedy, of Ballymagne, and in consideration and to the intent that his lands should continue in his right heirs males, hath authorized and appointed the sd. Dermott to release the several townes and lands marked with the figure of 3 in that annexed list, and consents to make further assurance of the sd. lands to the sd. Dermott and his heirs. Also consents from henceforth to stand seized of the premises to the use of Dermott and his heirs.

My Note. D.F.G. The "Annexed list" of lands so often referred to above was not with the pedigree and abstract and other deeds in the Kilkenny box I inspected at T.C.D., October, 1942.
THE PEDIGREE OF THE ANCIENT PROPRIETOR OF BALLYNACLOUGHIE IN UPPER ORMOND.

(Ex Muniment Room at Kilkenny Castle—1942).

7 Aug. 1665. This pedigree and these evidences were produced to me Hugh McDermot Kenedy the day and year afd.—J.W.

Dermot O'Kenedy

Philip

John

Donogh. d. without issue

Brian now living

Hugh living

Edmond

Brian (1)

Murrough

Brian* living

Hugh (m. 1 ——— ?) (m. 2 More ny Carroll)

Rory (2)

Honora m. Fanning

Joan

Dermott

Dermott

Donough, living

William (2)

Hugh living

Rory living

Brian living

Mahon living

Note—The names in Italics are not in the original pedigree; the Fanning who married Honora was probably Alderman Clement Fanning of Limerick.