



# Landed Estates and the Incumbered Estates Court in Ireland

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# Land and landlords in Ireland

- The tenure of land in Ireland varied
- The top level landlords held the land 'in fee' and paid quit rent to the crown
- The next level down held leasehold:
  - This could be for a fixed period (year at a time to 1000 years)
  - It could also be contingent of lives of nominated people
  - It could be for lives renewable for ever with or without a fine for replacing the nominated lives as they fall.



# The Registry of Deeds

- The registry was set up to enforce the penal laws and provide a way of protecting claims to land
- Many land transactions were registered (it was not compulsory)
- As the penal laws were unwound more Roman Catholic appear in the Registry of Deeds
- Towards the end of the 1800s other property registration mechanisms were created
- The Registry of Deeds is still used today
- See the [Registry of Deeds Index Project](#)



# Estate records

- Estate records can hold a lot of information about the owners and their tenants
- The Lismore Papers of the Boyle (Earls of Cork, Orrery and Burlington) and the Duke of Devonshire have a tremendous range of information:
  - Leases from the early 1600s
  - Letters requesting lease renewals
  - Rental payments
  - Lists of people with rights to cut turf
  - See [the collection list](#) for the National Library of Ireland's holding



# Estate records

- The Oliver papers also have a wide variety of information:
  - Rentals
  - Votes in elections
  - The Corporation of Kilmallock records
  - Kilmallock Court records
  - These are held in National Library of Ireland and the West Yorkshire Archives in Leeds.



# Encumbrances

- Incumbrances are charges on the rental income of the land
- They arise from mortgages and, from marriage and other settlements
- If the income from the land falls the owner may not be able to pay these commitments
- Incumbrances make the selling of the land difficult
- The Registry of Deeds has many examples of moving incumbrances from one property to another



# In tail male

- It was popular in the 1700s for testators to bequeath their land in tail male
  - This meant it went to the eldest son in a similar way to titles
  - Usually there was a revisionary clause that the land went someone's right heirs if the mail tail fails. Land does not go extinct like titles
- A tail male would also make the land difficult to sell
- A tail male and other restrictions in a will could be broken by passing a law in Parliament



# Marriage settlements

- Marriage settlements are a wonderful source of reliable family information
- These were the pre-nuptial (and post-nuptial) of their day
- They provided for the bride should she be a widow usually in the form of a rent charge of annual payment
- They also made provisions for the younger children of the marriage usually a lump sum payment



## Registry of Deeds Index Project Ireland

Number of index entries

4	0	8	6	0	3
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Update of 12 Mar 2021

82,835 townland index entries

41,800 grantor index entries  
last updated 11 Mar 21





# The famine and economic squeeze on landlords

- During the great famine there was much depopulation of Ireland
- The lowest level tenants could not feed themselves let alone pay rent
- Rental incomes fell and landlords could not meet the commitments of the incumbrances
- It was difficult to sell the property as it was incumbered



# Resolving issues

- To resolve these issues the Parliament in Westminster passed a law called *An act to facilitate the sale of Incumbered Estates in Ireland*
- [http://www.dippam.ac.uk/eppi/documents/12179/eppi\\_pages/292491](http://www.dippam.ac.uk/eppi/documents/12179/eppi_pages/292491)
- These mean that petitioner could apply to the court to sell the property



# Some resources

- Mary Cecelia Lyons, Illustrated incumbered estates: Ireland, 1850-1905: lithographic and other illustrative material in the incumbered estates rentals(Whitegate, 1993)
- See:  
<https://mural.maynoothuniversity.ie/12101/1/Jacqueline%20Crowley%2C%20Maynooth.%20Final%20draft.pdf>  
and  
[http://www.dippam.ac.uk/eppi/documents/12729/eppi\\_pages/157739](http://www.dippam.ac.uk/eppi/documents/12729/eppi_pages/157739)  
for some statistics



# The incumbered estates reords

- The sales took place 1849-1875
- The Landed estates court rentals are available in FindMyPast and Ancestry
- They provide great information often mentioning tenants of year by year leases
- They give tenants and tenure of the land being sold
- Sometimes they include maps
- Can be used to link back to other resources such as Griffith Valuations and the Registry of Deeds



# Newspaper advertisements

- Another way into these records is sale advertisements in newspapers
- These mention the names of the owner and petitioner and give particulars about the land sold



# Results

- Over 8000 properties were sold
- Some people purchased their own land to kill off in-tails and incumbrances
- Much clearer title was obtained after the sales



# Conclusions

- Landed estates court rentals document one of the paths out of the great famine
- They have some good information about people
- They have some good information about places
- While they were created in the mid 1800s they link back to leases well into the 1700s