



Public Record Office
of Northern Ireland

INTRODUCTION

IRISH ENCUMBERED ESTATES PAPERS

November 2007

Irish Encumbered Estates Papers (D1201)

Table of Contents

Summary	2
The Encumbered Estates Acts	3
The Papers	4

Summary

82 volumes, comprising the rentals and sale particulars of the Irish Encumbered Estates, 1849-1858.



The Encumbered Estates Acts

The Encumbered Estates Acts of 1848 and 1849 allowed the sale of Irish estates which had been mortgaged and whose owners, because of the savage effects of the Great Famine, were unable to meet their obligations. It was intended that English investors would be attracted to buy Irish estates and thereby give the stagnant Irish agriculture new life and prosperity. The Prime Minister of the day, Lord John Russell, saw it as an integral part of his wide-ranging, indeed sweeping, reform plan for Ireland: 'This is a serious change, the new proprietors will not be separated from the clergy and the people by religion and habits; but they will not be united to the Government by the feeling that the English connection is their only security. We ought not therefore to adopt this change, without looking forward to the ultimate consequences – the Roman Catholic Church united with the State and the displacement of 'one stratum in the social hierarchy' of Ireland – viz. the Protestant gentry.'

However, the 1848 Act proved abortive and had to be amended, along lines suggested by Sir Robert Peel in 1849. The measure (Statute 12 & 13 Vict. c.77) appointed Encumbered Estates Commissioners to authorise sales for the purpose of discharging encumbrances on land, and to give the purchaser an indefeasible title. This jurisdiction was transferred to the Landed Estates Court in 1858 (Statute 21 & 22 Vict. c.72). However, it was still unsuccessful, and while a number of Catholic merchants were able to acquire land, Russell's expectations were not fulfilled. Over 7000 estates were indeed sold, but into the hands of middlemen who bought speculatively. A few settled in Ireland but the majority installed more bailiffs and agents, with profit as the overall objective. One way of doing this was to clear the land of uneconomic smallholdings and turn it over to grazing. Consequently, thousands of smallholders were evicted, without compensation, because they had no legal rights, the land being bought and sold over their heads. The great Liberal statesman W.E. Gladstone astutely commented that it had been passed with 'lazy, heedless, uninformed good intentions' and 'its effect was disastrous.'



The Papers

The Irish Encumbered Estates Rentals are in bound volumes and are available for the whole of Ireland. They are listed by counties; townlands or house and tenements; the names of the parties involved and the date. Included are rentals, maps of the estate showing tenants' names and, on occasion, surveys of the estate. An example of the interesting and historically-useful nature of the content is for the townland of Glengesh in the parish of Enniskillen, Co. Fermanagh: 'These lands are held under a lease, 4th May 1787... subject to the rent of £21 present currency; besides duties, if demanded, viz, two days work of man and horse and two couples of fat hens. The lease reserves all mines, minerals, quarries, woods, and all royalties, including the right of fishing, fowling and hunting and requiring cottiers to grind their corn...The lands are most desirably situated in a quiet and peaceful district.'

One volume records details of the most spectacular sale at the Encumbered Estates Court, relating to the property of the 3rd Marquess of Donegall, which had been in financial difficulties since the late eighteenth century. When he succeeded to the title in 1844 the new Marquess inherited debts of nearly £400,000 – fourteen times the annual rental. He had no choice but to let the Court arrange the sale of the 30,000 acres, which remained.

A microfilm copy of an index to the Encumbered Estates Court sales is available in the Public Record Office of Northern Ireland under the reference MIC80/2.

