

FINDINGS IN FACT
to convene an
AD HOC DERBHFINE
for the election of the
CHIEF OF THE NAME MacCARTHY REAGH

Definitions

de non apparentibus et non existentibus eadem est ratio – *de non apparentibus et non existentibus eadem est ratio* translates as ‘the reason is the same respecting things which do not appear, and those which do not exist’ and is a legal maxim to denote the rule that for those things which do not appear, they are to be considered as not existing in the law. (See *Shapleigh v. Mier*, 299 U.S. 468 (1937), *Jowitt’s English Law Dictionary*, 1959, reprint 1972, and *The Petition of Robert Alec Snow Irving of Bonshaw to the Court of Lord Lyon*, 8 November 2013.)

proven – *to be proven* (i.e. to have a proven genealogical descent), is to possess all required documentation for each generation of descent, documenting the marriage of the parents of that generation and the birth of the purported child after said marriage – the same standard of proof for pedigrees registered with the UK College of Arms.

de jure – *de jure* shall be used to denote “having a right or existence as stated by law” (Cambridge English Dictionary).

de facto – *de facto* shall be used to denote “existing in fact, although perhaps not intended, legal, or accepted” (Cambridge English Dictionary).

patrilineal – *patrilineal* shall be used synonymously with the term agnatic, and used to denote any descent from a male person via a son, grandson, great-grandson, *etc.*, of said person – i.e. descent via the male-line.

Introduction

It is commonly known that the medieval Irish Principality of Carbery was surrendered to the English Crown by Domhnall na bpiopaí Mac Cárthaigh Riabhach (known as Donal na Pipi MacCarthy Reagh) in 1606. In 1839 P. Louis Lainé published a pedigree (consistent with the pedigree recorded by Ulster’s office in 1687) documenting that the last Chief of the Name was Florence of Benduff, a distant cousin of Donal na Pipi’s great-great-great-grandson, Alexander. The next Chief of the Name MacCarthy Reagh will be this Florence’s heir.

After 10 years of research and enquiries it has now been established that there does not exist a legitimately recognized Chief of the Name MacCarthy Reagh, or an agnatic descendant of the last Chief, Florence of Banduff. Herein the case is made that the chiefship of the MacCarthy Reagh is vacant and the lineages from the senior chiefly family of the 17th century, and the last MacCarthy Reagh, are extinct.

It is argued that the chiefship is *de facto* vacant as there is no recognized, or otherwise known, Chief of the Name. It is further argued that as the only claim to the chiefship in 270 years was in fact illegitimately claimed, and especially that illegitimate claimant is known and acclaimed to have been the *lust* claimant as of 1980, then *de non apparentibus et non existentibus eadem est ratio*, the chiefship is *de jure* vacant.

It is set out herein that (1) there are no surviving patrilineal descendants of the last Chief of the Name, Finghin of Benduff; (2) there are no surviving patrilineal descendants of the *geilfine* of the last Chief of the Name’s predecessor, Alexander; (3) the most recently known claimant, Mr. MacCarthy-Willis-Bund, was a descendent of the last Chief of the Name’s *derbhfine*; (4) Mr. MacCarthy-Willis-Bund was not a senior representative of the surviving chiefly family; (5) there was no election or practice of tanistry to confirm the Chiefship of the Name unto Mr. MacCarthy-Willis-Bund; (6) there is no current claimant from Mr. MacCarthy-

Willis-Bund's family; (7) the only valid certified pedigree today is that of the McCarthy Reagh of Drinagh; (8) while the pedigree of the MacCarthy-Willis-Bund family might be acceptable, there can be no valid determination of seniority between the two surviving branches of the clan.

Since seniority is proven by genealogical birth order, it is therefore impossible to say who is of a senior branch of the sept. So understanding that "while there are known living senior bloodline MacCarthy Reagh descendants, an Ad Hoc Derbhfine election should be unthinkable,"¹ it is no longer the case that an Ad Hoc Derbhfine election should be unthinkable as there are no proven senior bloodlines, although the bloodlines themselves are proven. With no ability to reliably and credibly discern the seniority of the two branches of the family, an Ad Hoc Derbhfine is now required to identify which of their candidates ought to be Chief of the Name.

It can now be proclaimed truly and in good conscience, that the long dormant chiefship of The MacCarthy Reagh has been lost to history and is abeyant. As such, with the facts of the current situation presented herein, the requirements are satisfied to establish an organizing committee to initiate the process of assembling an Ad Hoc Derbhfine for the election of the Chief of the Name MacCarthy Reagh.

Findings in Fact

(1) Are there any surviving patrilineal descendants from Florence (a.k.a. Finghin) of Benduff, the last recognized Chief of the Name?

(a) The only documented lineages of the MacCarthy Reagh family into a recent era are found in pedigrees given in the 19th and early 20th centuries — particularly Msr. Lainé's work, *Généalogie de la Maison de Mac-Carthy anciennement Souveraine des Deux Momonies ou de l'Irlande Méridionale*,² John O'Hart's work, *Irish Pedigrees, or the Origin and Stem of the Irish Nation*,³ Samuel Trant McCarthy's work, *The MacCarthys of Munster: the Story of a Great Irish Sept*,⁴ and the 1937 pedigree recorded with the Ulster King of Arms.⁵

(i) The only one of these works to record Finghin of Benduff's progeny is Msr. Lainé's work, *Généalogie de la Maison de Mac-Carthy*, which records the following:

«Florence Mac-Carthy de Banduff, qui fut lieutenant-colonel du régiment d'infanterie que commandait Daniel Mac-Carthy-Reagh, au service de Jacques II. Il succéda à Alexandre dans le titre de Mac-Carthy-Reagh, Florence mourut en 1754, à âge de 96 ans, et fut inhumé dans l'église de Caharagh en Carbery, paroisse où il était allé habiter après que Guillaume III eut confisqué ses biens. Il avait épousé Ellen ô Donovan, fille de Daniel ô Donovan, et de Julienne ô Shagnassy, fille du chevalier Dermot ô Shagnassy de Goitinshogouragh, au comté de Galway. Ses enfants furent:

I. Donall ou Daniel Mac-Carthy-Reagh, Lieutenant-Colonel d'un régiment irlandais au service d'Espagne, mort à Carthagène sans postérité;

II. Donogh ou Denis Mac Carthy-Reagh, capitaine de grenadiers dans un régiment irlandais, tué à Velletri. Il n'eut pas de postérité;

III. Florence Mac-Carthy-Reagh, capitaine dans régiment irlandais. Il mourut sans postérité des blessures qu'il avait reçues au siège de Melazzo;

¹ Email from Chancellor Michael Doyle to Evan McCarthy (27 October 2020).

² Laine PL, "Branche de Mac-Carthy-Reagh Princes et Lords de Carbery," *Généalogie De La Maison Mac-Carthy, Anciennement Souveraine Des Deux Momonies Ou De L'Irlande Méridionale* (Imprimerie de Béthune et Plon 1839)

³ O'Hart J, "MacCarthy Reagh (No. 2) Princes of Carbery," *Irish Pedigrees; or, the Origin and Stem of the Irish Nation*, vol 1 (5th edn James Duffy and Do Limited 1892)

⁴ McCarthy ST, "The MacCarthy Reagh, Prince of Carbery," *The MacCarthys of Munster; the Story of a Great Irish Sept* (The Dundalgan Press 1922)

⁵ National Library of Ireland Genealogical Office Ms. 176, pp. 459-63, "Pedigree of MacCarthy, Kings of Desmond, MacCarthy Reagh, the Bernard MacCarthys and Leader MacCarthys 1045-1937"

IV. *Cormac ou Charles Mac-Carthy-Reagh, 105 né en 1697, marié Eléonore ô Sullivan-Bear, née en 1699, fille de Dermot ô Sullivan. Ils vivaient à Timoleague en 1776, et avait eu trois fils:*

a. *Daniel Mac-Carthy, mort de la petite vérole à Barcelone, en 1765, laissant de son mariage avec Hélène ô Donovan, fille du Richard ô Donovan de Kilmacabea en Carbery, et d'Hélène, fille de Jérémie ô Donovan de Rinagehagh en Carbery, deux filles:*

i. *Hélène Mac-Carthy;*

ii. *Anne Mac-Carthy;*

b. *Donogh ou Denis Mac-Carthy, né dans la paroisse de Caharagh, dans le Carbery occidental, en 1731, vivant à Timoleague en 1776, ayant de son mariage avec Eléonore ô Brien, fille de Jean ô Brien de Clash, dans le comté de Cork:*

i. *Cormac ou Charles Mac-Carthy, né en 1757, mort sans postérité;*

ii. *Trois filles;*

iii. *Alexandre Mac-Carthy, qui s'établit à Porto. Il eut de son mariage avec Marie ô Brien;*

1. *Cormac ou Charles Mac-Carthy, né à Porto eu 1770, mort sans postérité;*

2. *Hélène Mac-Carthy;»*

(ii) This pedigree was compiled for Msr. Lainé by Ralph Bigland, Clarenceux King of Arms, and Isaac Heard, Norroy King of Arms, at the College of Arms in London, and certified on 8 June 1776.

(A) Therefore, while there may be descendants of Finghin of Benduff via a matrilineal line, his last agnatic descendent, Cormac, is documented as having died in Porto, Portugal, without issue sometime before 1776.

(2) Are there any surviving patrilineal descendants from the *derbhfine* Florence of Benduff?

(a) Yes. Florence of Benduff's *derbhfine* would have included all the descendants of Donal na Pipi.

(i) The MacCarthy-Willis-Bund family and the McCarthy Reagh family of Drinagh both have pedigrees stemming from Donal na Pipi.

(3) Are there any surviving patrilineal descendants from the *geilfine* of Alexander, the predecessor of Florence of Benduff, and the senior-most family of Florence's *derbhfine*?

(a) The pedigree of the Chiefly family was taken in 1687 and shows Alexander and his brother, Charles, as the only surviving male heirs to the senior branch of the MacCarthy Reagh lords of Carbery.⁶

(b) Msr. Lainé then later recorded that "*il mourut sans postérité; son titre passa à son cousin Florence, fils de Donall*"⁷ (i.e. he died without issue; his title passed to his cousin Florence, son of Donal). Lainé then later confirms that this Florence is Florence of Benduff.

(i) By either law of tanistry or primogeniture, Alexander was succeeded by his distant cousin, Florence of Benduff. This entails the conclusion that Charles predeceased Alexander, as in both tanistry and primogeniture, Charles would have been the proper successor to Alexander.

(c) Alexander's *geilfine* included all his family descended from Cormac and Lady Eleanor MacCarthy of Muskerry. But because Alexander and Charles were the only surviving members of the *geilfine* according to the 1687 pedigree, and as they evidently both died without issue, there can be no patrilineal descendant of that chiefly *geilfine* today.

(4) Are there any surviving patrilineal descendants from the *derbhfine* of Alexander, the second-most senior family of Florence's *derbhfine*?

(a) Yes. Alexander's *derbhfine* would have included all the descendants of Donal and Lady Ellen Roche of Fermoy.

⁶ Ulster King of Arms, "Pedigree of MaCarthy Reagh and MaCarthy Mor, Lords of Carbery, of Fyall, c. 1500 - 1687 (Pp. 233-234)" <<https://catalogue.nli.ie/Record/vtls000529945/StaffViewMARC#tabnav>> accessed 2022

⁷ Laine PL, pp. 94

- (i) The MacCarthy-Willis-Bund family and the McCarthy Reagh family of Drinagh both have pedigrees stemming from this Donal.

(5) Was the most recently known claimant, Mr. MacCarthy-Willis-Bund, a descendent of the last Chief of the Name's *derbhfine*?

- (a) Rev. Francis Leader MacCarthy-Willis-Bund recorded a pedigree in 1937⁸ with the Ulster King of Arms (now the Irish Genealogical Office) which presents the same lineage as O'Hart (published in 1892) and McCarthy (published in 1922), and where there are annotations, the 1937 pedigree matches O'Hart and McCarthy verbatim. It appears, then, that the family's claim was predicated solely on John O'Hart's unsourced information.
 - (i) It is probable, given the similarities, that the Ulster King of Arms in 1937 relied on the published works of O'Hart and McCarthy to certify the pedigree.
- (b) The lineage as presented in the 1937 pedigree (and all previously published pedigrees of the family) records the family as descending from Finghin MacCarthy Reagh (b. 1625, d. 1676). While these pedigree all record him as a son of Cormac, he was in fact (as has only recently been proven) not Cormac's son, but rather a brother.
 - (i) As the last Chief of the Name, Finghin of Banduff, was a great-grandson of Donal na Pipi, and Finghin MacCarthy Reagh (b. 1625, d. 1676) was also a great-grandson of Donal na Pipi, Finghin was within Finghin of Banduff's *derbhfine*.
 - (A) By extension, all other descendants of Finghin MacCarthy Reagh (b. 1625, d. 1676) are also descendants of Finghin of Banduff's *derbhfine*.

(6) Was Mr. MacCarthy-Willis-Bund not a senior representative of the surviving chiefly family?

- (a) Mr. MacCarthy-Willis-Bund was not a senior representative of the surviving chiefly family. His pedigree was predicated on descent from Francis, son of Francis Bernard MacCarthy and Elizabeth Daunt. This Francis (b. 15 February 1803) was the younger brother of William Daunt McCarthy (b. 7 October 1874).
 - (i) This line from Francis was junior to the senior-most line, which is still extant today. Mr. MacCarthy-Willis-Bund was not the senior representative of the family in 1937, 1943, or upon his death in 1980.
 - (ii) The senior family descended from William Daunt McCarthy and is alive today — referred to herein as the McCarthy family of Colorado.
- (b) There was no legitimate claim to the Chiefship predicated on primogeniture.

(7) Was there was no election or practice of tanistry to confirm the Chiefship of the Name unto Mr. MacCarthy-Willis-Bund?

- (a) There is no evidence of a continuous practice of tanistry, as no taints was elected during the lifetime of Mr. MacCarthy-Willis-Bund (as evidenced by the family's lack of awareness as to succession), the usage of the title only after the family rediscovered their origins, the purported "succession" to the chiefship during the lifetime of his predecessor, and as the last Chief's family (Finghin of Benduff) recorded his descendants as the "last of the MacCarthy Reaghs"⁹ (implying succession was not passed to another MacCarthy Reagh family).
 - (i) There is no mention or note of Francis Leader MacCarthy-Willis-Bund succeeding to the chiefship on the 1937 pedigree he registered with the Ulster King of Arms, despite a later claim in 1943 that he succeeded in 1919.¹⁰ After being appointed as the Chief Herald of Arms in 1943, Edward MacLysaght noted in his memoir that: "Ulster's Office has always ignored [the problem of the Irish Chiefs] with

⁸ National Library of Ireland Genealogical Office Ms. 176, pp. 459-63, "Pedigree of MacCarthy, Kings of Desmond, MacCarthy Reagh, the Bernard MacCarthys and Leader MacCarthys 1045-1937"

⁹ Blackall, Sir Henry, ed. Galwey, Andrew and Gallwey, Tim, *The Galweys & Gallweys of Munster*. 2015, pp. 97. <https://archive.org/details/galweysgallweyso00blac/page/97>

¹⁰ "Ancient Irish Titles." *Whitaker's Almanack*, 1943.

the result that anyone could call himself “The MacThis” or “The O’That,” and without much difficulty such people could get themselves included in the list which appeared annually in *Thom’s Directory*, *Whitaker’s Almanac* and elsewhere under the heading “Ancient Irish Chieftains,” and so acquire in the eyes of the world a certain *cachet* which simple assumption would not give.”¹¹

(A) As such, his listing in *Whitaker’s Almanac*¹² should not be held as being definitive, or proof, especially considering his branch is not even the senior branch of the family (the McCarthy family of Colorado stems from Francis Leader MacCarthy-Willis-Bund’s great-grandfather’s elder brother), and his purported succession skipped over his father (who died in 1922) altogether. This could be explained by succession via tanistry, however his own family disagrees on who was his ‘successor’ and so undermines – if not outright refutes – the idea that the *derbhfine* agreed on, and elected, a tanist.

(I) Email correspondence with Mr. G. Willis, a member of Francis Leader MacCarthy-Willis-Bund’s family, revealed the following and strongly substantiates the claim that the family did not use tanistry: “*One interesting thing I came across at the end of last year in my most recent lengthy period of time devoted to genealogy was a profile in the Bulletin of the Entomological Society of Canada, vol. 21, issue 4 (1989) [see attachments] of Hubert Reagh MacCarthy (1911-2004; younger brother of Francis Leader MacCarthy Willis Bund), which gives a little insight into that branch's view of their use of "the MacCarthy Reagh" (notwithstanding, as we established previously, that their usage of same didn't derive from the proper method of attaining it!): "Mac has recently been the recipient of two unusual honors. One is that his former students at Simon Fraser University have collected a substantial sum to endow the 'H. R. MacCarthy Lectureship in Pest Management' [...] The other honor is unique. There are in Ireland two MacCarthy clans. Each has a centuries-old title of hereditary chieftain. That of Mac's clan has the title of MacCarthy Reagh. The last holder of the title was a philosopher, a Fellow of All Souls and a sometime Vice-Master of Balliol College, Oxford University. He was also Mac's older brother. When he died a few years ago, Mac inherited the title of The MacCarthy Reagh. However, he has never used this, although it would permit him to eliminate those first names that he has concealed so successfully all these years under the 'Mac'.*”

Fortunately, this more-or-less directly establishes that these MacCarthys seemed to think the title simply passed on according to primogeniture, when, as I have learned from what you've said, this is not a legitimate method. What it does mean, however, as far as I'm concerned, is that there MUST be a member of this branch still well-versed in, if not the facts, at least this branch's history with the "MacCarthy Reagh" title, and who might be able to give some details of at least some interest. 1989 was not all that long ago, after all! Certainly one would imagine Dermot L. MacCarthy and his son Ian to be more than well aware of Hubert's claim to having been "The MacCarthy Reagh" and would have some kind of feeling about it one way or the other, be it a sense of entitlement to using it themselves or indifference.

One thing I particularly note about the above account is that it contradicts another, whereby I distinctly recall it being said that, on F. L. MacCarthy's assumption of the names "Willis Bund", his brother John Leader Temple MacCarthy "succeeded" him (well, considered himself to have succeeded him), and his son John Dermot Temple MacCarthy having "succeeded" him. This would mean that Hubert wouldn't ever- this according to their own clearly mistaken apprehension- have been entitled to call himself "The MacCarthy Reagh" at all, surely?”¹³ Mr. Willis’ attachment is included in Appendix B.

¹¹ Nash, Catherine. “Postcolonial Nobility, Diasporic Distinction, and the Politics of Recognition.” *Of Irish Descent: Origin Stories, Genealogy, and the Politics of Belonging*, Syracuse Univ. Press, Syracuse, NY, 2008, p. 121.

¹² “Ancient Irish Titles.” *Whitaker’s Almanack*, 1943.

¹³ Email from Mr. G. Willis to Evan McCarthy (2 August 2021).

1. Important to note, Dermot L. MacCarthy is the son of Hubert, and first-cousin of John Dermot Temple MacCarthy.

(8) Is there is no current claimant from Mr. MacCarthy-Willis-Bund's family?

- (a) As established, there is eye-witness evidence from a family member, that there was no agreement on who the successor ought to have been. As such the following are now evident factual conclusions:
 - (i) there are three possible mechanisms, regardless of their respective legitimacy, by which succession to the Chiefship can happen: tanistry, primogeniture, or an Ad Hoc Derbhfine;
 - (A) the family did not use tanistry — else there would be no succession dispute as described above, since all the brothers and cousins would have been in agreement that the tanist was duly elected;
 - (B) it then follows that, as there was never an Ad Hoc Derbhfine to elect Francis Leader MacCarthy-Willis-Bund to the Chiefship, else there would be no succession dispute as described above.
 - (C) it also follows from section (6)(b) that, in accordance with primogeniture, the family has no claim whatsoever since they are not the senior representatives of the descendants of Finghin MacCarthy (b. 1625 d. 1676).
 - (ii) By tanistry, primogeniture, or an Ad Hoc Derbhfine, the family cannot be consider legitimate claimants as none of these succession methods appear to have been employed, or valid.
- (b) On 6 May 2019 an obituary in the *Irish Times* for L Perry Curtis, Jr., made note that the well-known Francis Leader MacCarthy-Willis-Bund was “the last claimant to the MacCarthy Reagh chieftaincy.”¹⁴
 - (i) This publicly documents that there is currently no recognized ‘successor’ even to Francis Leader MacCarthy-Willis-Bund’s fraudulent claim, let alone to the true Chiefship.
 - (A) This assertion further substantiates the testimony from Mr. G. Willis that there was no clear succession to the presumed chiefship.

(9) What valid and certified pedigrees of the McCarthy Reagh exist today?

- (a) All three pedigrees (O’Hart, McCarthy, and Ulster King of Arms) record precisely the same lineage, however MacCarthy-Willis-Bund continued it on to his family. These pedigrees all present the claim that the ancestor of the MacCarthy-Willis-Bund family was Finghin MacCarthy (b. 1625, d. 1676).
- (b) There are at least three purported historiographically documentable branches of the family descending from that Finghin MacCarthy: the MacCarthy-Willis-Bund branch, the Colorado McCarthy branch, and the Dunmanway McCarthy branch (which became the Drinagh McCarthy branch).
- (c) However, it is demonstrably the case that Finghin MacCarthy (b. 1625 d. 1676), was not the son of Cormac and Lady Eleanor MacCarthy of Muskerry.
 - (i) The three pedigrees of O’Hart, McCarthy, and Ulster King of Arms purport that Finghin was born in 1625, and it is claimed he was born to Cormac MacCarthy Reagh (d. 1667) and Eleanor, daughter of the first Viscount Muskerry.
 - (ii) That Cormac is well documented, unrefutably, to have been the son and heir of Donal MacCarthy Reagh (b. 1592 d. 1 Aug 1636) and Ellen Roche, daughter of Viscount Fermoy.
 - (iii) The 1636 Inquisition Post-Mortem of that Donal MacCarthy Reagh (b. 1592, d. 1636), states that “*Et ulterius Jur' pred' dic' quod pred' Daniel Mc Carty als Mc Carty reogh seisit' existen' de omnibus premiss' pred' ut predicat obiit sic inde seisit' primo die Augustii anno dmi' 1636. Et quod Cormuck Mc Carty est ejus fil' et heres et ? fuit etat' sexdecem annorum tempore mort' pris sui pred' et marital'.*”¹⁵ Paraphrased and translated this states “*Daniel McCarthy, alias MacCarthy Reagh ... died*

¹⁴ Larkin FM, “L Perry Curtis Jnr – American Scholar Who Made Pioneering Contribution to Study of Irish History” (*The Irish Times* May 6, 2019) <<https://www.irishtimes.com/life-and-style/people/l-perry-curtis-jnr-american-scholar-who-made-pioneering-contribution-to-study-of-irish-history-1.3881552>>; accessed 2022

¹⁵ Irish Record Commission, “Inquisition Post Mortem for Dermott McTeige McDermott Duff, taken at King's Old Castle, Cork on 17/10/1636” <<https://www.virtualtreasury.ie/item?isadgReferenceCode=RIA%20OS%20EI%2F22%2F16>> accessed 2022. Page 66, image 51 of 58.

... 1 August 1636. And Cormac McCarthy, his son and heir, was 16 years of age at the time of his father's death...”

- (iv) Therefore Cormac was necessarily born in 1620, would have been five years old at the time of Finghin's birth in 1625, and so cannot be the father of Finghin. This was not known, or at least not recorded, in the other three pedigrees of O'Hart, McCarthy, and Ulster King of Arms.
- (v) The 1641 Funeral Entry of the Viscount Muskerry records that Donal MacCarthy Reagh (b. 1592, d. 1636), Cormac's father, had “other sonnes.”¹⁶
 - (A) Given the historical connection to the family, Finghin (b. 1625, d. 1676) listed in O'Hart, S.T. McCarthy, etc., must be Cormac's brother, and was erroneously recorded at some point as Cormac's son.
 - (I) This fact has since been accepted and certified by the Chronicler of Arms of Castile and Leon.
- (d) Therefore, although the information derived from the pedigrees of O'Hart, McCarthy, etc. has been registered with the Ulster King of Arms, it itself is not correct, as Finghin's parentage is erroneous.
 - (i) This error has been corrected and certified by the Chronicler of Arms of Castile and Leon in favor of the proven descent of the McCarthy Reagh family of Drinagh.
 - (ii) By association, the other branches of Finghin's family can be accepted.

(10) Which of Finghin MacCarthy Reagh's descendant branches is senior?

- (a) While the pedigree of the McCarthy Reagh Drinagh and the MacCarthy-Willis-Bund families are certified/acceptable, there can be no valid determination of seniority between the two surviving branches of the clan. The only indication of seniority is unsourced and undocumented outside of the erroneous work of John O'Hart.
- (b) S.T. McCarthy and the Ulster King of Arms offer no further credence as to the genealogical information, as the information is derived verbatim from the unreliable work of John O'Hart.
 - (i) It is self-evident fact that much of the verbiage of, and the lineages for, the generations descending from Finghin MacCarthy (b. 1625 d. 1676) in both O'Hart's work and McCarthy's work are nearly identical; suggesting S.T. McCarthy relied almost exclusively on the faulty and unsourced work of John O'Hart for the generations immediately descending from Finghin MacCarthy. The content of the texts discussing Finghin MacCarthy's progeny is identical to that of O'Hart – even borrowing some phrases and verbiage verbatim.
 - (A) One such example, referring to one of Finghin's descendants is Cormac, or Charles, MacCarthy Reagh who is referred to by O'Hart and McCarthy respectively as:
 - (I) “a solicitor, was Seneschal of the Manor of Macroon, Recorder of Clonakilty, and Clerk of the Crown for the County.”¹⁷
 - (II) “a solicitor, was Seneschal of the Manor of Macroon, Recorder of Clonakilty, and Clerk of the Crown for the County.”¹⁸
 - (B) Another such example, referring to a grandson of Finghin states that he was:
 - (I) “b. in France in 1690, came to Ireland and lived near Dunmanway, where he m. Kate O'Driscoll, [by whom he had: —1.] Margaret, who m. Richard O'Neill, Hereditary Prince of Ulster.”¹⁹

¹⁶ Ulster King of Arms, “Funeral Entries, Vol. 9, containing armorial and genealogical notes made by officers of arms concerning deceased persons, with, in some cases, illustrations of their arms and funeral processions, 1640-1663” <<https://catalogue.nli.ie/Record/vtls000529250/StaffViewMARC#tabnav>> accessed 2022. See manuscript page 272; on image 85 of 106.

¹⁷ O'Hart J, pp. 121

¹⁸ McCarthy ST, pp. 130

¹⁹ O'Hart J, pp. 120-121

- (II) “born in France in 1690, came to Ireland and lived near Dunmanway where he married Kate O’Driscoll. [By her he had several sons and a] daughter Margaret, who married Richard O’Neill, hereditary Prince of Ulster.”²⁰
- (ii) There are also facts which are simply incorrect and not thoroughly researched.
- (A) One such example from S.T. McCarthy’s work, referring to Finghin’s father, Charles:
- (I) Whereas S.T. McCarthy asserts that the State Papers of the Reign of Queen Anne records Finghin’s father, Charles, as receiving a pension of £100 from the King,²¹ and while this record does exist, it only states the pensioner was “commonly called MacCarthie Reagh” and does not mention by name at all Charles. Furthermore, in an early reference (in the same volume) that same document notes that the pensioner’s wife was named Mary (a fact also noted by S.T. McCarthy), but it is well known that Charles’ spouse was Eleanor — a fact that S.T. McCarthy even asserts in the paragraph immediately following his contradictory assertion.
- (iii) Although S.T. McCarthy probably had contemporary records and sources to research the immediate ancestors of Francis Leader MacCarthy-Willis-Bund’s family, the intermediary generations between The MacCarthy Reagh and the family who married the Bernard family of Palace Anne cannot be accepted as accurate given the numerous errors and inconsistencies contained in both S.T. McCarthy’s and John O’Hart’s works.
- (c) The only information suggesting seniority of the branches stems from John O’Hart’s work which records the two sons of Finghin.
- (i) O’Hart’s *Irish Pedigrees* lists Finghin’s two sons in order as: Cormac, Dermot.
- (A) O’Hart lists Cormac as the “Prince of Carbery,” but this is not true as that would have passed to Alexander’s family, and then to Finghin of Banduff. The listing of Cormac and his descendants as “Prince” or “Hereditary Prince” is objectively historically false — contradicting the work compiled by Msr. Lainé.
- (B) As there are no birth dates given for these sons, or sources, or any other information suggesting seniority, no determination of seniority of the two sons (and therefore their respective branches) can be made.

Summary

The current situation facing the Clan MacCarthy Reagh has been presented above for consideration. It is clear that from at least 1754 to 1937, there has been no claimant to, or matriculation for Armorial bearings of, the chiefship of MacCarthy Reagh. Furthermore, the claimant in 1937 (Mr. MacCarthy-Willis-Bund), as the only claimant in 270 years to the MacCarthy Reagh chiefship, has tendered no credible claim considering the preponderance of evidence demonstrates that no election was held to restore the chiefship to him in accordance with Gaelic-Irish tanistry, and his claim from primogeniture is not valid as he was not the senior representative of the family. The facts of the matter are laid out clearly, and the chiefship has not only been dormant for three centuries, but is now abeyant and *de facto* and *de jure* vacant.

However, the MacCarthy Reagh family does have genealogically and genetically identifiable descendants alive today, and in accordance with the Kingdom of Desmond Association, Brehon law, and the guidance and rulings of the Court of Lord Lyon, they – being the living clan and family – reserve the right to organize themselves to elect a legitimate and hereditary Chief of the Name.

²⁰ McCarthy ST, pp. 129

²¹ McCarthy ST, pp. 128

Appendix A – Suggested Guidelines for an Irish ‘Ad Hoc Derbhfine’

(Taken and cited from The Kingdom of Desmond Association’s article, ‘Ad Hoc’ Derbhfine Guidelines)

“Obviously, a member or group of members of a clan/name must have interest in the whole idea of the Ad Hoc Derbhfine being a viable alternative for the selection of a chief. Versus the near impossibility of finding any more persons proved conclusively to descend from a chief or chieftain of name existing while the Gaelic order existed. As said, there was just too much lost due to the wars, penal laws, deliberate extirpation of our system of Brehon Law and tanistry. And the election of an ‘honourary’ chief, while very worthwhile in terms of clan revivals, is not grounded on the historic Gaelic system.

The guidelines follow, to include certain steps which must be taken:

- 1. An organizing committee should be formed, to include a President and a Secretary. This is easier to do of course for those clans which are already members of Clans of Ireland or for those who are already otherwise organized, have their own website, etc. There are indeed a number of clans which are so organized but which are not members of Clans of Ireland, e.g. the Clan MacCarthy Foundation, the Doyle Clan, etc.*
- 2. There should be a minimum of nine members for the proposed Ad Hoc Derbhfine.*
- 3. Wide publicity about the effort should be undertaken, via every possible vehicle. That is, via the clan internet site, phone calls, mailings, whatever it takes to get the news ‘out there’ among those of the Honourable Community. In order to inform that an Ad Hoc Derbhfine is in process of happening.*
- 4. All known ‘armigers’ (those currently possessing a Coat of Arms) are ipso facto to be members of the Ad Hoc Derbhfine. Therefore, the organizers must do a thorough search worldwide to identify its armigers. This means contacting the office of Chief Herald of Ireland, Norroy & Ulster King of Arms in the U.K., possible other heraldry offices in such as South Africa, etc. The objective would be to ‘find’ the names of the armigers and then contact them with a view to explaining the Ad Hoc Derbhfine idea and soliciting their support.*
- 5. Additionally, a list should be made of ‘principal people’ who because of keen interest in clan affairs could be invited to sit on the Ad Hoc Derbhfine. In short, the final composition of the Ad Hoc Derbhfine will include the armigers and acknowledged ‘leaders’ of the name (principal people – who should be encouraged to apply for a Coat of Arms by the organisers). Those eventually sitting on the Ad Hoc Derbhfine may be male or female, though according to Irish Brehon Law only a male may be elected as chief or chieftain of a name. The Scots system based on Pictish history always allowed female successions but that was never the case in Ireland.*
- 6. Once the organizers have determined that they have done all that can be done in terms of locating the prospective members of the Ad Hoc Derbhfine, then that fact should also be communicated to clan members as widely as possible. It should be stated that the organizers must keep very detailed and precise record of all tasks undertaken, of all the people contacted and their responses, etc. This is to show that no rocks have been left unturned and that a true strenuous effort has been completed.*
- 7. A date for the Ad Hoc Derbhfine meeting and vote should be then set. The meeting need not be in Ireland (as the Scots require that the meeting be in Scotland). Indeed there need not be a face-to-face meeting, but it can take place via emails.*
- 8. The secretary of the organizing committee will solicit candidates from among those appointed to the Ad Hoc Derbhfine as to who wishes to put his name forward for election as chief/chieftain. Individuals may nominate a person other than themselves, but only those ‘leaders’ of the clan appointed to the Ad Hoc Derbhfine may be nominated. Obviously, there needs to be a period of time, a few months at least, between the setting of the date of the meeting and vote and the deadline for nominations. The secretary shall ensure that anyone nominated by another is in accord with being nominated and will serve if elected. Place of residence is not a consideration.*
- 9. On the date of the election, each individual voting will send his vote to the secretary. Who will then do the count and announce the result to the members of the Ad Hoc Derbhfine. And he will then propagate that result far and wide within the clan.*

The 'electee' will take the title 'Ceann Cath' (Commander) and not immediately that of chief or chieftain of the name. A period of normally 10 to 20 years should elapse before the Ceann Cath is proclaimed as hereditary Chief-of-Name or Chieftain-of-Name of a branch of the clan. This is to allow time for any counters to the election; that is for someone with a proved hereditary descent to come forward with a counter-claim. The minimum 10 years may be further reduced to a 5 year period by decision of the Ad Hoc Derbhfine, if the person elected has been of a position of elected honorary responsibility with the clan for a significant period of time. Upon succession to the chiefship, the new hereditary chief has the right to the undifferenced original and historic Coat of Arms of the clan."²²

²² The Kingdom of Desmond Association, "'Ad Hoc' Derbhfine Guidelines" (*Kingdom of Desmond Association* May 2014) < https://kingdomofdesmond.com/?page_id=331 > accessed 2022

Appendix B – H. R. “Mac” MacCarthy

(Taken from the Bulletin of the Entomological Society of Canada, vol. 21, Issue 4, 1989)

direction de 1975 à 1978 et plus récemment, directeur du Comité des publications, responsable de la qualité et de la livraison des excellentes publications par lesquelles notre Société est reconnue de par le monde.

La Société d'entomologie du Canada reconnaît en Manfred Mackauer un scientifique remarquable de réputation internationale, un professeur très respecté, et un chef de file en administration universitaire. Il mérite pleinement sa nomination comme récipiendaire 1989 de la Médaille d'Or de la Société d'entomologie du Canada.



H. R. “Mac” MacCarthy

Mac has recently been the recipient of two unusual honors. One is that his former students at Simon Fraser University have collected a substantial sum to endow “The H. R. MacCarthy Lectureship in Pest Management”. This will bring a leading specialist to give an annual lecture alternately at SFU and University of British Columbia.

The other honor is unique. There are in Ireland two MacCarthy clans. Each has a centuries-old title of hereditary chieftain. That of Mac's clan has the title of The MacCarthy Reagh. The last holder of the title was a philosopher, a Fellow of All Souls and a sometime Vice-Master of Balliol College, Oxford University. He was also Mac's older brother. When he died a few years ago, Mac inherited the title of The MacCarthy Reagh. However, he has never used this, although it would permit him to eliminate those first names that he has concealed so successfully all these years under the “Mac”.

Mac has been an Adjunct Professor in the SFU Pest Management Centre since 1974. He was its Acting Director for more than two years. His speciality is improving the English of thesis-writers and others who need it - a category for which he has yet to identify an exception. There is no truth in the rumour that Mac got his speciality from kissing the famous Blarney Stone in Ireland which has the power of conferring eloquence. The truth is quite the opposite: Blarney Castle with its Stone was built and owned by ancestors of Mac and the Stone got its famed power from its association with the MacCarthy clan.

Mac worked in the Vancouver Research Station of Canada Agriculture from 1955 to retirement in 1976. In the late 1950's, he successfully resisted strong pressures from the then Director-General of the Research Branch, Ken Neatby, for promotion to Director's posts at stations in the Prairie and Maritime provinces and to Headquarters in Ottawa. Thereafter, they left him alone to make wine, grow

bonsai, and otherwise live happily in Lotusland. Earlier, before graduating from UBC and Berkeley, Mac was an agriculturist in Australia, a cattle rancher in the B.C. Interior and in Infantry Combat Intelligence in the Aleutians, Italy and N.W. Europe during World War II.

Bryan P. Beirne
