

A Tale of Adversity and Survival: Manuscripts Touching Gragans Castle

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The present story concerns Burren manuscripts from circa 1663. They have links to Gragans castle. In times long past, Burren barony was also known to some as Gragans, since Gragans was then the primary house within the Burren in County Clare.

Background

These documents take us back to the period when Charles I of England was in conflict with his London parliament, resulting in the loss of his own head for supposed treason in 1649, his head then being held high by the masked executioner.

That led, in turn, to ten years of the Protectorate under Oliver Cromwell. Ireland lacked protection from the Protectorate, whose disgraceful activities impacted fundamentally on the lifestyles of those who lived in Ireland during the 1650s, and reverberated long afterward. Eventually, the English people had seen enough of the Protectorate and, following the death of Oliver Cromwell in September 1658, the monarchy was restored in 1660 with the return of Charles II to London from his exile.

On 30 November 1660, Charles II made various promises, suggesting that those who suffered loss during the Cromwellian period would be compensated. He was monarch from 1660 to 1685 and during that time thousands of petitions were compiled in Ireland. Most were never heard by the Court of Claims. Some sought the return of lands which had been confiscated and allocated to others under the scheme where 'innocent Papists' were transferred from east of the Shannon River to lands west of the Shannon (Connacht and County Clare). The English *Act of Settlement* 1662 and later Parliamentary amendments, however, diluted the regal promises which, in the end, proved of little if any benefit to the dispossessed native Irish. Initially, the English gave those 'innocent Papists' east of the Shannon only some eighteen months to make the transition from east to west!

The changed system of land distribution may be viewed through two lists of surnames, for the years 1641 and 1659 provided by Frost (1893) which help to illustrate the changed landscape. New surnames which arrived in north Clare during the 1650s included Comyn, Dillon, Martyn, Nugent and Sarsfield. Members of the Comyn, Nugent and Sarsfield families would intermarry with various O'Loughlens in later centuries, while Colonel Cary Dillon was transplanted from Roscommon to the townland of Lisnard and George Martyn was required to move from Galway city to the townland of Gragans. Both Dillon and Martyn were classed as 'innocent Papists'. A contrasting story is shown by *The Irish Genealogist* (1972) which lists three Burren O'Loughlins

who were dispossessed from their lands by 1664; Donogh who resided at Magouhy, Rossa who resided at Fahy and Torlogh who lived at Glansleade.

Galway City Merchants - Burren

Returning to the Gragans story; a handful of Galway city merchants had begun to stretch their wings southwards from the 1600s onwards. Sir Valentine Blake rented properties within Burren from Owney O'Loughlen (+1617), and he also owned Ballyalla castle, outside Ennis, when that castle was placed under siege during the rebellion of 1641-42. By long held family repute, Torlogh O'Loughlen (Gragans) married Alice Martyn (Galway) c.1635. Following the rebellion of 1641-42, Cromwellian forces besieged both Galway and Limerick. Later, the new re-settlement regulations, administered by Land Commissioners sitting at Athlone, Loughrea and Chichester House, Dublin became a reality. George Martyn of Galway was required to vacate his confiscated Galway city lands, and was transplanted to Gragans in the Burren c.1656. George was a son of a former mayor of Galway city and he was the first of some nine Martyn generations who resided at Gragans till the final Martyn, Frank, departed to his reward in 1956.

The Petition Documents

With the arrival of George Martyn to Gragans c. 1656, the ousted hereditary owner, Torlogh was compelled to quit Gragans. Torlogh, the eldest son of Owney Oge O'Loughlen (1593 - c.1653) transferred to the parish of Carran, residing at the townland of Tarmon.¹

Then, relying upon the English king's promises, Torlogh compiled a detailed petition to the king, and another to the Commissioners for the resettlement of Ireland, requesting return of his former Gragans lands which were spread over a number of parishes.

These documents have survived. One petition of Torlogh's provides a genealogical listing of his immediate ancestors, in support of his claim to the hereditary ownership of Gragans. The other petition to the king refers to O'Loughlen ownership, recognised by the English Crown from the time of Henry VIII. An accompanying document lists the many lands confiscated from him, and shows the various people to whom Torlogh had either rented, leased or mortgaged some of his lands, one of whom was a Galway merchant, John Linch.

The documents are those drawn in the handwriting of someone acting on behalf of Torlogh O'Loghlen, almost certainly a skilled professional, such as a barrister, solicitor, conveyancer, Brehon lawyer, or whoever was available to Torlogh in Clare during those times, perhaps Boetius Clancy. This could have been the Boetius of the 1640s who is well enough known in his own right, and not his namesake of the late 1500s.

While this story looks at Gragans manuscripts which have been re-discovered and which will become part of future research studies, there were also other less fortunate stories, where many documents were lost when consumed by fire, such as baptism and marriage records burnt in the destruction of churches, particularly during Cromwellian times, and in subsequent destructive fires.

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To the right Honorable his Ma^{ty} Com^{rs} for the reg-
gation of his Ma^{ty} Kingdom of Ireland in
pursuance of his gracious declaration.

The humble petition & claim of Thorlagh
O'Loghlen of Gragans in y^e Count of Clare & Banony
of Thomond gent^l
Shewing unto your Honor that your petitioners great grand-
father Owen O'Loghlen deceased long since was first
and possessed in his demesne as off for simple of all the lands in the shire
call horeunto annexed, and being thereof seized & possessed did in feoff-
ment certain shroffes ofault and then being aboute seventy years since
of all the lands in y^e shire aduall mentioned to y^e use and behoofe
of Ressa O'Loghlen his eldest son & heir and the heirs males of his
body lawfully begotten onto to be begotten wth other limitations in
the deed expressed by vertue of w^{ch} intayle y^e Ressa O'Loghlen
was seized and possessed of all the lands and thorough good seized, after
whose decess O'Mbaghlen O'Loghlen son and heir to the Ressa was
seized and possessed of y^e lands in y^e shire aduall mentioned and seized
of in possession reversion or remainder and so good seized of and
possessed, except what parcels thereof he unlawfully mortgaged
as by y^e shire aduall is sett forth. He claime further sheweth that
after y^e decess of y^e O'Mbaghlen y^e power of redemption of for-
munt of y^e lands as were any w^{ch} mortgaged descended on
Oweny age O'Loghlen as son and heir to y^e said O'Mbaghlen
together wth all other interest that might fall by vertue of
the said intayle or by descent. All which mortgages and other y^e
lands in taylor shall be definitely sett forth in the shire aduall
horeunto annexed. After & by whose death y^e lands in taylor w^{ch}
the power of redemption of all the said mortgages descended on
your pet^r as son and heir to y^e Oweny age O'Loghlen and as
grandchild to y^e O'Mbaghlen O'Loghlen. And further shew-
eth y^e your petitioners was seized and possessed of severall parcels
of y^e lands in y^e shire aduall mentioned horeunto annexed y^e 22th
of October 1641 of severall other parts of y^e land which he had com-
= d of y^e lands and purchased since y^e rebellion as in the said

Substantially amended distinctly shall be set forth, And yo^r petition
being so seized and possessed of them since and before the rebellion
was the roofe dispossessed by the usurped power to transplanted
of some whose names are hereunto annexed, Now inasmuch that
your petitioners hath bene faithful & loyal to his now may
and to his royall father Charles y^e first of Blessed memory
since y^e 22th of October 1641 as may appere by severall &
Authenticke certificates of his highnes & quality, and
that he inviolably observed all y^e oaths made by his may^{ties}
his highnes of the Kingdom and specially y^e oath of y^e
year 1648 as shall appere unto yo^r honours by Commission
bearing y^e hand and seal of y^e right hon^{ble} William Lake Lord
Marquis of Carrick and being then Lord Deputy of Ireland:
By all which y^e Claimt^r humbly saith and sheweth himselfe restorable
to so much of y^e Land as was in his owne real and actual
possession, redemption, redemption or remainder
by virtue of y^e Statute, being comprehended within the letters
and intent of his ma^{ties} gracious Declaration. He is in forme
that your petitioners never by good qualification or reward
or demanded any part of y^e Land restorable to him
hoping and relying still in restitution and restoration
of his now May^{ties} to his Crownes and Dominions. His humble
request is that your hon^{ties} be pleased to grant unto him
an order whereby he may be restored according to his ma^{ties}
Declaration: And to grant a process of this Court to his
May^{ties} Attorney generall and y^e Tenant to appere and shew
cause why any they can) why your petitioners should not be
restored to y^e said Land according to his ma^{ties} gracious
Declaration

And he will pray, &c.

Lengthy Trail of Torlogh's Documents

Torlogh's petition was received by Hugh, older brother of the first Sir Michael O'Loughlen (1789-1842). Hugh retrieved three documents from Gragans, circa 1835. The owner of Gragans was then an earlier Francis Martyn.

Probably because Torlogh O'Loughlen had married Alice Martyn, the Martyn family became manuscript-custodians for 175 years, holding those documents among their papers at Gragans until c 1835, when Hugh O'Loughlen managed to take amicable possession. This was a lucky if fortuitous circumstance, since all the Martyns' other papers were destroyed, in a bonfire lit during a massive clean-up following the death of Frank Martyn, last of the Martyns to own Gragans, in 1956.

So, too, if these documents had been held either by Torlogh's descendant, Peter (+1823), or by The Public Records Office, they would undoubtedly have been incinerated. A fire lit at Clareville, Ballyvaughan by a man named Egan destroyed the records of Peter O'Loughlen, known locally as the Prince of Burren, who had died in September 1823. And, as is well known and deeply lamented, the conflagration in 1922 that destroyed the Public Records Office, Dublin, took with it countless irreplaceable documents.

Then, somehow, Torlogh's petition was preserved by Sir Michael's descendants, especially his grandson, the second Sir Michael O'Loughlen (+1934) and his widow Lady Beatrice. Upon her death, the then current baronet, Sir Colman, visited Dublin from Australia in 1953 and donated a rather indistinct microfilm copy to the National Library, Dublin. The original documents went with him from Ireland, in the process surviving the tropics of New Guinea, where Sir Colman O'Loughlen (+2014) lived for many years. This lengthy trail ensured that the manuscripts avoided the almost irrepressible urge, seemingly so prevalent within Ireland, to burn everything.

Torlogh's petition documents were compiled at a time when the Irish writer, Jonathan Swift, was born to Abigail and Jonathan Swift, whose 350th anniversary is being celebrated by various Dublin institutions during 2017. Swift was the Dean of St. Patrick's cathedral, Dublin and within his Drapier's *Letters* captured the story of Wood's Halfpence which looked at the inferior coinage being minted for Irish usage. St. Patrick's Cathedral, Dublin provides a further link to O'Loughlen (associated) manuscripts. Wood from the roof of St. Patrick's Cathedral was used to provide a custodial box for the Gaelic Law manuscript, *Egerton 88* (1570) now located within the British Library and which was 'adopted' by the international group - Muintir Uí Lochlainn in 2011.

The Gragans documents, though flimsy, navigated time and adversity, escaping the ravages of the pestilence that was Cromwell's legacy, artfully avoiding threatening fires on several fronts, and enduring the inhospitable climates to which they were subjected, whether in Ireland, New Guinea or Australia. They have shown great survival instincts! And they are helpful today.

Currently, the manuscripts may represent the oldest privately held O'Loughlen documents. This may change, if a suitable home can be found for them, in Ireland.

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We wish to acknowledge the contribution of Luke McInerney towards interpreting Torlogh's petitions.

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1. Torlogh of the petition was son of Owney Oge, who was son of Malachy (+1623), who was son of Rossa, who was son of Owney, and he died in 1590.

References

- James Frost, *The history and topography of the County of Clare from the earliest times to the beginning of the eighteenth century* (Dublin, 1893).
Martin J. Blake, 'The family of Martyn of Cragans (Gragans) county Clare', *Journal of the Galway Archaeological and Historical Society* (1927).
Charles Spencer, *Killers of the King* (Bloomsbury, 2014).
Sir Henry Blackall, 'The Butlers of County Clare', *North Munster Antiquarian Journal* (1952).
Catherine O'Donovan, *The Cromwellian Settlement*, Clare Library, www.clarelibrary.ie.
The Irish Genealogist, Vol. 4, No. 5 (November, 1972), p. 446.