

Transcription of Deed Dated 15th Day of February 1910 between Archibald Wilson & William Brown

“Release of Equity Of Redemption”
(Sale of Tenancy Rights of Bar Hall Farm, at Tullycarnon¹, County Down)
seventy six acres and twenty four perches statute measure

By H Wallace & Co, Solicitors, Downpatrick

This indenture made the fifteenth day of February, one thousand nine hundred and ten between Archibald Wilson of Tullycarnon in the County Down, Farmer of the one part and William Brown of Portaferry in said County, merchant of the other part. Whereas by Indenture of charge dated seventeenth day of August, one thousand eight hundred and ninety seven and made between the said Archibald Wilson of the one part and David Wilson of the other part the said Archibald Wilson charged and encumbered with the sum of two hundred pounds and interest therein mentioned all that and those the farm of land and premises therein and hereinafter particularly described, AND WHEREAS by Indenture of transfer and Further Charge dated the twenty second day of April one thousand nine hundred and two and made between the said David Wilson of the first part, said Archibald Wilson of the second part and said William Brown of third part in consideration of the said sum of two hundred pounds by the said William Brown paid to the said David Wilson and of the further sum of two hundred and thirty three pounds thirteen shillings and one penny to the said Archibald Wilson paid by the said William Brown (said two sums making together the sum of four hundred and thirty three pounds thirteen shillings and one penny) the said David Wilson as mortgagee assigned unto the said William Brown the said mortgage debt of two hundred pounds and all interest to accrue due for the same and for the consideration aforesaid the said Archibald Wilson covenanted with the said William Brown for payment to the said William Brown for payment to the said William Brown of the principal sum of four hundred and thirty three pounds thirteen shillings and one penny with interest thereon as therein mentioned and by the indenture now in recital the said David Wilson as mortgagee granted and the said Archibald Wilson as beneficial owner granted and confirmed unto the said William Brown ALL THAT and those the said farm and premises discharged from all equity of redemption under the said recited Indenture of the seventeenth day of August one thousand eight hundred and ninety seven but Subject to the proviso for redemption thereof therein contained on payment to the said William Brown of the said sum of four hundred and thirty three pounds thirteen shillings and one penny with interest thereon as aforesaid AND WHEREAS by Indenture dated the twenty first day of February one

¹ The Townland of Tullycarnon covers about 300 acres – in 1841 the population was 103 with 17 dwellings on the Townland – in 1901 this had fallen to a population of 33 with only 6 dwellings on the Townland.

thousand nine hundred and five and made between said Archibald Wilson of the one part and the said William Brown of the other part the said Archibald Wilson further charged the said farm of land and premises with the sum of three hundred and forty one pounds thirteen shillings and four pence and interest thereon as therein mentioned AND WHEREAS the said principal sum of four hundred and thirty three pounds thirteen shillings and fourpence making together the sum of seven hundred and seventy five pounds six shillings and fivepence are still owing to the said William Brown on the security of the hereinbefore recited Indentures together with interest thereon from the twenty first day of February one thousand nine hundred and five AND WHEREAS the said Archibald Wilson has agreed with the said William Brown for the sale to him of the said farm of land and premises with the stock crop chattels implements thereon and the furniture in the dwelling house thereon in consideration of the release by the said William Brown hereinafter contained and of the payment by the said William Brown to the said Archibald Wilson of the sum of nine hundred and twenty four pounds thirteen shillings and sevenpence making with the said sum of seven hundred and sixty five pounds six shillings and fivepence so owing on the security of the said recited Indentures the sum of one thousand seven hundred pounds NOW THIS INDENTURE WITNESSETH that in pursuance of the agreement and in consideration of the sum of nine hundred and twenty four pounds thirteen shillings and sevenpence now paid by the said William Brown to the said Archibald Wilson the receipt hereof the said Archibald Wilson doth hereby acknowledges and in consideration also of the release hereinafter contained by the said Archibald Wilson as beneficial owner hereby assigns and releases unto the said William Brown his executors administrators and assigns ALL THAT farm of land and premises with the houses buildings and improvements thereon and all right to claim and receive compensation in respect thereof situate in the townland of Tullycarnon Parish of Ballyphillip Barony of Ards Upper and County Down containing seventy six acres and twenty four perches statute measure² or thereabouts as now in the occupation of said Archibald Wilson and held by him as a Judicial tenancy thereof TO HOLD the same unto the said William Brown his executors administrators and assigns for all the unexpired residue of the current year of the tenancy and so on as tenant from year to year and for all the estate interest and tenant right of the said Archibald Wilson therein as tenant of the said land and premises by virtue of Land Law (Ireland) Act 1881 and otherwise howsoever discharged from all right or equity of redemption and from all claims and demands under the recited Indentures respectively but subject to the judicial yearly rent of eighty pounds fixed by order of the Chief Land Commission dated the fourteenth day of February one thousand eight hundred and ninety nine (Record Number 2146) which

² I presume this is English acres – but could be Cunningham acres in common usage in County Down. A Cunningham acre is approximately 1.2913 acres.

rent is payable half yearly on every first day of May and first day of November in each year and to any future rent which may be hereinafter be substituted in lieu thereof and also subject to statutory conditions incident to the said tenancy and to any rights that may be reserved to the Landlord under said order AND THIS INDENTURE ALSO WITNESSETH that in further pursuance of said agreement and for the consideration aforesaid the said Archibald Wilson hereby assigns unto the said William Brown ALL AND SINGULAR the stock crop chattels implements furniture and things mentioned and set forth in the Schedule hereto annexed TO HOLD the same unto the said William Brown his executors administrators and assigns. And in consideration of the premises the said William Brown doth release the said Archibald Wilson from the said sum of seven hundred and seventy five pounds six shillings and fivepence owing on the security of the said recited Indentures as aforesaid and all interest to accrue thereon and from all actions proceedings claims demands and liability in respect thereof or otherwise under the said indentures or any of them and the said Archibald Wilson in addition to and not in substitution for any covenants implied by the Conveyancing and Law of Property Act 1881 hereby covenants with the said William Brown that notwithstanding anything by him the said Archibald Wilson made done executed or omitted or knowingly suffered the tenancy under which the said lands and premises are held is now valid and subsisting tenancy subject to statutory conditions in full force and effect unforfeited and unsurrendered and in no wise void or voidable. And that notwithstanding anything as aforesaid the said rent has been paid up to the last gale³ day and that all the said statutory conditions have been observed and performed up to date of these presents and the said William Brown hereby covenants with the said Archibald Wilson that he the said William Brown hereby covenants with the said Archibald Wilson his executors administrators and assigns will henceforth pay the said Judicial rent or any substituted rent as aforesaid and observe and perform the conditions incident to the tenancy and keep the said Archibald Wilson his heirs executors and administrators indemnified against all actions expenses claims demands and liabilities on account of the non payment of said rent or breach of said conditions or any of them. IN WITNESS whereof the parties aforesaid have hereunto subscribed their names and affixed their seals the day and year first herein written.

Schedule
Referred to in foregoing Deed

STOCK

four working horses\
one foal
two milk cows
one bull

³ Gale day; the day on which rent or interest is due.

one heifer
four calves

CROP

about eleven cwt seed beans
about two cwt grass seed
about ten tons seed potatoes
one rick of hay
one stack bean straw
one stack barley straw
one and a half hovels oats
three acres turnips

IMPLEMENTS

Water barrel on wheels
One self binding harvesting machine
One reaping machine
Barn mill
Churning Machine
Set plough harness
Turnip cutter
Binder knife sharper
Weighbridge and weights
Boiler
Hay rake
Potatoe riddle?
Three grubbers
Potatoe digger
Two wheel ploughs
One drill plough
One lea plough
Two iron harrows
One zig zag harrow
One spring tooth harrow
Two rollers stone and metal
Hunter hoe
One dray cart (without wheels)
Three furrow seed plough
Three carts and harness

FURNITURE

Parlour; Sofa, Cabinet, one dozen mahogany chairs, carpet, mahogany (round) table, flower stands, pictures

Sitting room: Eight day clock, cabinet (with books), 4 chairs, small table

Bedroom off Parlour: bed, looking glass, wash stand, table

Kitchen: Large table, stationary seal, dresser & shelf?, 3 chairs and miscellaneous kitchen utensils

Scullery: cans? pots, pans

Pantry: quantity of meal and bran

Bedroom No. 1: bed, carpet, 5 chairs, dressing table, mirror, wardrobe

Bedroom No 2: dressing table, 2 beds, 2 chairs, wardrobe

Bedroom No 3: dressing table, mirror, 1 bed, cot

Bedroom No 4: 2 beds, chest of drawers

Signed seal and delivered
by the said Archibald Wilson
In the presence of

Esphraine Brown
Shop Assistant, Portaferry

J E MConrt
Solicitors Apprentice, Downpatrick

Key Facts	
1675 - 1700	Guestimate of period Bar Hall (House) built – builder believed to have been buried at Slans cemetery in 1704 – about 8 miles from Bar Hall
1700's	Bar Hall known to have been occupied by various members of the Savage family. The Savage family had vast land holdings in the area. Its believed minor members of the family occupied Bar Hall with the responsibility of collecting rents from tenant farmers.
1782	Bar Hall Farm believed to cover 59 acres at this time.
1797	Samuel Gelston believed to have signed “3 lives lease” of the Bar Hall property.
1834	John Dorrian (husband of Mary Gelston) known to be occupier of Bar Hall – may have inherited from Samuel Gelston
24/9/1852	Elizabeth Wilson known to have died at Bar Hall (aged 67) widow of the late Samuel Wilson of Tullnacree. It is speculated that this person was Elizabeth McDonnell, mother of Robert Wilson named immediately below.
1863	Robert Wilson (never married) known occupant of Barr Hall – possibly occupier from at least 1840's until property taken over by nephew, Archibald Wilson in 1878. There were two other houses on the Bar Hall property in 1863 – both were vacant by 1899 and were described as “ruins” in 1911.
Circa 1878	Archibald Wilson believed occupant of Bar Hall Farm from this date
17/8/1897	Archibald borrows additional money from David Wilson, pre-existing debt £117.10s, new debt £200 at 5% for one year secured against tenancy interest in Bar Hall Farm. David Wilson is believed to be (but not proven) Archibald Wilson's eldest brother. Rent of Bar Hall Farm £70 per anum
14/2/1899	Rent for Bar Hall Farm property set at £80 per anum
22/4/1902	Archibald Wilson borrows from William Brown, Merchant, Portaferry £433.13s.1d, secured against tenancy interest in Bar Hall Farm, which includes amount to repay David Wilson £200
21/2/1905	Archibald Wilson increases borrowing from William Brown to £775.6s.5p
15/2/1910	Archibald Wilson sells tenancy right in Bar Hall Farm, including stock, crops, implements, household contents to William Savage for £1,700. Rent £80 per anum at this date. Payment made to Archibald Wilson £924.13s. 7p after discharge of debt.

15/11/1910	William Brown sells tenancy right in Bar Hall Farm for £1,400 to William Savage, farmer of Portaferry.
1921	William Savage dies 18/4/1921 aged 81– eldest son Edward Savage inherits Bar Hall as result of bequest from father. Interestingly, spouse of William Savage is Jane Rosina Wilson (died 18/9/1928 aged 69)
1935	James McClelland now occupies Bar Hall
7/1997	Doug & Maureen Edmondson purchase Bar Hall from Ms McClelland who inherited property from her father