The O'Shaughnessy Woods

(With some Notes on the families of O'Shaughnessy, Butler, Upton, O'Flaherty, Martyn, Ringrose, etc., of the Barony of Kiltartan).

By T. Blake Butler.

The townland of Gortnecarrane also Killofine in the parish of Beagh and barony of Kiltartan, Co. Galway, containing 259 acres, I.P.M. (420 English acres), is situate on the western shore of Lough Cutra, on the confines of Clare and Galway. It formed, before the Cromwellian forfeitures, part of the estate of the O'Shaughnessys of Gort Inis Guaire (Mod. Gort), who, prior to the rebellion of 1641, were owners and Lords of the Manor and of the greater part of the barony of Kiltartan. Under the Cromwellian settlement of 1655, this estate was forfeited, but it does not appear that the O'Shaughnessys were ever actually then dispossessed of the whole, although large portions were set out to Catholics transplanted from other parts of the country.

With the Restoration of Charles II in 1660, and the passing of the Acts of Settlement and Explanation, patents were granted for enormous tracts of land in Ireland. It is from these patents that the owners of land in Ireland down to the end of the nineteenth century largely trace their title. Sir Dermot O'Shaughnessy had a grant under these Acts, dated 29th December, 1678, in which 200 acres of the lands of Gortnecarrane were included. According to the Exchequer Bills, which will be mentioned later, the remaining 59 acres were granted to Oliver Martyn, of Tullyra, Co. Galway, although this grant does not appear in the printed Schedules. On 1 June, 1689, Arthur Upton had a grant of 40 acres of Gortnecarrane under the Acts and the remaining acres do not appear to have been granted at all.

Sir Roger, son and heir of Sir Dermot O'Shaughnessy, sided with James II in the wars of 1688/91, and, in consequence, his estates were declared forfeited as from 11 May, 1697, and an Inquisition taken at Galway on the 5th September following finds that amongst these lands was Gortnecarrane, containing 116 acres. The following information on this estate is taken from the Cloran Papers, printed as an appendix to Blake Foster's Irish Chieftains:

"Note. May, 1698, bought from Frederick Trench by Walter Taylor, Esq., the 40 acres of Killofine . . . . and sold them to your father, Roger O'Shaughnessy, for 20s. per acre, which I paid to Mr. Taylor. He gave only a Bond obliging himself to pass a Conveyance at your father request of the lands, in which Bond he owns to have received the money for the said land, but he entered on the same in King William's time, no one opposing him. The Bond that your father had of that, I have."

It would, therefore, appear that, by and before 1691, Upton's grant of 40 acres had passed to Trench, who sold it to Taylor, who re-sold it to O'Shaughnessy, but, having failed to complete the Transfer, Taylor seized the lands again to his own use after O'Shaughnessy's attainder.
On 10 June, 1697, Roger O'Shaughnessy's forfeited estates were granted (or sold) to Sir Thomas Prendergast, including 200 acres of Gortnecarrane, the remaining 59 being held by Oliver Martyn.

This brings us to the time when the splendid woods on this property, which had been conserved for hundreds of years by the old proprietors, became, under the new owner, an important instrument for amassing wealth and, incidentally, the cause of considerable litigation, which lasted for more than forty years, between the Prendergasts, Butlers, Maghlinns, Martyns, Taylors, Ringroses and others. At this time the Prendergasts were extremely unpopular in the district around Gort and were looked upon as usurpers of the O'Shaughnessy's estates. Some of the O'Shaughnessys still resided in the district and were related to many of the local gentry. Having taken possession of his new property, Prendergast set to work through his agents to turn the estate to account. At this time there were several flourishing ironworks in operation close to Gortnecarrane, notably at Feekele and Grannagh in the barony of Upper Tulla, Co. Clare. These belonged to the Maghlinns. There was also another works as Moynoe, near Scarriff, belonging to John Ringrose. The demand for wood for these charcoal burning furnaces was heavy, and, in addition, extensive house building was in progress in the district to make good the destruction caused in the wars of the 17th century. We read that Oliver Martyn was building his house at Tullyra and that the Butlers were constructing mansions at Cahirane and at Ballinakill. Consequently, when it became known that Prendergast was prepared to sacrifice the woods at Gortnecarrane for profit, considerable competition arose for the valuable timber, which one authority valued at £12,000.

Dealing first with the 59 acres held by Oliver Martyn, both Sir Thomas Prendergast and Sir Theobald, Richard, and James Butler claimed rights therein although the property had been reserved in the grants to the Butlers of October, 1697, and February, 1701. Litigation on this issue took place on 25th June, 1700, all the defendants appearing on 18 February, 1701. The matter ended when Sir Theobald Butler purchased the timber on Martyn's holding for £235.

Captain Robert Maghlin, of Knocknokucky, Co. Clare, and his brother, Captain John Maghlin, of Feekele, were owners of the ironworks at Feekele jointly, and were men of position in the county, the former being High Sheriff in 1713. Hearing that Jeffrey Prendergast, Sir Thomas's brother, had been appointed his agent to deal with the woods, they approached him and, on 30 May, 1698, purchased from him all the fallen timber, tree tops, etc., for the sum of £50. Subsequently, in November, 1698, a verbal agreement was come to between the Maghlinns and Sir Thomas, whereby they were to purchase all the standing timber on the estate. This agreement was never completed and the Maghlinns blamed the Butlers for its failure; so much appears from the pleadings in the subsequent Chancery Bills.

Actually, in October, 1697, Sir Thomas had demised to James Butler, as Trustee for his brother, Sir Theobald, 200 acres of Gortnecarrane, at £226 per annum, to hold during the life of Ellen, widow of Sir Roger O'Shaughnessy. This townland had formed part of her marriage jointure under Settlement of 19 October, 1667. She was the daughter of Connor, 2nd Lord Clare, and had married secondly Captain Hugh Kelly, Mullaghmore. She died in 1729. The Lease or demise to James Butler further provided for an increased rent of £400 per annum for the remainder of the term of 21 years, after her death to which it was limited. After
this acquisition of the lands by Sir Theobald, the Butlers opened negotiations with Sir Thomas Prendergast to acquire the timber and, on 20th December, 1698, through their nominee Cornelius Ryan, all the standing timber was purchased for the sum of £2,500 "to cut, saw, coal, square, and carry away, excepting out of the said grant all saplings of oak, ash or elm of 18 inches girth or under, to be measured two feet from the ground."(8) Ryan was acting as nominee for Sir Theobald in this sale. According to the pleadings of the Maghlin in the subsequent law suit, however, not only had they purchased the fallen timber, but Sir Theobald's brother, Richard Butler, was the holder of a Lease of Gortnecarrane with nineteen or twenty years still unexpired and by virtue of this, had granted a similar term to them at a rent of £50 per acre, or £1,000 per annum. The statements and claims in the Chancery Bills are naturally contradictory, but it seems clear that the three Butler brothers (Sir Theobald, Richard and James) all had an interest in the lands, the timber belonging to Sir Theobald.

On the strength of their title the Butlers set to work to get a return for their investment and the first fall of timber took place in 1699. James and Richard actually managed this business. Richard Butler was living in a house on the property, whereas James had built himself a house at Ballinakill, in the same parish. Wholesale destruction of the woods seems to have taken place. According to one witness the splendid old trees were soon destroyed and the market became glutted locally that large trees were sold for sixpence each. This destruction caused great concern throughout the country and the matter was raised in the Irish House of Lords. The Prendergasts (as owners of the fee simple) complained that even the reserved saplings were destroyed and the Martyns and Taylors went to law to protect their interests. Nevertheless these grand old woods cannot have been completely destroyed, as they are mentioned by Dutton in his Survey of Galway, in 1811.(9)

Sir Theobald Butler, the richest member of the family and the most avaricious, seeing how profitable this venture was likely to be, then proceeded to acquire to his own uses all the other interests in these woods. His brother, Richard, having died in November, 1704, he acquired his interest from the widow, Ellis O'Flaherty. Then, after protracted negotiations with his other brother, James, he bought on 25th March, 1711, for £3,000, all James's interest in the old O'Shaughnessy estate, which James had held by conveyances of October, 1697, 25 March, 1698, and 30 October, 1698. The lands so purchased from James amounted to 4,311 acres, I.P.M., but there were excepted from them, the lands of Ballinakill, Beagh, Cahirceeny, and 59 acres of Gortnecarrane.(10)

By the year 1700, it was estimated by Oliver Martyn that one-sixth of the total value of the timber had been cut down. The river Tyalaghan runs through the property into Lough Cuta and it seems that the first operations were started on the banks of this river near the mansion house where Richard Butler lived. At this time Richard Butler and Francis Foster had purchased the fallen timber on part of the property from Sir Thomas Prendergast's agent, Jeffrey Prendergast, of Cloon, Co. Tipperary, for £6, but it was claimed that he had later sold it to the Maghlin for £60. They seem to have had difficulty in clearing away their purchase or could not use it or dispose of it as in 1713, these fallen trees for the most part were still lying about the property and were mostly rotten. By the year 1710, the Butlers ceased to work these woods for themselves, as in that year Colonel Ringrose, of Moynoc, Co. Clare, bought certain rights in them for £200 and an annual rent of £40 per acre.
One year after Sir Theobald Butler had acquired sole right in the timber, he found himself involved in a law suit with the Prendergast family, who were the owners of the fees and reversion. On 7th November, 1712, Dame Penelope Prendergast, widow of Sir Thomas, acting on behalf of her minor son and the heir, Sir Thomas, junior, commenced proceedings against Sir Theobald Butler, his brother, James Butler, and their nominee, Cornelius Ryan, charging them with having obtained these woods from her late husband by fraud, and of having broken the clause as to the size of the trees to be cut. They claimed a penalty for every undersized sapling cut. The damages were laid at £5,000, being the amount of the Bond entered into by Butler and Ryan in the penalty clause of the Deed of 20th December, 1698, already mentioned. The Butlers entered defences to this Bill, in the Easter Term of 1713, and filed a Cross Bill on 20 September, 1713. The case was heard on 21/22 February, 1714. This did not dispose of the issues and there was a rehearing on 17th June, 1715, when certain issues were ordered to be tried. There the matter seems to have remained, after the manner of Chancery suits of that time, until 6th May, 1719, when Dame Penelope Prendergast petitioned for a further re-hearing. At this, apparently in the Court of Appeal, the Lord Chancellor decided that an issue of fact should be tried as to "how much the Respondent was damnedified on 25th March, 1718, by the Appellants (Sir Theobald, Richard and James Butler and Cornelius Ryan) or any of them, willingly permitting, suffering, or directing to be cut down or destroyed, saplings excepted out of the said sale or grant made by Sir Thomas Prendergast to Cornelius Ryan."

Following on this, on 19th June, 1719, the Prendergasts moved for an "indifferent" County to be appointed for the trial and on the 25th June, Dame Penelope swore an affidavit that she believed that Sir Theobald Butler and his brothers had so many friends and relatives in Co. Galway that an independent jury could not be got there. The Butlers, in reply, swore that, out of 500 Freeholders from whom the jury in Galway could be chosen, only four were relatives of Sir Theobald (Toby). The Chancellor directed the trial to take place in the Queen's County. On the 3rd November, 1719, Sir Toby and his brother were ordered to enter an appearance. They refused to do so and on 12th November, a Writ of Attachment was issued against them to the Sheriff of Dublin.

The Butlers were so dissatisfied by this handling of the case by the Lord Chancellor that Sir Toby appealed to the Irish House of Lords. He seems to have appealed also to his own friends there, as is shown by the following interesting letter written on his behalf by the celebrated Dean Swift, of St. Patrick's, Dublin: —"The person who delivers this is the son of Sir Theobald Butler. His father is one of the most eminent lawyers amongst us, and hath an Appeal before the House of Lords to be heard on the 6th April. His adversary is one Lady Prendergast, sister of Cadogan, and the greatest widow Blackacre now in Christendom. I desire the favour of you to speak to some Lords of your acquaintance and to attend the hearing, because it is of very great importance to Sir Toby's fortune and he is very confident of the justice of his cause. He is one of my flock upon the Deanery, and a gentleman universally beloved and, therefore, I could not refuse him this good office." "Dublin, 24th March, 1720." (Jonathan Swift to Matthew Prior, Hist. Mss. Comm., Marquis of Bath, III. p. 481). The description of the Respondent as "The greatest widow Blackacre," is a Swiftian method of describing her as a most litigious female, and the form and contents of the document in our time, if they became public, would have caused the Dean to have been attached for contempt of Court.
Sir Toby’s Appeal was heard at the Bar of the House of Lords, in Dublin, on Thursday, 12th May, 1712. His Counsel were Thomas Lutwyche and Cornelius Phelps, and, after legal argument, the Lords decided in favour of Lady Prendergast and upheld the Lord Chancellor’s judgment and affirmed his directions, including that for trial in the Queen’s County. On the trial taking place there, the jury held that the estate would have been worth £1,000 more, if the saplings had not been destroyed and Lady Prendergast had judgment for that amount.

Even then the case was not finished. It was revived against John Butler, Sir Toby’s son, on 5th July, 1732; against Lady Cahir, Sir Toby’s daughter, on 12 May, 1733, and against James Butler, Sir Toby’s grandson, on 9th January, 1735, and was still proceeding in the following year. In these subsequent proceedings by Exchequer Bill it is computed that 20,000 saplings were destroyed and this despite the fact that the actual cutting of the timber only took place between the years 1699 and 1710.

This law suit, as has been shown, with those of the various other parties who had interests in the woods of Gortnacarrane, occupied the Law Courts of Ireland for upwards of 40 years, and, although it is stated that the timber in the woods was worth £12,000, it seems likely that whatever profits Sir Toby made from it were more than absorbed in the law costs which were occasioned. Throughout this period, James Butler, of Donn, Co. Clare, although he had a considerable interest in the lands, only acted as Agent for his brother, Sir Toby, where the timber was concerned, and his bargain of £3,000 for his interest in the lands would seem to have been a very good one in the circumstances.

NOTES.

1. This article is compiled from a series of Exchequer Bills extracted from the Public Record Office, Dublin, before 1922, for the writer (TBB) by Mrs. Phelps, copies of which are now in my large pedigree book. The Bills in this suit clearly show the Oliver Martyn held Gortna-carrane by Patent under the Acts of Settlement & Explanation, vide Ex. Bill, 31 Dec., 1726, The Martyns, of Tullyn, Co. Galway, were related to Walter Taylor, of Castle Taylor (mentioned in Dermot Cloran’s notes). Through his wife, Catherine Staunton, who was daughter of George Staunton, of Clydagh, Co. Galway, and his wife, the dau of Richard Martyn, of Tullyn.

2. Arthur Upton was a soldier of the Commonwealth in Ireland. He settled in Co. Antrim and was M.P. for Carrickfergus, but had grants of land elsewhere. His grant of Gortnacarrane was for a portion of the townland generally known as Killfine, but it difficult to distinguish exactly what was granted to Prendergast (O'Shaughnessy) Oliver and Upton under the Act of Settlement. Upton was attainted 1689 and died 1706. See Crone’s Dictionary of Irish Biography.

3. The Butler, Maghins & Ringroses were in different degrees tenants of the Prendergasts, Martyns & Taylors, and except for the actual sale of the timber on them the rest of the transactions dealt with in the Bills are leases for years or Lives only.

3a. For an account of Sir Dermot O'Shaughnessy and of his son Sir Roger, and of an attempt by their descendant and heir, Bishop Colman O'Shaughnessy, of Ossory, to recover the estates from the Prendergasts in 1744, vide Carrigan’s History of the Diocese Ossory, 1 Cap. XVI. The attempt, of course, ended in failure.

4. The Barony of Upper Tulla, Co. Clare, adjoins that of Kiltartan, Co. Galway, and the Parish of Beagh, Co. Galway, forms part of the border between the two. The Ringrose residence of Moynoe, lying in the parish of the same name, was about 10 miles from Gortnacarrane and Feakle, where the Maghin ironworks were situated was about five miles.

5. The families inhabiting the Parish of Beagh in the eighteenth century were: Butlers, at Cregg, Ballygeigan, Gortnacarrane, Ballynakill, Sallymount, and at Donn and Bunnahow, just over the Clare borders.
Fosters, at Ashfield.
Lopdells, at Castle Lodge and Rose Hill or Crushenadow asl. Crossford.
Maghillis, at Ryndafin and Derrincourt.
McHugos, at Rose Park and Rathorpe.
O'Shaughnessy's, at Beagh, Ardmileveen, Annagh, Lissane and Lady Ellen O'Shaughnessy lived at Fiddane until she died in 1729 (she was widow of Capt. Roger O'Shaughnessy attainted).

8a. Fáiny's History of Kilmacduagh, where the author mistakes Theobald Butler, of Creigg, for Sir Toby Butler: as far as is known these two men were not related. See also Reports of Commissioners of Records Ireland. Vol. 3., 1824/5.

6. This purchase was for the timber only, the land remaining with the Martyns, who seem to have leased part of their holding to the Butlers.

7. These Maghillis were subsequently seated at Ryndafin and Derrincourt, Co. Galway, and Tiralan, Co. Galway, and at Brickhill, Co. Clare. Jeffrey Prendergast, with whom the Maghillis negotiated, was a younger brother of Sir Thomas, and although of Tipperary, at this time he held estates in Clare, notably Cahircureley in Parish of Kilnog, Barony of Upper Bunratty. He subsequently settled at Crighan, Co. Limerick, and died in 1735.

8. Some of the Exchequer Bills referring to the deed of 20 Dec., 1698, name Anderson Saunders, of Dublin, as the nominee to whom the timber was sold; others name James Butler, of Doone, but the appeal to the House of Lords, 12 May, 1729, clearly accepts Cornelius Ryan as the person to whom the grant was made.

9. Ex. Bill 31 Dec., 1726, where Sir Thomas Prendergast brings an action against Peter Martyn, of Tullyra, and James Butler, of Doone, to prevent their cattle destroying the timber on this townland. See Dutton's Statistical Survey of Co. Galway, and Advertisement in the Clare Journal, 15 May, 1812: 'Lord Kilarton wishes to sell the woods of Gortnacarrane five miles from Gort.'

10. See schedule of lands attached to Exchequer Bill, Theobald and James Butler v. Dame Penelope Prendergast, 1 Feb., 1714. Of the 4,311 acres Beagh: 205 acres, Killaghty, 91 acres Gortnacarrane asl. Killfin, 200 acres and Ballyhenree, 85 acres, were subject to a mortgage of £373 by Charles O'Shaughnessy.

11. Walter Taylor seems throughout these proceedings to have maintained and exerted his right to Killofin, as Sir Theobald Butler's case before the House of Lords in 1720 contains there words: 'and to be relieved as to the said parcel called Killofin which was detained from him by Walter Taylor.'


APPENDIX I.

List of Chancery and Exchequer Bills from which the foregoing is compiled.

APPENDIX II.

Notes on Families concerned in the Woods of Gortnacarrane.

PRENDERGASTS—This family had long been in residence at Newcastle in the Barony of Iffa and Offa, Co. Tipperary. Edmond, of Newcastle, was forfeiting Proprietor in 1641; he was son of Thomas, son of Geoffrey, son of James FitzThomas, of Newcastle, who died 3 Feb., 1575. This Edmond had a son, Thomas, of Cloane, Co. Tipperary, who had issue Sir Thomas and Jeffery of these Exchequer Bills.

BUTLERS—The three Butlers who come into this story were three brothers, sons of James, of Boytonrath, Co. Tipperary, and Shanagoolien, in the same county. This James Butler was son of James of Boytonrath, who was hanged in 1653, for his part in the Rebellion of 1641. This James was son of Edmond, son of James of Grallagh, son of Peter of same, who was second son of James, 9th Baron of Dunboyne by his wife, Joan, daughter of Piers or Peter, 5th Earl of Ormond. Of the three, Sir Theobald (or Toby) was a noted barrister of his day and is the ancestor of the Butlers, of Ballyline, Crushenhood, Co. Clare. James Butler, the eldest of the three, was ancestor of the families of Doon, Millbrooke and Bunnahoe, all in Co. Clare. Richard, the third brother, does not seem to have left issue.
MAGHLINS—This family (now surviving as “Glynn”) were proprietors of Rathkenny and other lands in the Barony of Islands, Co. Clare, before 1641. After forfeiture in the Cromwellian times they settled at Loughrea, Co. Galway. Of the family, Bryan, son of Murtagh, died in 1655, and was father of Captains John and Robert Maghlin, mentioned in the foregoing. The family later settled at Ryndilin, Co. Galway, and at Brickhill, Cratloe, Co. Clare, and some of them are buried at Croghan. They were intermarried with the Butlers, of Cregg and Bunahow, and in the 18th century their name was modified to Mahon.

TAYLORS—Walter Taylor had a grant under the Act of Settlement, dated 8 Feb., 1667, and settled at Ballymacrargh, Co. Galway, about 3 miles north of Ardrahan. His son, Walter, purchased Kilvonne, 4 acres, from Frederick Trench and purported to sell it to Roger O'Shaughnessy before the Revolution 1689/91. He was living in 1751, aged over 80. He married Catherine, daughter of George Staunton, of Clydagh, Co. Galway, and his wife, Elizabeth, widow of Peter D'Arcy and daughter of Richard Martyn, of Tullyra, Mayor of Galway, 1642.

MARTYN, of Tullyra, Co. Galway—Richard Martyn, of Dungorey, Co. Galway, was Mayor of Galway in 1642. He died before 1653, when his widow, Margaret, daughter of Sir Peter French, of Galway, Knt., had a Decree of Innuence from the Court of Claims, dated 5th June, 1683, with her son, Oliver, in respect of lands in Galway and Mayo.

Said Richard had issue:—

(i) Oliver (above of whom hereafter).

(ii) John, who had issue (a) Peter of Ballinacourty, Co. Galway. (b) Peter, Justice of the Common Pleas, 1660/87. (c) Mary, who m. in 1647, Sir Thomas Blake, Bart., of Menlough, Co. Galway. (d) Elizabeth, who m. 1st Peter D'Arcy and 2ndly, George Staunton, of Clydagh, Co. Galway.


(ii) Peter, son of Oliver Martyn (vide supra), of Cappavanna and Coole Park, Co. Galway, m. 1st, Mary, dau of Patrick French, of Monives, Co. Galway, by whom he had a dau., Juliana, who m. in 1737, Laurence Conyn, of Kilcorney, Co. Clare, who died in 1785. Peter m. 2ndly, a dau., of Geoffrey Browne, of Castle Macgarrett, who died Dec., 1785. By her he had (i) Oliver, of Tullyra, who sold Coole Park to Richard Gregory, 18 June, 1788, and died s.p. in the same year. He had married Frances, dau. of John Donnellan, of Castle Donnellan, Co. Galway, on 8th July, 1748. (ii) Geoffrey ob. s.p. (iii) Richard, ob. s.p. (iv) John, of Tullyra, ob. Jan., 1784. He m. Mary Anne, dau. of — Lynch, and had issue (a) Edward, of Tullyra (ob. 1838), who m. Mary, dau. of Andrew Browne, of Mt. Hyde, Co. Galway, in 1788. (v) Mary, m. John Taylor, of Castle Taylor (Will 1769). (vii) Ella m. 11 Nov., 1734, Patrick Nolan, of Ballinderry, Co. Galway. (vii) Anne, m. Walter Lambart, of Cregg, Clare, Co. Galway.

RINGROSE, of Moyne, Co. Clare—Colonel Richard Ringrose, of Moyne, Bar. Tulla, Upper, Co. Clare, was grandson of Col. John Ringrose, of Hampshire. His Will, dated 24 March, 1780. He m. Alice, dau. of Nicholas Synge, D.D., Bishop of Killaloe, and had issue:—

(i) John, of whom later.

(ii) Joseph, who m. Isabella Brady, of Raheen, Co. Clare.


(iv) James, of Ballyvannan, Co. Clare, of which he had a Lease, 18 Aug., 1707. He died before 1766, and had issue, Joseph (ob. 1749), who m. 22 Feb., 1722, Mary, dau. of Edward Armstrong Clark, and had a son and heir, Jacob.

(v) Mercy, m. Thomas Creasadale, of Clostoken, Co. Galway.

(vi) Jane, m. 1690, James Moloney, of Kiltannon, Tulla, Co. Clare.
(i) John Ringrose, son of Richard (vide supra), of Moynoe, had a Lease of Coolreaghboy, Co. Clare, from the Earl of Thomond, in 1712, J.P., 1716, Sheriff, 1722. Owned ironworks in Upper Tulla. He was a Colonel in the army and died in 1747. He m. Avenina, dau. of Gilbert or Bartholomew Purdon, of Ballykelly (aka. Belkelly), Co. Clare, and had issue:


(ii) Alice Synge m. John Bowman, of Coolinagh, Co. Cork.

(iii) Margaret m. Francis Drew, of Drewscourt, Co. Limerick.

APPENDIX III.

Abstracts referred to in Text.

Act of Settlement & Explanation:
Saving by Redmond Magrath to Peter Martyn his right and to the Earl of Clanrickarde his right such as his ancestor had in Cortinacarrane in 1841.

Act of Settlement & Explanation:
Sir Arthur Upton had a grant of Killofane in Barony of Killtartan, Co. Galway.

DERMOT OGE CLORAN'S NOTES FOR O'SHAUGHNESSY, MAY, 1698.

Walter Taylor, Esq., bought from Frederick Trench, Esq., the forty acres of Killofane, and the 22 acres of Carubredoe, and said ye. to yr father for twenty shillings per acre, which I paid Mr. Taylor; he gave only a bond obliging himself to pass a conveyance at yr. father's request of ye. lands, in which bond he owns to have received ye. money for said lands; but he entered on the same in King William, none opposing him; the bond yr. father had of him I have........................William's/Shane 20 acres is past to your father by mortgage for the sum of £________ Sterling. The design was to adom, to that, and have it as mortgage on the said Mathew's land; it was not to covet his lands, but to secure it, the possessors being disposing of it to others............. These mortgages I was by command of yr. Judge of Assize, in the year 1596, forced deliver ye. Judge only the bond that your father had from Walter Taylor for Killofane aforesaid; and ye. 22 acres at Caubasede which I, at the request of Mr. Taylor, kept, the rather that he wd. doe me prejudice if I had not complied with him; he has nothing to do with it and that bond aforesaid is in my chest; he was never in possession of it till by the aforesaid way he entered in it in K. William's time. It was after the Court of Claims in K. Charles's time, granted with other lands to Sir Arthur Upton—he gave it to Paul Brasler. Paul set it for twenty one years to Dono McNamara, which was in trust for yr. Granfather; before the twenty one years was expired, Walter Taylor bought it from the assignee (Frederick Trench), at which buying yr. father was in possession of it by virtue of the lease from Upton. Yr. father bought the said two parcels from Mr. Taylor for 20s. per acre, being 62 acres for £62. A paid the money to him at Bally McGrath, took on my bond to sign, and pass a deed of it at your father's will and pleasure, in which bond he acknowledges to have rece'd the said £62 for the consideration aforesaid. Mr. Taylor bought other lands along with the sd. 62 acres; that is, Carecarra 164 acres, and Emsy 44 acres, before he bought, he promised O'Shaughnessy Killofane, Carubredoe, at the rates aforesaid and promised Emsy to Mr. Martin, and did perform it to each. Mr. Martin was wise to get his deed—O'Shaughnessy did not matter it, he thought the bond was enough—he ordered me to draw ye. deed which I neglected. Mr. Taylor, taking advantage of the time, and believing it easie for him, inter's on Killofane. I contested with him, because I would not have him inter on O'Shaughnessy's lands that I paid him for it, and yt. I expected would be restored some time to O'S.; Mr. Walter Taylor told me that he never passed deed for it, that he would have the land; that to O'S. the worst wld. be to sue him and sd. Walter Taylor for the contents of the bond-dispayre (despair) made me hould my tongue, and lies yt. case.