The Arthur Manuscript


Before continuing this series the editors of the ms. wish to disclaim responsibility for the transcription of folio 113 recto, which was printed in the previous instalment (Vol. VI, No. 2, p. 48). As that particular page of the manuscript was to be reproduced in facsimile its transcription seemed to them unnecessary and was accordingly not made by them. It will be observed that four lines of the original are omitted from the printed version on p. 48* and that a few minor errors have been allowed to pass. Were this explanation not made now students of the ms. would be justified in assuming that the accuracy of the printed version as a whole could not be relied on.

*The four lines from fo. 113 r. are:

18° die Martii 1662 Dr. Nicholas Power cleared accompts & tooke vp from me 40£ 10s. ster. which with 49£ 10s. formerly due on his grandfather in principall & interest as aforesaid amounted to 90£ ster. for payement wherof he prefected me a bond dated 18 Martii 1662.

* * * *

(folio 114 recto cont.)

[53]. Moriartagh fitzDaniell o Bryen of Annagh aforesaid Esqr 7° Martii 1638 sould me the absolute fee simple of three plowland & a half with the castle of Tullaghedy viz. Gort en marla 1 quarter of a plowland Gortnacasshduey 1 quarter Keilline [blank] quarter Gortclassihwilliam [blank]Gortanchastlaine [blank] Gortanphoboile Sheissersagh a dirdavoher (wherof since I purchased the same I understand that Mr. Thom. Cantwell hath 1 myre or a sixteenth parte in mortgage for X£ from Moriartagh before sale made to me & that a quarter therof blongs to the said Cantwell which he gott from Murtagh fitz Teelagh) being a plowland, Dervh 1 quarter Knockanena murrog 1 quarter which is next to the lands of the Eannach in Ormond 1 quarter of Greallagh and the half plowland of Cluoinmuck all which lands are seated between the Eannach of Ormond & the lands of Duoharra in the Countie of Tipperarie, for the which lands then out of hand I satisfied & payed unto the said Moriartagh the compleate summe of six hundered pounds sterling, wherfore for my securitie & better assurance he then acknowledged a bond of twelf hundered pounds sterling of the statute stapule before the Maior and constables of the stapule at Dublin.
Here is a true Note how I satisfied the said 600£ sterling, viz.

30° Novembris 1636 I delivered to Moriartagh ò Bryen to redeeme Gortrisleagh from Mortough Hyky and Gortnamuck from Mcleaghlen òge McKeogh which he promised to doe then the summe of

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
10 & 13 & 4
\end{array} \]

(fo. 114 v.)

He fayled to redeeme those lands which redounded to my great prejudice & detayned my mony for 2 yeares & 3 moneth for which I caused him to paye me due forbearance being

I lent him January 1636 at Lymmerrick the summe of

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
02 & 7 & 4
\end{array} \]

He owed me a yeares rent due at Michelmas 1637 out of his share of the farme he leased from me in Duoharra as is specified fol: 96: pag: B:

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
18 & 5 & 0
\end{array} \]

He owed me for the 100 perches of inclosures which by his covenants he was bound to make that yeare but did not at 6d. per percehe

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
02 & 10 & 0
\end{array} \]

He owed me for his share of the duble subsidies which he should discharge by his covenants in the proper countie but did not & were intimated vpon me to Dublin

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
00 & 15 & 0
\end{array} \]

He caused a statute stapule bond & defeazance to be drawn at Dublin & yet did not perfect them but desired me to paye for them which I did

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
00 & 13 & 0
\end{array} \]

And I delievered vnto him at Dublin 12° Decembris 1637 the summe of three score pounds sterling

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
60 & 0 & 0
\end{array} \]

All which amount to £89 3s. ster. for the honest & true payement wherof vnto me by Candlemas then next ensuieing the said Moriartagh Pyers Butler of Banesheagh & Art McGeoghegane of Tulchaine acknowledged a judgement of 178£ 6s. before Justice Donellane in the Court of Common please in Michelmas tearme 1637

He & every of them fayled to paye me wherfore I shued Pyers Butler finding him at Dublin & in that shute I spent 4£ 0 8d. ster, as appeareth by my Attourney his Note of Costs which I delievered to Murtagh vppon percloseing our said bargaine at Dublin

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
4 & 0 & 8
\end{array} \]

The said Pyers Butler after that at some other body his suit was committed to the Pusuiuants and I petitioned the Lord Deputie to have him stayed there vntill I were satisfied which petition drawn by counsell cost 10s. & the Order cost me 6s. 6d.

\[ \begin{array}{ccc}
\text{£} & \text{s.} & \text{d.} \\
00 & 16 & 6
\end{array} \]

*Written "Lym'miek ye sume." When transcribing entries verbatim we have followed Dr. Arthur's spelling but extended his contractions, including ye and yt to the and that.
After that Murtagh at the King’s Attorney generall’s shuie for the escape of John McConn McNemarra suffered by him dureing his sheriualtie was committed to the Pursuiaunts custodie & I petitioned the Lord Deputy to have him stayed there vntill I were satisfied of the said debt due by Judgement the Order gotten to that purpose vpon that petition cost me dated 6 Febr. 1638.

He owed me the forbearance of the said 89£ 3s. due by Judgement for 15 moneths ending 7° Martii 1638 when our said bargaine was perclosed 11 2 0

He owed me a yeare & a halves rent ending at Easter 1639 due out of the fearme aforesaid he held from me in Duoharra 27 10 0

He owed for the 150 perches of inclosures he fayled to make dureing that tyme wherof I did forgive him 50 perches 2 10 0

He owed me which I lent him gratis 6° Julii 1637 payable at Michelmas 1638 by bond 10 0 0

He gave me directions to shue Dermot duff mcKeogh in his owne name wherby the said Dermot was adjudged to accept of his mortgage in redemption of the land in which suite I spent for petition at Councell table, Order. affidavit & attachement vide plura pag. 118 B 00 18 6

He gave me directions in his owne name to shue mcDonogh o Bryen meI Bryen Arra for incroaching uppon such as the said Muriartagh’s father sould me in Duoharra for the warrantie wherof Moriartagh was bound as aforesaid and the incroachment was uppon the quarter of Ruolagh & the parcell Droumendarragh in which suite I spent Petition Xs. Order 6s. Copie of his answer 2s. 6d. Replication Xs. Order to Reioyne 6s. (fo. 115 v.) 2 footemens wades 6s. Copie of the Reioynder 2s. 6d. Order to ioyne in Commission Xs. Commission 13s. 4d. all of which came to 3£ 6s. 4d. ster. 3 6 4

Spent by his directions in recovering Gurtine macTerrelagh Cuilnamuck & Gurtine nahamana from Moriough Hiky his incroachtments all which Muriartagh was bound to defend for me details as foregoing except that copy of rejoinder was 5s. and two additional items viz. for a motion to mend our Replication 20s. footemns wades 2s. 6d. mounts in all 4 11 4

By his directions I lent to his Mother Mary ny Bryen 20 July 1638 payable 10° Novembris next ensuing then 3 00 0

Spent by his directions in shueing Muriartagh fitz Teig of Kilculmane & Moriough Hiky to recover Gortdrisleagh Petition Xs. Order 6s. 6d. 0 16 6
By his directions I deliuered Sir Paul Davys for to procure
from the Lord Deputy & Commissioners of plantation lycence
for Murtagh to sell his said lands of Tullaghedy & for me to
purchase the same dated 6 Martii 1638

1 5 0

Note in margin:

Undernamed persons [These procured Orders to have Moriartagh stayed in the castle
until he payed them viz Alderman Edw. Arthur 100£ Mr. Bryce merchant 50£ Mr.
Warren merchant 50£ Mr. Cardiff 10£ Mr. Ralph St. Laurence 30£ Mr. Hallowood 8£
Sir Dominick Whyte in the behalf of Patr. Whyte 8£

All which amounts to 172£ 7s. 6d. ster. (sic)

And to cleere the accounts of his shearifweek in the
Exchequer & to pay severall debts due on him at Dublin viz to
Mr. Midchell, to Secretarie Carr & others 427£ 12s. 6d. which
I delivered him at Dublin before the perfecting of his deedes

427 12 6

All which doe amount to 600£ sterling.

And Moriartagh owes me the interest therof 2 yeares &
8 moneth before the warrs due 7 Novembris 1641. The
said Moriartagh by covenants & statute stapule bonds was
bound to deliuer me the actual and peaceable possession of
the premisses purchased lands by the first day of May
then next ensuing in anno Domini 1639. (fo. 116 r.) But
fayled thereof & dishonestly endeuored to annull my said
bargaine & to frustrate me of the benefit thereof through
the seditious suggestions of his brother in law John Hurley
who envied the goodnes of the bargaine & coveted to have
it for himself wherfore I shued the said Moriartagh wherein
I expended what followeth.

To counsell for drawing a petition against Moriartagh
Xs And for the Order therupon dated 9 Maii 1639 6s. 6d.

0 16 6

To counsell for drawing an other petition against
Moriartagh & James Hurley

0 10 0

for the Order therupon whereby the matter was referred
to Judge Crassy & Doncllaine both judges of the common
please dated 18 Mai 1639

0 6 6

for their warrant to summon Doctor Gerald Fenel who
upon Moriartagh was removed to the kings castle

0 3[0]

for an authentique copie of the pursuivants petition
therupon Moriartagh was removed to the kings castle

0 3[0]

to mr. Richard Martine my counsell for giving attendance
vpon those Judges referees the 25th and 30th day
of May by them appointed to heare & debate of the matter

2 0 0

for makeng up a Certificate of the meritts of the cause
& of this Judges opinion dated [blank] Junii 1639

0 10 0

for the Lord Deputies Order confirmeing the said Judges
Certified dated [blank] Junii 1639

0 13 6
for a copie therof under the Secretarie his hand to be left with the Constable of the Castle for his further warrant for detayneing Moriartagh in his custodie untill he had performed with me

Moriartagh about [blank] got an opportunitie to make an escape wherypon I petitioned to be put in possession which cost me to councel for the Order gotten therypon referring the consideration therof to ould Sir Richard Boulton then lord cheefe barron

for a second order wheras Justice Lowther went for England to Sir Richard Boulton onely dated 25° Septemb[ris] 1639

(fo. 116 v.)

0 3 0

0 10 0

0 6 6

0 6 6

for his warrant to summon Mary ny Bryen John Hurley & John Cantwell & Thomas Bowen who were concerned therin dated 30° Septemb. 1639

to a footeman for seruing them therwith

to Sir Edward Boulton then kings sollicitor to be of counsell with me

to Mr. Patrick Darcey then to be my counsell they sayling to appeare then affidavit was made that they were serued with the said warrant of summons which affidavit cost me

for the lords Referrees Certificate of their non apparence dated 15° Nov. 1639

therevpon a pursuivant issiued for them who being brought to Dublin did not appe[ar] untill I procuraed a new summons for them dated 27° Febr. 1639 from the said Sir Richard Boulton who then became Lord Chancellor which summons cost

By that tyme Sir Edward Boulton was made lord cheefe barron & could not be my counsell thersfore I interlayned mr Richard Martine with mr Darcey to be counsell then which cost

for the Lord chancellors certificate made vpon that Referrence to the Lords Justices

After Mortagh fled into England findeing the Lord Lieutenant there he petitioned against me 30° Octob. 1640 the Copie wherof cost me

I gave to Counsell for drawing an other petition (in answer to the same) sent into England cost

I was advisued to petition the king against Moriartagh & gave to Counsellors for drawing therof

To the Kings Secretaries in England and to their men for procureing a good Order therypon by vertue wherof Moriartagh was taken & a messenger sent with him to Chester in August 1640 to be sent for Ireland

2 13 0
My counsell advised me to get authentique Copies of all the proceedings Evidences & pleadings past between vs here in Ireland to be transmitted into England to shew the validitie & honestie (fo. 117 v.) of the bargaine & to convince him of falsehood & dishonestie, all which cost me what ensues viz The Copie of his petition to obtaine licence from the Lord Deputie & Commissioners of plantation to sell me those lands cost me 3s. A copie under mr Walish his hand of the indented & inroled Deedes of sale made to me of those lands cost me 10s. A copie of the pursuivant Bently his petition & Order thervppon whereby Moriartagh was removed to the Castle of Dublin cost 3s. A Copie of my petition desiring performance of my bargaine cost 3s. A Copie of my petition against Moriartagh & John Hurley cost 3s. A Copie of Justice Cressy & Donelanes Certificate & the Lords Order thervppon cost 5s. Mounts in all all 27s. ster.

I gave to Councell for drawing me a formall letter of attorneu appoynting Bartholomew Stacpol & Stephen Stretch then in England my attorneuys to answer & follow my business there

Moriartagh petitioned the Parliament in England against me, Sir Paul Dauys, William Caddugaine & secretarie Thomas Litle the copie of which cost me

I gave to Council for drawing an answer to it

Thomas Stretch deliuered to mr. [Fittom] Parsons my counsell in England which I sent him as by his letters appears

I was informed that Moriartagh came secretly to Ireland and was looking private meanes to be listed in the kings armie therby to be priveledged from shuiteres, actions & arrestes & therfore to prevent his admittance I petitioned the Lord Deputie which cost me to Councell

And the Order thervppon obtayned dated 23 April 1640

When Moriartagh came reauly to Ireland I thought to procure an Extent of the statute vpon his & his shuerties estates & therfore I gave to Counsell for drawing an Affidavit (fo. 117 v.) of what wrong I sustained by the incroachments of neighbours usurping seuerall parcels of the lands of Enshimore and Ballymolouna which Moriartagh was bound to defend vnto me

for making Affdait I payed 0 1 0

to an attorneu for making a motion thervppon to gett an Extent 0 3 4

to the box for that Motion 0 1 0

to mr Grace for an Order requersing them to appeare & shew cause why an Extent should not be granted dated 0 3 0
Wherevpon he appeared & shewed 2 priveledges which he had the one wherof was that he was one of the Queens servants. The other an Order from the Parliament of England to exempt him his men & shuerties from any shuite or arrest that may impede their attendance in prosequitae the shuite he had depending before the Parliament in England. And by these meanes I could procede noe further then. And the warrs came on immediately after the Copie of those two priveledges cost me then

Besides the aforesaid disbursements Murtagh owes me what I spent in the shuite which James Earle of Ormond commenced against me in Moriartaghs absence before the Lord Deputie and the commissioners of plantation for parte of the lands of Tullaghedy viz for the Copie of the Earles petition dated 24 Aprilis 1640

0 1 0

00 3 0

to mr. John Blake my counsell for drawing an answer to the same

00 10 0

to his clearck for ingrosseing the same

00 1 0

Besides these Moriartagh owes me what I spent by his direction endeavuing to recover the [half Myre which Donnogh en chalha detaynes wrongfully in Shandroume to recover the which Moriartagh is bound to me viz.

\( (fo. 118 r.) \)

\( \begin{array}{l}
\text{\ell \ s \ d.} \\
0 10 0 \\
0 6 6 \\
0 6 0 \\
0 2 0 \\
0 3 0 \\
0 10 0 \\
0 6 6 \\
0 6 6 \\
0 1 6 \\
0 4 0 \\
0 2 6 \\
2 10 0
\end{array} \)

I gave to Councell for drawing a petition for the Order gotten therevpon 27th Septemb. 1639

As a footeman for shewing that Order and coming back to make affidavit therof for the affidavit then made date [blank]

for a Copie of his answere to Councell for drawing a replication to it for the Order therupon referring the matter to Justice Donnellane who could not attend it dated 8th May 1640 for another Order of Reference therof to the Recorder of Dublin mr John Bysse dated 18\textsuperscript{th} May 1639 \{sic\}

to the Recorder his man for a summons to a footeman for serueing the summons to the Recorders man for ingrosseing his maisters certificate made of the meritts of the cause

And Moriartagh owes me what dammages I sustaine by not enioyeing the said half Myre which is per annum every yeare since Easter 1639 20s. ster. cleere from all countrie charges, as Ee o Hiky payes me out of the other half therof I demised to him which was 2 yeares and a half before the warrs
Besides what Moriartagh allowed be vppon accompts for shueing Moriartagh fitzTeig o Bryen of Kileulmane specified folio 115 pagina B he owes me which I disbursed by his owne directions for the affidauits made 6° Junii 1639 by Connor o Bruodye of shewing the Lord Deputies Order to Murtagh fitzTeig aforesaid & to Moriough Hyky

He owes me also what I shalbe awarded to have for vsurpeing my lands in Duoharra aforesaid and detayning my said purchased lands in Ormond ever sitheence these warres.

And what I shalbe awarded to haue for my horses, mares, cowes, oxen, sheepe, & househould stuff which he pillaged me of in December 1641 specified in my petition exhibited to his Excellencie James Lord Marques of Ormond Lieutenant Generall of Ireland 18° Martii 1649, the Order of Reference wherof cost me 6s. 6d. payable by Moriartagh with the rest. Vide plura quae mihi debet et recensentur folio 124 huius libri.

(fol. 118 r.)

[54]. Payment 19 Mar., 1638 (1639) by T.A. to the son of Francis Dowde of the Wyne Taverne Street, Dublin, of £91 13 4 for tobacco purchased by T.A.'s brother Richard Arture from Dowde in Limerick. Richard A. was to refund this by "Lambemas", i.e. 1 Aug. 1639.

Repayment made to James Mahowne 29 Aug. 1639.

[55]. Mortgage transaction similar to No. [10] supra 28 May 1639 with Dominick Fanning of Limerick of premises and lands of Arndnavidog and Baneenlisshine for £160 increased 2’3 June 1640 to £216: rent £21 12'0 p.a.

Here follows (part fo. 118 r. and all fo. 119 r) a detailed account, which contains no names except that of David Rochefort sheriff of Limerick, of all moneys owing by Fanning to T.A on the head of this transaction. It must be noted, however, that he makes no charge for interest during the war years. From the "proclamation of the peace 17 January 1648" (1649) until 17 Jan 1650 (1651), the last date appearing in this transaction, the rate of interest charged is only 5%. His pre-war rate in the same transaction was 10%.

(fo. 119 v.)

[56]. Mortgage or loan transaction similar to No [31] supra 29 May 1639 per James Mahowne with Teig o Bryen of Graig and Richard Andrewes. (£40; £4 p.a.)

Reredeemed 9 June 1640.

[57]. Mortgage transaction similar to No. [10] supra 10 June 1639 with John Bourke fitzThomas of Limerick, burgeois, vide No. [9] supra, of his stone house. (£120; £12 p.a.)

Reredeemed 23 Dec. 1639.

[58]. Sr. John Browne knight of the hospital in the county of Lymmerick by his bond dated 13° Julii 1639 owes me fouescore & six pounds three shillings & neypence ster. payable by the last day of September 1639. But not payed as yet. And when I thought to shue him vppon the specialtie he became a member of the parliament wherby he was privileged. And immediately after that he became a captaine in the armie which the Lord of Strawfoord raisyd (fo. 120 r.) whereby he was alsoe priviledged & soone after that the wars began so as I could finde no
opportunitie to shue him. After the first yeares of the warres he went into England where being of the kings parte vppon som quarell betweene him and mr. Christopher Barnevile he was killed in a duell. He owes alsoe the forbearance for two yeares & 4 moneths ending the 14th of Novembe 1641 which was before the warres were heard of in Mounster which comes just to the summe of 20£ 1s 4d at xf per centum.

He owes alsoe the forbearance therof since the 18th of Januarie 1649 since the proclamation of the peace at 5 per centum vntil 18 Januarii 1651 which comes just to the summe of 12£ 18s. ster.

And he owes what forbearance shall be allowed by the consent of the kingdome from thence forth vntil the principall be payed.

Of all which summers due vppon the said Sr. John Browne there belongs to me but the matter of [blank] which I did leay out in prosecuting shuits against Sr. Thomas Browne father of the said Sr. John, and which was allowed me vppon the taxation of costs by the Lord Deputie Wenthwoorth as appeareth by the bill of costs with the proportionable interest or forbearance therof vntil it be payed.

The rest therof belongs to my nephewes Edmund and Thomas Power in whose behalves as administrator to their deceased father James, I commenced and prosecuted shuite against Sr. Thomas Browne knight in the behalf of the heyres & executors of Dauid Rawleigh of Ballinamona clearck deceased.

(fol. 120 v.)

[59]. Kennedy McDonogh o Bryen who sould vnto me a quarter of a plowland in Inshimore called Mehannahg & Droum ne Kearten, & a Myre or 4th parte of a quarter of a plowland in Sheandroum, of whom I made a mention folio 95 & 96 huuis libri owe me what summe ensue for the severall reasons and respects herafter expressed.

Whyles Kennedy enjoyed the premisses lands he suffered his brothers Connor & Donnell to dwell ther at some easie rent but after the sales made therof vnto me & that he was driven to pay a round rent therout himself to me he could not bear further with his said brothers but to make them contribute proportionable to the payement of the rent resered on him to me, which they refusing to doe begann to pretend a right to 2 third partes of the premisses respectiuey derived from their father. Whereupon to avoyde the further incumberance and cavill Kennedy prayed me to shue himself and them promising to paye me all the costs I should spend in prosecuting the said shuite as appeareth by his second sixth & eight letters remayneing with me which cost ensues viz

The next four pages (folios 120 verso to 122 recto, inclusive) contain many items very similar to those transcribed in full in earlier cases. These are summarized below and only the entries which have a direct bearing on the present case are given in detail.

To counsel for petitions, replications and pleading
(7 separate entries) 3 10 0
To footmen (10 separate entries) 1 13 0
Affidavits and copies of answers (10 sep. entries) 1 10 0
Lord Deputys Orders & certificates (9 sep. entries) 3 9 6
Secretaries and clerks for warrants &c
(5 separate entries) 12 0
loan 3 0 0
To release the said Connor & Donnoagh xx Maii 1638 out of the marshallsie after that they past & perefected vnto me a Release of all their pretended tylte to the premisses I was driven to lend them vpon their bill payable 20 Octobris 1638 the summe of thirtie shillings ster. of anle parte wherof they would not paye me vntill I was driven to shue them & then Connor payed to my use in Februarie 1638 to James Mahowne 15s. the other 15s. due on Daniell remaynes yett due together with the costs spent in shueing them for the same.

Haveing ridd meself of the said Connor & Daniell's pretensions by their release aforesaid I petitioned against Kennedy to make him redeeme Sheandroume from Ee o Hyky & Donnoagh en chalha and to deliuer me the wrintings and euidences.

By the first lease I gave him & Flann Bruodine he ought for his parte to make vpp 240 perches for the 2 yeares & a half he held the lands with inclosures he fayled to have made thersore at 6d. per perce he owes

By the second lease he ... fayled to paye the duble subsidies intimated vpon me to Dublin in 1637 his share therof being

For his share of the hoggs reserued by that lease

He ought for his parte of the rent reserved to me on him by the second lease dated 20 Novembris 1636 for 2 yeares ending at Easter 1639 toward which he payed 13s. 6d. at Easter 1637 see remayned due on him but

for the 100 perches per annum of ditches reserued to have been made ... .

Contrary to covenants of the said lease he wasted my timber woods by means of Shean o Helanes who sould therof for him to James Dowley at Lymmerick 8£ woorth, & 3 pounds woorth to others ...

He owes me what I spent in suite against mee I. Bryen for vsurping vpon Drumunndarragh parte of Mahannagh which Kennedy was bound to defend & warrant for me

He owes me half what I payed to Donnell oge Hyky 6 Septembris 1639 in redemption of half the myres to him mortgaged in Sheandroum being an in-calf cow price 30s. and 40s. in reddy money ......

Kennedy & Murtagh ought to haue discharged the homage due on the lands but did not for 2 yeares and a half ... I was driven to pay 12s. 6d. besides 6s. 8d. fceezes

Connor mee Donnoagh was attached 2 Maii 1640 & mee I Bryen desired the pursu.iuant to leave him with himself that night promiseing to deliuer him ... fayled

(affidavit)
Kennedy came to Dublin to satisfy me for these debts about the 23th of Maii 1639 where he fell sick about the 28th . . . . I caused the Apothecarie to minister him 2 gisters & some Tulips for which I payed 00 15 0

Kennedy dyed the 8th day of June 1639 and I understanding that he made a will & appoynted his wife More & Dermot o Bryen fitzDonogh his executors I was advised to petition the Lord Deputie to command the said executors . . . . Diermot o Bryen . . . . dislaymed the executorship and . . . . More shee proved refractorie (affidavit).

(fo. 122 v.)

After that I gott a citation from the courte of faculties for him and More that they may legalie accept or renunce the executorship which citation cost me 00 01 8

To the Apparitor for seruing them with the citation 00 01 0

When they dislaymed in the executorship I took out letters of Administration in hope to be payed out of the defuncts goods which letters cost me 19° Iulii 1639 00 13 4

I have intered into bonds to the courte to administer duey & give a true accompt being demaunded which obligation cost me 00 02 6

I procured a Commission into the contry dated 19° Iulii 1639 to examin people vppon oath how much of the defuncts goods came to their hands & to apprayse what goods were found hoping thereby to make vp a true Inventorie cost (in margin returnable in termino paschoe 1640).

Vnderstanding that More nin Donogh Phillip mnc vohny o Kennedy Donnell mncDonogh o Mulryan Donogh mnc Kennedy mnc Connor & others have imbeazelled much of the defuncts goods I proc[u]red a speciall citation dated 24° June 1640 for them to have them examined vppon oath at Dublin which cost 00 01 8

To the Apparitor serueing them 6d. and 2d. for every myle from Dublin to their howses being 70 myles monts 00 11 8

I procured an Attachement from the court of Prerogative against those that had the goods & would not shew them to the Commissioners for to be appraysed dated 1 Iunii 1640. Donnough o Krehowne deputie for Hugh Carrull pursuivant For exhibiting the Inventorie post diem 00 03 4

For drawing the accompt gien into the Courte perseete

for quietus est 00 13 4

for cancelling the obligation aforesaid 00 2 6

Mounts in all one hundreded pounds

100£

Of all which sume I never receaved of the said defuncts goods but the matter of 21£ in siluer or mony and in cationale and housshould stuff 25£ 8s. woorth wherof with my owne goods and cistle Murtagh o Bryen robbed me

21 0 0

25 8 0
robbed me [blank] 1641 as is mentioned superius folio 118 pag. A the summ receaue comes but to 46f 8s. so remayne
due to me on the said Kennedy as aforesaid the summe of 54f.

besides what is aforesaid I was driven to paye after
Kennedy his death for other subsidies which he ought to
have discharged for me by his second lease, and for which a
good gearran was taken in pawne by the collector Mleaghlen
o Hogaine

And for the said gearran taken in pawne for respitt of
homadge which the said Kennedy fayled to pay as he was
bound to do I payed

Soe what remaynes due to me vpon the said Kennedy
amounts to 56f 1s. ster.

A particular note how I payed Kennedy mcDonnogh o Bryen the
31f due to him for the quarter of land he soulde to me in Inshimore
mentioned folio 95 huius libri, & a myre in Shandroum

Here follows an account of four payments (only one dated—1
Dec. 1631) amounting to £31. 0. 1.

Then follows a similar note of payments to Mr. Daniell o Bryen for
slightly less than 2 plowlands and a quarter in Ballamolouna in
Duoharra (jo. 95) amounting to £220. Mention is made of redemption
of mortgages on

¾ quarter of Sheanrade (Owen Hiky)
quarter of Cuilruoe (Daniell Hiky)
Cluoinfada (Kennedy mac Cnoagher o Fahy)

Gortdrisleagh (Morough Hiky assignee of Moriartagh o Bryen
of Kilculmane):

and of two lawyers acting as arbitrators viz.

Richard Martine and John Blake.
After that Mr. Daniell & Murtagh have received my monytes they fayled
to procure their wifes to acknowledge with them a fine of the premisses
bought lands unto me according our articles of agreement dated 20º
Novembris 1631. And to procure Connor o Bryen of Cnockane & Terlagh
oge o Bryen of Bealine to acknowledge with them a statute stapule bond of
800f for warranting the premisses vnto me myn heyres and assignes where-
for I shued them wherein I spent what foloweth

15 items similar to those listed on p.73 above totalling (fo. 124 r.)
£3. 16. 6

By vertue of this Order [Lords Justices Order confirming the Lord
Dillons Report & opinion being a finall Order dated 1 Sept. 1636] Murtagh
after his fathers death procured shuerties to be bound with him & Kennedy
mcDonnogh in the statute stapule as is mentioned afore folio 95 for the
warrantie of the land to me myne heyres & assignes.
I procured a Commission to certaine Commissioners to accept of Maryny Brven & Catherin Hurley & Moreny Bryen, & of Daniell, Murtagh & Kennedy their acknowledgement of a fine of those lands which cost me [blank]

Butt yett they fayled to acknowledge the same though they often promised to doe it.

And by their importune intretatie I renewed the said Commission which cost be [blank] yett they fayled to acknowledge it

All these charges are yett due to me on the said Moriartagh that I never charged him therwith, besides all the rest mentioned before foliis 116 117 & 118

(fo. 124 v.)

[60]. Mortgage transaction 13 Jan 1639 (1640) with James Earl of Ormond for grain of pepper per an. of 99 years lease of manor house and lands of Nenstone Corannisses Butlers Grange, Crosseogh and Rathglass, Co. Carlow (Catherinagh) in the sum of £1000, acknowledged by Earl and Countess and recorded in Leventrop’s office, Dublin. Said fine was in custody of Patrick Darcey [inserted later “but I gott it from him”]. Warranties for the payment by the Earl to T.A. of £100 per an. interest were Richard Butler, brother of the Earl and Theobalt Purcell baron Loughme, the Earls brother in law. Darcey being tenant of the lands at £260 p.a. rent attourned to T.A and undertook to pay him £100 p.a. and the balance of the £260 p.a. to the Earl.

First half years rent or interest due Michaelmas 1640 was paid by Darcey’s man Edmund Dorrogha 3 June 1641. Subsequently no rent paid, in spite of a petition against Darcey by TA and Ormond’s order to Darcey to make answer (affidavit of service of which was made) and a letter to Darcey from Secretary George Lane.

(fo. 125 v.)

[61]. “Mahowne Considen then Mortagh o Bryens man and since these warrs became to be a captaine with the English at Corke, by his Note dated 7th Aprilis 1639 owes me tenn shillings ster. payable the last day of Easter tarneem then next ensuing.”

[62]. Note of debt due by David Rawleigh of Ballynacarrigeh covered by his bill dated 10 May 1638 for £1 received from James Mahowne payable 31 July 1638.

T.A. petitioned against him 19 Sept 1638. Rawleigh having failed to appear or satisfy an attachment was issued against him “wherupon he headed himself and could not be found.”

(fo. 125 v.)

[63]. Record of transaction with Mahowne o flannagaine, carpenter, who in April 1637 was paid in advance by James Mahowne the sum of £2. 10. 0 for the supply of eleven beams 20 to 24 ft. long, 12 in. deep and 10 in. “in the back,” to be delivered by 1 Aug 1637 at Bearn en Eynod, T.A to pay cost of transport to Limerick. Following a petition against O Flanagan for non delivery an attachment was issued against him Sept 1638. In a bill dated at Inshimore 3 Oct., 1640, o Flanagan and Donogh en chalha mc Bryen of Ballyea in Ducharra were jointly and severally bound to deliver the beams by Nov 1 1640.
6 beams were delivered. mcBryen "took his oath" to deliver the remaining 5 by Michaelmas 1648 but did not. T.A then "arested him" at Limerick and brought him before the Mayor Pyers Creagh fitzAndrew, who promised to stop certain monyes that he had on hand of mcBryen's "until I were payed of those beames according the said Donoghys promise then made uppon oath in June 1648. Yett I ame not payed."

[f. 126 v.]

[64]. Note of debt due by Nicholas Leo of Craiglyeagh, fisherman, covered by bill dated 9 Sept 1640 for £1.11.0 repayable St. Patricks Day 1640 (1641).

[65]. Note of similar debt due by Daniell Ruoe Leo of Keildrimine in Arra; amount £1, bill dated 24 Oct 1640, repayable 31 Oct 1641.

[66]. Note of loan to Connor Ruoe o Duyrick of Moynichaine in Ballimolouna; amount £1, bill dated 31 Oct 1641, repayable Michaelmas 1642.

[67]. Note of loan to Mahowne o Hogaine of Kealarie in Arra, fisherman; amount £1, bill date 2 Nov. 1641, repayable 1 Nov 1642.

[68]. *This entry is partially crossed out.*

Note of debt by Teig mcDonogh o Bryen of Teemple en chalhy in Arra and Slany ny Molouna; amount £1 3s. 4d, bill dated 23 Oct 1640, repayable 1 Nov. 1641.

They repaid £1. 0. 6 leaving 2s. 10d. still due.

[f. 126 v.]

[69]. "John Buy o Lurkaine my tenant in Droumrouske & Pullagh owes me twoe pounds five shillings ster, remainder of the price of the cowes which my man Phillip Sighaine sould him payable [date blank]. And alsoe owes me 4£ ster. with a hog and a mutton being a yeares rent due at Michaelmas 1641 out of the premises lands he held from me and peaceably untill the 9th of December 1641 and about that tyme by meanes of the warres he forsooke the place." O Lurkaine paid the balance due on the cows but not the rent, having failed to appear before the Justices of Assize when summoned by their warrant. T.A. notes the amount outstanding as £4 16s. 0 to cover the value of the pig and sheep as well as the rent.

[70]. Note of debt £4. 13. 4 due by John Power, brasier, for 2 years and 4 months arrears of rent out of the south-east shop adjoining the castle. Power took the shop at Christmas 1635. The last rent he paid was £1 for a half year to June 1640, collected by Phillip Sighaine. On 6 Nov 1642 Power "stole away from thence."

[71]. Note of rents received and outstanding out of the "north east shop of the castle." Let.by James Mahowne at £1. 10. 0 per an. 1 June 1635 to Steephen Woulf fitzJames. After the first year Woulf fell into arrears but (once with the help of Steephen Stretch) he paid off the arrears from time to time and—Oct 1641 T.A. gave him an acquaintance to 1 June 1641.

[f. 127 r.]

Woulf sublet ("sett") the shop to Arthur [Moore] a sadler who "dwelth therin" from 1 June 1641 to Michaelmas 1642. Woulf owed T.A. £2 for that period of 16 months.
[72]. Note of letting of shop mentioned in the foregoing to Arthur Moore at Michaelmas 1642 at £2 per an. Moore remained in occupation till 28 July 1643. He paid T.A. £1 5s. 0 during this period and is recorded as therefore still owing 8s. 4d.

[73]. Note of rents outstanding out of the south west shop of the castle let to Nicholas Creagh fitzEdward who on 1 June 1641 owed £1 10. 0 (period not stated) less approximately 5s. allowed for plastering the end of the shop.

A note inserted later (same hand, different ink) states that Creagh paid in 1648 to T.A.'s wife Christian 17s., leaving 8s still due.

[74]. Note of loan to David fitzJohn Bourk of Rochester: amount £1, bill dated 29 June 1634, payable 31 July 1634.

[75]. The twelfth of May 1640 I bought the interest of George Plunkett pursuivant in the lease which he got from the Courte of wards of the lands of Corbally & Garrankyyssh for which I payed him thirtie five pounds ster. And because my sister in law Ellice Arthure was accustomed to receive sixteene pounds out of the rents of the said lands for her mayntenance by the assignement of her father in law James Woulf before the same was seived ypon by the Court of wards for severall Alienations made therof by the said James Woulf, of which annuity she was depriued by the said leasee of the Court of wards; therfore to recover for her, her said annuity, she prayd me to purchase the said lease, promising & yndertaking to see me payed of my said principall & of the forbearance therof out of her owne said annuity if it should happen that the said James Woulf should sue forth a Pardon of Alienation and recover the said lands out of my hands before I weare payed of the said monyes I payed to the said Plunkett with the forbearance therof: And that I should enjoye the surplussadge of the rents of the said lands to my owne vse & towards the payment of those monyes which I disbursed vntill the said Pardon of Alienation had beene shued for, onely alloweing her, her said annuitye yearly. The rent reserued on Donogh mcc Bryen ballagh and his brother Conor mcc Bryen ballagh to James Woulf out of the premisses was but 24£ and a good large hog per annum. But when J rayed the rent & the said Donogh mcc Bryen ballagh came to me to Inshimore where he agreed to paye me thirtie five pounds ster. a good large fatt hog at Martlemas and two shrewetyde henns as rent out of the said lands yearely dureing my interest therin: & to give good shureties for the due payement therof to James Mahowne to my vse at Lymmerick at the makeing of the lease therof vnto them according the purporte of my letter then sent by him the said Donogh mcc Bryen to the said James which lease & increase of rent was to begin at May 1640.

About the 4th of August after that the said Donogh mccBryen Ballagh departed Inshimore he & Murtagh (fo. 128 r.) fitz Morough o Bryen who was assignee or ynder tennant of Connor o Bryen mccBryen ballagh aforesaid in parte of the premisses lands payed to the said James Mahowne to my vse the summe of seautentine pounds one shilling and six pence ster. wherof twelfe pounds were in full payement of the rent which fell due on them at Easter before in anno 1640 according the ould rent reserued as aforesaid. And the other five pounds 1s. 6d. was in parte
payement of the next then ensueing Michaelmas rent according the new
reserved rent. Of the which 17£ 1s. 6d. see by them payed, the said
Donogh mceBryen ballagh his share was but 6£ And the X£ 1s. 6d. was
Murtagh o Bryen aforesaid his share. At this tyme they have detayned
18s. 6d. for & in lieu of see much homage monyes which they pretended
to have payed out of the premisses lands that yeare. See there remayned
due on them of that Michaelmas rent in anno 1640 the matter of 12£ 8s. 6d.
ster, and a hog price Xg ster, which with the whole yeares rent due on
them at Michaelmas in anno 1641 before the warrs according the said
new agreement doth amount to the full summe of 47£ 8s. 6d. ster. 2
good hogs price 20s. & 2 shrewetyde henns wherof they payed nothing
yett.

The remainder of this entry, which occupies almost half of folio
128 r. and all folio 128 v. except 6 lines of the bottom, is somewhat
disjointed: it can be summarized as follows.

Of the £35 paid by T.A. to George Plunkett there remains
due principal £17. 8s. 6d. and interest thereon for 12 years (May 1640
to May 1652) £26. 16. 0: total £44. 14. 6.

James Mahowne in Oct. 1640 by T.A.'s directions lent £5 to Ellice
Arthur; 16 Nov. 1641 T.A. lent her a further £6; Phillip Sighaine sold
[n.d.] to Ellice Arthur one of T.A.'s cows for £1. 4s. 0d.—not paid.

The amount due by Ellice Arthur, besides the £44. 14s. 6d afore-
said is therefore £12. 4s. 0d principal and interest (12 years) £13.
4s. 0d., total, £25. 8s. 0d. making a grand total of £68. 18s. 6d. (sic)
to be paid out of rent of the lands.

T.A. demised the quarter of Garranekysshine to Thomas
Clanchy & Patrick Yong for 2 years from April 1649 at £6 p.a. (they
paying country charges). T.A received on 15 Jan. 1649 [50] for
rent to Michaelmas 1649 22s. 4d. i.e. £3 less £37s. 8d. court costs.
T.A. received out of the same lands from Robert Clifoure [no
particulars given] 19 March 1655 [6] for half years rent to Michaelmas
1655 21s. 6d. allowing 2s. 6d. to the collectors for the whole year
ending May 1656.

[76]. 30 May 1644 I demised all the lands of Garrane kisshy freeland
Corbally & Gortflugh aforesaid vnto Dauid Bourke priest & to his brother
Redmund fitzTheobott Bourke for two yeares at the yearly rent of 20£
ster. per annum payable by euen moeties at Lymerick they discharging
all country charges besides wherwith the lands should be charged, but
they (fo. 129 r) never yett payed anie parte of the said rent notwithstanding
that they were bound thereto duely by a bond of one hundered pounds
30th Mai 1644.

[77]. The aforesaid Redmund fitzTheobott Bourke on the [blank] day
of Februarii 1641 as I was reeding through Cahirkeinlish & [?fetching] my
goods from Dublin to Lymerick made stay of my goods and broke open
of my trunke out of which he tooke thytte pounds woorth & I could
not obtayne restitution of the rest from him untill I gave him five pounds
ster. After that when a little better settlement was made & J threatned to
shue him then he gave me by the awarde of his owne brother the priest
Dauid aforesaid, & of Robert Power & Thomas Power the lawor as satis-
faction for what goods he pillaged me of the matter of eighteen pounds ster, for the payment wherof by the last day of Septemb. 1644 & the 24th day of June 1644 he & his said brother David have acknowledged vnto me twoe bills dated the 19th of March 1643, wherof they fayled & therefor in November 1646 I petitioned against them to then Justices of Asseizes who by their Order dated 4° Novembris 1646 adiudged them to paye me forthwith with twentye pounds fifteene shillings Xd. for principal, forbearance & costs of courte together with the sheeriffes fees for executinge the said Order if they fayled to make payment otherwise. J could not obtayne anie sheeriff to execute the same & therefore in September 1648 I petitioned the said Justices againe who by their Order of the second of September 1648 adiudged them to paye me 22£ Xs. XId. ster. together with the sheeriffes ordinarie fees for executeing their said Order which I could not have executed.

(fo. 129 v.)

[78]. Mr. Anthonie Staughton clerk of the castle or starr chambre office owes me thirty pounds ster, which J lent him at Dublin for the payment of which by the 20th day of November 1641 he past me his bond dated 3° Septembris 1641. But the warrs then begun made him euer sithence to fayle of makeing payment. I have petitioned the then Supreame Counsell of the confederate Cathlicks that J may be payed out of the said Staughton's estate in the countye of Kyery which was convertted to the public vse as enemyes land & obtayned an Order to that purpose which cost me [blank] but J got nothing therby the Commissioners of that county alledgeing that all his estate was already ingadge to satisfie debts due on him to others of that county.

[79]. Note of debt due by David Nihil and his son James covered by their bond dated 3 Jan. 1641 (1642) for £13. 16. 0 assigned to T.A. by his brother Richard and payable 3 Jan. 1642 (1643).

This sum was paid to T.A. on 29 Jan. 1642 (1643), "wherof I delivered 7£ to my daughters Anstace and Christian legacied unto them by my mother Anstace Ryce."

(fo. 130 r.)

[80]. Record of letting, 10 Apl. 1646, of lands in Williamstowne and Rodenstown mentioned in No. 6 supra to Thomas Bourk of Ballinloghaine for 3 years from 1 May 1646 at £24 per an., country charges to be paid by tenant. "Walter fitzJohn Bourke his mother detayned from my said tenant the one half of the said demised lands wherfore I must have abated and allowed vnto the said tenant half the said reserved rent soe as I was to receaue but twelue pounds therof per annum."

Bourke paid the first two years rent but, when he failed to pay the third, T.A. petitioned against him to the Lord Lieutenant, the Marquess of Ormond, who by Order dated 1 Dec. 1649 referred the matter to the consideration of two lawyers George Comyn and Patrick Sarsfeld.

[81]. Record of letting of lands mentioned in the foregoing to Theobald fitzWalter Bourke of Ballinageard for 2 years from Easter 1649 at £8 per an., tenant to pay country charges.
Bourke paid Michaelmas rent 1639 (sic—1649) “and because the contrie charges became intollerable great and the enimye dayly preuyling and preying” he surrendered his lease the following January, promising to pay the £4 rent due Easter 1650.

(fo. 130 v.)

[82]. Record of letting of T.A’s share in lands of Gortnacluona (vide No. 41 supra) to Patrick Baggott for 3 years from Easter 1647 at £47 per an., a barrel of wheat, a barrel of “beare corne” and a good wether, tenant to pay country charges.

Though he enjoyed peaceful occupation Baggott paid no rent except a barrel of wheat and one “weadder.” T.A. petitioned against him to the Lord Lieutenant the Marquess of Ormond, who by Order dated 1 Dec. 1649 referred the matter to the two lawyers mentioned in No. 80 supra. They summoned Baggott to appear at Limerick on 12 December “wherof he fayled as by affidauit then made appeared & they examined my witness then &”

Entry ends abruptly here.