

Your Family Tree Series: 16



Encumbered Estates

The Encumbered Estates Acts, 1848 and 1849, allowed the sale of Irish estates which had been mortgaged and whose owners, because of the Great Famine, were unable to meet their obligations. It was hoped that English investors would be attracted to buy Irish estates and thereby transform Irish agriculture. Under the 1849 Act an Encumbered Estates Court was established with authority to sell estates on the application of the owner or encumbrancer (one who had a claim on the estate). After the sale, the court distributed the money among the creditors and granted clear title to the new owners. The existing tenants on the estates were unprotected by legislation. Estates were generally bought by speculators. Between 1849 and 1857, there were 3,000 estates totalling 5,000,000 acres, disposed of under the acts. The functions of the court were assumed by the Landed Estates Court in 1853.

The most spectacular sale at the encumbered estates court was the property of the 3rd Marquis of Donegall, which had been in financial difficulties since the late eighteenth century. When he succeeded to the title in 1844 the new Marquis inherited debts of nearly £400,000 - fourteen times the annual rental. He had no choice but to let the Encumbered Estates Court arrange the sale of the remaining thirty thousand acres.

The Irish Encumbered Estates Court rentals are in bound volumes (PRONI Reference **D1201**) and are available for the whole of Ireland. They are divided by county and include as well as rentals - maps of the estate giving tenants' names and, on occasion, surveys of the estate. They are an under-used source for genealogists interested in the names of tenants of various estates throughout Ireland in the mid-nineteenth century but they are equally of interest for the 18th century as there are numerous references to leases that were taken out in the 1700s. An index to the Encumbered Estates Court rentals is also available – PRONI Reference **MIC80/2**.

