

A Mac Fhlannchadha Fosterage Document, c.1580

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A deed of adoption by the Mac Fhlannchadha (McClancy) brehon family of Tradraighe, Co. Clare, is translated from Latin. The document provides details on the practice of fosterage amongst learned Gaelic families in the late sixteenth century and is reproduced in the appendices to facilitate greater interest in this oft-neglected area of research into Gaelic social organisation.

A fosterage document dating from c.1580 can be found in its original Latin form in the Inchiquin Manuscripts.¹ The Inchiquin Manuscripts, lodged in the National Library of Ireland and published by John Ainsworth in 1961,² consists of an array of historical material including legal, rental, estate and personal papers in the possession of the O'Briens of Leamanegh and Dromoland.³ The utility of the Inchiquin Manuscripts is difficult to over-estimate. The foci on Co. Clare families lends further efficacy to this primary source; much local information can be gleaned by recourse to this source which serves as a repository of documents relating to landholding in early modern Co. Clare.

The fosterage document is one of the earliest documents in the collection of Inchiquin Manuscripts (see appendices).⁴ Given the relative dearth of contemporary sources that deal with fosterage in the later medieval period, this document presents an opportunity to distil key themes in fosterage among the Gaelic learned class (*áos dána*). It is hoped that the translation of this document casts light on the activity of the Mac Fhlannchadha (McClancy) brehon lineage of Tradraighe in Co. Clare. The Mac Fhlannchadha were under the lordship of the Mac Conmara Fionn lineage seated at the tower-houses of Knappogue and Dangan-i-viggin.⁵ As an established brehon family with lands clustered in the parishes of Kilmaleery, Kilnasoolagh and Clonloghan the Mac Fhlannchadha served as a hereditary service family to Clann Mhic Chonmara, Lords of West Clann Chuiléin (barony of Bunratty).⁶

¹ The author wishes to acknowledge the assistance of Dr Fergus Kelly and Dr Michelle O Riordan of the School of Celtic Studies, Dublin Institute for Advanced Studies; Dr Katharine Simms of Trinity College, Dublin; Dr Brendan Kane of University of Connecticut; and Brian Ó Dálaigh.

² John Ainsworth (ed.), *The Inchiquin Manuscripts* (Dublin, 1961).

³ See the description of the manuscript holding in the National Library of Ireland, *Collection List No.143: Inchiquin Papers*, compiled by Brian Kirby, 2009.

⁴ The earliest document is the letters patent for the creation of Murchadh Ó Briain as Earl of Thomond, dated July 1543. Ainsworth (ed.), *Inchiquin Manuscripts*, p. 272.

⁵ By the 1400s Uí Chaisín was called Clann Chuiléin and was the territory of the Mac Conmara Riabhach and Mac Conmara Fionn clans. The division of Uí Chaisín occurred in 1366 after the death of Lochlann Mac Conmara. His two half sons, Tadhg and Aodh, agreed to the division of lands whereby Tadhg retained the lands of west Clann Chuiléin (barony of Bunratty). N.C MacNamara, *The Story of an Irish Sept: Their Character & Struggle to Maintain their Lands in Clare* (London, 1896) p. 138 (reprint: Martin Breen, 1999). On Dangan-i-viggin (*Daingean Uí Bhigín*), tower-house see Risteárd Ua Cróinín & Martin Breen, 'Daingean Uí Bhigín Castle, Quin, Co. Clare', *The Other Clare*, vol. 10 (1986), pp 52-3.

⁶ On the territory of West Clann Chuiléin in the late sixteenth century see the 1586 inquisition into the lands of John McNamara, held at Galway on 27 January 1585 (*recte* 1586) in Luke McInerney, 'The West Clann Chuiléin Lordship in 1586: Evidence from a Forgotten Inquisition', *North Munster Antiquarian Journal*, vol. 48 (2008) pp 33-62.

Mac Fhlannchadha Fosterage Deed, 1580

The ‘deed of adoption’⁷ drawn up on 29 March 1580, was written in Latin by Cornelius Kentagh Mc Clanaghy son of Maricius Mc Clanaghy (Conchobhar Mac Fhlannchadha mhic Muiris Mhic Fhlannchadha) and is published in the appendices of this paper. The deed adds to our understanding of the comparatively under-studied field of fosterage and child-rearing in sixteenth century Gaelic Ireland. Reading between the lines we can glean information relating to the role of clientalism and patronage between ruling lineages and the Gaelic learned classes, and the political economy that sustained fosterage as a social institution.

The translated deed also displays evidence of more intimate themes such as household goods, the wife and family of the brehon Conchobhar Mac Fhlannchadha, and gift-giving and ties of obligation as a fostered son is accepted as one’s natural son. It is possible to view the deed in the historical context of establishing client-patron interdependencies among the landholding classes in Gaelic society; it is also not too far afield to construe analogies between fosterage and ‘gossipred’ in late medieval Ireland and the contractual custom of ‘manrent’ that existed in Gaelic Scotland up to the end of the seventeenth century.⁸

The deed of adoption that has been preserved among the Inchiquin Manuscripts relates to the exchange of payment and goods between Cornelius Kentagh Mc Clanaghy (Conchobhar Mac Fhlannchadha) of Kilmaleery in Tradraighe (‘Kyllmarii Intradrey’), and Donatus, son of Thaddeus McNemarra, and his second son Thaddeus. The deed sets out the money and goods gifted (*confectis presentium*) by nobleman Donatus McNemarra to Mc Clanaghy. The deed is a hybrid agreement concerning payment for fosterage and entitlement of Thaddeus, son of Donatus McNemarra, to the goods, property and chattels of Mc Clanaghy. The deed details that Donatus McNemarra’s son Thaddeus was entitled to full seisin right and title to Mc Clanaghy’s interest in Kilmaleery, and was empowered to hold them as the chief demesne of the fief through service accustomed by law.

The deed is akin to a legal agreement that conferred the hereditaments of Cornelius Kentagh Mc Clanaghy to his fostered son, Thaddeus McNemarra. In this respect the deed shares similar characteristics to the medieval Gaelic custom of gossipred in that gossipred was a method of solidifying political relationships between important families through a pledge of service and obligation of mutual assistance.⁹ Pledges were commonly cemented by the exchange of gifts and entering into a contract. Entering into such a contract between members of a ruling lineage and a learned family underscored the political motive in both fostering and gossipred; a pledge of mutual assistance and augmenting client relationships by ‘acculturating’ local elites into beneficial alliances with dynastic lineages. This resembled analogous contracts in feudal Europe and in England, designed to expand a lord’s personal retinue and client-base. In Gaelic Scotland ‘manrent’ bonds were contracted between heads of lineages to form alliances and included ties of mutual assistance, obligation to render services and stipulations to regard each party as if they were kin.¹⁰

⁷ The document is referred to in the published Inchiquin Manuscripts as ‘Deed of Adoption by Connor Mc Clanaghy’ and at the end of the document there is a reference, in another hand, to the ‘will of Corro mcSlida’. *Inchiquin Manuscripts*, National Library of Ireland [MS 45,138/1].

⁸ See Jenny Wormald *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh, 1985).

⁹ Fiona Fitzsimons, ‘Fosterage and Gossipred in Late Medieval Ireland: Some New Evidence’, in Patrick J. Duffy, David Edwards & Elizabeth Fitzpatrick (eds), *Gaelic Ireland c.1250-c.1650: Land, Lordship and Settlement* (Dublin, 2001) pp 138-49:143-4.

Relationships formed by fostering and obligations agreed through gossiped pledges provided local elites an important network and possibilities for patronage. The Gaelic upper classes, in their position as law givers and law enforcers, could provide substantial benefits for the fostered family including preferential treatment of their interests in court¹¹—a particularly poignant point in relation to fosterage arrangements between the legal family Síol Fhlannchadha and their overlords, Clann Mhic Chonmara.

Marriages were contracted on the same basis as fosterage networks; that is, to solidify alliances between landholding lineages. Inter-marriage between the Síol Fhlannchadha and Clann Mhic Chonmara—the ruling dynasty of east Co. Clare—is well documented. Síoda Mac Conmara, grandfather of Síoda of Mountallon who surrendered his lands to Henry VIII in the 1542, was married to Elizabeth daughter of Mac Fhlannchadha of Knockfinn.¹² The Mac Conmara branch at Rossroe in Kilmurry were related to the Mac Fhlannchadha through the marriage of Maccon son of Síoda Mac Conmara to Áine Nic Fhlannchadha, who was living as a widow in 1613.¹³ A pedigree found amongst the papers of the Ulster King of Arms shows that Malachai MacNemara Esq. (Maelsheachlainn Mac Conmara) of ‘Cratiloe-Keil’ (*Creatalach Caol*) married Phefaly daughter of John Clanchy (Seán Mac Fhlannchadha) of Urlan, Esq. sometime in the late sixteenth century.¹⁴

Inter-marriage between learned lineages who probably also shared fosterage ties must have been common.¹⁵ A 1610 inquisition post mortem of Daniel son of James Neylan, scion of the Uí Nialláin learned medical kindred of Ballyallia, states that he was married to Fionnghuala Nic Fhlannchadha.¹⁶ The two learned lineages appear to have had intertwined interests for we read in 1622 the will of Hugh Mc Clanchy of Killfinane which states he is to be buried with his ancestors at Dysert parish church, and disavows any right of Nicholas O Nellan or Flann his son, to lands at Killfinane.¹⁷ We read in a 1614 conveyance for Lismore (alias Lismoyle) and Clenaghmore in Kilmaleery parish between members of the Síol Fhlannchadha¹⁸ and Connor O’Brien, that ‘Maellmorey O

¹⁰ Robert A. Dodgshon, ‘Modelling chiefdoms in the Scottish Highlands and Islands prior to ‘45’, in Dettina Arnold & D. Blair Gibson (eds), *Celtic Chiefdom, Celtic State: The Evolution of Complex Social Systems in Prehistoric Europe*, (Cambridge, 1998) pp 99-109:102.

¹¹ Fitzsimons, ‘Fosterage and Gossipid in Late Medieval Ireland’, p. 143

¹² N.C. MacNamara, *The Story of an Irish Sept: The Origin and History of the MacNamaras*, (first published 1896, re-published Martin Breen, Ruan Co. Clare, 1999), see pedigree therein.

¹³ James Frost, *History and Topography of the County of Clare*, (reprint, Dublin, 1973) p. 292.

¹⁴ Sir William Betham, Ulster King of Arms, British Library, Add MS 23689, p. 323 [p. 175 original pagination]. The pedigree presented was drawn up by James MacCulloch Ulster King of Arms in 1764 in order to confirm the descent of Alexius MacNemara of Cadiz, Spain, as legitimate descendant of Daniel MacNemara of Cratiloe-Keil. The pedigree refers to the Mac Conmara lineage of ‘Cratiloe-Keil’ marrying into the Mac an Oirchinnigh of Kilnasoolagh with Cornelius MacNemara of ‘Koppenbuoy’ marrying Maudlin daughter of MacCon MacInerhiny of Killannasulagh, Esq in the first half of the 1600s. For notes on this pedigree see R.W. Twigge, *Materials for a History of Clann Cuilein*, Add MS 39263, Twigge Collection, British Library, p. 196.

¹⁵ On genealogical information concerning learned lineages, some of which touches on inter-marriage between Clann Bhruaideadha and Síol Fhlannchadha, see Cornel O’Mollony, *Anatomicum Examen Enchiridii Apologetici*, Prague, 1671, pp. 123-132. Consider, for example, ‘*Moriathus Clanchy de Ballynaklohy, Mariam Bruodinam Cornelij, de Moynoe filiam*’.

¹⁶ *Ibid.*, p. 285. In the 1574 survey of castles in Co. Clare it notes ‘Th[e] abbaye of Inish’ was held by ‘James Nellan’. James Nellan was also credited with possessing Ballyally and Ballycarroll tower-houses. See R.W. Twigge, ‘Edward White’s Description of Thomond in 1574’, *North Munster Antiquarian Journal*, vol. 1, no.2, (1910) pp 75-84:79 & 84. On James Nellan and his medical education at Oxford in the 1540s see Brian Ó Dálaigh, ‘Doctors Donnell and James Neylon and the O’Briens of Thomond 1530-1599’, *The Other Clare*, vol. 15 (1991) pp 15-19.

¹⁷ National Library of Ireland, MS 45,691/1 [1622] [Inchiquin Collection; Testamentary Material].

¹⁸ Others mentioned include Dermot Mc Clanchy and his wife Margaret ny Clanchy.

Mollconrey and wife Un[a] ny Clanchy' held an interest in the conveyed lands.¹⁹ Marriage ties between the Síol Fhlannchadha of Kilmaleery and the historian-chronicler Uí Mhaoilchonaire family of Ardkyle²⁰ mutually strengthened their status in Gaelic society and further intertwined their shared interests.

The deed between Cornelius Kentagh Mc Clanaghy and Donatus McNemarra reflects elements of a fosterage agreement and a gossiped pledge. Mc Clanaghy, as a chief representative the Mac Fhlannchadha lineage of Kilmaleery, was conveying his proprietary interests to Donatus' son Thaddeus. Thaddeus (Tadhg) was the second lawful son of Donatus McNemarra (Donnchadh Mac Conmara) and a member of a cadet branch of the Mac Conmara Fionn who held the lordship of West Clann Chuiléin. Donatus can be identified as the brother of Seán Mac Conmara Fionn (d.1602) and his obituary was recorded by the Irish annals in 1584.²¹ Seán Mac Conmara Fionn, Lord of West Clann Chuiléin, notably refused to sign the Composition of Connacht ostensibly over misgivings that the agreement conferred too much power to the Earl of Thomond.²² In contrast, leading kinsmen of the Mac Fhlannchadha branches at Killilagh and Tradraighé signed the final agreement.²³

This deed also indicates that Donatus gifted Mc Clanaghy with money and goods and that he was acquitted of further payment. The deed refers to Mc Clanaghy as 'taking in' and accepting the second son of Donatus McNemarra, thus inferring the fosterage connection. However, the obligation seems to have included that Thaddeus, the son of Donatus, was accorded the full status as a 'son' of Mac Clanaghy and eligible for inheritance, presumably on the basis of his noble status. It is significant that the document was composed in Latin as we know that the brehon class were versed in classical scholarship and spoke and read Latin.²⁴ Even hereditary church tenants such as the *comharbaí* and *airchinnigh* were noted to have retained Latin learning down to the time of the Plantations in Ulster.²⁵ Only two of the witnesses' names were written in Irish.²⁶ Somewhat surprisingly Cornelius Kentagh Mc Clanaghy signed his name in Latin, rather than Irish.

¹⁹ National Library of Ireland, MS 45,669/5 [dated 1614] [Inchiquin Collection; MacMahon Estate Papers].

²⁰ See Brian Ó Dálaigh, 'The Uí Mhaoilchonaire of Thomond', *Studia Hibernica*, 2009-2010, pp 45-68.

²¹ On a genealogy of the Mac Conmara Fionn, Lords of West Clann Chuiléin, and which is peppered with other historiographical information see R.W. Twigge, *Materials for a History of Clann Cuilein*, Add MS 39263 & 39270, Twigge Collection, British Library, [genealogical rolls: A-T; O-Z]. Also see *Annals of the Four Masters*, *sub anno*, 1584.

²² *Annals of the Four Masters*, *sub anno*, 1585.

²³ Those Mac Fhlannchadha who signed the Composition Agreement included: 'Donogh McGlanchi of the Urlion chief of his name'; 'Cosny Mc Clannichy of Cahir mc Clannichy'; and 'Glanihie of Knocklynné' (ie Cnoc Fionn). Boetius Clanchy is mentioned in the text of the Agreement as being in receipt of three and a half quarters exempt from composition rent. A. Martin Freeman, (ed.), *The Compossicion Booke of Conought* (Dublin, 1936) pp 7, 11, 29.

²⁴ See, for example, Boetius Mac Clancy whose obituary in 1598 boasted that he was 'fluent in the Latin, Irish, and English'. *Annals of the Four Masters*, *sub anno*, 1598. Consider the letter composed in Latin by brehon 'James Oscyngan' regarding a description of the Irish law of 'Kylcolgashe' [*cin comhfhocuis*] or joint family responsibility in 1572. *Calendar of the State Papers Relating to Ireland, of the Reigns of Henry VIII, Edward VI, Mary and Elizabeth*, 1509-1573, (London, 1860) p. 465. On the full Latin text of the letter see Herbert F. Hore, 'Irish Brehons and their Laws', *The Ulster Journal of Archaeology*, vol. 5 (1857) pp 36-54:43. Apparently the letter was procured from the brehon by Sir Edward Fitton and sent onto Lord Burghley.

²⁵ Katharine Simms, 'Frontiers in the Irish Church – Regional and Cultural', in Terry Barry, Robin Frame & Katharine Simms (eds) *Colony and Frontier in Medieval Ireland: Essays Presented to J.F. Lydon* (London, 1995) pp 177-200:177. Also see Bishop Montgomery, first Protestant Bishop of Derry, Raphoe and Clogher (1605-1610) reference to 'herenaghes' (*airchinnigh*) that they 'do for the most part of them speak Latin'. Cited in Henry A. Jefferies, 'Erenaghs in pre-plantation Ulster: an early seventeenth-century account', *Archivium Hibernicum*, vol. 53 (1999) pp 16-19:17.

²⁶ The text reads, '*lám Donnchaidh Meclacaidh; lám Donnchaidh Mecnamara*' (*lám* meaning 'hand of').

The deed is also useful from a nomenclature point of view. For example, Cornelius Kentagh Mc Clanaghy was possibly the ‘Cornelius alias Connogher Clancy’ who petitioned the Lord Deputy for the moiety of Urlan in 1606.²⁷ The eponym ‘Kentagh’ could be an anglicised version of *ceann tige* (head of household) alluding to his status.²⁸ The document also presents two spellings of Kilmaleery—‘Kyllmarii’ and ‘Kyllmalyry’—both which are phonetic attempts of Cill Máiliaraidh (Church of Máil Liarach).²⁹ The indenture was drawn-up and witnessed at ‘Kyppagh’ (Cappagh) in Kilfinaghta parish. Cappagh tower-house was held by a cadet branch of the Mac Conmara Fionn lineage and the 1570 list of tower-houses confirms ‘Donogh Mac ne mara’ as its principal occupier.³⁰ By 1574 possession of Cappagh tower-house had passed to ‘Shane Mcnemare’, who was probably the same Shane who held Dangan and Knappogue.³¹ Shane (Seán) Mac Conmara Fionn was the chief representative of Clann Mhic Chonmara and whose death was recorded by the Irish annals in 1602.³²

A driving factor behind fosterage agreements was the underlying political economy. Leading lineages and conical clans secured themselves in two ways: networks of kinship and alliances, and control of land and primary resources.³³ The Gaelic learned classes were patronised by ruling lineages in order to legitimise control over land and justify prolific lineage expansion. Aristocratic fosterage and gossiped pledges therefore were a way of binding personal relationships in a lordship more closely to the centre of power. Fosterage tended to be contracted between non-agnatic kin rather than close family networks of consanguinity because of dynastic competition for clients and control of corporate lineage property.³⁴

That fosterage was a central political resource is evident even from the early law texts which date from the seventh century. The bond between a fosterer and foster son was strengthened by the fact that having dispersed supporters amongst cadet branches of one’s own lineage, or amongst rival or conical clans, was a rational way of building a power-base which would not rival one’s own pursuit of office within the same lineage.³⁵ Fosterage was also deployed in the early Irish Church though probably within the bounds of ‘educational patronage’ whereby a young man was fostered with the intention of becoming an ecclesiastical novice.³⁶

Within this context it is possible to view fosterage by a learned lineage as an extension of ‘educational or literary patronage’ albeit in a secular context.³⁷ Such fosterage arrangements would be suitable for members of ruling lineages and junior members of the Gaelic *literati* class, a point borne out in the Mc Clanaghy deed. Brehon residences

²⁷ *Calendar of the State Papers Relating to Ireland, of the Reign of James I, 1603-1606* (London, 1872) p. 459.

²⁸ Alternatively ‘kentagh’ could be an anglicisation of *ciontach*, meaning guilty – a humorous possibility.

²⁹ Spelling variation as per R. W. Twigge, *Materials for a History of Clann Cuilein*, British Library, Add MS 39261, p. 229. The official modern form in Irish is Cill Mhaoilfhithrigh.

³⁰ Martin Breen, ‘A 1570 List of Castles in County Clare’, *North Munster Antiquarian Journal*, vol. xxxvi (1995) pp 130-8:132.

³¹ Twigge, ‘Edward White’s Description of Thomond in 1574’, p. 79.

³² *Annals of the Four Masters, sub anno*, 1602. His son Domhnall succeeded him.

³³ Dodgshon, ‘Modelling chiefdoms in the Scottish Highlands and Islands’, p. 101.

³⁴ Peter Parkes ‘Celtic Fosterage: Adoptive Kinship and Clientage in Northwest Europe’, *Comparative Studies in Society and History*, vol. 48, no.2 (April, 2006) pp 359-387:364.

³⁵ Donnchadh Ó Corráin cited in *ibid.*, p. 365.

³⁶ *Ibid.*, p. 370

³⁷ *Ibid.*, note 26.

frequently had a school house (*scoilteagh*)³⁸ attached to their principal demesnes and it is conceivable that these training academies operated a system akin to fosterage for young scholars. The process of interpreting and transmitting the Old Irish law texts was carried on by the later medieval legal schools operated by specialist legal lineages such as the Uí Dhuibhdábhoireann law school at Cahermacnaughten in the Burren and at the Meic Aodhagáin legal school at Park in Co. Galway.³⁹ Many of the law schools compiled glosses to accompany Old Irish law texts to aid reading of what had become archaic Old Irish terminology.⁴⁰

Historic examples of fosterage can be divined from the *Caithréim Thoirdealbhaigh* which recounts events in early fourteenth century Thomond. Consider the fosterage relationship between Toirdealbhach Ó Briain and the Uí Dheaghaidh, or the fosterage (and marriage ties) between the Uí Bhriain and Mac Conmara of Clann Chuiléin. The text also refers to a fosterage tie between the Uí Bhriain and Uí Eachthigheirn.⁴¹ In the sixteenth century, while still being subjected to official proscription, fosterage was used even by Anglo-Irish lords: Gerald Earl of Desmond procured a royal licence to foster his son with Conchobhar Ó Briain of Thomond.⁴²

The act of fosterage as a long-term fraternal association between fostered-child and adopted parents was enduring. The twelfth century Welsh chronicler Giraldus Cambrensis noted the affection of the Irish for their foster-brethren⁴³ and the topic was a common sub-theme in bardic poetry. The Irish annals attest to the longevity of fosterage ties and we read in 1396 that Irial Ó Lochlainn Lord of Corcomroe was slain by a member of the sub-sept Mac Girr an Adhastair (Nestor) in revenge for the killing of a foster brother by Ó Lochlainn.⁴⁴ This affection and recognition of foster-ties is evident in the Mc Clanaghy deed as he refers to the son of Donatus Mc Nemarra as ‘my fostered son & heir’ and that ‘I have accepted the second lawful son of the honest and noble man Donatus, son of Thaddeus Mc Namara...(by) this manner I take him in, of course just as if a true foster-son’.

The appointment of Thaddeus as Mc Clanaghy’s ‘executor and heir’ points to the deed being made at the beginning of the fosterage contract as it initially states that Donatus Mc Nemarra had already gifted Mc Clanaghy money and goods probably as recompense

³⁸ The Uí Dhuibhdábhoireann law school at Cahermacnaughten included a law school and cashel residence. Archaeological excavations of the law school—known as *Cabhail Tighe Breac*—have revealed that the building was divided into three separate rooms, possibly reflecting the bardic school tradition in which three dwellings were utilised—*teach meabhraighthe* (house of memorising); *teach luighe* (house of reclining for poetic composition); and *teach breithimh* (house of the critic or examiner). The composite settlement included ancillary buildings, pens and field enclosures, and a large cashel residence which presumably was the seat of the Uí Dhuibhdábhoireann. Bardic poems allude to rooms of learning in these academies, referred to as ‘three sanctuaries’ (*tri rómha*) in a seventeenth century poem (RIA 23. L.17. fo.97a). 2008 *Archaeological Excavation at Cabhail Tighe Breac, Cahermacnaughten Co. Clare* (O8E435) preliminary report for the Royal Irish Academy and David Greene & Fergus Kelly (eds) Osborn Bergin, *Irish Bardic Poetry*, (Dublin, 1970) pp 159-160, & 286.

³⁹ Fergal McGrath, *Education in Ancient and Medieval Ireland* (Dublin, 1979) pp 207-08. On law schools also see Seán Duffy, *Medieval Ireland: An Encyclopaedia* (London, 2005) pp 263-4.

⁴⁰ Kelly, *A Guide to Early Irish Law*, p. 251. The Mac Aodhagáin school at Park in Co. Galway must have housed manuscripts from various legal families. In a scribal note in Egerton 88, Maghnus Ó Duibhdábhoireann of the law school at Cahermacnaughten in the Burren, wrote, ‘*is ait nach aithnighit mir Deoráin in bonn tar in pingin ná in pingin tarsin mbonn. Maghnus sin.*’ (‘Tis a comical thing that the O’Dorans cannot distinguish a groat from a penny nor a penny from a groat. That is Maghnus). The reference appears to refer to charters compiled by the O’Dorans (Uí Dheoradháin), a legal family seated in Co. Wexford.

⁴¹ Seán mac Ruaidhrí Mac Craith, in Standish Hayes O’Grady (ed.), *Caithréim Thoirdealbhaigh*, vol. 2 (London, 1929) pp 26, 64, 89.

⁴² Parkes, ‘Celtic Fosterage: Adoptive Kinship and Clientage in Northwest Europe’, p. 368.

⁴³ Bronagh Ní Chonaill, ‘Fosterage: child-rearing in medieval Ireland’, *History Ireland* (Spring, 1997) pp 28-31: 31.

⁴⁴ *Annals of the Four Masters, sub anno*, 1396.

for fostering his son. Mc Clanaghy elevated Donatus' son to the same position as he would his own son; that is 'executor and heir' thus demonstrating the familial association a foster-son received by his adopted parents. Contemporary Highland Scottish fosterage and 'manrent' agreements also stipulated a fosterling's inheritance of his father's moveable goods, sometimes at the expense of the natal children of the foster father.⁴⁵

We have no knowledge of the type of training that Thaddeus would have received from the Mac Fhlannchadha. We can be certain, however, that foster-children of aristocratic families were taught pursuits fitting for their status.⁴⁶ Board games such as chess and physical training in terms of horse-riding were certainly practised, reflecting a mixture of play and military training.⁴⁷ Fosterage by a Gaelic learned lineage must have come with at least elementary education including instruction in Latin and perhaps English, and an appreciation of the learning of the brehon class which was revered in Gaelic society.

Concluding Remarks

As a specialist legal lineage the Mac Fhlannchadha of Thomond possessed tower-houses and received patronage from the dynastic families of Uí Bhriain and Meic Conmara. The fosterage document compiled for the Mac Conmara by the Mac Fhlannchadha is in keeping with their status as a learned lineage and chief sept in the West Clann Chuiléin lordship. The practice of fosterage amongst the Gaelic Irish has been well documented by historians and attested in the Irish annals. Despite this the mechanism of its operation remains obscure and English sources which primarily come into focus in the sixteenth century cast light on fosterage ties at that later date when Gaelic society faced the disorder of the Tudor re-conquest. Key points that emerge from the fosterage deed are that as a kinsman of the Síol Fhlannchadha of Tradraighe, Conchubhar Mac Fhlannchadha was of suitable status to foster a son of the ruling Mac Conmara Fionn lineage, and that gifting of presents underlined the exchange.

The deed also informs us that a fostered aristocratic son was entitled to a portion of the inheritance of his fosterer. Fosterage, therefore, was not without obligations and liability; however the real driving factor was the political economy of clientalism in a society that emphasised kinship and control of land and subordinate clients. Fosterage amongst the Mac Fhlannchadha as a learned kindred may have conferred additional benefit to the Meic Conmara, of which we can now only speculate: preferential treatment in legal arbitration and access to learning are possible examples.

A century after the deed was written the practice of native law was relegated to the realm of antiquarian interest. The survival of legal texts, glossaries and references in Gaelic annals—as well as the physical remains of their tower-house residences—serve as testament to the formerly important existence of Síol Fhlannchadha of Tradraighe.

APPENDICES

Latin deed

29 March 1580

Uniuersis et singulis Christi fidelibus ad quorum noticiam hoc presens scriptum pervenerit salutem & in auctore salutis fidem indubitam [*interlined*] adhibere dignemini cum fauore, noueritis enim (?) quod licet ego Cornelius Kentagh filius Maricii Mc Clanaghy de Kyllmarii Intradrey in barronia de Dagenybiggyn ac in

⁴⁵ Parkes, 'Celtic Fosterage: Adoptive Kinship and Clientage in Northwest Europe', pp 377-8.

⁴⁶ On Irish fosterage law pertaining to children see Bronagh Ní Chonaill, 'Child-centred law in medieval Ireland', in R. Davis & T. Dunne (eds), *The Empty Throne: Childhood and the Crisis of Modernity* (Cambridge, 2008) pp 1-31.

⁴⁷ *Ibid.*, p. 30.

comittatu de Clarmor in consideracione cuiusdam certae summae pecuniae & aliis diuersis bonis de quibus quidem bonis & pecuniae summa a Donato Thadei Mc Nemarra generoso propter meam maximam penuriam paupertatem et necessitatem etiam ad victum et vestitum vxoris proles cure & familie mee respectiue a predicto Donato Mc Nemarra ante confectis presentium prout presens scriptura testator fateor me fuisse fore ac esse persolutum & satisfactum ad beneplacitum & voluntatem meam pro [sic] manibus recepi atque omnino mihi soluta dictum vero Donatum Mc Namarra heredes & assignatos suos deinde ac imposterum per presentes acquietos & liberatos imperpetuum hac lege & racione etiam cum aliis legitimis causis & racionibus bonis animum meum in hoc moventibus [interlined] non inuitus coactio timore neque metu sed cum mea spontanea sana menteque [sic] integra voluntate libenter & voluntarie vnanimiter de concessu & assensu amicorum meorum cum magna reuerentia & honore iuxta omnimodam meam facultatem potestatem & auctoritatem recepi & pro perpetuis duratis & futuris temporibus conditionaliter & cum effectu per presentes accipio secundum legitimum filium probi ac generosi viri Donati Filii Thadei Mc Namara nominatum videlicet Tatheum filium eiusdem donati mc nemarra hoc modo eum recipio scilicet tanquam verum allumnum propriumque filium indubitatum etiam & executorem atque heredem meum constituo ordino & facio super omnia mea bona temporalia videlicet mobilia & immobilia presentia & futura ubicumque fuerint inventa etiam non solum in parte mea & in possessione in quantum attinet ad me [interlined] de Kyllmalyrii sed etiam in tota mea terra tenementa [sic] & hereditatem erga premissa aut in aliquo alio quouis loco, mi aliquo modo iure sive titulo jure hereditario seu successorio decetero descenderit cum omnibus meisque terris locis tenementis membris particulis parcellis proficuis fructibus proventibus in viis & semitis introitibus & exitibus fossis & fossatis ceterisque emolumentis pertinentiis uniuersis antedicto meo allumno filio & heredi suisque heredibus & assignatis libere quiete plenarie integre bene ac in pace & imperpetuum et si contigerit mihi etiam habere aliquem filium de corpore meo legitime procreato [sic] nunc et tunc volo do concedo & per presentes affirmo talem filium similiter pro dono cum omnia & singula bona sua temporalia verum etiam possessionem terre tenementorum & hereditate [sic] omniumque rerum & bonorum suorum mobilium & immobilium totaliter committo sepedicto Tatheo Donati Mc Nemara meoque allumno filio executori pariterque heredi ut iam feci constitui & per presentes ordinavi inperpetuum de capitalibus dominiis feodi illius per seruicia inde eis debita & de iure consueta et ego vero predictus Cornelius Mc Claneghy uniuersaliter omnia & singula premissa prenominato allumno filio & heredi in forma predicta ut predicatur contra omnes homines & feminas warrantizare acquietare & defendere imperpetuum per presentes et vltorius sciant me prescriptum Cornelium Kentagh Mc Claneghy cum mea propria manu dedisse atque deliberasse perpetuam quietam & pacificam possessionem & seicinam juris tituli ac interesse mei in tota mea parte de Kyllmalyry & in aliis meis locis terris tenementis cum omnibus & singulis meis rebus mobilibus & immobilibus presentibus & futuribus quae quod vel quos unquam habui seu habere potero in premissis secundum tenorem & formam superius recitatum in cuius rei [interlined] robur fidem & testimonium sigillum meum cum signo meo manuali presentibus apposui seu apponi curavi & feci datum apud Kyppagh vicesimo nono die marcii, 1580 per me supradictum Cornelium Mc Claneghy testibus hiss tunc presentibus honestis & distretis viriis quorum nomina hic subscribuntur lám Donnchaidh Meclacaidh; lám Donnchaidh Mecnamara Quirin (?) [both in Irish characters]; Diemitius O Dwyer studiosus testis; Laurentius Mc Shyda Oyg.

Endorsed in a later hand, 'The will of Coro. mc Slida'.

Translated deed

29 March 1580

Deed of adoption by Connor Mc Clanachy

[To] All and singular the faithful of Christ, to whose knowledge this present writing will reach, salutation and in the author of salvation, faith undoubted [interlined]; to apply that it be considered with favour, accepted as valid, that is to say, that it is permitted I, Cornelius Kentagh, son of Maricii Mc Clanaghy of Kilmaleery in Tradraige, in the barony of Dagenybiggyn, and in the county of Clare, in consideration of some certain sum of money and other diverse goods, regarding which certain goods and sum of money from Donatus (son) of Thaddeus Mc Nemarra, gentleman, on account of my greatest want, poverty, and need, and also towards the nourishment and clothing of my wife, offspring, (objects of) care, and household respectively, from the aforesaid Donatus McNemarra, before the dispatching of these presents, just as the present writing bears witness, I acknowledge myself to have been, to be (in future), and to be (now) paid and satisfied according to the best plea and my will, for into my hands I have accepted, and entirely (to) me having been released the said, truly, Donatus Mc Nemarra, (and) the heirs and assigns of him, henceforth and for the future, by these presents, discharging and releasing in perpetuity (by) this bill and account, furthermore, with other lawful pleas and valid accounts my soul in this moving [interlined] not unwilling (by) constraint, fear, nor dread, but with my voluntary, sane and sound mind, willingly, freely, and voluntarily, unanimously in respect of the

agreement and approbation of my friends, with great respect and esteem, according to all my ability, power, and authority, I have taken in and for perpetual duration and future times, by agreement, and with effect by these presents, I have accepted the second lawful son of the honest and noble man Donatus, son of Thaddeus Mc Namara, by name, that is, Thaddeus, son of the same Donatus Mc Namara, (by) this manner I take him in, of course just as if a true foster-son, and (my) own son indisputably in addition, and my executor and heir I constitute, ordain, and make (him) over all my temporal goods, that is, moveable and immoveable, present and future, and in whatever place they will be found, furthermore, not only in my part, and in the possession as far as for my part of Kilmaleery, but also in all my lands, tenements, and hereditament(s) to the premises, or in any other place whatsoever, in any manner, by right or title, by hereditary or successive right, henceforth (he) will descend with all things belonging to me, lands, territories, tenements, portions, parts, parcels, profits, fruits, (and) proceeds, in the ways and paths, entrances and exits, ditches and trenches, and the remaining benefits (and) appurtenances all together before-said, (to) my fostered son and heir, and his heirs and assigns, freely, quietly, fully, wholly, rightly, and in peace, and in perpetuity; and if it befalls me also to have any son from my body lawfully begotten, now and at that time, I will, give, grant, and by these presents confirm such son similarly, for the giving with all and singular his own proper temporal goods, also the possession of lands, tenements, and hereditaments, and of all things and goods of his own, moveable and immoveable, entirely; I entrust the oft-mentioned Thaddeus son of Donatus Mc Nemara, and my fostered son, executor, and equally heir, that now I make, constitute, and by these presents ordain in perpetuity, respecting the chief demesne lands of this fief, by service thenceforth (to) them bound, and accustomed by law, and I, truly, the aforesaid Cornelius Mc Claneghy, collectively all and singular the premises, (to) the aforesaid fostered son and heir, according to the form aforesaid, in order to prescribe to all men and women, to warrant, discharge, and maintain in perpetuity by these presents, and further, that (they) should know, directed (by) me, Cornelius Kentagh Mc Claneghy, with my own hand, to have given and delivered perpetual orderly and peaceful possession and seisin of right, title, and of my interest in all my part of Kilmaleery, and in my other territories, lands, (and) tenements, with all and singular my properties, moveable and immoveable, present and future, that which or with respect to what ever I have held or will be able to hold in the premises, according to the tenor and form above recited, regarding the force, faith, and testimony [*interlined*] of which business, my present seal together with my manual sign, I have assigned or appointed, arranged, and made, dated at Kyppagh (on) the twentieth (and) ninth day of March 1580 by me, the above said Cornelius Mc Claneghy, these witnesses then present, honest and discreet men, of whom the names [are] here below-written: the hand of Donnchadh Meclacaidh; the hand of Donnchadh Mecnamara Quirin (?); Dermot O Dwyer, zealous witness; Laurence Mc Shyda Oyg.

Endorsed in a later hand, 'The will of Coro. mc Slida'.

