

Deeds and Sasines Working Paper 1: Registry of Deeds Typologies

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Introduction

‘Scary’, ‘Complex’, ‘Challenging’, ‘What are they?’ and ‘What do they mean’. These were some of the responses that we got when we asked a group of historians, historical geographers, legal scholars, and other users of the records in the Registry of Deeds (hereafter ROD) attending one of our network events how they felt about approaching the archive. They help I think explain why these vast records - one of Ireland’s largest archival collections – remain relatively untapped. Making these records more readily accessible to users lies at the core of the long-term aims of both this project and the PRAI digitisation strategy. Digitisation and transcription, even automated transcription using Transkribus, does not in itself make the records intelligible to new users. The central aim of this document is to map out a way of thinking about the different types of records found in the ROD and how they can be identified, both to create a guide to users of the archive and to map out possible cataloguing and digital retrieval approaches for the future.

As part of our thinking about the Deeds and inspired partly by the indexes to the Scottish Sasines we have constructed a hierarchical series of instruments and deed types which hopefully capture most of the variety of documents found in the ROD. It should be noted from the outset that a much greater variety of documents were registered in Ireland under the provisions of the 1708 legislation which established the Registry. Indeed, the very imprecision of the legislation coupled with the precarious nature of the Protestant propertied interest in Ireland whose property rights were protected by the ROD encouraged this variety. Historians, legal scholars and genealogists have long recognised this and have mined these records (sometimes heroically) for wills, marriage settlements, leases, mortgages and bills of discovery amongst other categories of record. We wanted to explore whether this could be done more systematically to see how this might help demystify these records.

The aims of this working paper are to:

- Introduce the recently re-discovered and catalogued series of abstract books -especially the early eighteenth-century series
- Use the evidence contained in these abstract books to construct a hierarchical series of instruments and type, which can be used to differentiate between the different type of deeds found in the Registry of Deeds
- Understand how to identify the different typologies of deeds and what this tells us about their purposes.
- Identify the key phrases which mark out each instrument and type of deed.
- Create ‘wordbags’ of phrases associated with each deed type.

¹ Email: Walshp9@tcd.ie I am indebted to Dr Andrew Mackillop as Co-PI on the project for many fruitful discussions and for his advice on so much of the content of this paper. This research/project was funded by UKRI-AHRC and the Irish Research Council under the ‘UK-Ireland Collaboration in the Digital Humanities Networking Call’ (grant numbers AH/V002376/1 and IRC/V002376/1)

The Abstract books

It turns out we were not the first people to consider this challenge of demystifying the records and central to our understanding of the architecture and indeed genealogy of these records has been the attempts made by successive archivists and registers (or more often their deputies) to put order on these documents. Of fundamental importance were decisions made in the early nineteenth century when a sequence of key events helped to shape the modern arrangement of these records. These included the construction of a purpose-built archive/working office at the ROD's present site which was completed in 1832 but also new legislation passed in the Westminster parliament which sought to reform the day-to-day practices within the ROD.² Amongst the most important details within this legislation were provisions creating a system for abstracting the records into a series of abstract books.³ The legislation created a template for these abstract books which were to be used going forward to create a quick reference guide to the deeds replacing the existing and somewhat cumbersome grantor and place indexes. It also crucially allowed for the creation of series of abstract books working backwards through the existing records. These abstract books survive for the period c. 1801- 1830 in an almost complete series alongside a much shorter series covering the period 1708-1717 covering some of the early memorials. There are no surviving abstract books covering the period 1717-1800 and it is not even clear whether these ever existed. Unknown to previous generations of historians they have recently been catalogued by PRAI's archivists.⁴

The surviving books follow a standard format as laid out in the 1832 legislation (See Appendix B). There are 7 columns with the following headers:

1. Reference: Vol. No., Page No., and Date entered in Transcript Book
2. Name of the Instrument
3. Grantor (s)
4. Grantee(s)
5. Consideration, Rent, Renewal Fines, Term
6. Name, Description and situation of the premises: street, city/townland, parish, barony, county
7. General Nature of the instrument, whether conveyance, trust, marriage settlement, mortgage, or absolute conveyance

For our purposes the most interesting are Column 2 Instrument and Column 7 Type, though one other significant element is that the names extracted here in columns 3 and 4 for grantors and grantees are more inclusive than those found in the Grantor index.

If we take column 2 'Instrument' first' we can start to think about the structure of the individual deeds and how they might be understood and catalogued. The instrument indicates the form of the document but not necessarily its purpose. It has been captured or abstracted from the opening text of the memorial (See examples in Appendix C). Table 1. provides a list of the instruments we have so far identified.

² 2 & 3 Will IV c.87 An Act to Regulate the Office for Registering Deeds, Conveyancing and Wills in Ireland (1832)

³ 2 & 3 Will IV c.87 Part XII. See also Schedule D 'Form of Abstract Book'

⁴ We are indebted to Ellen Murphy and Leanne Harrington for providing us with an early view of the catalogue for these volumes and for giving us access to these records.

Table 1. ROD Instruments and Abbreviations⁵

Instrument	Instrument Abbreviation
Memorial of Articles of Agreement	MAA
Memorial of Deed of Assignment	MDA
Memorial of Deed of Bargain and Sale	MDBS
Memorial of Deed of Conveyance	MDC
Memorial of Deed of Trust	MDT
Memorial of Deed of Feoffment	MDF
Memorial of Deed of Grant	MDG
Memorial of Deed of Indenture	MDI
Memorial of Deed of Indenture of Assignment and Grant	MDIAG
Memorial of Deed of Lease	MDL
Memorial of Deed of Lease & Release	MDLR
Memorial of Deed of Mortgage	MDM
Memorial of Deed Poll	MDP
Memorial of Deed of Rent Charge	MDRC
Memorial of Deed of Trust	MDT
Will	MW

The second column in this table also provides an abbreviation for each of these instruments. Many of these instruments are not terribly specific (the exceptions are will and deed poll), but they help to create a first level hierarchy.⁶ It will become clear that an Indenture/Deed of Lease and Release was by far the most common ‘instrument’, and one which could be used for multiple purposes.

Identifying instruments is helpful but it does not greatly assist the researcher outside the straightforward cases of the will and on occasion leases. The great breakthrough that the 1830 legislation and the abstract books provide is the contents of the final column ‘general nature of the instrument’ which we have relabelled ‘type’. Here the discerning judgment of successive clerks and registers is hugely helpful to the modern researcher as their classification of a much greater number of types than the column header allowed for allows us to create a second-level hierarchy within our categorisation of the deeds. Table 2 provides a list of the types that we have identified from the abstract books alongside our own research into a large sample of deeds.

Table 2. Deed Types identified from Abstract Books and Sampling of Records

Type of Deed	Sub Type of Deed
Articles of Agreement	Memorandum of Agreement
	Covenant and agreement
	Family Settlement
Assignment	Assignment of Lease

⁵ We are indebted to Dr John Bergin for his advice on these abbreviations which draw on the extensive work of the late Dr T.P. O’Neill on ROD Records.

⁶ It is therefore not surprising that all eighteenth-century wills have been extracted for publication by the Irish Manuscripts Commission

	Assignment of Lease
	Assignment of Mortgage
Common Recovery	Making Tenant to the praecipe
Conveyance	Deed of Bargain and Sale
	Deed of Conveyance
Conveyance upon Trusts	Charitable Trust
Conveyance upon uses	Family Settlement
Declaration of Trust	
Deed Poll	
Feoffment	
Grant For Ever	Perpetuity Lease
Grant of Annuity	Annuity
	Rentcharge
Lease	Lease
	3 Lives Lease
	3 Lives lease renewable
	31 Year Lease
	Fee Farm Lease
	Lease of Easement
	Lease in Reversion
	Perpetuity Lease
Marriage Settlement	Marriage Settlement
	Marriage Settlement
	Marriage Settlement
	Post-Nuptial Settlement
Mortgage	Mortgage by Conveyance
	Mortgage by Demise
	Mortgage satisfied
Partition	
Release	Revocation and appointment
Surrender	
Will	

As will be obvious from Table 2 there are significantly more types than there are instruments. We have categorised these into two levels allowing for sub-types providing a third level in the overall hierarchy. An example here is type: Lease which has a number of clearly defined sub-types. In general Types are often, as we shall see, more complex to identify and to do so requires more careful reading of the text of the memorials. This matters most obviously for the missing eighty-three years of records (approximately 500 volumes of transcript books) covering the eighteenth century. The challenge therefore is come up with a reliable method for identifying the different types of deed using the extant abstract books as a guide. To this we have come up with a two-stage process. The first of these is link

the instruments with the types - to connect the two levels of categorisation and to identify what anomalies might exist. The results of this process are in Table 3.

Table 3 Instruments and Types Combined

Instrument	Type of Deed	Sub Type of Deed
MAA	Articles of Agreement	Memorandum of Agreement
DP		Covenant and agreement
MDI		Family Settlement
MDLR	Assignment	Assignment of Lease
MDA		Assignment of Lease
MDLR		Assignment of Mortgage
MDI	Common Recovery	Making Tenant to the praecipe
MDLR	Conveyance	Deed of Bargain and Sale
MDC		Deed of Conveyance
MDF	Conveyance upon Trusts	Charitable Trust
MDLR	Conveyance upon uses	Family Settlement
MDT	Declaration of Trust	
MDP	Deed Poll	
MDF	Feoffment	
MIAG	Grant For Ever	Perpetuity Lease
MDLR	Grant of Annuity	Annuity
MDRC		Rentcharge
ML	Lease	Lease
MDLR		3 Lives Lease
		3 Lives lease renewable
ML		31 Year Lease
MDLR		Fee Farm Lease
MDG		Lease of Easement
MDLR		Lease in Reversion
MDLR		Perpetuity Lease
MI	Marriage Settlement	Marriage Settlement
MDF		Marriage Settlement
MDSett		Marriage Settlement
MDLR		Post-Nuptial Settlement
MDLR	Mortgage	Mortgage by Conveyance
MDM		Mortgage by Demise
MDLR		Mortgage satisfied
MDI	Partition	
MDR	Release	Revocation and appointment

MDAS	Surrender	
MW	Will	

A few things should become immediately obvious. A deed of lease and release as suggested earlier is a capacious instrument which could be utilised for a variety of purposes. Other key types of deed notably mortgages – an important sub-category- can utilise different instruments in a non-consistent manner. There are also some inconsistencies in the instruments and types with the differences between bargain and sales and conveyances not always immediately obvious. Finally, the most challenging types are undoubtedly assignments which often summarise multiple prior transactions within the same memorial. With practice and patience these become easier to decipher but they are more resistant to interpretation than other types. Confusion can also arise between mortgages and what might be disguised sales as many memorials identified as mortgages include a marginal note declaring they have been paid off, but others do not. There seems to be an urban/rural bias here with urban loans more likely to be *recorded* as having been paid off.⁷

Identifying Deed/Memorial types by Language/Terminology

Following the abstract book logic gets the researcher so far, but it is not always possible, as suggested above, to decipher the thought processes of the abstracter of the deeds, while there are as suggested above inconsistencies in legal practice, and in the recording of transactions of the same type. This is not surprising and reflects the ways in which eighteenth-century institutions and their administrators engaged in learning processes as they adopted to new forms of financial and other property instruments. This is clear both in the early volumes within the ROD collections and within the contemporary Caithness Sasines where the practice of notaries was not always what might have been expected. To get beyond these issues we have attempted to work out a series of key phrases that can be linked to each deed type which if present help identify a type precisely or failing that narrow down the possibilities to a more manageable list of options. This work has been informed by engagement with the existing technical historical and legal literature on Deeds and by a very helpful resource compiled by Nottingham University Library which disambiguates English deeds and other property instruments. The legal situation in Ireland was similar allowing us to utilise their methodology and findings and apply them to the Irish case while allowing for divergences. Table 4 adapts the Nottingham matrix for the ROD records.

The ROD Deed Matrix

⁷ I am indebted to Brendan Twomey for this point based on his thorough research on mortgages.

Type of Deed	Sub Type of Deed	Key Phrases	Consideration	Term (how long does Transaction last)
Articles of Agreement	Memorandum of Agreement	Articles of Agreement Indented bearing date and perfected	N/A	
	Covenant and agreement		Nominal	
	Family Settlement	It is covenanted and agreed		
Assignment	Assignment of Lease		Sometimes	For the rest and residue of said term
	Assignment of Lease			For the rest and residue of said term
	Assignment of Mortgage		No	For the rest and residue
Common Recovery	Making Tenant to the praecipe	a fine sur conasans de droit	N/A	N/A
Conveyance	Deed of Bargain and Sale		Yes	Forever OR Impertuum
	Deed of Conveyance		yes	Forever OR Impertuum
Conveyance upon Trusts	Charitable Trust	Upon Trust nevertheless and to and for the Uses, Intents and purposes		Forever
Conveyance upon uses	Family Settlement	by vertue of the statute of transferring uses into possession	yes	
Declaration of Trust				Sometimes
Deed Poll		Deed Poll		N/A
Feoffment		Doth Grant, Enfeoffe, Alien and Confirm	Yes	Forever OR Impertuum
Grant For Ever	Perpetuity Lease	Did Grant Assigne and Sett	Yes	Forever OR Impertuum

Grant of Annuity	Annuity	Did Give Grant and Confirm unto	Yes	Specified number of years
	Rentcharge	Deed of Rent Charge	Yes	Specified life or term of years
Lease	Lease		Yes	Specified number of years
	3 Lives Lease	for and during the Naturall Lives and Life of the Survivors and Survivor of them	Yes	Term of Named People's lives
	3 Lives lease renewable		Yes	Term of Named People's lives renewable forever
	31 Year Lease		Yes	Specified number of years
	Fee Farm Lease	Fee Farm	Yes	Forever OR Impertuum
	Lease of Easement	hath for him and his heirs given, granted	yes	
	Lease in Reversion			
	Perpetuity Lease	To hold the said towns, lands and premises...forever at and under the yearly rent	yes	forever
Marriage Settlement	Marriage Settlement		Yes	
	Marriage Settlement	In consideration of a marriage		
	Marriage Settlement			
	Post-Nuptial Settlement		Yes	
Mortgage	Mortgage by Conveyance		Yes	Forever OR Impertuum
	Mortgage by Demise	Deed of Mortgage	Yes	Specified number of years

	Mortgage satisfied	The Mortgage mentioned in this Memll: is Satisfied & Discharged		
Partition		Make partition and division		Forever
Release	Revocation and appointment	Revoke, alter and make void		
Surrender		Released, assigned, surrendered		
Will				

In some instances there is a key phrase which is always and only present in a particular type of deed. A good example of this is a **Conveyance upon Uses**, which always includes the Latin phrase *a fine sur conasans de droit come ceo*, while a thirty-one year lease – an important and vital element in the Irish property landscape under the penal laws is likewise easily identifiable (31 years was the maximum time span a Catholic could lease land for between 1704 and 1778). Other lease types, including the three lives lease and the three lives renewable lease (again a distinctive Irish formulation) are likewise reasonably easy to identify with the appropriate string of text.

Wordbags

Others however remain more complex to unpick. The best example here is probably a mortgage. Certain key phrases regularly occur but not entirely consistently. These include but are not limited to ‘equity of redemption’ and ‘provisoe of redemption’. One solution here suggested by our colleagues in the Adapt centre in TCD was to use a concept borrowed from Natural Language Processing – wordbags. These involve collecting key phrases associated with a particular entity in this case a deed type. (This exercise could also be usefully done for instruments), and then to combine them together to assist in the identification of deed types. To give an indication of how these work we have drawn out two samples, the first is a conveyance or sale- an extremely common type. There are further examples in Appendix A and are keen to stress this is a work in progress.

Wordbag 1: Conveyance by Lease and Release

- His Heires and Assignes for ever
- hath Granted Remised Released and Confirmed unto
- Doth, Give, Grant, Bargain, Sell, Release and Confirm unto the said X for ever
- To have and to hold...forever
- Hath Granted Bargained Sold Released and Confirmed unto

- Do Grant Bargain Sell Release and Confirm
- Did give Grant Bargain and Sell Alien Enfeoffe Release and Confirm unto

We can see the variety of phrases used here though there is some repetition notably in the words, give, grant, bargain(ed) while the word 'forever' is important here but again not unique. Still using these wordbags the reader can helpfully classify the deed type.

The second example and a more complex one is a mortgage. Here part of the challenge is that the instrument varies with some mortgages being introduced as Memorials of Deeds of Mortgage while others are introduced as Memorials of Deeds of Lease and Release. Nevertheless key phrases can be identified.

1. Wordbag 2: Mortgage by Conveyance

- or Condition to be void on Payment of X Pounds and Interest
- a Provisoe or Condition of Redemption
- together with full and Legall Interest for the same
- the said Mortgage money and all Interest That then the
- said Indenture of Release, and all things therein contained shall be void, and of no Intent, Effect, and purpose whatsoever
- Under a condition of redemption

'Redemption' is one of the key words here while 'interest;' also helps in the identification process. What these more complex is when a mortgage is intertwined with a deed of assignment transferring the interest of one individual in a property or debt from one person to another.

Automating the identification process

Having identified instruments, types and their relationships as well as the identifying characteristics of the different deeds and types we can with some consequence manually distinguish between different types of deeds greatly enhancing our analytical capacities as researchers. However, the question remains can technology help us to further improve any analysis of the records and allow it to be developed at a greater scale. This has so far proved more complex than we anticipated but we have made some tentative progress here. The ability of our bespoke Transkribus model to read large amounts of ROD text over a long time-span is transformative in this regard, notwithstanding important caveats about accuracy, chunking etc.

Using the Agrep command line programme which allows for fuzzy searching for strings of text across multiple files we have begun to test the 'text strings' linked to different types and those which we have incorporated into our word bags. The initial results are encouraging but this is still a work in progress.

Conclusions and Implications of our ROD Typology Research

- Vital importance of abstract books as an accurate guide to other records – allow summary or birds-eye view
- Abstract books entries (the only subjective ones) for ‘instrument’ and ‘type’ can be replicated manually for unabstracted deeds.
- Robust linked series of instruments and types can be created aiding in the preparation of metadata
- Improved guidance for the reader drawing on our instrument/type matrix could be developed helping to demystify the deeds.
- Initial testing of key phrases on Transkribus produced text demonstrates possibilities of fuzzy searches and utility of ‘text strings’ as way into the ROD records
- There is potential to develop further search capacity using ‘wordbags’, but this remains an unresolved challenge.

APPENDIX A Wordbags by Type

1. Articles of Agreement
 - Articles of Agreement Indented bearing date and perfected
2. Assignment of Lease
 - Grants and Assigns unto the said X All his the said Y's Interest and Term
 - in consideration of the Sum of X to him in Hand paid by Y Doth Give Grant Transfer Assign and make over unto the said Y his Exrs: Admrs: and Assignes All and singular the House
 - for and during all the Residue of a Term
3. Assignment of Mortgage
 - Doth thereby Grant, Bargain, Sell, Transferr, Alien Release, Confirm, Assign, and make over unto the said X All that the said Mortgage of and in the said Lands
 - Subject nevertheless to the said Provisoe or Condition of Redemption
4. Common Recovery
 - Tenant to the praecipe
 - a fine sur conasans de droit come ceo OR Fine sur cognizance de droit come ceo
5. Conveyance by Lease and Release
 - His Heires and Assignes for ever
 - hath Granted Remised Released and Confirmed unto
 - Doth, Give, Grant, Bargain, Sell, Release and Confirm unto the said X for ever
 - To have and to hold...forever
 - Hath Granted Bargained Sold Released and Confirmed unto
 - Do Grant Bargain Sell Release and Confirm
 - Did give Grant Bargain and Sell Alien Enfeoffe Release and Confirm unto
6. Conveyance upon trusts
 - Upon Trust nevertheless and to and for the Uses, Intents and purposes
7. Conveyance upon uses
 - By vertue of the statute of transferring uses into possession
 - To the Uses Intents Behoofs and Purposes in the said Release mentioned Expressed and declared, and to or for no other use intent or purpose whatsoever
8. Declaration of Trust

- Declaration of Trust
- 9. Deed Poll
 - Deed Poll
- 10. Feoffment
 - Doth Grant, Enfeoffe, Alien and Confirm
- 11. Grant for ever
 - Memorial of an indenture of grant and assignment
 - Did Grant Assigne and Sett
- 12. Grant of Annuity
 - Did Grant, give and confirm unto
- 13. Grant of Rentcharge
 - Deed of Rentcharge
- 14. Lease
 - Doth Demise, Grant, Sett and to Farm Lett unto
- 15. 3 Lives Lease
 - for and during the Naturall Lives and Life of the Survivors and Survivor of them
- 16. 3 Lives Renewable
 - For and during the Naturall lives AND renewable forever
 - Covenants for Renewing the said Lease for ever upon
- 17. 31 Year Lease
 - For the Term of Thirty one Yeares
- 18. Fee Farm Lease
 - Fee farm
- 19. Lease of Easement
 - Easement, water
- 20. Perpetuity Lease
 - To hold the said towns, lands and premises...forever at and under the yearly rent
- 21. Marriage Settlement
 - Whereas a Marriage intended (by the Grace of God) to be forthwith had and Solemnized between the said

- Marriage portion

22. Post-Nuptial Settlement

23. Mortgage by Conveyance

- or Condition to be void on Payment of X Pounds and Interest
- a Provisoe or Condition of Redemption
- together with full and Legall Interest for the same
- the said Mortgage money and all Interest That then the
- said Indenture of Release, and all things therein contained shall be void, and of no Intent, Effect, and purpose whatsoever
- Under a condition of redemption

24. Mortgage by Demise

- Demised, granted
- Indenture of Mortgage... Doth Grant, Assign, and make over unto the said X, The said recited Plott or Piece of Ground, and the said Houses thereon, with their and every of their Rights Members and Appurtances and all the Estate, Right, Title, Interest, Term for Yeaes to come and unexpired
- Said deed shall be void
- Deed of Mortgage

25. Partition

- Make partition and division

26. Release

- Do Release

27. Surrender

- Do surrender

28. Will

- The last will and testament

Appendix B

Sample Abstract Book From Schedule D of the 1832 Legislation

2° & 3° GULIELMI IV. c. 87.

SCHEDULE (D.)

FORM OF THE ABSTRACT BOOK.

Year and Day of registering, Volume of the Year, and Number of the Memorial	Name of the Instrument.	Date of the Instrument.	Names of all the Grantors and more Grantees.		Consideration, Rent, Renewal Fines, Term.	Name, Description, and Situation of the Premises.	General Nature of the Instrument; whether Trust, Marriage Settlement, Mortgage, or absolute Conveyance.
			Grantor.	Grantee.			
1830. 4. 140.	Lease for a Year.	1830. July 2.	Ainsworth, John, Walsh, Mary, Smith, Samuel, and Wife.	Carter, John, another.	Nominal.	Castlemain, the Lands of Parish, Barony, County.	Possession to vest.

Reg. July 23.

The Figure 4. signifies the Number of the Volume in the Year in which the Transcript of the Memorial is to be found, and also the Number of the original Memorial on the File on which it is kept; and 140. the Number of the Memorial on the File, and of the Transcript of this Memorial in the Transcript Book.

