KENTUCKY GENEALOGICAL SOCIETY
VIRTUAL PRESENTATION 12 MARCH 2024
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INTRODUCTION

Irish estate records are among the best sources for documenting the poorer classes in Ireland. Estate records are the private papers of landed families and can detail matters concerning the tenants living on the landlords' estates. These may include records of leases, rents, evictions, emigrations from the estate, as well as estate maps, wills, poll lists, tithe lists, mortgages, tenants' account lists, tenant squabble descriptions, etc. Estate records are particularly important because the majority of the Irish population before the twentieth century rented or leased property from landlords.

Estate records are especially valuable pre-church registers since they cover all religious and socioeconomic groups. In particular, estate records may be the only source available to trace the poor. This is particularly true for the Catholic peasantry of the early nineteenth century and before. This presentation discusses the usefulness of estate records, how to identify estate owners, and sources for determining the availability of existing estate records.

Opinions concerning the use of Irish estate records vary from researcher to researcher. Some are of the opinion that the majority of estate records are lost or destroyed. Others see little value in the content of the records after what may be an extensive search. It should be noted that the more specifically a known location has been identified, the greater success.



Types of Estates

LANDED ESTATES – Few of the poorer classes owned land in Ireland before the twentieth century. Lands were held by an elite few, many were even absentee landlords living elsewhere in the British Isles. However, the estates were managed as any business would be. An overseer of the estate would collect the rents, direct the work, evict tenants, negotiate leases and see to all of the daily tasks of the estate. Many of these estates were awarded to the gentry as payment for loyalty to the Crown.

CROWN ESTATES – The Crown Estates were, as the name suggests, estates held by the King or Queen of England. Records for these estates were often well kept since the "owners" were good record keepers. The Crown Estates played a significant role in modeling emigration in the mid-nineteenth century. The overseers of the estates often kept detailed records of the affairs of the estate and the tenants. Records of repairs, acreage plantings, wood harvested, and game taken was often recorded.

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Types of Estates continued...

ENCUMBERED ESTATES – From the effects of a depressed economy in the nineteenth century, many of the large landed estates were foreclosed by the British Crown. These became known as the "encumbered" estates. A registry known as the Encumbered Estates Court was established in Dublin to deal with the significant numbers of bankrupt estates during this era. Approximately 3,000 estates were sold off between 1849-1857 totaling five million acres. With a tenantry weakened by sickness and emigration, their downfall in turn brought about the downfall of the great landed estates.



Time Period and Content of Records

Many of the estate records in Ireland cover the time period from the late 1500's to the late 1800's. The information of course varies since the landowners were keeping records for themselves and could do so as they saw fit. Generally however, the records include the name of the lessee, value of the property, amount of property, relationships (for leases of lives), sometimes details of health, and the type of lease. In many instances, maps of the estates are included with the names of tenants.

Sample from the Kenmare Estate, County Kerry, Ireland:

Tenants Names: Charles Beaty

Quantity of Land: 22a. 2r. 5p.

Yearly Rent: 7£. 13s. 9d.

Date of Lease: 19 November 1771

Tenure: 3 lives from Nov. 1771

Notes: Charles Beaty, Lessee/dead/

Robt. Wilson/dead/son of Robt. Wilson of Aughintober aged 4 years/died at Toronto in

1851.

Matthew Wilson, son of John Wilson of Tullyallen/dead/but reserved by lease 13£.

14S. 10D.

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Types of Leases

LEASE OF LIVES

A "lease of lives" was based usually on three (3) lives from the date of the lease. For example, the immediate lessee was named along with either a spouse, brothers, sons or other relatives. In later years when massive emigration became a problem, the overseers had to determine if a person named in the lease was still living. Many of the overseer account books contain correspondence to the United States, Canada, Australia and New Zealand in an effort to determine if someone named in a lease was still living. To overcome the problems of tracking down these persons, it became common to name prominent persons in the leases so everyone would generally know when that person died. Thus, just because the King of England is named in a lease with your pauper grandfather, doesn't mean you have claim to royalty.

ONE LIFE AND 21 YEARS

In some instances, a lease of lives would be stated for one life (the name of the lessee) and 21 years from the date of his/her death. The rate of the lease established at the time of the lease was valid until the lease expired. Thus, numerous leases made in the late 1700's were still in effect when the famine swept Ireland in the mid-1800's. The fact that the landlords could not raise the rents led to the bankruptcy of many of the landlords. With the ruined landlords went the tenants.

TENANTS AT WILL

Tenants at will was the worst possible type of lease. At any moment, the landlord was able to evict the tenant. The adverse effects of the famine in the mid-1800's lead to wholesale evictions from the landed estates in an effort to salvage the economic losses experienced by the landlords.



IDENTIFYING THE LANDHOLDERS

The first step in beginning your search in Irish Estate records is to identify the landholder where your ancestor was living. Several broad name tools can be very effective in this process. First, remember that these lands would stay in families for generations. Thus, if you cannot identify the exact name of the landholder, you may be able to identify the surname of the family who held the lands. For the mid-1800's, the best

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source is the Griffith's Valuation. This record lists the names of the occupiers of the property and the immediate leasers. Other sources of information for these names would be directories, lists of freeholders, gentry lists, the Registry of Deeds, and church monuments and tombstones to name a few. Published works listing the landowners are:

- 1. Bateman, John. The Great Landowners of Great Britain and Ireland. 1883; reprint, New York: Augustus M. Kelley, 1970.
- 2. Hussey De Burgh, U. H. The Landowners of Ireland. An Alphabetical List of the Owners of Estates of 500 Acres or 500, Valuation and Upwards, in Ireland, with the Acreage and Valuation in each County. Dublin: Hodges, Foster, and Figgis, 1878.
- 3. Land Owners in Ireland. Return of Owners of Land of One Acre and Upwards, in the several Counties, Counties of Cities, and Counties of Towns in Ireland. Presented to both Houses of Parliament by Command of Her Majesty. 1876; reprint, Baltimore: Genealogical Publishing Company, 1988.

In some instances, it may be necessary to write to either the Heritage Centres or the county libraries and ask for assistance in identifying the major landholders for a particular parish.



Availability of Records - Repositories

The best collection of Irish Estate records is kept at the National Library of Ireland, Dublin. For a detailed listing of the collection, see Richard J.

Hayes, editor, *Manuscript Sources for the History of Irish Civilisation*, (Boston: G.K. Hall & Co., 1965). The records may be looked up in two ways in this work. One approach is by locality, look in the "Places" volume under the name of the county and then under the heading "Estates". The other approach is to look in the "Subject" volume under the heading "Rentals: [county name]". Available in the online catalog for the National Library at http://sources.nli.ie/.

EXAMPLE:

Rentals: Westmeath, County:

Ms. 11,690 - 11,691: Smythe, of Barbavilla, Papers. Rent book of the Smythe estates, 1839-1845 and 1846-1848.

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Rentals: Westmeath, County:

Ms. 9982: Smythe, of Barbavilla, Papers: Rent book of William Barlow Smythe of Barbavilla, Co. Westmeath, 1835-1847.

Rentals: Westmeath, County:

Ms. 9985: Smythe, of Barbavilla, Papers. Rent ledger of the estate of William Smythe, 1802-1809.

Rentals: Westmeath, County:

Ms. 9986: Smythe, of Barbavilla, Papers, Rent ledger of the estate of Ralph Smythe, 1775-1779.

Rentals: Westmeath, County:

Ms. 9990: Smythe, of Barbavilla, Papers. Notes of receipts, 1723-8; rent ledger, 1736-1737 of William Smythe of Barbavilla.

Estate records and copies of estate records are also held by the National Archives of Ireland (formerly the Public Record Office and State Paper Office) and by the Public Record Office of Northern Ireland (PRONI), Belfast, Ireland.

ABSENTEE LANDLORDS

For records of absentee landlords, the best sources are the Guides to the County Record Offices in England and the Historical Manuscripts Commission, Quality House, London. Other possibilities include *Analecta Hibernica* Nos. 25 and 29 for a Survey of Documents in Private Keeping, published by the Irish Manuscripts Commission.



Searching Estate Records

Obviously, the majority of the records are not presently available for searching in the United States or Canada. This means that much of the searching in these records must be done in person or through record agents. For a list of record agents, see:

- ❖ Accredited Genealogists Ireland http://accreditedgenealogists.ie/
- Association of Genealogists & Researchers in Archives (AGRA) England/Wales http://www.agra.org.uk/

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REGISTRY OF DEEDS - HENRIETTA STREET, DUBLIN

The purpose of the Registry of Deeds was "for securing purchasers, preventing forgeries and fraudulent gifts and conveyances of lands, tenements and hereditaments, which have been frequently practiced in this kingdom, especially by Papists (Catholics), to the great prejudice of the Protestant interest thereof." It was established as part of the Penal Code and opened its doors on 25 March 1708.



REGISTRY OF DEEDS INDEXES

NAMES INDEX OF GRANTORS: Alphabetical Index by surname of the grantors (sellers) to the grantee (buyer).

LANDS INDEX: Index arranged by land jurisdictions; county, barony, parish and townland. While there is no true index to grantees, the lands index can be used as a substitute, but the user should be aware of the tediousness of searches in this index. The first series of the lands index covers thirty years (1708-1738), the second series covers seventy-one years (1739-1810) and then various years until 1832 when the indexing system was revised into quinquennial (every five years) volumes.¹



CONTENT OF THE DEEDS

The elements of each deed generally contain:

- Date of the deed
- ❖ Conveyance or will
- Names and additions of all parties
- Witnesses to the deed
- Description of lands and their situations

¹ Act 2 and 3 Wm. IV, chap. 87, s. XVII (1832) © 2024 David E. Rencher, all rights reserved.

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LAND AND PROPERTY DEFINITIONS

TENANTS IN FEE SIMPLE: A person that has lands or tenements to hold to him and his heirs forever.

TENANTS IN TAIL: Estates tail are either *general* or *special*. "Tail general is where lands and tenements are given to one and the heirs of his body begotten. Tail special is where both the original parents are marked out; as, if it be to A., and the heirs of his body to be begotten upon B., or to B., and the heirs of her body to be begotten by A., or to A. and B., and the heirs of their bodies...estates tail may be either tail male or tail female, which is where lands are limited to a man and the heirs male of his body, or to him and theirs female of his body, and the descent must be traced entirely through males, or entirely through females."²

TENANTS FOR LIFE: "Tenant for term of life is where a man letteth lands or tenements to another for term of the life of the lessee, or for term of the life of another man."³

JOINT TENANTS: "An estate in joint tenancy is, where lands or tenements are granted to two or more persons to hold in fee simple, fee tail, for life, for years, or at will." 4

TENANTS IN COMMON: "Tenants in common are such as hold by several and distinct titles, but by unity of possession. This tenancy happens where there is a unity of possession merely; but, perhaps, an entire disunion of interest, of title, and of time." 5

COPARCENERS: "Where a man seized in fee simple, or fee tail, dieth, and his next heirs are two or more females, his daughters, sisters, aunts, or cousins, or their representatives; in this case they shall all inherit, and their coheirs are called coparceners or parceners. In some respects they are like joint tenants, in some like tenants in common."

FEMES COVERT AND THEIR HUSBANDS: "Leases by married women, or, as their legal name is, *femes covert*, unless made under a power, are absolutely void, and incapable of confirmation.

² Hamilton Smythe, The Law of Landlord and Tenant in Ireland (Dublin: A. Milliken, 1842), 3.

³ Ibid. p.11

⁴ Ibid. p.17

⁵ Ibid. p.17

⁶ Ibid. p.18

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There is no doubt that a lease of the wife's land by deed, executed by both husband and wife is only voidable by the latter after the husband's death, and is capable of confirmation by her."

TENANTS BY THE COURTESY, IN DOWER, AND IN JOINTURE: "As to these respective estates, it will be sufficient to observe, that if any of these tenants make a lease, reserving a rent, and die, the lease is absolutely determined, so that no acceptance of rent by the heir, or those in reversion can make it good." 8

INDENTURE: In cases where there was more than one party making the deed, there were to be as many copies as there were parties making the deed. Each copy was to "be cut, (formerly in acute angles or indented *instar dentium*, like the teeth of a saw, but at present in a waving line) on the top or side, to tally or correspond with the other, which deed, so made, is called an indenture. It has been said that if a deed begins 'This indenture...,' and the parchment or paper is not indented, this is no indenture, because *words cannot make it indented* (emphasis added)."

FREEHOLD ESTATE: A tenancy for life is a freehold estate, as well as a tenancy in fee simple, or in tail.



USEFUL WEBSITES

Connacht Landed Estates: "This comprehensive electronic database and archive devoted to landed estates and gentry houses in Connacht, circa 1700-1914, was launched on 23 July 2008. Funded by the Irish Council for Research in the Humanities and Social Sciences, this sets out to be a comprehensive and integrated resource guide aiming to assist and support researchers working on the social, economic, political and cultural history of Galway, Mayo, Leitrim, Roscommon and Sligo in the period covered." www.landedestates.ie

⁸ Ibid. p.74

⁷ Ibid. p.72

⁹ Ibid. p.7

¹⁰ Source: Irish Genealogical Research Society Newsletter, Volume 4, No. 9, August 2008, p. 164.

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Free Index to the Registry of Deeds: An ongoing project to index the Registry of Deeds resides on the free pages in Rootsweb, hosted by www.ancestry.com. The file, as of 16 June 2017, has 243,717 names indexed (as compared to 41,867 in 2009). The page may be viewed at: http://freepages.genealogy.rootsweb.ancestry.com/ registryofdeeds/



CONCLUSION

A wealth of material and information is to be gleaned from these records when they exist for a particular genealogical problem. In some instances, estate records may be the only record of the poor or landless prior to parish registers. If these records hold the only clues to extending the pedigree, only the researcher can judge the value of the effort expended in finding the information. Use the Registry of Deeds knowing that only ten percent of the population is represented. Follow the trail of records through the owners to get to the names and details of the tenants.

DOCUMENTING A FAMILY ENTERPRISE FROM LAND DEEDS

The Legal History of Thomastown's Old Brewery (1765-1821) c. 1765 The brewery was built by Richard Graves who arrived from Waterford in about 1763. 1787 James Graves, son of Richard (died 1788), mortgaged his interest to Francis Scott, gardener, Mount Juliet, for £344. 1787 A writ was taken out against James Graves and Francis Scott by Michael Kennedy, a Waterford 'gentleman,' for their debt of £48.7s.6d. 1787 Michael Kennedy foreclosed and assigned the brewery to Thomas Davis, a 'gentleman' from New Ross, for the residue of the lease. 1790 Thomas Davis and his kinsman, Nathaniel Davis, ran the brewery and enlarged it. 1803 Nathaniel Davis was bankrupt, and later was in gaol (jail). 1803 Michael Duigan, William Davis (Summerhill), John McCartney (Kilkenny, Duigan's solicitor), and Edward Briscoe (Mullinahone) leased the Old Brewery to Kenny Scott, of Ormonde Mills, Kilkenny, who set up Thomas Scott, his kinsman, in business. The concern was expanded. 1807 Scott was bankrupt. 1820 John Nugent (a local Catholic merchant) held the brewery. 1821 Nugent leased the brewery to Richard Keefe, Farmer, of Rathduff.

An example from P.H. Gulliver and M. Silverman, *Merchants and shopkeepers, a historical anthropology of an Irish market town*, 1200-1991 (Toronto, 1995), demonstrating how the Registry of Deeds material can be used to document the history of a family enterprise.

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REGISTRY OF DEEDS – TABLE OF MEMORIAL NUMBERS ARRANGED BY YEAR						
Year	Memorial #	Year	Memorial #	Year	Memorial #	
4700	4	4754	00400	4704	202405	
1708	1	1751	98168	1794	303185	
1709	374	1752	101353	1795	311177	
1710	1070	1753	106140	1796	319103	
1711	1926	1754	111150	1797	327783	
1712	2768	1755	115700	1798	333212	
1713	3766	1756	119510	1799	337550	
1714	4935	1757	123171	1800	342980	
1715	6126	1758	126844	1801	349705	
1716	7336	1759	130618	1802	357276	
1717	8865	1760	134355	1803	365048	
1718	10757	1761	137761	1804	372665	
1719	12915	1762	141305	1805	380858	
1720	15270	1763	144945	1806	389283	
1721	18046	1764	148922	1807	397471	
1722	20304	1765	153653	1808	405512	
1723	22912	1766	158296	1809	414034	
1724	25702	1767	163500	1810	423260	
1725	28390	1768	168744	1811	432995	
1726	31316	1769	173713	1812	441899	
1727	34297	1770	178991	1813	451113	
1728	37233	1771	184290	1814	461003	
1729	40166	1772	189327	1815	470166	
1730	42925	1773	194195	1816	478191	
1731	45533	1774	198733	1817	485883	
1732	47916	1775	202855	1818	493695	
1733	50409	1776	206752	1819	501441	
1734	52948	1777	210522	1820	508717	
1735	55535	1778	214408	1821	515020	
1736	58041	1779	218257	1822	520896	
1737	60768	1780	222072	1823	526573	
1738	63162	1781	226204	1824	532593	
1739	65906	1782	230321	1825	539182	
1740	68393	1783	234490	1826	545748	
1741	70947	1784	239259	1827	551949	
1742	73630	1785	244364	1828	558549	
1743	76147	1786	249255	1829	564602	
1744	78676	1787	254454	1830	570728	
1745	80929	1788	260116	1831	577001	
1746	83068	1789	266221	1832	583046	
1747	85403	1790	272621			
1748	88034	1791	279229			
1749	90771	1792	287009			
1750	94261	1793	295396			

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