Land-Transfer in Sixteenth-Century Thomond:
The Case of Domhnall Óg Ó Cearnaigh

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Little detailed information is available on land transactions in Thomond before the seventeenth century, and that little has survived mainly in the Inchiquin archives,\(^1\) now in the National Library of Ireland. The chance survival of a handful of documents in Irish makes it possible, however, to reconstruct some of the dealings in land of one thriving landowner in Thomond, Domhnall Óg Ó Cearnaigh, in the middle of the sixteenth century; and in passing they cast some light on the social background of these dealings.

He appears first in 1542 in a deal with one Gráinne daughter of Mac Con, who is described as being aged (\textit{i ndeireadh a héise}) and as possessing, moreover, the right of gift on behalf of her offspring—an important point for the validity of the transaction. From the documentation\(^2\) it emerges that Gráinne had acquired in pledge a certain quantity of land—two-thirds of Laonnáí, of Cluain idir dhá Shruthán, of Leath an Ghairtín Ghearr, and two gardens—apparently near Limerick, and also two cows, for the sum of 11 \textit{uinge} (i.e. 110 pence). It was arranged that Domhnall should take over the land from her in return for maintenance up to the value of 11 \textit{uinge}; her son, and only her son, could redeem the land from Domhnall Óg at any time between May Day and the feast of St. Brendan (May 16), provided he did so from his own property, not borrowing the money for it.

Seven years later we find a similar transaction between Domhnall Óg and one Mac Con son of Lochlann son of Sioda, involving the three “quarters” of Gort ... seise,\(^3\) worth as pledge 14 \textit{uinge} less seven pence (i.e. in all 133 pence), in cash and kind: out of this Mac Con in turn was indebted to one Domhnall Dearg to the tune of one \textit{uinge} of gold\(^4\) which was in fact paid to the latter in Limerick, and Mac Con received his cash and a sword and cloak. In the same year, again, we find a piece of land called Lá na Saoirse agus Lá na Cáná impledged to Domhnall Óg by one Lochlann for a total of a milch cow with a heifer calf, two sheep with their lambs and two shillings in cash: the whole to be redeemed for the same if Domhnall Óg so chose, or for its equivalent.\(^5\) In this transaction also Domhnall Dearg appears, apparently as Lochlann’s lord: he, just as much as Lochlann’s son Mac Con, was entitled to redeem the land, and the permission of both was required for it to be impledged. It seems to be assumed that Domhnall Óg proposed to work the land himself, since it is laid down that if he improved the land he was entitled to compensation or to an extra year on the land after redemption.

Yet a further series of transactions is recorded in an undated document of about

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\(^{2}\) Dublin, Trinity College ms. I.6.13 f. 59; Maynooth, O’Curry ms. 26, p. 289; Maynooth, O’Curry ms. 71 (e) (30).

\(^{3}\) The name is only partly legible in the manuscript, Trinity College ms. I.6.12 no. 5.

\(^{4}\) The precise value of this has not been determined.

\(^{5}\) Dublin, Trinity College ms. I.6.12 no. 6.
the same period. One Diomnaigh de Fuit held the “quarter” of Gort an Athchalledh in pledge for 11 marks (apparently from a certain Donnchadh Mac Conmara) which Domhnall Óg paid her in order to take her place on the land. Again, the same Donnchadh Mac Conmara was in debt to Domhnall Óg for standing surety for him, paying debts on his behalf, and making him loans; for this a balance was struck by four arbitraments, including Domhnall Dearg, and the sum of Domnchadh’s indebtedness assessed at 15 marks, to be conceded to Donnchadh, and Domhnall Óg allowed to retain Gort an Athchalledh as pledge. A further lien was the 3 marks Domhnall Óg had given to Donnchadh as surety for Seangán son of Mathgamhain Mac Conmara, though for what reason does not emerge. The total came to 29 marks, and it was agreed that Domhnall Óg be allowed to retain the land unredeemed for eight years from the following Michaelmas, that if it were not then redeemed he should hold it for a further three years, and that the only eventuality that could remove Domhnall Óg within the term would be a division between kinsmen (combráithre) in the event of Donnchadh’s death, and that in that case he should receive equally good land in Cratloe, near Limerick.

Over and above this, he and Donnchadh agreed that he should hold the half-“quarter” of Kilfintinan, near Limerick, in pledge for 8 marks for a period of three years from the following Michaelmas, and that if it were not redeemed then, that he should hold it for a further three years.

He last appears in 1556 in a document recording a complex of transactions. As tenant of the half-“quarter” of Baile an Mhóta from Tadhg son of Sioda, he had had three brood mares worth 5 marks taken by the steward of Donnchadh Ó Briain, lord of Thomond, for debts due to the latter from Tadhg and his son; and as a result of this loss, and after arbitration, Domhnall Óg was able to transform his tenure of part of Baile an Mhóta into the more profitable holding in pledge for that amount.

Domhnall Dearg, who had figured in earlier dealings, appears in a rather more complicated transaction. When one Domhnall Óg Mac Conmara was slain by a certain Sioda son of Tadhg, the latter willed his acquisitions (soldthin) and land in pledge to his lord, Domhnall Dearg (it is possible, though the text is silent on the point, that the latter had paid the éirc of Domhnall Óg Mac Conmara); and this included land already in pledge to Domhnall Óg Ó Cearnaigh. Domhnall Dearg was to redeem the pledge and possess the land; instead, Domhnall Dearg found himself further in debt to Domhnall Óg for a number of reasons, mostly his own fault. Thus when he and the two sons of Lochlainn Ó Comhraiche stole two pigs from Domhnall Óg and were eventually traced and convicted, they were mulcted in half a mark for the pigs, 3 uinge tracker’s fees (fíacha fásnéise), and an uinge to the judge, all of which in turn was transformed by Domhnall Óg into a further pledge and burden on the land Sioda had held. To this Domhnall Óg added, at a date unspecified, the value of 18 groats (6s) to Domhnall Dearg and one Siobhán de Nais, and a further 7 uinge for redeeming a pledge to that value which Domhnall Dearg had in his turn.

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6 British Library (formerly British Museum), ms. Egerton 152 f. 62; Maynooth, O’Curry ms. 71 (c) (29a). The last of these transactions also appears as no. xii of J. Hardiman, “Ancient Irish Deeds and Writings”, Trans. Roy. Irish Acad., 15 (1825-28).
7 Dublin, Trinity College ms. I.6.12 no. 1.
8 Assuming the groat’s full face value; but it has been pointed out by M. Dolley and G. Mac Niocall, “Some Coin Names in Ceart Úi Neill”, Studia Celtica, 2 (1967), 120, that debasement had begun in the early 1540s.

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acquired from a certain Tadhg son of Donnchadh. To all this, he added the payment of 8 marks gambling debts owed by Domhnall Dearch originally owed to Aodh Ruadh son of Conchobhar Og Mac Filannachdha and Eoghan an airgid, apparently a pair of professional gamblers, and paid to them, in the form of a good horse, by Tadhg son of Domhnall Mac Conmara on Domhnall Dearch's behalf, the debts passed to Domhnall Og in part payment for a rick (cruch) of corn and were converted into a further lien on Baile on Mhota.

From all this sleight-of-hand with pledges, some interesting points emerge. First and foremost, the substantial sums involved: the total money involved, at its face value, is £434-4-1, to which should be added the payments in kind. Even allowing for the fact that some of this did not actually change hands and was as it were a “book” transaction, it raises the question of the origin of Domhnall Og’s resources. He is clearly a farmer: he appears as losing pigs by robbery, as selling corn and buying milk cows; but he is equally clearly no subsistence farmer. Did his spare cash come from the sale of hides, for example, in Limerick? His own standing is obscure: I have not traced him elsewhere. The total amount of land involved is less clear five “quarters” plus lesser, indeterminate, quantities. If we assess the “quarter” at something like 200 statute acres, then over 1,000 acres is involved. In any case, there is no reason to suppose that the surviving records exhaust the scope of Domhnall Og’s transactions, and there is a strong possibility that much more took place than is here recorded. Nor need we suppose that he is untypical: it seems probable that there were, in this area at least, others of the same class and resources willing and able to profit by the misfortunes, turbulence or improvidence of such as Domhnall Dearch. There has survived, for example, a kind of balance-sheet drawn up in 1531 of similar dealings by one Tadhg son of Uilliam son of Murchadh, covering sixteen different pieces of land and totalling 138 head of cattle and four marks cash. Domhnall Og may be untypical only in that we can follow his dealings in some detail.

A more general point emerges from these and other documents: the ubiquity of the pledge as an instrument of land-transfer in this area in the sixteenth century. There are good reasons for this. To alienate land permanently required the consent both of the alienator’s kin, who might otherwise, in certain circumstances, inherit the land, and often of his lord: both kinds of consent are implied above in the consent of certain interested parties to implagements to Domhnall Og. Consent to pledges was much more readily forthcoming, since the alienation was not in theory permanent: the heirs, and indeed the alienor himself or herself, could always cherish the hope of redeeming the land when the fixed term was up, despite the frequently limited terms within which redemption might be accomplished, for example at Michaelmas and no other date, or between May the 1st and 16th, as above. That they often failed to do so, and that the lands in question passed de facto into the permanent possession of others, we may suspect, but cannot at present prove.

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9 Compare the substantial trade in hides from the Limerick hinterland in the fifteenth century, G. Mac Niocaill, Na Buigeist, Iml. II, Ath Cliath 1964, 1, 520.
10 No townland of Kilfrinian survives within the parish of that name, but townlands close to the ruins of the church, such as Carrowmore and Castlequarter, of some 284 acres and 211 acres respectively, suggest that this is a reasonable approximation for this area.