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The 'old English' in Ireland, 1628-42.

First part

This thesis has not been submitted as an exercise for a degree at any other University. In its preparation, I have received no assistance of any kind other than from my supervisor, Professor T.W.Moody, to whom I take this opportunity of recording my thanks.

Aidan Clarke

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CONTENTS

PREFACE

212-311
I
INTRODUCTORY: THE 'OLD ENGLISH'

THE 'OLD ENGLISH' IN IRELAND, 1625-42

ARMY FINANCE, 1625-6

The background -33.

Government policy towards the 'old English':
trust -36.

Sir John Bath: the 'old English' viewpoint -47.

Government policy towards the 'old English':
vacillation -54.

Aidan Clarke

III

THE 'MATTERS OF GRACE AND FAVOR'

The proffered bargain -62.

The assembly of nobles -69.

The Great Assembly -74.

Renewed negotiations with the nobles -85.

IV

THE 'GRACES'

The choosing of agents -91.

The agents in England -101.

The 'Graces' -105.

The nature of the bargain -119.

V

THE APPENDICES
Thesis submitted for the degree of Ph.D.,

Trinity College, Dublin.

The Implication Order -123.

The Exchequer Order

The Lords Justices -1959

VI
CONTENTS

ARMY FINANCE, 1634
The recusancy fine -156.
The renewal of the contribution -164.
PREFACE

VII
I

THE PARLIAMENT OF 1634-5 (I) 176
INTRODUCTORY: THE 'OLD ENGLISH' 1

Westworth in Ireland -176.
Election returns II 90.
The House of Lords -197.
II

ARMY FINANCE, 1625-6 33

VIII
The background -33.

Government policy towards the 'old English':
trust -36. 202
Sir John Bath: the 'old English' viewpoint -47.
Government policy towards the 'old English':
vacillation -54.

III

THE 'MATTERS OF GRACE AND BOUNTY' 62

The proffered bargain -62. 231.
The assembly of nobles -69. landholders -242.
The Great Assembly -74. lay landholders -255.
Renewed negotiations with the nobles -85.

IX
IV

THE 'GRACES' 91

The choosing of agents -91.
The agents in England -101. 274
The 'Graces' -105.
The nature of the bargain -119. 274.
The court of wards and liveries -280.

V

THE AFTERMATH OF THE 'GRACES' 123

THE GOVERNMENT AND THE 'OLD ENGLISH' 288
The implementation of the 'Graces' -123.
The Exchequer Order -131. 288.
The Lords Justices -137. 293.
Miscellaneous aspects -302.

VI

ARMY FINANCE, 1632 156

The recusancy fine -156.

The renewal of the contribution -164.

VII

THE PARLIAMENT OF 1634-5 (i) 176

Wentworth in Ireland -176.

Election returns -190.

The House of Lords -197.

VIII

THE PARLIAMENT OF 1634-5 (ii) 202

The king's session -202.

The denial of the 'Graces' -213.

The final sessions -226.

IX

LAND (i) 231

The inquisitions in Connaught -231.

The opposition of the Galway landholders -242.

The submission of the Galway landholders -255.

The inquisitions in Ormond and Clare -261.

The progress of the plantations: the earl of
Clanricarde -264.

Plantation in Idough and Wicklow -271.

X

LAND (ii) 274

The Commission for defective titles -274.

The court of wards and liveries -280.

XI

THE GOVERNMENT AND THE 'OLD ENGLISH' 288

Wentworth's religious policy -288.

Religious discrimination -293.

Miscellaneous aspects -302.

| | | |
|--|-------|-----|
| | XII | |
| 'OLD ENGLISH' CATHOLICISM | | 307 |
| | XIII | |
| THE PARLIAMENT OF 1640-1 (i) | | 325 |
| The Scottish situation -325. | | 547 |
| Election returns -329. | | |
| The House of Lords-336. | | |
| Supply -337. | | |
| The development of opposition -343. | | |
| The new army -348. | | |
| | XIV | |
| THE PARLIAMENT OF 1640-1 (ii) | | 351 |
| The Petition of Remonstrance -351. | | 596 |
| The parliamentary committees in England -368. | | |
| The Irish parliament -January to March, 1641 -373. | | 596 |
| | XV | |
| THE PARLIAMENT OF 1640-1 (iii) | | 383 |
| The trial of Strafford -383. | | |
| Parliament and the committees, April to August, 1641 -391. | | |
| | XVI | |
| THE REBELLION OF 1641 | | 408 |
| The preliminaries -408. | | 600 |
| The outbreak -418. | | |
| | XVII | |
| THE DEFECTION OF THE PALE | | 436 |
| Parliament -436. | | |
| The progress of the rebellion -445. | | |
| The 'old English' and the government, December 1641 -451. | | |
| | XVIII | |
| THE REBELLION IN 1642 | | 473 |
| The spread of the rebellion -473. | | |
| The war in Leinster -484. | | |
| The war to the end of 1642 -500. | | |

The Confederation of Kilkenny -514.

XIX

THE INTERPRETATION OF THE REBELLION 520

PREFACE

APPENDICES 547

I. Profitable land in the possession of the 'old English' in 1641 548
Map 552
II. The nobility and gentry of the Pale 553
III. The 'Graces' 565
IV. Land transactions in County Mayo, 1614-35 587
V. Catholic parliamentary representation 589
VI. Catholic members of parliament 590
VII. (i) Signatories of the Pale 'Benevolence', November, 1625 596
(ii) Signatories of the agents' commissions, July - November, 1627 596
(iii) Signatories of the Pale petition against the Exchequer Order, June 1629 598
(iv) Signatories of the contribution offer, November 1632 598
(v) Signatories of the petition of members of the Irish House of Commons to the king, November 1640 599
(vi) Signatories of the petition of members of the Irish House of Commons to the House of Commons of England, November 1640 600
(vii) The Supreme Council of the Confederation of Kilkenny, November 1642 600

BIBLIOGRAPHY 601

In the annotations, I have used the bibliographical abbreviations published in *Irish Historical Studies*, iv (1944), except in two specialized instances. In the case of Richard Bellinger's *History of the rebellion and civil war in Ireland, 1641-1653*, edited by J.T. Gilbert (7 vols, Dublin, 1942-51), I have employed the recommended abbreviation (Gilbert, *et al.*) only when the reference is to the extensive appendixes.

the reference is to Bellings' text, I have preserved this important distinction by employing the abbreviation Bellings, Jr. confed. Similarly, in the case of the anonymous 'Aphorismal discovery of treasonable faction', published by Gilbert

PREFACE

While family papers would at first sight appear to be valuable sources for a work of this nature, this has not in fact proved to be the case, and only the Ormond and Clanricarde MSS (both in the National Library of Ireland) have yielded material of profit. My main sources have been the State Papers, and the papers of those concerned with the government of Ireland, particularly those of Sir Thomas Wentworth, earl of Strafford. I have used the Strafford Letter Books, preserved in the Wentworth-Woodhouse Papers in Sheffield Public Library, exclusively on microfilms, and in a number of instances indifferent photography has obscured the numbering of the leaves. I have, therefore, in all references to that collection, given full details of the individual document referred to, so that even where the numbering is uncertain the internal chronological arrangement of the Letter Books will make it easy to find.

In the annotations, I have used the bibliographical abbreviations published in Irish Historical Studies, iv (1944), except in two specialized instances. In the case of Richard Bellings' History of the rebellion and civil war in Ireland, 1641-1653, edited by J.T.Gilbert (7 vols, Dublin, 1882-91), I have employed the recommended abbreviation (Gilbert, Ir.confed.) only when the reference is to the extensive appendices. When

the reference is to Bellings' text, I have preserved this important distinction by employing the abbreviation Bellings, Ir. confed. Similarly, in the case of the anonymous 'Aphorismal discovery of treasonable faction', published by Gilbert under the title A contemporary history of affairs in Ireland, from A.D. 1641 to 1652 (3 vols in 6 parts, Dublin, 1879), of which the recommended abbreviation is Gilbert, Contemp. hist., 1641-1652, I have thought it advisable to distinguish text from appendices by referring to the former as Gilbert, Aph. disc.

So far as dating is concerned, I have throughout used New Style for the year, but preserved Old Style for the days of the year. Except in the case of archaicisms, I have modernised the spelling in quotations, and have eliminated the initial capital letters frequently used at that period within sentences: in no case have I altered punctuation.

I would like to record my thanks to Dr H.F.Kearney and the Rev. F.X.Martin for allowing me to read unpublished works in typescript, and to Mr W.O'Sullivan for allowing me to use his proof copy of The Strafford Inquisition of County Mayo, which he has edited for the Irish Manuscripts Commission (Dublin, 1958).

The division of this thesis into two parts has been made purely for convenience in handling, and it has, therefore, been consecutively paginated, and only one table of contents included.

A. A. Curtis, A history of medieval Ireland (London, 1923), pp. 195-200.

INTRODUCTORY: THE 'OLD' ENGLISH

In the early seventeenth century, the term 'old English', or sean-Ghaill, was used to denote the descendants of those who had colonized Ireland from the period of the Norman invasion to, approximately, that of the reformation. Later colonists, and their descendants, who were for the most part differentiated from their predecessors by the profession of forms of the protestant religion, were distinguished by the term 'new English'. The denotation of the term 'old English' did not necessarily rest upon exact historical criteria. Thus in both urban and rural districts, the descendants of earlier invaders, the Danes, mingled so closely with the newcomers as to become within very few generations indistinguishable from them: many prominent 'old English' families (Coppinger, Arthur, Skiddy, Wolfe, Esmond, Harold, Archbold, Sigerson and others) had pre-Norman invasion histories of this nature.¹ Assimilation also took place in some degree, almost exclusively within the towns, between Irish families and the newcomers: this was the case with the Meaghs, Meades, Creaghs, Ronaynes, and others. Apart from the qualifications of the historical accuracy of the term 'old English' which arose from the occasional assimilation of extraneous elements, it may be

L. E. Curtis, A history of medieval Ireland from 1110 to 1513 (London, 1923), pp. 195-200.

observed that the term 'English' is not itself strictly accurate, for the first settlers were in fact a heterogeneous gathering of Anglo-Normans, Welsh and Flemings, as well as English.

A mere recital of the denotation of the term 'old English' falls far short of providing an adequate description of the 'old English' group as it existed in the early seventeenth century. This group was in fact polarized between two criteria: though the denotation of the term was demographic, historical and racial, its connotation was political and religious. That is to say, that while the outward criterion of membership of the group related to the history of the colonization of Ireland, a secondary qualification, that of the possession of a certain, if imprecisely defined, political attitude also operated for the individual, however apparent his membership of the group by descent.

Thus, in the period covered by the present study, the earls of Clanricarde, although for the most part absentees at the court of England, qualify for inclusion as 'old English' not merely on grounds of descent, but also because of the nature of their interests in Ireland and the manner in which, and the attitude with which, they attempted to further them. James Butler, earl of Ormond, on the other hand, whose claims to inclusion on grounds of descent were almost identical with those of the Clanricardes, and who was both resident in Ireland and actively involved in its politics, was in fact detached from the group both by the nature of his protestant

pro-government interests, and by the manner in which he chose to advance them.

Inclusion in the 'old English' group rested upon twofold desiderata: a common ancestral history, together with the common interests which were the product of that history. This statement is open to the criticism that those who were descended from the colonists of Ireland did not in fact share a common history - that there were two main streams of Anglo-Irish history. It is true that for much of the mediaeval period there existed a tripartite division of Ireland. This comprised the 'land of peace', the area more or less directly under the control of the king through his Irish administration, and, while varying considerably in extent, remaining dependant upon him and loyal to him: the lands of the Irish: and, between these two, corresponding to the marchlands in Wales, the lands of the 'degenerate English', those who, in compensating for the lack of royal support against their Irish enemies, had established for themselves positions of power and independence which placed them beyond the control of the government and weakened both their allegiance to the crown and their resilience in resisting the influence of the Irish, among whom they lived not merely as feudal lords, but virtually, also, as Gaelic chieftains - 'chieftains of English lineage'.

This distinction between the colonists of 'the land of peace' and the 'degenerate English' was preserved in early Tudor times when the descriptive nomenclature employed was, for the former, 'the king's loyal subjects' and, for the

latter, 'the king's English rebels'. The former assisted in official administration and supported the extension of the royal power since they themselves represented the English interest in Ireland, whereas the latter, who had for some time very largely succeeded in administering the country in their own interests, opposed the extension of royal power since it was incompatible with the power which they were accustomed to exercise.

In the upshot, the armed resistance of both the native Irish and the 'degenerate English' to the full assertion of royal control was overcome by the end of the reign of Elizabeth. The results of the Tudor conquest of Ireland, however, were widely different from what they might reasonably have been expected to be at the beginning of the process in the reign of Henry VII. The extension of the power and influence of the English interest in Ireland was assured, but the nature of that interest had been altered by the complicating factor of religion. While the frame of reference of the first designs to effect a complete conquest had been related to royal prestige, the reformation extended the context within the importance of Irish conditions had necessarily to be assessed. It became immediately essential to elaborate a new policy based on the changed relations with the papacy and the other European powers. The condition of Ireland ceased to be merely an undignified nuisance, and became an urgent political and military weakness. By degrees, religion became increasingly contentious within Ireland itself. When the 'degenerate English'

the extension of royal control alleviated political difficulties

James Fitzmaurice Fitzgerald based his rebellion in Munster on the lately proclaimed papal condemnation of Elizabeth, he made the first open avowal of a basic religious point at issue with the government, and though the response to this rallying cry from the queen's 'loyal subjects' was negligible, the Lord Deputy, Grey, was not averse to accepting this interpretation of the conflict. Though his recall halted active anti-catholic proceedings, force of circumstances had already evolved a re-definition of the English interest in Ireland in terms of protestantism. The extent of the restrictions imposed upon catholics was not large, and their legal liability was limited to an acknowledgement of the queen's supremacy in church and state and a more or less regular attendance at divine service. Though even these obligations were not strictly enforced, a barrier was being introduced between the queen's 'loyal subjects' and their government, and it was strengthened by the advent of new colonists, the 'new English', whose protestantism made them the more appropriate representatives of the revised English interest in Ireland.

Thus by degrees the loyal element in the population of Ireland not merely lost the potentiality of an improvement in its position as a result of the successful assertion of royal power, but found in addition that its actual position was in jeopardy: that the measure of confidence, influence and power which it had enjoyed was being transferred to the 'new English' interest, which was replacing it in both the positions of government and in the goodwill of the administration. Nor did the extension of royal control alleviate material complaints,

6

and the ~~loyalists~~ ^{loyalists} soon found that they had been subjected to a change with very little difference, for the vexatious exactions which had been imposed upon them by chieftains, both Gaelic and feudal, during the crown's weakness were replaced by similar royal exactions to support the war against the recalcitrant. It was primarily in agitation over this matter that the 'loyal subjects' gave expression to their general dissatisfaction with government policy.

The depression and relative political disinheritance of the loyalists, coinciding as it did with the defeat of the 'English rebels', and with the latter's constrained return to their allegiance, resulted in a very considerable degree of unification between the two, and by the time that the completion of the conquest had removed the differences in circumstances and status which had distinguished them, the common bonds of catholicism, descent and government discrimination had brought them closely together. While it was incumbent upon the 'English rebels' to assert their separateness from the Irish (so that a family like that of the ^{Stuantons} who had settled in Mayo in the thirteenth century, and had become so ~~thoroughly~~ thoroughly gaelicized by the fourteenth century as to adopt the Irish surname MacEville, now found it expedient at the end of the sixteenth century to resume its original name) ¹, it was no longer possible for the loyalists to affirm the uniqueness of their own attitude. The

1. M.Blake, Castlebourke (Galway, 1929), pp.1-5.

7

two groups having amalgamated in adversity, partly from their own disposition to do so, and partly from external pressure, they were known jointly and without differentiation as the 'old English'.

Even after the distinction between the two had been abandoned in this way, however, it was preserved by the Irish, who continued to describe the descendants of the 'king's English rebels' as the 'mixed Irish'. Like the description of the 'old English' outlined above, however, the identification of the 'mixed Irish' in fact involved the employment of twofold criteria, one relating to family history, and the other relating to the association of the individual with the outlook and interests of the Irish. In fact, however, no satisfactory relationship between the two criteria existed, and the classification of individuals within the group was arbitrary in the extreme. Thus one commentator, while admitting that the 'mixed Irish' 'do incline severally' in matters of church and state, contradicts himself implicitly by dividing members of the same family into 'old English' and 'mixed Irish' with reference to given attitudes towards these matters.¹ Though the classification 'mixed Irish' is too nebulous for systematic usage, the fact of its existence is significant in that it emphasizes that there were persons within the 'old English' group (mainly in Connaught, and to a lesser extent in Munster) who were more closely associated

1. T.C.D.¹⁷⁵F.3.8, ff.95-8.

with the Irish than were their fellows, and that in some cases complete assimilation had detached persons of English descent from the 'old English' group, and identified them wholly with the Irish.

The resilience of this association was in all probability largely due to the use of the Irish language. While in Leinster, and in towns throughout the country, English was the normal means of communication, in rural areas in Connaught and Munster the 'mixed Irish' habitually spoke Irish, and many of them shared the Gaelic cultural tradition. This division was reflected in the literature of the period of Charles I. The only contribution made by a member of the 'old English' group to literature in the English language appears to have been the plays written for production at John Ogilby's Werburgh Street playhouse by Henry Burnell of Castleknock. His single extant play, Landgartha, deals with a Scandinavian theme (though it does introduce a comic Irishwoman who dances 'the whip of Dunboyne merrily'), and belongs to the main stream of English drama.¹ The other literary contributions made by members of the 'old English' group were those of Maurice Fitzgerald and Piers Ferriter, both of Kerry, and Geoffrey Keating and Patrick Hackett, both of Tipperary, all of whom wrote within the Gaelic tradition, and without any sense of apartness from it.

Like most classifications of a sociological nature, the

1. W. Smith Clark, The early Irish stage (Oxford, 1955), pp. 37-9.

'old English' group comprised a nucleus of persons whose identification with it was positive and complete, and who answered in precise detail to its characteristics, together with a number of layers of persons ^{whose} identification with it was relatively less and less complete, culminating in an outer rim of persons who shaded off almost imperceptibly into other groups. In the case of the 'old English' this outer rim consisted of three main types. In the first place, there were the families of 'degenerate English' who had become almost wholly gaelicized. In the second place, there were persons of 'old English' stock who had adopted the protestant religion but who, nonetheless, had not adopted correspondingly protestant interests or outlooks (for instance, Lords Kilmallock, Mayo, and Dillon of Costello-Gallen). In the third place, there were a number of persons who, although native Irish by extraction, nonetheless shared the interests and outlook of the 'old English', who, as the earl of Cork phrased it, 'have land, settle into an honest and fair course of life, and doubtless are well affected to the English monarchy'¹: the outstanding example of this type was Sir Donough MacCarthy, ~~XXXXXXXXXX~~ Lord Muskerry.

The reign of James was such as to consolidate the newly found unity of 'English rebels' and 'loyal subjects'; for throughout all the irresolutions and indecisions of his Irish policy, religious discrimination, effective or otherwise,

1. Letter Book of the earl of Cork, 1629-32, Bodl., Chatsworth MS 78, pp.606-13.

imposed or threatened, was a constant factor. The concept of religious discrimination was one to which, in Ireland, a secular obverse was necessarily attached, for its proper implementation on a legal basis was dependent upon the overcoming of the political and constitutional power of the catholics. The native Irish who had suffered military defeat in the preceding reign were for the most part politically inarticulate. Consequently, an attempt to follow up the protestant victory in the field with an equally successful protestant political victory was necessarily directed against the 'old English'. Even before an attempt to pack parliament by the creation of new protestant boroughs in order to force through an anti-catholic policy had been defeated by the 'old English' opposition in 1613-15, it was evident that what was needed to maintain and advance the protestant interest in Ireland was not political chicanery but, quite simply, more protestants. There were two ways in which this could be effected, by importation and by conversion. The first method led to an extension of the policy of plantation, of which the object was now not so much the introduction of the Irish to 'civility' as the countervailing of the influence of the 'old English': the second led to a stricter enforcement of the statutes requiring religious uniformity, and to the establishment of a Commission, and later a Court, of wards and liveries to organize this enforcement in the most effective possible way. In addition to these measures, an attempt was made to free the government to some extent from financial dependence

11
upon the 'old English' by reorganizing the customs administration - this was also an auxiliary consideration towards the institution of a Court of wards.

In practice the anti-catholic policy of the Irish government was tempered by the exigencies of foreign policy, for James' inclination towards an alliance with the leading catholic power of Spain made it expedient for him to treat his own catholic subjects with a certain moderation. As a result, discrimination in Ireland only rarely became persecution, and then only in specific individual cases. The factor of central importance, however, was that English policy in Ireland was conceived in exclusively protestant terms and without relation to the existence of a section of the population which, while not protestant, was, nonetheless, loyal - the 'old English' who, in the words of an expatriate Irishman;

'follow the inclination of the English and affect the laws, manners and government which they first had from them, and if the king of England would grant them liberty of conscience, or permit them to keep in their houses priests to say mass privately and minister the holy sacraments, they would be right glad that there should be no change of laws at all in Ireland, nor of government of king'.

The actual politico-religious position of the 'old English' was an equivocal one, satisfactory on a theoretical

1. T.C.D.^{MS} F.3.8, ff.95-8.

basis to neither church nor state. They were content to exist in a state of divided loyalties, owing incompatible, if not contradictory, allegiances to both pope and king. Nor was this merely laymen's casuistry. Peter Lombard, the 'old English' catholic primate of Ireland, though in earlier life a supporter of the earl of Tyrone, soon developed the view that the interests of the catholic church in Ireland could best be served by political support of the English king. His recommendations for bishoprics were made largely upon the criteria of loyalty to King James, and it was his belief that in the sense of responsibility manifested by these in their relations with the state lay the best hopes for the survival of catholicism in Ireland. He did not merely accept political compromise as a tolerable expedient: he was convinced that it was desirable in itself, and went so far as to maintain that catholics in Ireland 'must acknowledge (James) as legitimate king, and if they fail to do so they are guilty of the crime lese majeste'.¹ Francis Nugent, who was mainly responsible for the introduction of the Capuchin order to Ireland, gave a lucid exposition of his characteristic 'old English' outlook when he wrote that:

'seeing I am bound a vassal to his Majesty though I differ from him in points of religion, I owe him all fidelity, and service, and I will spare no pains, in my ways to give true demonstrations of the due respect

1. J.J.Silke, 'Later relations between Primate Peter Lombard and Hugh O'Neill', 'Primate Lombard and James I', Irish Theological Quarterly, xxii. pp.15-30, 124-50.

I bear . . . to him and his royal issue'.¹

The existence of the 'old English' as a coherent political group was based upon this tradition of loyalty to the crown, and it was the immediate necessity of this group to oppose the process by which catholicism was tending to be identified with disloyalty, and, as a result, the 'old English' with the Irish. When a protestant official wished to denigrate the catholic members of parliament in 1641, he did so by describing them as 'Teigs'², and they, whose constant endeavour had been to emphasize their English origins, duly took offence, for the fundamental issue of the acceptance or denial of the group identity of the 'old English' was involved in that kind of aspersion. In fact, like that of the crown, the position of the 'old English' in Ireland had been gained and maintained at the expense of the Irish, and the unity of interests which a common religion tended to create was counterbalanced by an extreme difference in secular interests. The 'old English' conceived the support and protection of the crown to be an essential guarantee against their eventual dispossession by the Irish as a result of the latter successfully contesting the royal control. On the other hand, however, the crown was in the process of disowning them and withdrawing its protection on grounds of their religion. Their political task, therefore, was to convince the government that between them and it a

1. F.X.Martin, Francis Nugent (Unpublished), p.310 n.3.
2. Commons' jn. Ire., 4 June 1641, pp.221-2.

state of interdependence existed, and to persuade it to adopt an independent political policy which was not a mere aspect of its religious policy. In the name of security, in a Europe divided by religion, the English government was attempting to effect a politico-religious revolution in Ireland: it was the concern of the 'old English' to convince it that security would be as surely guaranteed by conserving, and, where the revolution had been effective (as, for instance, in the exclusion of catholics from official positions), restoring, the status quo.

The conservation of the status quo implied not merely the retention of a measure of political power by the 'old English' and the pursuance of a policy of moderation in matters of religion, but related particularly to landholding. The chief danger of identification with the Irish lay in the liability of the latter to summary dispossession for the purposes of plantation. This is not the place for a history of landownership in Ireland: suffice it to say that both in its capacity as feudal overlord and by direct inheritance the crown had extensive claims to land which the actual possessors were in no position to controvert. It was essential that the possibility of the crown at some future date asserting those claims against the 'old English' and resuming their lands should be eliminated, and it was towards the attainment of this end, by securing the official waiving of royal claims and the recognition by the king, in parliament, of the existing position, that the political power of the 'old English' was mainly directed. It was to the vital importance of this object that the equally

vital importance of retaining undiminished political power was primarily related.

Though the precise details of the existing position in regard to the holding of land in 1625 are not ascertainable, there is, in the Books of Survey and Distribution, an almost exact statement ~~throughout Ireland~~ of landholding throughout Ireland in the year 1641.¹ From this, the extent of the material interests which the 'old English' were concerned to defend can be abstracted, and this information provides evidence also of the way in which the group was distributed in the country.²

The Pale:

In the county of Meath there was a total of approximately 289,800 profitable plantation acres of which about 248,300 pl.a. were in the possession of some 200 persons of the 'old English' group - that is, nearly 86%. The families involved were very numerous, but among the more important were those of Aylemer, Balfe, Barnewall, Bath, Birford, Birmingham, Cusack, Darcy, Dillon, Dowdall, Draycott, Evers, Finglas, Fitzgerald, Fleming, Hussey, Nettirvill, Nugent, Plunkett, Rochfort, Scurlock, Talbot, Tuite and Wesley. The protestant proprietors of most of the land remaining in the county included a number of 'old English' descent: Lord Howth (St Lawrence), the earl of Roscommon (Dillon), the earl of Kildare (Fitzgerald), and Lord

1. P.R.O., Ire.
2. See Appendix I.

Dillon of Kilkenny West.

In the county of Louth there was a total of about 85,800 profitable pl.a., of which some 69,800 pl.a. were in the possession of approximately 80 persons of the 'old English' group - that is, more than 81%. Of the persons involved, about 25 were also landholders in Meath. Among the most common 'old English' names in this county were Bath, Bellew, Cashell, Clinton, Cooley, Dowdall, Fleming, Gernon, Peppard, Plunkett, Stanley and Taaffe.

In County Kildare there was a total of approximately 140,000 profitable pl.a., of which about 106,400 pl.a., that is, 76%, were in the possession of some 75 persons of the 'old English' group, about 12 of whom were also landholders in either Meath or Louth. Among the principal 'old English' names in this area were Aylemer, Birmingham, Dungan, Eustace, Fitzgerald, Luttrell, Rochfort, Sarsfield, Sutton, Wesley and Wogan. One of the most important landholders in the county was the protestant Fitzgerald, earl of Kildare.

In the county of Kilkenny, excluding the barony of Kells for which exact overall figures are not available, there was a total of some 241,100 profitable pl.a., of which about 153,500 pl.a., or nearly 64%, were in the possession of persons of the 'old English' group. Most of the protestant land in the county in 1641 was in the possession of the protestant Butler, earl of Ormond, and in the year 1625 would have been in the hands of his catholic predecessor, so that at that earlier date the proportion of land held by catholics in County Kilkenny was

very much higher. The 'old English' land in the county in 1641 was in the possession of some 147 individuals, of whom only about 3 or 4 also held land in any of the counties already dealt with. The names most common among the 'old English' in this county were Archdeacon, Archer, Blanchfield, Butler, Comerford, Dalton, Denne, Fitzgerald, Forstall, Grace, Grant, Rothe (Rooth), St Leger, Shee, Strange, Sweetman and Walsh. The Shee family was in fact originally Irish, but its assimilation was long since complete.

There were about 126,700 profitable pl.a. in the county of Dublin, and of these 'old English' landholders were in possession of about 85,200 pl.a., a proportion of 67%. This land was in the hands of some 157 persons, of whom about 33 also held land in one or more of the other counties of the Pale. The names most common among them were Allen, Archbold, Barnewall, Bath, Bellings, Birmingham, Eustace, Fagan, Gough, Hollywood, Hussey, King, Luttrell, Nettirvill, Nugent, Plunkett, Russell, Sarsfield, Segrave, Talbot, Walsh and White.

Thus the five counties of the Pale were largely in the hands of about 600 members of the 'old English' group, of which they comprised the nucleus. The nobility of the area, 'the lords of the Pale', were representative of its most important families: Lords Louth, Dunsany and Killeen (later earl of Fingall) were Plunketts, Lord Trimleston a Barnewall, Lord Slane a Fleming, Lord Gormanstown a Preston, Lord Mountgarrett a Butler, and Lord Nettirvill of Dowth retained his own name. Lord Merrion (Fitzwilliam), despite ancestry and

18

religion, seems to have disregarded his 'old English' connections entirely. A number of other members of the 'old English' nobility held some lands in the Pale in addition to their main holdings elsewhere, and might perhaps therefore be regarded as 'lords of the Pale': these were the earl of Westmeath (Nugent), and Lords Dunboyne (Butler), Ikerryn (Butler), and Taaffe.¹

Leinster:

The approximate amount of profitable land in the county of Wicklow was 212,350 pl.a. About 47,100 pl.a., a proportion of 22.2%, were in the possession of some 26 members of the 'old English' group, of whom about 8 also held land in the Pale. The principal names of these landholders were Archbold, Bellings, Cheevers, Talbot, Walsh, Wolverston and Wycomb.

In County Carlow, the estimated aggregate of profitable land was 105,678 pl.a., of which 33,950 pl.a., or 32%, were in the hands of some 27 'old English' proprietors, of whom about 5 also held land in one or other of the counties already dealt with. The principal 'old English' families in this county were those of Bagenel (who were in strictly chronological terms members of the 'new English' group, but who adhered to the catholic religion and were aligned with the 'old English') Barry, Butler, Eustace and Wall.

In the county of Longford there were approximately 96,450 profitable pl.a., of which 17,700 pl.a., or 18.3%, were in the possession of some 34 members of the 'old English' group. About 8 of these also held land in one or other of the counties already dealt with. The most important 'old English' names in

1. See Appendix II.

19
this area were Dalton, Delamere, Dillon, Fitzgerald, Fox, Nangle, Nugent and Tuite.

The estimated profitable area of the county of Westmeath was 194,500 pl.a., of which 134,950 pl.a. were in the possession of members of the 'old English' group - that is, a proportion of 69.4%. This land was distributed among some 141 individuals, of whom about 25 held land also in one or more of the counties already dealt with. The principal 'old English' names in the county were Dalton, Darcy, Dardis, Dease, Delamere, Dillon, Draycott, Fay, Fitzgerald, Hope, Ledwich, Nangle, Nugent, Pettit and Tuite.

The proportion of land held by the 'old English' in the plantation area of King's County was the lowest in the province of Leinster, 11.2%, or 20,250 pl.a. out of a total amount of about 181,000 profitable pl.a. There were some 30 'old English' landholders involved, of whom about 8 also held land in one or more of the counties already dealt with, and the principal names among them were Birmingham, Fitzgerald, Fox, Herbert and Leicester.

The position in regard to landholding in Queen's County was complicated by the presence there of persons who, like the Bagenels already mentioned, had arrived in Ireland at a date which ought properly to disqualify them from inclusion in the ranks of the 'old English', but who, nonetheless, having adhered to the catholic religion, largely acted as members of that group and identified themselves with its interests. Because of this identification, their land is

20

treated in this estimation as 'old English', despite the fact that their individuality is preserved in the Book of Survey and Distribution by the description 'English papist', which is nowhere else used. The county contained a total of about 201,000 profitable pl.a., of which 61,350 pl.a. were in the possession of members of the 'old English' and 'English papist' groups - that is, a proportion of 30.5%. About 31 proprietors were involved, of whom some 6 were in possession of land also in one or more of the counties already dealt with. The principal names of the 'old English' landholders in the county were Butler, Fitzgerald, Fitzpatrick, Hussey and Keating; while the 'English papist' names were Davills, Harpole (Hartpool), Hovendine, Lea, Redish, Skelton and Waddington.

The profitable land in the county of Wexford aggregated some 305,000 pl.a., of which about 154,400 pl.a., a proportion of 50.6%, were in the possession of some 160 persons of the 'old English' group, about 13 of whom also held land elsewhere in the province of Leinster. The principal 'old English' families in the area were those of Browne, Cheevers, Devereaux, Esmond, Fitzharris, Furlong, Hay, Hore, Joyce, Keating, Masterson, Roch, Rochester, Rochfort, Scurlock, Stafford, Sutton, Synnott, Turnor, Wadding and Whitty.

In the seven counties of Leinster situated outside the Pale there were thus, on the basis of the figures given above, an additional 386 landholders of 'old English' grouping. In round numbers, the aggregate of 'old English' landholders in the province was, at a basic minimum, just under 1,000,

and, at a maximum, no more than 1,100.

Munster:

In the county of Waterford, of which the estimated profitable area was about 210,000 pl.a., some 86 persons of the 'old English' group (of whom about 10 also held land in Leinster) were in possession of about 92,000 profitable pl.a., a proportion of 43.8%. The principal 'old English' names in the county were Ayleward (Ayleworth), Butler, Dobbin, Fitzgerald, Gough, Hore, Power, Roch, Shirlock, Wadding, Wall, Walsh, White and Wyse (Wise).

County Kerry contained about 571,900 profitable pl.a., of which 102,100 pl.a. approximately were in the possession of members of the 'old English' group. The number of landholders involved was, very approximately, 80, of whom about 4 also held land in counties already dealt with. Many of these persons would on the Irish system of classification have been described as 'mixed Irish', being the almost entirely gaelicized descendents of the Geraldine settlers of the thirteenth century, and indeed so confused were the inter-relationships and patronymics of the area that exact classification and enumeration is extremely difficult, and the margin of error considerably greater than in most other counties. The main 'old English' names in the county were Browne, Fitzgerald, FitzJames, FitzJohn, Fitzmaurice, etc., Hussey, Nagle, Rice, Spring, Skiddy, Stack and Trant.

In the county of Limerick, 'old English' landholders were in possession of about 129,500 profitable pl.a. out of an estimated total of 313,000 profitable pl.a., a proportion of

just over 41%. This land was held by some 151 persons, of whom only about 6 also held land in any of the counties already dealt with, and of whom some owed their presence in the county to the Elizabethan plantation in Munster and their classification as 'old English' to their catholicism. The 'old English' names predominant in the county were Arthur, Barry, Bourke, Browne, Burgott, Comyn, Creagh, Fanning, Fitzgerald, Fitzgibbon, Fox, Galway, Gold, Haly, Herbert, Lacy, Lee, Rawley, Roch, Stephenson, Stritch and White.

In County Clare, the profitable area of which was about 187,500 pl.a., members of the 'old English' group were in possession of only about 13,000 pl.a., a proportion of less than 7%. Additional land in the county, though still by no means a large amount, was held through mortgage by 'old English' residents of Limerick. The land held directly was to an unusual extent in the possession of persons holding land elsewhere, at least 20 out of the total of 31 'old English' landholders being in this category. The main 'old English' names in the county were indicative of this fact, for they are almost all readily identified with other areas - Arthur, Blake, Bourke, Comyn, Darcy, Delahoyde, Fanning, Lynch and Stritch.

The county of Cork comprised a total amount of about 896,800 profitable pl.a., of which 213,770 pl.a. were in the possession of members of the 'old English' group, a proportion of nearly 24%. The number of persons concerned was (probably considerably in excess of) 158, of whom some 13 also held land in one or more of the counties already dealt with. The names

most common among these persons were Barrett, Barry, Condon, Coppinger, Fitzgerald, Galway, Gold, Gough, Levallin, Meade, Nagle, Power, Roch, Ronane (Ronayne), Sarsfield, Tirry and Wall. An extremely large amount of land in this county was in the hands of the MacCarthy earls of Muskerry, who, notwithstanding their Irish origin, played a prominent part in the politics of the 'old English' group during the reign of Charles I.

The estimated total profitable area of the county of Tipperary was 450,800 pl.a., of which 169,350 pl.a. were in the possession of more than 128 persons of the 'old English' group, of whom about 17 also held land in one or more of the counties already dealt with. This 'old English' proportion of 37.6% of the profitable land in the county in 1641 would have been very considerably smaller than the equivalent figure in 1625, for, as in Kilkenny, the land in the possession of the earl of Ormond was a substantial proportion of the whole. The most important 'old English' names in the county were Boyton, Burke, Butler, Cantwell, Everarde, Fennell, Grace, Laffan, Mockler, Morres, Prendergast, Purcell, Stapleton, Wall and White.

In the province of Munster taken as a whole, there was a basic minimum of about 570 landholders belonging to the 'old English' group. The margin of error contained in the county estimates may be as great as 25% in the case of County Kerry, and perhaps 20% in the ~~case~~ case of County Cork, but the maximum figure for the province may be accepted as having been not more than 700. The 'old English' nobility of the province comprised Lords Cahir, Dunboyne and Ikerryn (Butlers), Brittas

profitable pl. in the county, a proportion of 44.6% of the

and Castleconnell (Bourkes), Kerry (Fitzmaurice), Kilmallock (Sarsfield), Courcy, Power and Roche. Not all of these titles, however, were consistantly held by catholics.

Connaught:

The estimated total number of profitable plantation acres in the county of Galway was 322,600, and of these members of the W 'old English' group were in possession of some 204,945 pl.a. (excluding the half-barony of Bellamoe, the barony of Tyaquin, and part of the barony of Killyan, for which returns were not made). This proportion of 63.6% was held by more than 136 persons, of whom no more than a couple held land in other provinces. The names characteristic of the area were Birmingham, Blake, Bodkin, Browne, Burke, Darcy, Fallon, French, Joyce, Kirwan, Lynch, Martin and Skerritt.

The amount of land held by the 'old English' in County Mayo is difficult to assess for, as in County Kerry, it was the 'mixed Irish' who predominated. The colonists in this area had become so gaelicized as to adopt, very often, Irish surnames. Thus branches of the Burke (or Bourke) family were disguised under the patronymics MacWilliam, MacMoyler (MacMeylor), MacGibbon, MacPhilbin, and others less easily recognizable, while Nangle had become MacCostello, D'Exeter had become MacJordan, Staunton had become MacEvilly, Barrett had become MacPaddin, Prendergast had become MacMaurice, and others may have changed their names without trace. Persons of ascertainable 'old English' descent were in possession of 104,300 profitable pl.a. out of the estimated total number of 215,900 profitable pla. in the county, a proportion of 48.4%. the

25

holdings in the county were small, and the number of persons involved was about 222, of whom about 28 also held land in one or more of the counties already dealt with (for the most part County Galway). The principal names in the county in addition to those listed above (of which both original and adopted names occur) were Blake, Browne, Darcy, Dillon, French, Garvey, Lynch and Martin. A considerable amount of land in this county was in the possession of two lords, Bourke of Mayo and Dillon of Costello-Gallen, of 'old English' descent and extremely ¹ dubious protestantism.

The estimated profitable extent of County Sligo was 150,000 pl.a., of which about 31,900 pl.a., a proportion of 21.3%, were in the hands of some 25 persons of the 'old English' group. About 7 of these also held land in other areas. The principal names were Burke, Darcy, French, Kirwan, Lynch, Martin and Taaffe.

Some 39,370 of the 198,393 profitable pl.a. in County Roscommon, a proportion of 20%, were in the possession of about 59 members of the 'old English' group, of whom about 11 also held land in one or more of the counties already dealt with. The most common names were Burke (MacDavy), Dillon, Fallon and Nugent.

The proportion of the estimated 140,000 profitable pl.a. in the county of Leitrim which was in the possession of the 'old English' was 4.2% - a mere 6,000 pl.a. This land was held

1. See Appendix IV.

by Nugent, earl of Westmeath, and about 12 Burkes.

In the province of Connaught taken as a whole, there were not less than @ 400 'old English' landholders. The maximum number, allowing a margin of error of 15%, was 460, but in fact the margin of error is probably not as great as it would at first sight appear to be, for those whose membership of the 'old English' group is not evident were, in all likelihood, far more closely identified with the Irish than with their ancestral fellows, and this no doubt applies also to many of those included in the foregoing enumeration. The 'old English' nobility of the province comprised the earl of Clanricarde (Burke), Lords Clanmorris (Burke), Athenry (Birmingham), Taaffe, and, arguably, the two quasi-protestants mentioned above, Mayo and Costello-Gallen. The protestant earl of Roscommon was a member of the Dillon family.

Ulster:

In the county of Cavan profitable land aggregated about 211,000 pl.a., of which some 33,000 pl.a. were in the possession of about 16 members of the 'old English' group, only one of whom seems to have possessed no other land outside this county. The 'old English' proportion was 15.6%, and those principally concerned were members of the families of Dowdall, Dillon, Fleming, Hill, Hussey, Plunkett and Nugent.

Of the estimated total of 142,300 profitable pl.a. in the county of Monaghan, 6,380 pl.a., a proportion of 4.5%, were in the possession of 9 members of the 'old English' group, all of whom, with one possible exception, held land in other

counties. The names of the persons involved were Barnewall, Dowdall, Fleming, Plunkett and White.

The proportion of profitable land held by the 'old English' in County Down was 3.2%, representing 7,820 pl.a. out of an estimated total of 248,200. The 12 persons concerned do not seem to have held land in any other county. The chief names among them were Dowdall, Jordan, Russell, Savage and Walsh.

No land whatever was held by members of the 'old English' group in the counties of Donegal, Fermanagh, Londonderry and Tyrone. In the county of Armagh, one individual, James Fleming held 424 profitable plantation acres, and in the county of Antrim one Richard Taaffe held 165 profitable pl.a.

The earl of Antrim (MacDonnell) held a certain amount of land in the county of Londonderry, and was in possession of about half the county from which he derived his title, but despite the lengthy association of his family with Ireland, his interests were too closely concerned with Scotland, and conceived too exclusively in terms of Court politics and intrigue, to warrant his classification as 'old English' in any sense of the term. Similarly, the only non-Irish catholic landholder in the county of Tyrone was the non-resident Scots courtier, James Hamilton, earl of Strabane.

In the entire nine counties of Ulster, there were no more than about 16 persons of the 'old English' group who held land there, and did not also hold land in one or other of the remaining provinces, and even including those who did hold land elsewhere the total was no more than 40.

In the aggregate, 2,286,938 pl.a. approximately of

profitable land were in the possession of the 'old English' in the year 1641. The total area of profitable land in Ireland was estimated by Petty in round figures to be 7,500,000 acres, so that the 'old English' proportion of the whole was 30.5%, or very nearly one-third - and it is notable in addition that a very large amount of this land was concentrated in the most fertile parts of the country. The total number of 'old English' landholders was certainly not less than 1,900 and not more than 2,300.

The bonds which united these 'old English' landholders were not only those of interest. Families were large, and second and third marriages were frequent. The actual range from which marriage partners could be chosen was not very extensive. The result of these circumstances was the development of an immense network of personal relationships. An overall description of the situation is not feasible, but a detailed example may serve to illustrate it.

Lucas Plunkett, tenth Lord Killeen, who succeeded to the title in 1613, and became first earl of Fingall in 1628, was the son of Christopher, ninth lord, and Jane, daughter of Sir Lucas Dillon (Chief Baron of the Exchequer) and sister of James, first earl of Roscommon. His brother Patrick entered the church: his brother Nicholas, a leading lawyer, married 1. a daughter of William Turner, Alderman of Dublin, 2. a daughter of Christopher Plunkett of the Grange, 3. Clare Aylemer, of a well known County Meath family. The marriages of his sisters were as follows: Catherine married Gerald Lynch of the Knock;

Joan (or Jane) married 1. Richard Nugent, first earl of Westmeath, 2. James Aylemer of Dollardstown, County Meath; Ismay, after the death of her sister, became the third wife of Lynch of the Knock; Ellis married 1. Sir James Fleming, Baron of Slane, 2. Walter Hussey of Moyhussey, 3. Wogan of Rathcoffey. Lucas himself married 1. Elizabeth, daughter of Rory, earl of Tyrconnell, 2. Susanna, daughter of Lord Brabazon and sister of William, earl of Meath, 3. Elenore, daughter of Dudley Bagenel of Dunleckney, County Carlow, 4. Margaret, daughter of Nicholas, Lord Howth, and widow of Jenico, Lord Gormanstown. His children's marriages were as follows: Christopher, second earl, who succeeded his father in 1637, married Mabel, daughter of Sir Nicholas Barnewall of Turvey (later Viscount Kingsland); George married a daughter of Sir William Hill of Allenstown, County Meath; Joan married Lawrence Dowdall of Athlumney, County Meath; Elizabeth married Francis, son of Sir William Hill; Susanna married Christopher Taaffe of Braganstown, County Louth; and Catherine married John Talbot of Malahide.¹ These direct family connections are extensive, but they can be multiplied from virtually any point of departure. To take a single instance, Sir Nicholas Barnewall, to whose daughter Lucas married his heir, was related closely to all the Barnewall families, to the Bagenels of Carlow through his mother, to the Fitzgerald earls of Kildare through his wife, and through the marriages of his

1. Lodge, Peerage, vi. 179-86.

sisters to Lucas, son of Lord Nettirvill, Roger Moore, and two sons of William Fleming, Lord Slane: a second daughter was married to Nicholas Preston, Lord Gormanstown, who was thus not only step-brother, but also brother-in~~xx~~-law, to the second earl of Fingall.¹ Pursuing this point of departure, again in a single instance, the Lucas Nettirvill who had become the uncle by marriage of Fingall's heir was one of a family of thirteen who was connected by marriage with the families of Sir John Bath, Sir Luke Fitzgerald, Sir Thady Duff, Alderman Brice of Drogheda, Butler of Galmoy, Cheevers of Mountown, Fleming of Cabragh, the earl of Portland (Lord High Treasurer of England), and Lord Trimleston, another branch of the Barnewalls.² This single example of the first earl of Fingall could be pursued a good deal further, but the complexity of the kinships existing between the 'old English' in this period has perhaps been sufficiently indicated.

Two points which emerge from the preceding details may be stressed. In the first place, marriages between catholics and protestants were by no means infrequent. In the second place, the social group within which marriages were contracted was not confined to the landed gentry, but embraced also leading townsmen.

The twelve principal ports in Ireland, in the order of importance indicated by Customs returns (which perhaps tended to underrate those towns far from Dublin where smuggling was more difficult to check), were Dublin, Youghall, Cork, Water-

1. Lodge Peerage, v.47-50
 2. Ibid, iv.207-12.

ford, Limerick, Drogheda, Galway, Kinsale, Londonderry,
 Carrickfurgus, Wexford and Bangor.¹ The parliamentary repres-
 entatives of these ports reflected the type of people who
 occupied positions of importance within them: while the three
 Ulster towns were represented by protestants, seven of the
 others were represented exclusively by 'old English' catholics.²
 Of the two remaining, Dublin returned two catholics in an
 abortive election in 1628,³ and this happened again in 1634,
 though on this second occasion the election was disallowed
 and the protestant candidates returned.⁴ Despite this eventual
 result, it is clear that catholics played an important part
 in Dublin, and this is confirmed by elections to municipal
 offices in the city.⁵ Drogheda returned one 'old English'
 merchant and one protestant, but other sources make it clear
 that by far the greater majority of both townsmen and merchants
 in Drogheda were 'old English' catholics, and in fact there
 is reason to believe that the protestant in question (who was
 of 'old English' stock) was suspected of having pro-catholic
 sympathies.⁷ Outside Ulster, the trading towns were prepond-
 erantly 'old English'.

Parliamentary returns also indicate the importance of
 the influence of the 'old English' in the inland towns of

1. B.M.,Harl.MS 2048.
2. See Appendix VI.
3. Sir John Ware, 'Diary of events and occurrences,1623-47',
 7 Oct.1628. Gilbert Collection, Pearse St. Lib., Dublin.
4. See below, page 189.
5. Ware, loc.cit., Under September of each year.
6. Kearney, 'The Irish wine trade', I.H.S.ix.pp.407 n.33, 410-12.
 See below, pages 446-7.
7. See Appendix VI, note (2).

Leinster, Munster and County Galway, an influence countervailed for the most part only in plantation areas and by the local power of individual protestants elsewhere, as with the earl of Cork in that county.¹

Relations between town and country were conditioned by a number of important circumstances. In the first place, many merchants were landholders, and often very large landholders, in their own right, for the most part in the county in which the particular town in which they resided was situated, but not infrequently further afield as well. In the second place, many townsmen had business interests in land through mortgages.² In the third place, the primary articles of Irish trade were pastoral products, so that an equivalence of interests existed between the landholders who produced them and the merchants who exported them. There was thus, between the urban 'old English' and the landed gentry, both a community of interests and social intercourse on an equal basis, and no manifest separation of the two within the larger group of the 'old English' existed.

There is no evidence of the extent to which members of the 'old English' group had been depressed into the positions of tenant farmers or tradesmen. The persons with whom this study is concerned were members of the propertied classes.

1. A.B.Grosart (ed.), The Lismore Papers, first series (first and second series, 10 vols, London, 1886), iv. 30, 33.
2. See Appendix IV, and page 22 above.

II

ARMY FINANCE, 1625-6

The background

From the very outset of his reign, at the end of March 1625, Charles I was determined to pursue war with Spain vigorously. During April, arrangements were made for an elaborate maritime expedition against Spain, designed to take place in June. Charles was unwilling to declare war, perhaps in order to avoid reprisals, but there was never any question of trying to avoid the conflict. He was anxious that Parliament should meet as quickly as possible in order to give him the necessary financial support. His marriage with the fifteen year old sister of the king of France took place, by proxy, on May 1, but by the time Parliament met, on June 18, the French alliance, of which the marriage was anticipatory, had not materialized. Buckingham's diplomatic visit to France had ended in failure, as had the military campaign of Mansfield in Germany; and ~~an~~ attempt to persuade the States General to cooperate in a joint attack upon Flanders had been rebuffed. On 11 July 1625 the Parliament, which had devoted its attention almost exclusively to the relaxation of the Penal Laws involved in Charles' marriage contract, and which had failed to vote supplies, was adjourned. By early August, the international situation had improved: the main obstacle to a Franco-English alliance would be overcome by a peace between the French Government and the Huguenots, which

was awaiting ratification, and there was a distinct possibility of France declaring war on Spain. Parliament, however, remained obdurate, and was dissolved on August 12, after declaring its lack of confidence in Buckingham, still without having voted supplies. At a Privy Council meeting on August 17, Charles' policy received a fresh endorsement, and the continuation of the preparations for a maritime attack on Spain was unanimously approved. During this month, however, the projected peace with the Huguenots in France came to nothing, and in consequence alliance between England and France ceased to be feasible.¹

During the first months of his reign, then, Charles was dedicated to the earliest possible commencement of hostilities against Spain, but devoid of allies, and ^{of the} financial support of the English Parliament. The obverse side of his policy was the possibility of a Spanish invasion of his dominions. The likelihood was that any such venture would be directed against Ireland, 'by that means to have the backdoor of Ireland kept open as a bridle upon England'. Ireland was of the utmost strategic importance, since it could be used as an ideal base of operations against England. Among the postulates of English policy it was accepted without question that ~~the~~ ^{the} native Irish, particularly those in the north, were disloyal and awaiting foreign assistance, and that Spain was closely in touch with ~~the~~ ^{the} rebellious spirit in the country and determined to make use

1. S.R. Gardiner, History of England (London, 1883-4), v. ch. LI-LIII.

of it.¹

In these circumstances, the primary concern of the English government with Ireland was focused on the military aspect, while the concern of the Irish government was with the attendant problem of finance. In April, the army in Ireland was from seven to nine months in arrears of pay, and was criticized by the Lord Deputy as being not merely inexperienced and incapable of enduring the fatigue of a campaign, but as being a greater danger to Ireland itself than it was to any foreign invader.² This force was paid, when paid, partly out of the king's revenue and partly by a special composition rent, a compounding fee paid by those in the provinces of Munster, Connaught and Leinster in return for the crown waiving its traditional right to have the army maintained by direct billeting, or 'cess', which totalled about £8,000.³ In addition, the English Council of War contributed a certain amount, allocated primarily to the construction of coastal defences, forts, etc., with which the country was very inadequately equipped, and for which the financial resources available were also insufficient.⁴ As regards the sums paid to the army out of the exchequer, in general the slow revenue yield led the Treasurer to pay the soldiers by giving to the captains of individual companies 'assignments' authorizing them to levy money where it was owed

1. Cal.S.P.Ire., 1625-32, pp. 2, 46-8, 68, 71.

Ibid. 1647-60, pp. 66-8.

2. Cal.S.P.Ire., 1625-32, p.2.

3. Ibid, pp.39, 68, 156.

4. Ibid. pp.2, 41, 43. B.M., Sloan MS 3827, Falkland Correspondence, p.52.

to the king, and to use it to pay their companies.¹ During the early summer of 1625 an augmentation of the standing army in Ireland, planned in the previous reign, was successfully completed and the complement was increased from 1350 foot soldiers to 3600 foot soldiers.² No corresponding financial rearrangement was made. Partly because of technicalities which prevented the levy of debts immediately they became due, but primarily because of the increase in the army, the government's financial resources proved entirely inadequate to meet the cost of the army: the composition agreements were violated by direct billeting: and appeals for money were perforce made to England.³

Government policy towards the 'old English': Trust.

While the Irish government, however, was preoccupied with the problem of paying the existing army, the English government was planning to augment once more the fighting strength of Ireland, estimated in the early autumn of 1625 as 3,600 foot and 400 horse,⁴ in order to guard against the possibility of reprisals for the intended maritime attack on Spain. The schemes presented in England for the military reorganization of Ireland emphasized two main points. Firstly, that the whole character and nature of the country were so hostile to England

1. Cal.S.P.Ire., 1625-32, pp. 27,28.

2. Ibid, p.95. Sir John Ware's 'Diary of Events and Occurrences, 1623-47', 28 Mar., 10 Apr., 27 June, 1625. Gilbert Collection, Pearse St. Library, Dublin.

3. Cal.S.P.Ire., 1625-32, pp. 27,28.

4. Ibid. pp. 41-2, 50-1.

that it could be kept in order only by an efficient standing army larger than that already already stationed there. Secondly, that supplementary non-professional forces should be organized within Ireland. This could take the form of a rigid enforcement of the landholders' traditional obligation to support a specified number of armed men at 'risings out', or general hostings. This system however had serious shortcomings. Thus in 1618 it proved impossible to assemble the general hosting of the Pale in order to make a numerical check, for the landholders insisted that they could be required to muster only for the purpose of attending the Lord Deputy in person.¹ The alternative was to forego this system as inefficient and to introduce in its place the English system of 'trained bands' which must provide themselves with arms, and be prepared to fight when called upon. Thus a certain and definite obligation should be imposed upon landholders, with their tenants, to maintain a stipulated number of men in readiness.²

Though these were aspects of an integrated policy, financial considerations were against the implementation of the first recommendation. The second had the important advantage of cheapness. Its disadvantage was the necessity of making a decision as to the extent of its application. The rebellious

1. Muster book of Undertakers, ~~xxxxxxxxxxxx(Dublinxix1933x)~~, B.M., Add.MS 18735. Sir James Perrott, Chronicle of Ireland, Ed. H. Wood (Dublin 1933), pp.28-9.
 2. Cal.S.P.Ire., 1625-32, pp.46-8, 49-50, 68, 71.
Ibid, 1647-60, pp.60-2.

1. Reby, P.X, Marlin, Francis Nugent, p.80. (Unpublished treatise)

disposition of the native Irish was axiomatic, but should the force be entirely protestant in composition, or should it include the catholic 'old English'? If the former, its strength could not be considerable, and it would antagonize loyal catholics, if there were any such. If the latter, it might not be trustworthy. This problem of the 'old English' was the basic problem which confronted the English government in its plan to reorganize Irish military defence. The problem was straightforward in its outlines: whether or not the 'old English' were precluded by their religious allegiance from supporting the king of England against a catholic opponent; and whether or not they were, by extension, actually committed to the support of that catholic opponent. It was a problem of conflicting political and religious allegiances, and the English government was in the position of needing to elaborate a policy, of international significance, of which one of the bases must perforce be a decision as to how that conflict would resolve itself when put to the test. The history of the 'old English' in Ireland for some years was dominated by the vacillating and unsure attempts of both the English and Irish governments to make that decision confidently.

During the late summer of 1625, discussions were held between Sir John Bath, an old English landowner in Dublin and Meath, and a member of the English government, in all probability either the Duke of Buckingham, whose intimate friend Bath is reputed to have been,¹ or the Lord Treasurer, formerly Sir

1. Rev. F.X. Martin, Francis Nugent, p.20. (Unpublished thesis)

James Ley, Lord Chief Justice of the King's Bench in Ireland from 1604 to 1608.¹ Bath represented that

"the malice of some ignorant or ill affected subjects to stagger (if it were possible) the constant loyalty of his Majesty's most faithful subjects in Ireland (especially of the English Pale) hath given out and bruited, that the state here, if there were any occasion offered, would not only not trust those of the English Pale, but rather distrust and disarm them."

In reply to this, Sir John was assured that the rumour was false, that it was believed in England that these men ~~had~~ had as great an interest in the preservation of Ireland as the king himself. Sir John, however, insisted that it was necessary to prove the falsity of the rumour, and proposed a twofold policy by which this could be effected. The first requirement was the removal of abuses complained of by the 'old English', a written statement of which he submitted. The second requirement was that the government should demonstrate its confidence in the loyalty of the 'old English' by entrusting them with some degree of military authority. The adoption of these two courses, Bath opined, would be sufficient to ~~repair~~ regain the confidence and assure the support of the 'old English'.

1. D.N.B.
2. Cal.S.P.Ire., 1647-60, pp. 100-101. P.R.O., S.P.Ire., 63/ 268
62.

Bath's activities were influential in determining the first formulation of the English government's policy towards the 'old English'. At a Council meeting held in Southampton on 2 September 1625, the Lord Treasurer urged the desirability of showing favour to the 'old English' in Ireland. Among the specific recommendations made to this effect was the establishment of trained bands within the English Pale. It was directed that, in redress of a grievance voiced by Bath, a proclamation should be issued restricting the jurisdiction of the Lord Deputy in civil causes.¹

Bath followed up this success by submitting a memorial in which he retraced his former arguments, reaffirming his belief in the efficacy of the twofold policy which he had advocated. He presented as candidates for highest military positions the names of the earl of Westmeath, Viscounts Nettirvill and Gormanstown, and Lords Killeen and Howth, 'whose loyalty, besides their natural duty and opposition to the adverse faction will be warrented by their estates.' For other positions he recommended Sir Nicholas White, Sir William Talbot, Sir Luke Fitzgerald, Luttrell of Luttrellstown and Barnewall of Turvey. Of these men, only Lord Howth was a protestant. He concluded his presentation of the case for the 'old English' by requesting that 'some course for moderation in matters of religion' be secretly introduced. He then went on to offer an inducement

1. Cal.S.P.Ire., 1647-60, p.721.

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to the English government. Reciting the extensive charges which Charles had incurred, primarily by international commitments, he declared it fitting that the 'old English' should 'concur with their persons and purses for the defence of the kingdom and testimony of their loyalty', giving it as his opinion that if someone trusted by them should be employed as a 'joyful messenger' of the king's favour to them, and if he should represent the king's difficulties, no doubt the inhabitants of the Pale would prove their ancient loyalty, 'giving of their own free will and proffer, such a proportion of corn and cattle as will amply undergo the charges of the maintenance of divers regiments of soldiers'. He concluded by suggesting that 'what for testimony of their loyalty and emulation of the English Pale', the other provinces would unquestionably make similar proffers, and by requesting that he himself be appointed agent in the matter.¹

On 12 September 1625, the king, being resolved 'that the best and safest defence for ... Ireland ... will be to repose himself upon the fidelity and ready affection of his natural subjects there ... especially if by his grace towards them and care of their welfare and trust reposed in their loyalty they shall be maintained and encouraged in their dutiful affections', the Lord Deputy was required to consult with the Pale and the 'old English' elsewhere with a view to establishing the English

1. Cal.S.P.Ire., 1647-60 pp. 100-101. P.R.O., S.P.Ire., 63/ 268.
62.

system of trained bands, the introduction of which was understood to be generally desired, - 'except you shall find apparent reasons thereupon the place to the contrary'. If the Irish government concurred in this policy, a commission to proceed therein would be sent. Finally, in order that 'his subjects ... shall be animated in their loyal affections not by words only', it was ordered that a number of grievances should be redressed. The majority of these grievances concerned the Court of Wards, but related to points of procedure, not fundamentals. It was stipulated that the fees for christenings, marriages, and burials were to be the same for catholics as for protestants. Most ~~imp~~ important, perhaps, the direct billeting of the army and its use for rent collecting were explicitly prohibited, measures which would have the effect of rendering improper the system of 'assignments'.¹

On September 13, Sir William Becher, member of the conciliar committee for Irish affairs, dispatched to the Secretary of State, Lord Conway, from Southampton, a set of instructions for Sir John Bath, which he requested Conway to submit to the Lords of the Council for approval, after which they should be returned for Bath's signature. The Lord Treasurer had seen and approved these instructions, which he had thought necessary in order that Bath might have some form of authorization to justify his negotiations with those of the Pale if the Lord

1. J.V. Lyle (ed.), Acts of the English Privy Council, March 1625 - May 1626, (London, 1934), pp. 173-5.

Deputy's suspicions were aroused.¹ This last statement should be taken in association with the fact that no reference whatsoever was made to the projected employment of Bath in the communication to Falkland. Nor was any reference made to the prospect of a contribution towards the upkeep of the soldiers. It seems clear that the object of Bath's agency was to arrange the details of a financial contribution. In the commission appointing him agent, dated September 30, the matter was touched on very obliquely: the king, it recited, was unwilling to make any burdensome proposition, the demonstration of their loyalty 'should come from their own free offer'.² It may be conjectured that the English government feared that any reference to the matter, on an official level, might arouse resentment and defeat its own object. On the other hand, it must be remembered that Falkland had been given an opportunity to object to the introduction of the new policy and it may have been thought desirable, supposing that he should do so, to have Bath continue his negotiations. The attempt to keep the Lord Deputy in ignorance of Bath's activities is curious, but it is by no means clear whether it was Falkland or Bath, or both, who was being deceived.

Bath's close contact with the English government, and his presence at Southampton in September 1625,³ justifies the assumption that he was fully conversant with the state of the

1. Cal.S.P.Ire., 1625-32, p.38. P.R.O., S.P.Ire., 63/241. 123.

2. Lyle (ed.), Acts of the Privy Council, Mar. 1625. May 1626,
pp.181-2

3. Cal.S.P.Ire., 1625-32, p.38. P.R.O., S.P.Ire., 63/241. 123

international situation. Southampton was the centre of fervid activity in the final arrangements for the expedition of the English fleet to Spain. On September 8, the treaty of Southampton had been concluded between England and the States General, establishing an offensive and defensive alliance which, while bearing particularly upon the anti-Spanish maritime campaign, also committed the States General to blockade systematically the port of Dunkirk, from which any projected Spanish invasion of Ireland might be expected to come.¹ Bath had not left England by October 2.² Whether or not he left before the final sailing of the fleet on October 8, it may be accepted as certain that he was in possession of the news that hostilities were shortly to begin, with English on the offensive. These were tidings which must clearly have shown the 'old English', loyal or disloyal, the expediency of an at least temporary policy of co-operation. For two months, but others refused, and Falkland was

A further attempt to prompt that co-operation was made on October 13 when Falkland was instructed 'to give orders that the levying of the pecuniary mulct or fine imposed by Statute on those who refuse to repair to the Church and attend divine service be forborne in a silent manner...'.³ In fact, the fine was not, it appears, being levied, which suggests that this direction was given rather for judicious circulation than for

1. Gardiner, *Hist. of Eng.*, vi, 3-13.

2. Lyle (ed.), *Acts of the Pr. Coun.*, Mar. 1625-May 1626, p.184

3. *Ibid.* p. 198.

Falkland's guidance.

While these events were taking place in England, Falkland, estimating that the period between the end of the harvest and the beginning of winter was a likely time for foreign invasion, had retired to the strategically central position of Kilbeggan in County Westmeath, where he could keep watch and be prepared to act. He testified to an outward calm, 'but the blood is distempered in the veins': there were expectations of help from abroad, and preparations within. In August, a rebellious plot had been uncovered in County Fermanagh.¹ By mid-September the financial position was so grave that Falkland declared that the army must either be disbanded or quartered upon the country in defiance of the composition agreements.² In October, he put this into effect. He 'tried (his) credit through the whole land'. Some counties cooperated, undertaking to support the soldiers for two months, but others refused, and Falkland retaliated by quartering soldiers upon them.³ When he appealed to England for support in November, he was advised belatedly to borrow two months pay for the whole army, which the English Privy Council undertook to repay within six weeks.⁴

In the middle of November, in the midst of an invasion alarm, (the result of information that a storm had frustrated the blockade of Dunkirk leaving twenty-two ships free to

1. Cal.S.P.Ire., 1625--32, p.34.

2. Ibid, p.39.

3. Ibid, p.52. R. Caulfield (ed.), The council book of the corporation of Youghal (Guildford, 1876), pp. 117-18.

4. Cal.S.P.Ire., 1625-32. p.143. Lyle (ed.), Acts of the Pr. coun., Mar. 1625-May 1626, pp. 232-3.

leave¹), which led to the issue of emergency commissions for the increase of the army in Ulster, and which found the troops, according to Falkland, more ready to mutiny than to fight, an assembly of the Pale convened. Its convention may perhaps have been expedited by the Lord Deputy's fears of the reaction of the native Irish in the environs of the Pale, particularly the O'Byrnes and the O'Tooles, to an invasion.² At the opening of the assembly, the Lord Deputy presented a plan for the establishment of a force of loyal English settlers and Irish natives.³ The assembly at first proposed that the old system of general hostings should be continued, but in the conclusion accepted the government's proposition, and estimated that in the five counties comprising the English Pale it would be possible to raise 2,700 foot and 300 horse in trained bands. In addition the assembly made a contribution of £3000 to the king, described as a 'benevolence', which was to be paid in two equal instalments in the Trinity and Michaelman Terms following.⁴ The instrument in which the assembly addressed the king, significantly endorsed 'Memorial in answer to the king's demand for money', thanked the king for his many graces, to the Pale in particular, made known by the Deputy and by Sir John Bath: expressed willingness to 'embrace', for the

1. Lyle (ed.), Acts of the Pr. coun., Mar.1625-May 1626, pp. 214-5.

2. Cal.S.P.Ire., 1625-32, pp. 50-1.

3. Ibid, pp. 52-4.

4. Ibid. pp. 48, 118.

'defence of your Majesty's crown and rights (without which we
 a re well assured our being cannot subsist)', the proposed
 system of trained bands; and offered the contribution of £3,000
 with the hope that the other provinces, the cities, and the
 clergy, would do likewise, estimating that a series of propor-
 tionate offers would realize £50,000. This offer was signed by
 ten peers, of whom two were protestants and the rest 'old
 English' catholics, and forty commoners, , of whom at least
 thirty-nine were 'old English' catholics.¹ Falkland observed
 that there was some dissatisfaction at the imposition of a
 financial burden in this way, which could only properly be
 done by a parliament, but whether this criticism was voiced
 in the assembly itself or at large is not clear.²

In December, despite the failure of the Cadiz expedition,
 the fear of foreign invasion temporarily passed, and it was
 Falkland's opinion that the likelihood of a sympathetic rising
 in Ireland had been small, professions of loyalty being the
 order of the day.³

Sir John Bath: The 'old English' viewpoint.

Sir John Bath returned to England, where he submitted to
 the Privy Council a series of recommendations for the extension
 of the contribution throughout Ireland. He suggested the
 assembling of the most powerful men in the province of Munster,

1. Cal.S.P.Ire., 1625-32, p.69. P.R.O., S.P.Ire., 63/241. 184,
 See Appendix VII, (i). 185.
 2. Cal.S.P.Ire., 1625-32, p. 48.
 3. Ibid p.63.

nominating those, predominantly 'old English', whom he considered best qualified. These should meet the king's agents and be called upon to forward so far as possible the proposals made by the latter. He suggested that the Lord President should be ordered 'to use those Lords and Gentlemen very courteously, extolling the merits of that province, without any relation to the example of the English Pale, and the great confidence his Majesty hath of their loyalty, whereof in the last wars they gave good testimony'. From this may perhaps fairly be inferred his awareness of a local disposition to resent any putative assumption of leadership by the Pale. He went on to suggest the application of the same method to Connaught, referring the proposal of the best qualified persons to the earl of Clanricarde. His other recommendations are significantly imbued with hostility. In Ulster, the appointment of three commissioners, one English, one Scottish and one Irish, should be sufficient to achieve the king's purposes since the richest men in the province were new colonists who owed much to the king and should welcome an opportunity to show their gratitude. The clergy were now extremely wealthy, and precedent was in favour of their giving more than the laity; they could easily afford to contribute a year's rent, in two instalments.¹

'As for the Councillors, commanders and great landed men all English, and officer's clerks, who have in

1. Bliss (ed.), The Works of William Laud, vi. 272-5. Bath was later quoted by Laud as saying 'That the clergy hath a third part of that kingdom (of Ireland)'.

their possession most part of all the wealth, substance and marrow of that kingdom, I see no reason but seeing their honey rivers issue out of the ocean of his Majesty's liberality, but that they should return at least some drops into the same ocean - especially whereas they are sure whatsoever happen, that at last all will come to themselves again'.¹

To these practical recommendations was appended a series of suggestions as to matters in which the subjects in Ireland would welcome clemency and moderation, the granting of which would be so great a relief that they would do their utmost for the king. These suggestions are accompanied by a survey of the position of the 'old English' group at this time which is of the first importance in presenting a subjective view of the attitude of this group, and the value of which is enhanced by Bath's claim that a considerable part of it was reproduced verbatim from the representations which the 'old English' had made to him. Collating the two memorials presented by Bath,² there emerges an analysis of the beliefs and ambitions of the 'old English' which may be presented in the following terms:

The 'old English' have a profound material interest in the preservation of the kingdom, and 'the true and sole preservation of a kingdom consisteth in the real union and reciprocal correspondence betwixt ^{etc} ~~the~~ king and his subjects'. It is a

1. Cal.S.P.Ire., 1647-60, pp.308-12. P.R.O., S.P.Ire., 63/276. 112

2. P.R.O., S.P.Ire., 63/268. 62: 63/276. 112.

matter of historic fact that the 'old English', in accordance with ~~their~~ this principle, have always been loyal, and have always been treated as such by the king's ancestors. They are, too, fully conscious of their present obligations to the king in this respect. It is conceded, however, that a certain dissatisfaction and distrust have lately arisen, and this is explained with reference to government policy changes which have created disharmony. In the past, the nobility and gentry had sent their children into England to be bred and educated: not only had these become familiar with English manners and English customs, but they had also studied English laws, and benefited by these studies on their return to Ireland, being made officers, judges, and Privy Councillors, 'insomuch as the English government must have been very pleasing to them, who understood the laws, and did not only participate the profit, but also the honours thereof'. Of late, however, the practice of law - 'the only livelihood of the younger brothers of the English Pale' - had been made conditional upon subscribing to the oath of supremacy. As a result, its study had ceased to be an instrument of advancement, and consequently children were now sent to the continent to be educated where they were brought up in acquaintance and familiarity with strangers, separated from English influences. The distrust which informed government policy had thus generated a reciprocal distrust. There was a general fear that besides not employing the 'old English' in administrative positions, the State would not even trust them

so far as to avail itself of their military assistance. In addition to these discontents, the discriminatory policy of the government operating through the Court of Wards constituted a serious threat to the prosperity and property rights of the 'old English'.

This statement of the 'old English' attitude, and the indictment of government policy which it contains, is straightforward. Some clarification of the last point, however, is perhaps necessary. The purpose of the Court of Wards as given permanent form by patent in December, 1622, was the systematic exploitation of feudal incidents. This financial expedient had been made necessary by the exigencies of meeting increased government expenses within the framework of methods of revenue raising sanctioned by traditional usage. While the operations of the Court in England were detached from religious considerations, the circumstances of the Irish situation made it an instrument of religious discrimination in its application there. The tenurial basis of the plantations was common socage which carried exemption from all feudal dues except those for relief. Thus the new English protestants were almost entirely undisturbed by the activities of the Court of Wards. The 'old English' and Irish landholders, on the other hand, in general held by knight service-in-capite which involved the payment of full feudal dues - for wardship, marriage, primer seisin, relief and licence to alienate. In addition to this concealed religious bias in the terms of the Court's mandate, there was

also an explicit anti-catholic policy embodied in its patent. This was the inclusion of the statutory requirements of the Elizabethan Act of Supremacy which made suits of livery or of oustermaine conditional upon the taking of the oath of supremacy. After the constitution of the Court this oath was regularly required of heirs taking formal possession of their estates, and these heirs were almost exclusively catholics. The effect of this policy is graphically, if with some exaggeration, described by Sir John Bath:

'By this means many mens lands are taken out of their hands and farmed to strangers, or else set to themselves at a yearly rent, which they pay all their lives where one year's profit should satisfy the king. This course .. is taken to be very extreme in so much as it is commonly spoken that any man exposed thereunto will be by likelihood driven to forego his land on a short time'.

He claimed that the landholders in Ireland were prepared to pay £10,000 a year to the king (twice the estimated annual income of the Court) 'so as they hold their land by common socage'.

Failing the acceptance of this offer, however, the grievance could be incorporated in the proposed resolution of all the points at issue which Bath submitted, with the assurance that it represented the wishes of the 'old English'. While he refused, as we have seen, to admit the disloyalty, even potential, of the 'old English', he did admit an estrangement,

and he was prepared to specify the conditions which would effect a reconciliation and guarantee to the government the active support of the 'old English'. The solution was simple in the extreme: it consisted in the replacement of the oath of supremacy by an oath 'touching their temporal subjection and obedience only', the taking of which would be accepted as a sufficient qualification for suing out livery, holding office and practising law. An appropriate oath was submitted, acknowledging Charles as lawful king, promising fidelity, loyalty and constant readiness to protect his person and possessions' against all and every king, prince, potentate and person whatsoever ... And all this I do swear and protest, without any equivocation or mental reservation': but omitting any reference to the Pope's deposing power. If to this comprehensive measure were conjoined the entrusting of some degree of military authority to the leading members of the 'old English' (which would not only be a protection against foreign invasion, but would also give better security against 'the tumults of the malcontent mere Irish'), the English government would then 'give evident testimony, that his Majesty's royal intention is to hold and continue the same opinion of their loyalty and zeal for the preservation of that kingdom, that his royal ancestors had of their predecessors'.

It is clear, then, that at the beginning of the reign of Charles the claims of the spokesman of the 'old English' were of a basically conservative nature. It was not his concern to

negotiate fresh concessions, and a new status for the group which he represented, but rather to re-establish an already superseded state of affairs of which he had, himself, had personal cognizance - the state of affairs, in short, in which his grandfather had occupied the position of Chancellor of the Exchequer at his death in 1587, and his father, that of Second Justice of the Common Bench from 1581 to 1591.¹

Government policy towards the 'old English': vacillation.

Bath had suggested that he and Sir Piers Crosby, who was at Court at the time, should be employed to negotiate a contribution from those in the province of Munster.² This was not done. On 19 December 1625, Falkland was ordered to try to arrange the extension of the contributions throughout the country. In the meantime he was to continue censing the soldiers giving 'tickets', acknowledging value received, which the English Privy Council undertook to repay.³

The difficulty of the task of financing the army was exacerbated by the landing of survivors from the unsuccessful Cadiz expedition. Of these 'fleet soldiers', as they were termed, 925 landed in Munster.⁴ A conciliar order of December

1. F.E.Ball, The Judges in Ireland, 1221-1921, (London, 1926), i. 220. E. Hogan, Distinguished Irishmen of the Sixteenth Century (London, 1894), pp. 359-94.
 2. Cal.S.P.Ire., 1647-60, pp. 308-12.
 3. Lyle (ed). Acts of the Pr.Coun., Mar 1625-May 1626, pp.278-9
 4. Cal.S.P.Ire., 1625-32, p.194.

required that they should be kept under colours for future service so that it was necessary to provide for them despite the fact that they were not on the army list.¹ From the time they landed, they were forced to live entirely on credit.² On December 29 the Privy Council of England guaranteed their future support at an estimated rate of two shillings and sixpence per man per week, but this guarantee was never fulfilled.³ On 20 February 1626, the Lord President received orders from England to cess these soldiers on the country: in fact, not only had he already done so, but he had exhausted the available resources there, and had now brought them into the towns.⁴ They were without supplies or equipment and entirely unfit for service, and the position showed no sign of improvement.⁵ By the beginning of April the Lord President believed that unless there was some change in the situation, the soldiers would soon be able to subsist no longer.⁶ In this month the building of a new fort at Cork was interrupted by a riotous demonstration against the soldiers, in which many leading citizens were involved.⁷ On April 13, however, the gentry of the province met at Youghal 'to conclude about the gratuity of £3,000 for his Majesty, in imitation of the English Pale'. During the same month, loan

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1. Gardiner, Hist. of Eng., vi. 38.
 2. Cal. S. P. Ire., 1625-32, p. 123.
 3. Lyle (ed.), Acts of the Pr. Coun., Mar. 1625-May 1626, p. 292.
 4. Cal. S. P. Ire., 1625-32, p. 92. Caulfield (ed.), Council Book of Youghal, p. 590. Caulfield (ed.), Council Book of Cork (Guildford, 1878), pp. 123, 125.
 5. Cal. S. P. Ire., 1625-32, p. 107.
 6. Ibid., p. 110.
 7. Ibid., pp. 112-15, 119-20.

mon~~ey~~ of £1,350 were levied, with repayment guaranteed by Falkland.¹ On April 21 the Lord President borrowed £500 from the city of Cork to maintain the ordinary soldiers,² Nonetheless, by May he was affirming the unfeasibility of continuing to billet soldiers upon the province, only the counties of Cork and Waterford showing any readiness to contribute.³ The condition of the province was by this time seriously disturbing to its government, which gave special emphasis in a survey of the contributory causes of general dissatisfaction to the billeting of soldiers and to the activities of the officials of the Court of Wards. The effects of these on a population of 'men of high spirits descended of great houses, and very strongly allied' was much to be feared, and no effective means of controlling them existed.⁴

In Connaught there were also some 'fleet soldiers', about ninety-eight men.⁵ Before February, the Lord Deputy asked for a contribution in the province similar to that raised in the Pale, and commissioners were specially appointed to levy money in Sligo, Mayo and Roscommon, two of them Irish, one 'old English'. The latter, Sir Lucas Dillon, it was felt, was the only one who was at all concerned about the success of his mission. Galway was exemplary in its treatment of the troops,

1. A.B. Grosart (ed.), Lismore Papers, 1st series (London, 1886) ii. 13, 14, 16. April 1626. p.181.
 2. Cal.S.P.Ire., 1625-32, p. 116.
 3. Ibid, pp. 119-20.
 4. ~~xxxxxx~~ Ibid, p.123.
 5. Ibid. p.194.

entertaining them generously, and even contributing to the maintenance of the sick a sum in excess of the king's normal rates.¹

An approach was also made to the clergy. Before February 10, the archbishop of Tuam was required to assemble the clergy of the province together to arrange a loan of money for the relief of the new levies.² It may be presumed that similar approaches were made to the other archbishops.

Within the area of the Lord Deputy's direct administration, he had succeeded in borrowing a contribution equivalent to two months pay. The new levies, however, (that is to say, those added during 1624-5), were six months in arrears of pay in March. Falkland declared that the morale of the soldiers was such as to make it unsafe to assemble them together, even in the face of invasion or rebellion.³ It proved necessary to use the unpopular method of 'assignments' to collect the 'benevolence' voted by the Pale.⁴

Against this background of generalized financial exploitation by a government seeking to maintain close on 5,000 men on a financial basis originally adjusted to the maintenance of only 1,350, the confidence which had begun to be reposed in the 'old English' was withdrawn. In January 1626, the English government instructed Falkland to allow the catholic earl of

1. Cal.S.P.Ire., 1625-32, pp: 89, 92-3.

2. B.M., Sloan MS 3827, p.69.

3. Cal.S.P.Ire., 1625-32, p.100.

4. P.R.O., Ire., MS 2445, Falkland Letter Book, pp. 212-3.

Antrim 'who is a person very considerable in regard of his quality and of the time', to raise a number of horse and foot, to encourage him in his loyalty.¹ In the same month, however, the Irish government appealed to the English Privy Council to suspend its resolution on trained bands in default of a better explanation of its reasons.² The final decision on the matter had been left to Falkland, and this opposition proved decisive. Although an Act of State had been made for the establishment of trained bands throughout the kingdom, based on the quarterly divisions of each county, and captains had been selected, who had submitted lists of the soldiers whom they had recruited, all proceedings in the matter had been abandoned by April.³ The ambivalence of government policy, which in this case seems clearly to have corresponded with the division between the English and Irish governments, had asserted itself: distrust replaced conciliation: the necessity of an army orientated ~~towards~~ towards internal exigencies, the defence of the interests of one group, eclipsed the concept of a unified military system orientated towards the defence of a united whole from foreign invasion - 'for thereby we should have put arms into their hands of whose hearts we rest not well assured.'⁴

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1. Lyle (ed.), Acts of the Pr.Coun. Mar. 1625-May 1626, p.325.
 2. Cal.S.P.Ire., 1625-32, p.77.
 3. Ibid, p.110. P.R.O., S.P.Ire., 63/242. 283.
 4. Cal.S.P.Ire., 1625-32, p.110. P.R.O., S.P.Ire., 63/242.283.

The inability of the authorities to reach and adhere to a positive decision on the loyalty of the 'old English' may perhaps have received some justification at this time from a declaration made by one Edward Eustace who claimed to have been resident in Spain for twenty-two years. (In 1613, William Thumbull, English representative at Brussels, had written in recommendation of Edward Eustace 'of the English Pale in Ireland who is banished both out of Spain and these countries for the good service he hath done to the king's Majesty and our state').¹ Eustace expressed surprise that the English should employ Sir John Bath in Ireland, for the time was when he had, at the instigation of O'Sullivan, gone in to Ireland from Spain 'to work the Irish nobility for the Spaniard', and in late years he had had many secret meetings with Gondomar, the Spanish ambassador to England. Eustace also accused Louth, a signatory of the Pale offer, of being an adherent of Tyrone, in whose interests he had negotiated with the king of Spain.² Thus if the government was uncertain of the honesty of the 'old English' declarations of loyalty, or of Bath's cogent explanation of their slight foreign sympathies, it must be conceded that, on the basis of the evidence before it, that uncertainty was not entirely unjustified.

The complete abandonment of the trained band scheme was made plain in July, when 'risings out' were held in the Ulster

1. B.M., Stowe MSS 174, 3, f.6.

2. Cal.S.P.Ire., 1647-60, pp. 67-8. P.R.O., S.P.Ire., 63/268.
3.

counties,¹ and a general hosting of the province of Leinster was mustered at the Hill of Tara.²

During these summer months the condition of the army in Ireland remained unsatisfactory: in Leinster, Falkland was still billeting it by ticket;³ in Munster the Lord President continued to cress it upon the country in violation of the composition agreement;⁴ Falkland reaffirmed his thesis that to bring it together would be more likely to eventuate in mutiny than in effective action against an enemy.⁵ England's international position was seriously threatened by the Franco-Spanish Treaty of Barcelona,⁶ and July brought strong fears of a Spanish invasion.⁷ In this contingency, in accordance with 'his Majesty's gracious opinion conceived of his subjects of this kingdom for his confidence of their loyalty', Sir Piers Crosby was employed to collect signatures to an oath of fidelity. The signatories of this oath, (which seems to have been taken by most of the leading men in the Pale, though only the name of Lord Mountgarrett is recorded), testifying on the Holy Evangelist in the presence of Crosby, swore to defend the king 'and that no foreign prince, prelate or potentate whatsoever shall ever be able to alter or change this my resolute loyal determination or

1. B.M., Sloan MS 3827, pp. 79-82.
2. Ware's 'Diary of Events... 1625-47', 5 July 1626, Gilbert Collection, Pearse St. Library, Dublin.
3. Gal.S.P.Ire., 1625-32, p.130.
4. Ibid, p.137.
5. Ibid, p.142.
6. Gardiner, Hist.of Eng,, vi. 87-90.
7. Gal.S.P.Ire., 1625-32, p.142. Lyle (ed.), Acts of the Pr. Coun., June-Dec. 1626, (London, 1938), pp.30-1.

to dispense with my allegiance to his Majesty'.¹ The terms of this oath are considerably more extreme than those of the oath suggested by Bath, and amount in effect to a repudiation of the necessary consequences of an excommunication of the king. Its subscription by a man like Lord Mountgarrett, who in Falkland's words,² was 'a man powerful in the part where he lives, one that all the last rebellion was out, and then a very dangerous man, and one of the last that come in', and who was in addition a brother in law of the earl of Tyrone, must be recognized as being of considerable significance and value in an age in which oaths were not lightly disregarded. This attempt to guarantee loyalty in the face of invasion was not unprecedented: in the previous November, the earl of Antrim had been asked for an assurance of his loyalty, though, politically, he was believed to be comparatively reliable - 'There is no great danger of (Antrim) unless the pope make a war of religion'.³ The solicitation of signatures in the summer of 1626 was probably not only a form of insurance, but also a tentative sounding in preparation for the next approach for the confidence and assistance of the 'old English', preparations which may perhaps also have included the display of trust involved in the mustering of the of the general hosting of Leinster. The value of the declaration of loyalty was to some extent reinforced by failure to assist in an abortive rebellion in the midlands.⁴

1. Cal.S.P.Ire., 1625-32, pp.144, 149, P.R.O., S.P.Ire., 63/243.
 2. Cal.S.P.Ire., 1625-32, pp 235. P.R.O., S.P.Ire., 63/244.674.
 3. Cal.S.P.Ire., 1625-32, pp. 63-4, 71-5. P.R.O., S.P.Ire.
 63/241. 190.
 4. Cal.S.P.Ire., 1625-32, pp.149-50. B.M., Sloan MS 3827, pp.
 77, 94.

III

'MATTERS OF GRACE AND BOUNTY'

The proffered bargain.

Negotiations between members of the 'Old English' group and the English government, of which Crosby's employment may have been an aspect, appear to have been taking place in England during the summer of 1626. In early March, the earl of Westmeath had gone to England, ostensibly in order to settle his affairs there.¹ In an official note, the earl was described as 'a vehement papist and of a popular carriage among the Irish both for matters concerning religion and the commonwealth, inasmuch as none of that religion appears in more eminency upon all occasions for the papists'.² His activities on the eve of his departure were in full accordance with these observations. Being informed by a catholic merchant of Dublin, John Dowde, of Irish commercial grievances, on which subject Dowde was soliciting the assistance of Sir John Bath in England, Westmeath asked for a list of them, and promised to use his best endeavours with the king and council in the matter. Only the urgency of his sailing prevented the earl from carrying a letter from Dowde to Bath, and Dowde did send a note by one of Westmeath's attendants.

1. Gal.S.P.Ire., 1625-32, p.102.
 2. Ibid. pp. 688-90. P.R.O., S.P.Ire., 63/253. 96 I.
 3. Gal.S.P.Ire., 1625-32. p.104. P.R.O., S.P.Ire., 63/242. 263.

There was thus the basis for an association between Bath and Westmeath in England on a matter relating to Irish grievances.

In September 1626, when the English government's failure to honour its promise to repay debts incurred in financing the army had exacerbated Falkland's difficulties,¹ when the troops in Galway were pillaging the country,² and the death of the Lord President of Munster had disrupted the administration of that province,³ the king despatched to Ireland a project for the increase of the army in that kingdom. The force was to be augmented to a strength of 5000 foot and 500 horse. Arrangements for the necessary financial support were to be worked out in conjunction with the nobility of Ireland; in return for this support composition rents were to be suspended, and general hostings dispensed with.⁴ In addition, a series of articles of grace, reciting favours which would be granted to the king's subjects in Ireland in exchange for the maintenance of the soldiers, was appended.⁵ Among the benefits enumerated was the substitution of a new oath of allegiance for the oath of supremacy as a qualification for the suing out of livery, for the practice of law, and for holding office (this last being confined to those whose loyalty had been demonstrated in the last rebellion). Thus the programme outlined previously by

1. Cal.S.P.Ire., 1625-32, p.102 152-3.

2. Ibid. p.155. Lyle (ed.) Acts of the Pr. Coun., June-Dec. 1626. p.295.

3. Cal.S.P.Ire., 1625-32, p.155.

4. IBID. p.156. P.R.O., S.P.Ire., 63/243. 445.

5. Cal. S.P.Ire., 1625-32, pp.156-8. P.R.O., S.P.Ire., 63/ 243. 446, 446A, 446B.

related to the representations made by Bath in the previous year. The evidence that Bath and Westmeath...

Bath was adopted with only a minor alteration. The new oath was less extreme than that generally taken during the summer, and differed significantly from Bath's only in the inclusion of an undertaking to disclose all treasons of which the testifier should gain knowledge. Also included in the articles were undertakings that the exaction of the recusancy fine would be forborne, that clerical exactions would be restrained, that soldiers would not be used for rent collecting in the normal course of events, and that the fees of officers and sheriffs would be regulated, all of which had been granted in some degree in the previous year. (A proclamation had been issued on July 20 promising that the system of assignments would cease after September¹). With these were a number of other items, including the enrollment of the Connaught surrenders,² to be guaranteed by Act of Parliament, the placing of a time limitation upon the activities of the court of wards, and the redress of complaints made against the clerks of the market and assay masters, complaints with the pressing of which Bath and Westmeath had been entrusted.³ Finally, when the negotiations concerning the army had been satisfactorily completed, a parliament would be called, both to ease the subjects and to settle men's estates.

These 'Matters of Grace and Bounty' constituted a comprehensive programme of reform which was, clearly, intimately

1. Steele, Tudor and Stuart proclamations (Oxford, 1910), ii.29.
2. See below pp. 108-9.
3. Cal.S.P.Ire., 1625-32, p.104. P.R.O., S.P.Ire., 63/249. 263.

related to the representations made by Bath in the previous ⁶⁵ year. The evidence that Bath and Westmeath were closely associated with their compilation consists not only of inferences from their general content and the suggestive matter of the commercial grievances, but also of the direct statement of the earl of Clanricarde, who wrote:

'The Deputy hath not dealt well with me, for I hear that in a public assembly he said that the people there, if they found the proposition for maintaining an army hard, they might thank my Lord of Westmeath, Sir John Bath and I for it. I know not yet his meaning, but I am sure he must expound himself. What my Lord of Westmeath and Sir John Bath did, I have had nothing to do withal.'

Falkland declared that the article promising to forbear the exaction of the recusancy fine had been 'by them understood and so published to be intended (as) a toleration of religion', and he claimed that this attitude was the result of the arrival of the earl of Westmeath.² While it is possible that this was simply a reference to the fact that the earl had brought the king's dispatch, the statement more probably implies that Westmeath was presenting himself as an authoritative interpreter of the king's intentions.

Despite a conciliar order of September 22 that diligent search should be made for priests going to Ireland,³ Charles

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1. N.L.I. MS 3111, Clanricarde MSS. An undated portion of a letter which internal evidence reveals to have been written by Clanricarde to Sir Henry Lynch, Dec. 1626.
 2. Cal.S.P.Ire., 1625-32, pp.162-3; P.R.O., S.P.Ire., 63/243. 463.
 3. Lyle (ed.), Acts of the Pr. Coun., June-Dec. 1626, p.287.

appears in association with this new approach to his subjects in Ireland to have endeavoured to demonstrate his sincerity by showing some leniency in religious matters, a policy adumbrated by his appointment of catholic municipal officials in Waterford, when restoring its charter in May 1626.¹ This latter action was stated by Falkland to have resulted in the election of catholic officers in all the corporate towns of Munster without exception, though in Youghal 'the Mayor since his election hath by persuasion conformed himself', and the insignia of office were actually being carried to Roman Catholic services. In view of the interpretation which the catholics were placing upon the king's undertaking not to exact the recusancy fine, this placed Falkland in the difficult position of either conniving at this violation of the law, or of impeding the plan for raising an army revenue by punishing it. His solution was an exercise in equivocation worthy of the despised Jesuits: he neglected to ask for a formal notification of election results, thus placing himself in the position of possessing no official intelligence of the irregularities.² Falkland's presentation of the facts has been accepted by Dr Edwards, who writes that 'recusant municipal officers once more came into control of the towns'.³ In reality, it seems clear that Falkland was exaggerating the difficulty in which the king's action had placed him,

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1. H.M.C.rep. 10, Waterford Archives, p.337. R.Dudley Edwards, 'Church and state in the Ireland of Michel O Cleirigh; in S.O'Brien (ed.), Measgra i gCuimhne Mhichil Ui Chlerigh (Dublin, 1948), p.3.
 2. Cal.S.P.Ire., 1625-32, pp.162-3. P.R.O., S.P.Ire., 63/243.463. The Mayor of Youghal in question was James Coppinger, Caulfield (ed.), Council Book of Youghal, p.126.
 3. Edwards, loc. cit., p.4.

and by implication falsifying the previous policy pursued in this aspect of the catholic problem. The Lord President of Munster, though in receipt of instructions, dated 30 May 1625, to administer the Oath of Supremacy to all corporation officials,¹ nonetheless in November 1625 appealed to Buckingham to know whether he should follow these instructions, for he encountered catholic Mayors 'where ever I come with in my government', and he believed the king to be inclined to a moderate policy.² In June 1626 he again appealed for directions on the matter of corporation officers whom he described as being 'for the most part ... jesuitical and dangerous papists'.³ Thus it seems evident that in Munster, to which Falkland's remarks were limited, the effect of the Waterford appointments must be confined to the bearing of the insignia to Mass. This is confirmed by the Limerick records where it is noted that in 1626 'the Mayor and the sheriffs went this year publicly to Mass': but these officials had also been catholics in 1625.⁴ In fairness to Falkland it should be observed that he had only become involved in the administration of Munster, as a result of the death of the Lord President and may therefore have been unfamiliar with the previous position. On the other hand, he had not himself possessed a clear policy on the matter in 1625.

1. Cal.pat.rolls Ire., Chas I, p.21.
 2. Cal.S.P.Ire., 1625-32, p.51. P.R.O., S.P.Ire., 63/241. 152.
 3. Cal.S.P.Ire., 1625-32, p.129. P.R.O., S.P.Ire., 63/242. 338.
 4. Begley, Diocese of Limerick in the sixteenth and seventeenth Centuries. (Dublin, 1927), pp. 540-1.

5. Cal.S.P.Ire., 1625-32. pp.128.

When a catholic of pro-Spanish reputation was elected Mayor of Galway in that year, Falkland submitted the appointment to the English government, pointing out that an examination conducted by Lord Lambert had absolved him from suspected complicity in the Spanish invasion of 1601, and that he had, in fact, a pro-government record, 'and therefore I suppose he will neither in his office nor anyway else prove ill.'¹

Preparations for the meeting of the nobility at which the financial basis of the augmented army was to be decided upon involved not only forbearance in the face of catholic presumption, but also an attempt to eliminate temporarily a prime cause of discontent by raising money with which to maintain discipline in the army while the negotiations were proceeding.² During September and October the fleet soldiers were reorganized, the original twenty-four companies being reduced to eleven, and disposed in Limerick, Cork, Waterford and Youghal.³ The citizens of Cork replied to the plan for the new disposition by claiming debts of nearly £1,000, and threatening to abandon the city. After a number of the soldiers had assaulted some townsmen, and threatened mutiny, the Provost Marshal, Aldworth, restored order and succeeded in eliciting an agreement to feed and lodge the soldiers. The city officials were adamant in their refusal to pay any money to the officers. In a general assembly, the townsmen of Limerick pleaded poverty, which they attributed

1. Cal.S.P.Ire., 1625-32, p.31. P.R.O., S.P.Ire., 63/241. 111.
 2. Cal.S.P.Ire., 1625-32, pp. 161-2. P.R.O., S.P.Ire., 63/243. 459.
 3. Cal.S.P.Ire., 1625-32. pp.168, 194.

to recurrent fires, pirates, and the burden of supporting the soldiers 'which cause did abandon 200 dwellers out of the city' since January 1; they threatened to leave the town rather than yield more than food or lodging for two weeks. Waterford townsmen protested, but did not go so far as to threaten. The position was desperate, for if the cities ejected the soldiers, the country, which was already supporting the regular army, would not accept a fresh burden: Falkland visualized an enforced disbandment.¹ Even the plantation county of Fermanagh, having supported fifty soldiers without officers for three months, the lightest burden of any county, petitioned against the quartering of these soldiers, though its inhabitants might be expected to have more sympathy with the object of the army than most.²

The government's attempt at an expedient improvement of conditions had not, thus, achieved any success when the Assembly of Nobles met on 15 November 1626. Nor was the policy of religious forbearance supported in England, for on 13 October 1626, the Munster government was instructed to administer the Oath of Supremacy to all corporation officers.³

The Assembly of Nobles

On the first day of meeting, business was confined to the distribution of copies of the king's letter in which the army

1. Cal.S.P.Ire., 1625-32, pp. 169-71.

2. Ibid. p.173.

3. Cal.pat.rolls Ire., Chas I, p.160.

project had been proposed.¹ On the following Saturday, November 18, the nobility and clergy (that is, episcopacy) assembled together at Lord Caulfield's house to discuss the matter, the Lord Chancellor presiding. The proceedings opened with a speech by the earl of Westmeath 'by way of apology wherein he did profess that he was in no wise a solicitor or procurer of the said propositions'. The nobility then decided that, not being representative of the country, and having no power to bind it, their best course would be to consult with it. At a full meeting of the Assembly and Council on Monday, the Lord Chancellor, acting as spokesman, declared the feeling of Saturday's meeting. The Lord Deputy then spoke, emphasizing the value of the promised benefits, attributing responsibility for the proposition to Westmeath, Sir John Bath and Clanricarde,² and drawing attention to the facts that the money would be spent in the country, and that the army was in their own interests. To this last, by no means unexceptionable, point, Lord Viscount Gormanstown responded by reviving the shelved project for establishing a trained band system in the English manner, led by members of the nobility 'laying in security for their good behaviour', claiming that the introduction of such a force would render the proposed increase of the army unnecessary. This subject was ruled by Falkland to be irrelevant to the matter

1. Gal.S.P.Ire., 1625-32, pp.244-6. P.R.O., S.P.Ire., 63/245. 713. Where not otherwise stated, the following account is based upon this document, entitled 'Diary of the Proceedings of the Great Assembly.'

2. V. supra, pp.

under discussion, since it was not mentioned in the king's directions. Lord Killeen then claimed that there was widespread poverty in the country and adduced as evidence of this the difficulty experienced in collecting the 'benevolence' lately granted in the Pale.¹ He proposed that a committee of the Council, selected from those members without an interest in the country, should be appointed to examine the condition of the estates of the nobles in order to confirm the truth of his assertion. He was followed by the earl of Westmeath who requested that the nobles be permitted to consult with those gentlemen of the country 'that were now in town and again protested that he was no actor in England in the matter'. It was finally agreed that commissions should be issued authorizing the nobility to treat with the gentry, freeholders, and towns, and the next day was appointed for separate meetings to discuss the nature of the commissions.

At its meeting on the Tuesday the Council decided that the matter was not one to be carried out on local basis 'tumultuary with the multitude which would breed confusion', but by a formal meeting of sufficiently authorized delegates from the country with the Deputy, Council and Nobility in Dublin.

At the joint meeting held on Wednesday, Westmeath gave a survey of the nobility's activities on Tuesday. He said that 'they had conference with divers gentlemen of the country who were mainly against it (the support of the army) and against the

1. The accuracy of this statement is confirmed by Cal.S.P.Ire., 1625-32, p.118; P.R.O.,Ire., MS 2445, Falkland Letter Book, pp. 212-3.

sending down of commissions into the country, and that they required rather the composition to be withdrawn since it was granted in consideration that no soldiers should be cessed on them and yet notwithstanding the soldiers lately sent over were laid on them'. All the nobility were in approval of this negative answer. The Lord Chancellor, again presiding, refused to accept it as a sufficient answer on the grounds that the Lord Deputy could not abandon the project without knowing the resolution of the country, and that the persons consulted were not competent to speak for it representatively. Upon this, the nobility finally agreed to the issue of commissions. At a full meeting in the presence of the Lord Deputy on Thursday morning this resolution was formally adopted. It was decided that a number of commissioners, nominated by the Lord Deputy and Council, should convene assemblies in each county, including representatives of the corporations, at which the circumstances were to be announced, and agents were to be elected, authorized and instructed to conclude the matter in Dublin 'after a parliamentary way'.

Acquiescence in all this, however, appears to have been confined to the protestant element, for the lords of the pale remained adamant in their opposition. Killeen moved that the conditions upon which the composition payments were made should be fulfilled by the removal of the soldiers. Louth emphasized how averse the gentlemen had been to the issue of commissions at Tuesday's meeting, and was supported in this by Gormanstown.

~~This intention was not in execution when...~~

This intracability reached its culmination when Westmeath, Killeen, and Gormanstown insisted upon the sending of delegates to England to represent their grievances, but this was opposed by Falkland as a slight upon the government. On this note of hostility and dissatisfaction, the Assembly of Nobles came to an end.

The official version of this event may be read in the account given by the English catholic, Lord Baltimore, who had attended the meeting in answer to the general summons.¹ According to him, all the lords thought the project impossible, and were confirmed in their opinion by conference with some of the gentry: the project was likely to be stifled in its cradle had it not been for Falkland's ingenuity in insisting upon the inability of the nobility to prejudge the reaction of the country to the king's favours, how precious they might think them, and at what rate they might be prepared to contract for them. In fact, it seems clear that Baltimore was exaggerating both the extreme nature of the original opposition of the nobility and the cleverness of the Lord Deputy. The opposition of the 'old English' lords was neither static nor consistent. While opposing the proposition on general and particular grounds, their initial policy was to avoid committing themselves by emphasizing their lack of qualifications to arrive at an authoritative conclusion on the matter, to defer the issue and transfer, or at least

1. Cal.S.P.Ire., 1625-32, p.177. P.R.O., S.P.Ire., 63/243. 500.

generalize, the responsibility for a refusal by requiring an appeal to be made to the country. After their conference with the gentlemen, however, their position became more extreme and they opposed even this means, offering as their alternative direct negotiation in England: and it was the government, faced with this new resolution, which was compelled to take refuge in denying their competence, and the competence of those with whom they had conferred. Thus the arguments which they had used, and the policy which they had adopted, were both turned against them when, fortified by the support of the gentry, they went so far as to reject the king's proffered bargain.

'The Great Assembly'

After this failure, the English Council of War, in view of the critical state of Ireland, undertook to send financial assistance,¹ and an ad hoc advisory committee for that purpose appears to have been in existence in January 1627, including Bingley, Wilmot, Annesley and others,² but in the new year the position was as unsatisfactory as ever and the army, lacking sufficient food, clothing and exercise, was unfit to meet a foreign invasion - if, however, there were no danger of foreign invasion, Falkland ironically commented, 'then it much skills not how far the subject be provoked, or the soldiers made impotent'.³ The events of this period were familiar. Antrim

1. Cal.S.P.Ire., 1625-32, p.184.

2. B.M., Sloan MS 3827. p.100

3. Cal.S.P.Ire., 1625-32, p.206. P.R.O., S.P.Ire., 63/244. 572.

and Down were the scene of disturbances by 'woodkerne', which were made more difficult to cope with by the refusal of juries to find bills of indictment against the offenders.¹ Donegal and Fermanagh protested against financial impositions and the quartering of soldiers respectively.² Incited by some 'Athenians' who had circulated a rumour that the foot soldiers were being paid surreptitiously out of the exchequer, Cork refused to support these men any longer: in March the corporation finally capitulated and once again assessed a contribution to relieve the soldiers in garrison. Youghal refused an unprecedented demand that the town should billet a troop of horse, (a company of 'fleet soldiers' was already being supported), and seems to have capitulated only when released from the payment of composition money. The burden of the 'fleet soldiers' was not confined to the towns in which they were stationed: the other corporate towns were required to send money for their support.³ The cost of feeding one soldier for one week was two shillings and threepence.⁴ If, as seems unquestionable, the 'fleet soldiers' lived entirely on credit for a period which may be conservatively estimated at a year and a half, the province of Munster must have contributed on this scale of upkeep a sum of about £8,500 on credit which, if the experience

1. Cal.S.P.Ire., 1625-32, pp. 217-18, 220.
 2. Ibid, p.207.
 3. Ibid, p.211. P.R.O., S.P.Ire., 63/244. 588A.
 4. Cal.S.P.Ire., 1625-32, p.261.

of the Lord Deputy, who was unable to recover money expended by him on the army,¹ is a reliable guide, may be regarded as worthless. In addition to this sum must be considered composition payments which for the same period totalled about £2,250,² and the direct support by billeting of a part of the regular army. It can scarcely be matter for surprise that discontent was so general as to make Aldworth, Provost Marshal and Acting President, believe that some form of rising was imminent.³

During February-March 1627, the Lord Chancellor was charged with having opposed the army design, countenancing the opposition of the lords of the Pale 'which they of that party will needs understand the act of a good patriot'.⁴ It seems clear that the irregularity of which he was suspected was support of the demand for an appeal to the country; at the very least, his failure to suppress that demand. Thus Falkland's charge against him not only amounted to an accusation of disloyalty against the nobles, but was also tantamount to a declaration of no-confidence in the coming general meeting, commissions for which were issued in February,⁵ and can have contributed little to the creation of an atmosphere of amicability.

No details of elections or appointments of representatives.

1. Cal.S.P.Ire., 1625-32, p.211.
2. Wentworth Woodhouse Papers: Strafford Letter Books, i. 'An abstract of his Majesty's good and certain rents and compositions'. This volume is not regularly foliated.
3. Cal.S.P.Ire., 1625-32, p.211. P.R.O., S.P.Ire., 63/244. 588A.
4. Cal.S.P.Ire., 1625-32, pp.212,241. P.R.O., S.P.Ire., 63/ 245. 697.
5. Ware's 'Diary of Events ... 1623-47', Feb. 1627. Gilbert Collection, Pearse Street Library.

to the general meeting appear to survive, except for the city of Cork where Sir John Meade and David Tirry were nominated by the Council.¹

The general meeting assembled in Dublin, Council, nobles and representatives being present, on Monday, 16 April 1627, when, as before, the proceedings opened formally with the reading of the king's letter and an immediate adjournment.² On the following Thursday, 'having met before at St Pa Church',³ the commissioners delivered a negative answer in writing. This answer, while containing punctilious professions of loyalty and readiness to defend the king's dignity and kingdoms, and garbed in prolix justification, was a categorical refusal to accept the king's offer, which observed that to do so, involving as it might be expected to do, the ruin of his subjects, would rather be a disadvantage than a furtherance to the king's service. The country was claimed to be in a condition of general poverty, which was ascribed to cess, gift moneys, loans, taxes, impositions, monopolies, the activities of the Court of Wards, 'and other villanies'.⁴ Falkland refused to accept this answer as final, and sent them away to reconsider their decision. He attributed their absolute opposition to 'the hopes they have received out of England, that either we have, or

1. Caulfield (ed.) Council Book of Cork, p.130.
2. Cal.S.P.Ire., 1625-32, pp.244-6. P.R.O., S.P.Ire., 63/245.713. Where not otherwise stated, the following account is based on this document.
3. Ware's 'Diary of events... 1623-47', 19 Apr.1627. Gilbert Collection, Pearse Street Library.
4. Cal.S.P.Ire., 1625-32, p.225, P.R.O., S.P.Ire., 63/244. 643B.

shall have, power to go less with them', and in view of this firm foundation he could hold out little hope of any alteration in their attitude. He described his policy as being simply to keep the assembly in existence in anticipation of further instructions from England, and went so far as to question the wisdom of the whole transaction, arguing against the acceptance, as a financial basis for the army, of a source of revenue which might be cut off at any time, and particularly at the time when it was most needed. The assembly, he believed, was, apart from delivering vague assurances of loyalty and support, prepared to act only in a parliamentary manner, for 'those words of the English parliament being crossed the seas, that contesting and refractory spirit is arrived with it'.¹

The protestant opposition to the project began to be openly expressed at this point. On 26 November 1626, the Sunday immediately following the breaking up of the assembly of nobles, a meeting of archbishops and bishops, convened by the Lord Primate at Drogheda, had drawn up and signed a protestation in which they attacked the offer to forbear the recusancy fine, stating that to offer toleration was a grievous sin, to offer it in exchange for a financial contribution was to set religion up for sale.² The Archbishop of Cashel, a signatory of this protestation, had also attacked the proposition on behalf of the clergy in Munster on the principle that

1. Cal.S.P.Ire., 1625-32, pp.225, 227. P.R.O., S.P.Ire., 63/244. 643, 650.

2. C.R. Elrington, The Life of the Most Rev. James Ussher (Dublin and London, 1848), pp. ~~711~~
 Elrington, Life of Ussher, p. 711. 73-5.

'no evil must be done that good may come thereof'. He calculated the annual income of the catholic church in Ireland, 'suckers of all the moneys of the subject', at £291,308, one seventh of which would pay the army, and recommended the banishing of the catholic clergy from the country.¹ Now, on the Sunday, April 22, following the delivery of the commissioners' answer, Dr. George Downam, Bishop of Derry (formerly of Christ Church College, Cambridge) preaching in Christ Church Cathedral, read publicly the episcopal protestation. He then asked that everyone should say Amen, and 'suddenly the whole church almost shaken with the great sound their loud Amens made'. A copy of the sermon was then given to the Lord Deputy for the king.² This was followed on the next Sunday, April 29, by sermons by the Archbishop of Cashel, who 'spake much against the projectors of a toleration of religion to the papists of Ireland',³ and by the Lord Primate, who spoke on the same theme 'rebuking those who from worldly ends like Judas, sell Christ for thirty pieces of silver'.⁴

On the following day, a general meeting of the assembly was held, at which Falkland's unfavourable predictions were proved correct. Mr. Dowdall acted as spokesman for the Commons and gentry. He confined himself to a repetition of the substance of the former answer, affirming their inability to give the supplies demanded, and including the by now customary qualific-

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1. T.C.D. MS T.2.17, ff. 1-8.
 2. Cal.S.P.Ire., 1625-32, pp. 239-40.
 3. Ware's 'Diary of events ... 1623-47', 22, 29 Apr. 1627. Gilbert Collection, Pearse St. Library. Carte MSS i. f.85.
 4. Elrington. Life of Ussher, p.76. Carte MSS i. f.85.

ation that they would not hesitate to serve the king 'with their bodies as their ancestors had done'. After he had been seconded by his fellow Pale landholder, Thomas Luttrell of Luttrellstown, the Lord Chancellor, on behalf of the government, again refused to accept this answer. To this the assembly countered by demanding a parliament which would rectify abuses; and, they suggested, 'by that way some supply and addition might come to help his Majesty's revenue'. The Lord Deputy then intervened, declaring, by no means accurately, that the whole policy of the assembly was to submit alternative proposals, which were not answers; he pointed out that whereas the assembly was demanding a parliament as a precondition to the provision of supply, this was, in fact, one of the favours for which they had met together to contract.

The meeting was then addressed by the Lord Primate. The gravamen of his speech makes it clear that he understood himself to be addressing an audience of protestants and 'old English' catholics. He attempted to overcome the opposition of the latter by presenting for their consideration a lucid analysis of their position in Ireland. Accepting that history demonstrated the loyalty and trustworthiness of the descendants of the 'old English' settlers, he pointed out that any rebellion would come from the dispossessed Irish and those who had nothing to lose. He argued that the interests of the 'old English' were by no means coincident with those of the Irish; and that any foreign invasion would be undertaken for the temporal power of

the invaders, and for the reestablishment of the Irish in their former possessions, a conjuncture of motives in the face of which the catholicism of the 'old English' would bring them no advantage. In these circumstances, he stated, to refuse the financial support necessary for the defence of the kingdom was 'neither agreeable to reason nor duty'. He then went on to deal with protestant objections to the projected arrangement. These objections arose from two associated sets of facts: the projected favours were almost all advantageous to the catholics, while those benefiting protestants were relatively few: and the catholic areas would sustain very little fresh burden, since the composition moneys which they paid were to be suspended, while protestant Ulster, which was not liable to composition rents, would have to sustain a far larger additional burden. This objection, that the relationship between new charges imposed and benefits received was entirely disproportionate, was held by Ussher to be a valid one, and necessary to be taken into account. The other main objection was that of conscientious aversion to the remission of the recusancy fine. This he held to be also valid, justifying at some length the stand against remission taken by the hierarchy. But while opposing its remission, he also opposed the demand for its exaction, and urged both parties to forbear the making of demands on this point, leaving the matter to the king's discretion, 'for it stands not with the ground of common reason, that such a condition should be annexed unto the gift as must of necessity deter the one party from giving at all, upon such forms as are

repugnant to their conscience'.¹

His effort was nugatory. On Wednesday, May 2, 'the agents of each province delivered their answers in writing which was negative, but had relation to a letter of the Lord Deputy's which made mention of a parliament, which had been formerly demanded by them. But by mistake they conceived it to be a proposition of the Lord Deputy's which appeared not to be his proposition'. In view of the explicit position taken by the Lord Deputy in regard to a parliament two days earlier, the probability that there was any genuine misapprehension seems very slight. The answer evidently constituted an attempt to dictate the terms upon which they were prepared to consider supporting the army. Despite Falkland's plan to keep the assembly together while awaiting directions, finding that it grew more obstinate the longer it was in being, he now brought it to an end. He commented that 'their pretence is the poverty and necessities of the kingdom, but in plain terms they have expressed their desire to be trusted with the defence thereof'.² When Sir John Bath had proposed a twofold policy comprising civil reforms on the one hand, and a demonstration of unreserved confidence made in military terms on the other, he had accurately estimated the attitude of the 'old English'. Now, the king was displaying a readiness to grant civil reforms, but his purpose was the acquisition of a form of financial assist-

1. Elrington, Life of Ussher, pp. 79-86.

2. Cal.S.P.Ire., 1625-52, p.231. P.R.O., S.P.Ire., 63/244.
658.

ance which they believed to be unnecessary if real confidence were reposed in them - while that evident uncertainty of trust must have suggested that the favours granted would be precarious, particularly if protestant opposition were sustained.

Why a parliament was not called in place of this extraordinary assembly is a problem for the solution of which no direct evidence is available. Charles' personal experience of parliaments in England had, however, been unhappy, and the last two parliaments held in Ireland, in 1588 and 1613, had proved contentious and difficult to manage. The likelihood of a successful parliament cannot have appeared great. If an Irish parliament should prove refractory and exorbitant in its demands, the necessary refusal of those demands would incur the hostility of the catholics and perhaps lead to the withholding of supply, while the very fact of his having made such an approach to his catholic subjects in Ireland would incur the hostility of the English parliament. In short, an unsuccessful parliament would be a political disaster in both of these kingdoms.

The advantage of parliament lay in consultative consent to taxation. An extraordinary assembly elected by the terms of its commission for that purpose would be without the attendant right to insist upon the enactment of favours offered. In addition to this consideration, it should be noted that a desire for a parliament had led to opposition both at the time of the assembly of the Pale and in this great assembly. Thus

the very fact of summoning a parliament was itself an important concession, the value of which was increased by the fact that other concessions were dependant upon it. As such it was an important bargaining counter in the search for financial support. In effect, a parliament was offered on the explicit condition that it should be deprived by prior agreement of its financial initiative; that is, the only effective sanction by which it could enforce its demands.

As against these theoretic considerations, however, it must be observed that the great assembly was not called on the instructions of Charles, but emerged by force of circumstances from the assembly of the nobility which he had originally ordered. The problem of the government's reluctance to call parliament must have been of very considerable importance contemporarily. The ~~inixt~~ insistence of the assembly upon parliament being summoned seems to indicate that the extraordinary proceedings were a source of considerable distrust.

The hostile attitude of the assembly was reflected throughout the country in general. Soldiers, and in particular the fleet companies, were refused sustenance. The sheriff of Meath refused to execute the Deputy's warrant to cess the soldiers on the grounds that it was contrary to law, and his committal for this offence was not productive of better results. Conciliar efforts proved unavailing - 'do what we can, divers of them do yet deny the cessing of the soldiers upon the country, saying that they will put up their doors, and

the soldiers may force them and take what they list (but give them with their goodwill they will not)'. Falkland was prepared to take them at their word, for 'our necessities and their obstinacy can find no other remedy'. Connaught, however, had granted a contribution for three months, payable from the beginning of April, (whether locally, or through the representatives of the province at Dublin does not appear); but the example had not yet been followed 'unless with a very few'. The Council's suggested solution was the execution of the recusancy statute, by which they believed great sums of money could be raised, even if put into effect temperately and moderately.¹

Renewed negotiations with the nobles

While the gentry and freeholders were dismissed on May 2 after the delivery of the provincial answers, the nobility were required to attend on the next Monday, May 7. At the meeting which took place on that day, the Deputy declared that the previous proceedings had all been irrelevant to the issue, for the purpose of their presence was not to consent to the raising of money, but to decide how it ought to be assessed. This interpretation was not taken very seriously: poverty was again pleaded, and petitions were preferred against 'the abuse of the soldiers'. After the petitions had been considered, the protestant Lord Dillon, Baron of Kilkenny West and son to the earl of Roscommon, presented a compromise

1. Cal.S.P.Ire., 1625-32, p.231. P.R.O., S.P.Ire., 63/244. 658.

which took into account both the government's necessities and the substance of the petitions. He proposed that the soldiers should be relieved for three or four months in garrison, so that the king would have a respite during which he could take some further course in the matter. He was seconded in this by the catholic earl of Antrim, and the motion was then generally assented to against the firm opposition of Gormanstown, Louth, Nettirvill, and Killeen, who reiterated their demand that 'they might have the defence of the kingdom committed unto them'. In face of this opposition, the 'willing consent' to Dillon's proposal was of little importance, and was not even considered by Falkland to be worthy of communication to the English government. His report of the meeting represents the lords to have been completely unconciliatory - 'they made one and the same answer^x. That they had given as much already as they were able to do, and more was not to be expected of them'.¹ Thus, despite the partial consent of a packed meeting to the king's demands, the continued opposition of the 'old English' lords operated as an effective veto.

The cessing of the soldiers was still meeting with opposition in the country, and the counties of Meath and Dublin persisted in threatening their sheriffs with indictment for treason if they should execute the Deputy's warrants.² The sheriff of Meath was in a difficult position: he had already

1. Cal.S.P.Ire., 1625-32, p. 234. P.R.O., S.P.Ire., 63/244.667.
 2. Idem.

been committed to gaol for not executing one of these warrants.¹
 On May 12 a Council meeting decided that there was no alternative but to approach the Lords of the Pale once more, not to ask their consent, 'but to know their advice and counsel what way the charge might be undergone with least disadvantage to the country' - the policy, in short, which Falkland had tried to pursue at the last meeting. Letters of summons were accordingly issued.

Just previous to this Council meeting, the earl of Westmeath had left for England, with a letter of commendation from Falkland to Lord Conway, to whom the earl would be able to relate 'what pitiful end we have made of our great meeting here'.² The planned meeting, which took place on May 31, was attended by the Lord Deputy, nineteen councillors, the protestant lords Lambert, Dillon and Howth, and the catholic lords Bormanstown, Killeen, Louth and Dunsany. It reveals itself as a pretty efficiently organized attempt to 'railroad' the opposition of the lords of the Pale. After the latter had made their customary claim that they were unable to pay, the Lord Deputy announced that the purpose of the meeting was to decide how, not whether, it should be done. Dillon then spoke, and while expressing his fear that the contribution might become a permanent charge, recommended that it should be sustained for a period of one year, in the hope that during that period either another way

1. Cal.S.P.Ire., 1625-32, p.251. P.R.O., S.P.Ire., 63/244. 658.
 2. Cal.S.P.Ire., 1625-32, p.254. P.R.O., S.P.Ire., 63/244. 668.

of financing the army might be found, or that the king's requirements might be diminished. He was seconded by Lord Lambert, and after some debate, the proposal was adopted, and a select committee fully representative of the meeting was appointed to calculate the sum necessary. The meeting then adjourned to June 2, when it reassembled to receive the committee's report. The estimate then presented was £42,743.10.1.; the committee was augmented, the additions including some of the leading members of the 'old English' gentry, and instructed to devise means for raising that sum. The basis of these rash tactics was Falkland's belief that the opposition was not in fact extensive; 'though the Pale be froward, yet find I other parts much better disposed to our present proceedings'.¹ The 'old English' countered his methods by adopting a policy of passive resistance, and the daily meetings of the financial committee were systematically boycotted. This was sufficiently disturbing to occasion a Council meeting to be held on June 14 in order that Falkland might re-emphasize the king's determination that the army must be maintained.

Sustained opposition had already won the day, however, for the delay had afforded Westmeath sufficient time in which to conclude his mission in England and to return, bringing 'letters from his Majesty that the country should send over two of the nobility and four agents of the gentry unto his

1. Cal.S.P.Ire., 1625-32, p.241. P.R.O., S.P.Ire., 63/245. 697

Majesty to open the grievances of the country'.¹ He presented himself to the Council meeting and requested, on behalf of the country, permission to send agents into England, 'insisting that the king had given way thereunto'. The Lord Deputy had little alternative but to concur. He intimated that he was prepared to grant permission if the request were converted into a formal petition. It was then decided to summon the lords of the Pale to another meeting in Dublin. This took place, after some delay, on June 26, when it was attended by Westmeath, Gormans-town, Trimleston, Power, Roscommon and Dáillon, together with a large number of the gentry. Westmeath presented his petition, on behalf of the lords present and of the kingdom, that representatives of Ireland might be allowed to go to England to state their case to the king. Falkland, in what emerges less as a last effort to retrieve the situation, than as an attempt to be disagreeable, pointed out that if the lords could claim to represent the country in this matter, then they ought also to have been able to undertake for it: to this Westmeath rejoined that they had in fact had conference with many of the gentry on the subject of sending agents. The petition was then acceded to, and the meeting discussed the method of choosing agents. It was finally resolved that the individual counties should be convened by their sheriffs, that each should choose two representatives to meet with those of the other counties at four

1. Ware's, 'Diary of Events ... 1623-1647', June 1627. Gilbert Collection, Pearse Street Library.

provincial meetings: and that these provincial meetings should each elect an agent or agents to represent the province in England, these provincial agents to meet in Dublin by July 16. The meeting then closed.¹

1. The preceding account is based, where not otherwise stated, on the 'Diary of the Proceedings of the Great Assembly'.

Cal.S.P.Ire., 1625-32, pp. 244-6. P.R.O., S.P.Ire., 63/245. 713.

¹ 1936 (ed.), Diary of the Proceedings of the Great Assembly, 1697-1698 (London, 1940), pp. 398-401. See Appendix III (ii).

IV

THE 'GRACES'

The Choosing of agents:

The first of the provincial meetings did not in fact take place until 17 July 1627, when the representatives of the Leinster counties, cities and corporations met in Dublin and elected as their agents to attend the king, Lord Killeen, Sir William Talbot, and Thomas Luttrell. These three men were authorized 'to make such offer unto his Majesty as shall be for his Highness' service and the general good of this kingdom, according to such information and limitations as they shall hereafter receive' from an ad hoc committee of twelve members. The twenty-one signatories of the agents' commission were all commoners, knights or baronets, of whom seventeen were catholic 'old English', two Irish and two protestant. The advisory committee included six non-signatories, among them Gormanstown, Nettirvill, Louth and Dunsany, and comprised eleven 'old English' catholics and one protestant.

Lucas Plunkett, tenth lord of Killeen, had succeeded to his father's title in 1613, before which time he had recommended himself to the government by giving information about the treasonable activities of Lord Devlin (subsequently earl of Westmeath). Later, following the example of his father, he had revealed himself as a

1. Lyle (ed.), Acts of the Pr.Coun., Sept.1627-June 1628 (London, 1940), pp. 398-401. See Appendix VII, (ii).

prominent upholder of the interests of the 'old English'. He had been a firm opponent of the government during the great assembly.¹ On the other hand, his standing with the government was reflected in the fact that he held, as a servitor, 1,500 acres in the plantation of Co. Cavan, an unusual distinction for a catholic. None of his listed tenants were catholics.² His associates, Luttrell and Talbot, were described in formal terms by Falkland as 'gentlemen of good worth and esteem here, and of good understanding besides'.³ If they were esteemed in Ireland, it was for reasons which were unlikely to recommend them to the king. Thomas Luttrell had been imprisoned as a chief contriver of the Pale petition against the anti-catholic proclamation in 1605, and had proved singularly unyielding, refusing to follow the example of others, who secured release by conceding that they were at fault. In the parliament of 1613 his behaviour was regarded by the government as turbulent and seditious, and being sent into England as an agent by the catholic party in the Commons, he was imprisoned in the Fleet in connection with what was alleged to have been the improper presentation of a scandalous petition. He again proved obdurate, and remained in prison for eleven weeks, finally acknowledging his fault, and securing his release, only when his fellow agents were departing for home.⁴ One of his fellow agents,

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1. Lodge, Peerage, vi. 182-6. Cal.S.P.Ire., 1606-8, pp.459,551, 583. Ibid, 1625-32, pp. 244-6.
 2. B.M., Add.MS 4770, Muster Roll of Undertakers, f.19.
 3. Cal.S.P.Ire., 1605-32, p.415 302. P.R.O., S.P.Ire., 63/246.4.
 4. Cal.S.P.Ire., 1603-6, 415. Ibid, 1611-14, pp. 358,359,405-6, 407, 464-5.

however, William Talbot, did not accompany the party. A leading lawyer, and a former recorder of Dublin, from which position he had been displaced for refusing to take the oath of supremacy, Talbot had played an active part from the beginning of the 1613 parliament and had seconded the proposal of Everade as speaker. On his arrival in London as an agent, he was, as a man of noted learning, invited to comment upon the teaching of Suarez concerning the Pope's power to depose kings and the lawfulness of tyrannicide. After some delay, Talbot replied that the matter was one of faith, upon which, ipso facto, only the Pope was competent to give judgment. As a result, when the agents left for Ireland, they left Talbot behind them in the Tower, 'and like to stay there',. He was released after a year's imprisonment, with a fine of £10,000.¹ In 1623, Talbot and Killeen had been involved with Westmeath in a design to send agents into England, which had met with strong disapproval from the Irish government.² Luttrell had been one of the spokesmen of opposition to the government's proposals in the great assembly.³ Thus each of the Leinster agents had a record of active opposition to the government.

It was not until Falkland had issued supplementary letters of direction on July 26 that the other provinces followed suit. The representatives of the Munster counties and corporations met at Fermoy on August 31 when they elected as their agents, Lord

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1. Cal.S.P.Ire., 1611-14, pp . 350,355, 359,405-6, 464-5,547.
Desid.cur.Hib., i. 321.
 2. Cal.S.P.Ire., 1615-25, pp.440-4.
 3. P.R.O., S.P.Ire., 63/245.713.

Power, Sir Edward Fitzharris, Sir John Meade and Richard Osborne, authorizing them to join with those of the other provinces to present grievances to the king, and giving prospective ratification to any majority decision they might reach. The Munster signatories included seven members of the catholic 'old English' group, three Irish, one of whom belonged to a family (McCreagh) for some time so closely associated with the catholic 'old English' of Limerick that he may for practical purposes be identified with these, and one protestant.¹

John, Lord Power, Baron of Curraghmore, member of a leading 'old English' family in Waterford, had succeeded to his grandfather's title in 1607, when about ten years of age. He was educated in England, being admitted as a student to the Inner Temple in November 1614. A catholic, he was present at the meeting at which the sending of agents into England was agreed upon, but he does not seem in general to have played much part in the political activity of the time.² Sir Edward Fitzharris, of Killinane, County Limerick, had been a prominent member of the catholic opposition in the 1613 parliament and had, like Talbot and Luttrell, been appointed as one of the agents to represent the catholic case in England.³ Sir John Meade was a member of a well known 'old English' family in Co. Cork, who had been Recorder of Cork city since 1623 and one of its representatives at the general assembly

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1. Lyle (ed.), Acts of the Pr.Coun., Sept. 1627-June 1628, pp.398-401.
See Appendix III.(ii).
 2. Cal.S.P.Ire., 1606-8, p.347. Students admitted to the Inner Temple (London, 1877), sub November 1614.
 3. Cal.S.P.Ire., 1611-14, pp. lli, 35 5.

in April 1627.¹ Richard Osborne, of Cappagh, Co. Waterford, Clerk of the Crown in Limerick and Tipperary, was a protestant. He was a nephew of Dr. Osborne, (an Oxford friend of Bishop Laud), who was Fellow of All Souls and Procter in 1599, and by 1635, Canon residentiary of Salisbury.²

On the same day, August 31, a provincial meeting of Connaught was held at Athlone, the outcome of which was a commission which recited that 'whereas by general consent of the Lords, knights and gentlemen freeholders of this province of Connaught, Sir Lucas Dillon and Sir Henry Lynch were chosen and elected agents to go into England' to make known the condition of the province to the king, and to associate themselves in all matters for the good of the king and the kingdom with the other agents, 'we do not only hereby enable them to proceed but also to treat and conclude on all other propositions that may tend to the particular good and settlement of this province.' Clearly, the agents had not been elected by this assembly. It may be that it was felt to be advisable to give additional specific powers to the agents to arrive at some arrangement about the Connaught surrenders if this matter should not enter into a general agreement. On the other hand, in a province in which the paucity of protestants was a matter of constant regret, it is perhaps suggestive that the nineteen signatories of this commission included Lord Dillon

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1. Caulfield (ed.), *Council Book of Cork*, pp. 106, 113, 119, 126, 130
 2. Bliss (ed.); *The Works of William Laud*, vii., 114-9.
D.F. Gleeson, *Last Lords of Ormond* (London, 1938), p.121.
P.R.O., S.P.Ire., 63/247. 175.

and at least seven other protestants. Six of the remaining signatories were catholic 'old English', and five Irish.¹ Most of the protestants involved were office holders, and it is possible that these men, in positions of some responsibility, were attempting to regularize an election which they considered to have been improperly conducted.

The confusion in this area was increased when, on November 10, (by which date the king had urged Falkland to hasten the proceedings²), an assembly of Galway town and county was held to elect agents. The area was an administrative unit, but it had not been included in the original order of June 26. The meeting may have been an assertion of independence, but any inconvenience which might have resulted was avoided by the fact that this meeting also appointed Sir Lucas Dillon and Sir Henry Lynch, to be agents for, curiously, the province of Connaught. It authorized them to join with the other agents to represent 'the several grievances and enormities of this kingdom', and to conclude such as was for the good of the kingdom, and specially of Connaught, 'provided that our said agents shall not give ~~some~~ consent to pay any charge upon our lands or estates, or any perpetual charge upon the person of us or our heirs'. It may be that in this restriction lies the reason for the convention of a special meeting. The twelve signatories of this commission

See Appendix III, (ii).

1. Lyle (ed.), Acts of the Pr.Coun. Sept. 1627-June 1628, pp.398-401. It is possible that the Lord Dillon concerned was the catholic Viscount of Costello-Gallen. He would at this date have been aged about seventeen. Lodge, Peerage, iv.185-92.
2. Lyle (ed.), Acts of the Pr.coun., Sept. 1627-June 1628, p.59.

comprised four Irish and seven 'old English' catholics, and John Donelan.¹

Introducing Dillon and Lynch to the English Privy Council, Falkland referred to them as the agents of Connaught, and described their commission, in the singular, as 'very large'. The agents themselves he described as 'persons of estate worth and judgement, and well affected for the general good'.² The same comment had been made of Dillon in early 1626 when he had been appointed a commissioner to levy^a contribution for the soldiers in Roscommon.³ Resident at Loughtglyn, in Co. Roscommon, he was the second of eight sons of Theobald, first Viscount Dillon of Costelloe-Gallen. He is described by Lodge as being a Privy Councillor until 1641, but I can find no verification of this. Such a position would be given only to a protestant. However, Dillon's father was a catholic; two of his brothers were Franciscan friars; two of his sisters nuns of the order of St. Clare - an order of which his daughter Barbara subsequently became a member; he himself was later identified with the confederate cause, being a signatory of the Articles of Cessation in 1643 and a member of the Supreme Council in 1648.⁴ In view of these circumstances, there can be little doubt of his catholicism. If he were a Privy Councillor, it seems incredible that Falkland should not have referred to the fact in his letter of commendation

1. Lyle (ed.), Acts of the Pr.Coun., Sept.1627-June 1628, pp.398-401
Donelan's religion is uncertain. See Appendix VII, (ii).
2. Cal.S.P.Ire., 1625-32, p.293. P.R.O., S.P.Ire., 63/245.873.
3. See page 56 above.
4. Lodge, Peerage, iv. 179-85, 191-2. O'Sullivan, Old Galway, (Cambridge, 1942), p.264. Gilbert (ed.), Ir.Confed., i.164.

quoted above. Sir Henry Lynch, who had been knighted by Falkland in 1624, was Recorder of Galway, and chief agent of the earl of Clanricarde in Connaught, occupying the position of High Seneschal. His brother was the Provincial of the Dominican Order in Connaught, and had excited considerable distrust in the government on his return from Spain in 1624.¹

On September 12, the representatives of Ulster had met at Armagh, approved the business as very fitting, and chosen two agents, Captain Arthur Forbes, a plantation proprietor of Scottish descent in Longford and Leitrim, and Andrew Stewart, eldest son of Lord Castleward, a plantation proprietor in his own right in Co. Tyrone, and 'a firm patron of all Scotch men in Ireland, especially of the non-conforming ministers'. Of the nine signatories of this commission, six were protestants, two old Irish, and one 'old English'.²

To summarize these assemblies on a purely quantitative basis: eleven agents were appointed, of whom three were protestants, and eight 'old English' catholics, by assemblies totalling seventy-two persons (excluding those also appointed agents, of whom there was at least one, Sir John Meade³) of whom seventeen were protestants, sixteen or fifteen Irish, and thirty-eight or thirty-nine 'old English' catholics (the variation in the last being dependent upon the classification of Philip McGreagh). John Donnellan

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1. O'Sullivan, Old Galway, pp.207,208,366. Cal.S.P.Ire., 1615-25, p.496. N.L.I. MS 3111, Clanricarde MSS, Clanricarde to (Sir Henry Lynch). Undated. c.1624-6.
 2. Lyle (ed.), Acts of the Pr.coun., Sept.1627-June 1628, pp.398-401. Lodge, Peerage, II.140-1; VI., 242-3. Cal.S.P.Ire., 1615-25, p.221. T.C.D. MS F.3.15, ff. 255-75. See Appendix III, (ii).
 3. Caulfield (ed.). Council Book of Cork, p. 131.

is not included in these classifications. It is evident that a preponderant part was played in these arrangements by the catholic 'old English'.

The letter in which Falkland had been directed to permit the sending of agents ordered also the resumption of graces promised. This order was for publication. In private, Falkland was advised 'rather to slide than leap into the change from graces offered to executing of the Penal Laws', and to confine himself, in view of the ill condition of the army, to selected examples, rather than to engage in widespread severity.¹ During the summer of 1627 Falkland and the Council concluded the assessment on the country 'without assent of the nobility and commons'.² Limerick and Waterford petitioned against the army contribution in June.³ A complaint was made to the king that Falkland was receiving payment to transfer the army 'from one county into another to the great oppression of the subject'.⁴ There were 'woolkerne' disturbances in the north.⁵ The commencement of open hostilities with France, however, led to the transportation of the 'fleet soldiers' to serve in the Isle of Rhé as reinforcements to the Duke of Buckingham. To them was added a regiment

1. Cal.S.P.Ire., 1647-60, pp.191-2. P.R.O., S.P.Ire., 63/271. 33
2. Wares 'Diary of Events ... 1625-1647', sub summer 1627.
Gilbert Collection, Pearse St. Library.
3. Lyle (ed.) , Acts of the Pr.Coun. Jan.-Aug.1627, pp.320,396.
4. B.M.Sloan MS 3827, f.114.
5. Cal.S.P.Ire., 1625-32, p.248.

(ed.), Council
Cal.S.P.Ire.,
R.Dunley Edwards, 1903, p.2.

of Irish soldiers recruited and impressed by Sir Piers Crosby, of whom it was believed that they would remain loyal if commanded by their own officers.¹ The two regiments left at the end of August, sped on their way by ~~xxx~~^a sermon by a friar, Matthew Roche, in Waterford, in which he encouraged them 'to defend their king and country against any person whatsoever'.² The relief which might have been expected to result from the departure of the 'fleet soldiers' was diminished by the fact that the areas which had supported them were almost immediately required to provide for the upkeep of troops of horse.³

The failure of the Rhé expedition was followed by fears of Spanish invasion and the military situation was still, in Falkland's estimation, unsatisfactory, the country being not only at the mercy of foreign invasion, but also exposed to the 'courtesy of the disaffected subject which long connivance hath both increased and encouraged'.⁴ He was at this time becoming increasingly insistant upon the necessity for adopting a positive anti-catholic policy. He regarded the clergy, in particular the regulars, as spreaders of sedition, and believed their banishment to be a prerequisite to internal peace.⁵ The political motive which he affirmed was exemplified in the policy which he

1. Cal.S.P.Ire., 1625-32, pp.240,259,266-7,273,221-2,268. Ibid, 1647-60, p. 86, Lyle (ed.) Acts of the Pr.Coun., Jan-Aug.1627. (London, 1938), pp.292, 293-4. B.M., Add.MS 11033, Falkland Letter Book, f. 92.

2. Ware's 'Diary of Events... 1623-47', 30 Jan.1628. Gilbert Collection, Pearse St. Library.

3. Caulfield (ed.), Council Book of Cork, pp.132,136. Caulfield (ed.), Council Book of Youghal, pp.590,591,592-3.

4. Cal.S.P.Ire., 1625-32, p.295. P.R.O.,S.P.Ire., 63/245. 880.

5. R.Dudley Edwards, loc.cit., p.5.

recommended. In a series of points which he drew up for a projected proclamation towards the end of 1627, he advocated the banishment of the regulars only if they were unable to find respectable surety of English descent for their good behaviour.¹ This concession indicates the nature of the elements to which he referred when in January 1628 he suggested, while objecting to the extent of toleration, that a distinction should be made between the disloyal catholics and those whose faith yet permitted them loyally to accept the king's temporal power: he seems to have been forcibly impressed by the sermons of Matthew Roche.² His representations were not without effect: in March Charles appointed a committee of the Privy Council to consider the activities of the priests.³

The agents in England

The Irish agents departed for England in December-January 1627/8, having been delayed for some time by a storm.⁴ The actual stages and dates of the negotiations in which they were involved are by no means clear. Proceedings on an official level began on 20 March 1628 when the agents presented a petition and proposition to the king in Council. After consideration, the matter was referred to a committee of the Privy Council.⁵

1. Cal.S.P.Ire., 1625-32, p. 298.
 2. Ibid, p.304. P.R.O., S.P.Ire., 63/246. 7.
 3. Cal.S.P.Ire., 1625-32, pp.315-6.
 4. Ibid, pp. 292, 302. N.L.I. Ormond MSS II. f.311.
 5. Lyle (ed.), Acts of the Pr. Coun., Sept.1627-June 1628, p.255.

This committee comprised Viscount Grandison, formerly Sir Oliver St. John, Lord Deputy of Ireland from 1616 to 1622;¹ the earl of Marlborough, formerly Sir James Ley, Lord Chief Justice of the King's Bench in Ireland from 1604 to 1608;² the earl of Totnes, formerly Sir George Carew, Lord President of Munster, whose experience of Ireland extended back to 1574;¹ Sir Humphrey May, Chancellor of the Duchy, ~~was~~ who appears to have had no connection with Ireland;¹ and the Duke of Buckingham. It seems to have had the advisory services of Hannay, Clerk of the Council in Ireland.² It was reported to Falkland, on 29 April 1628, that 'the agents have received their dispatch, his Majesty being present, but stay only for their letters of accomodation.'³ Nonetheless, while a definite agreement had been arrived at by May 2,⁴ there is reason to believe that its outlines may have been filled in later, and the Order for the final drafting of the 'Graces' was made on May 14.⁵

There is extant a petition and a series of requests presented by the Irish agents. In their petition they recited that they had offered to remit £150,000 already borrowed, or paid to the soldiers, and they now offered to grant three subsidies, which was as much as they could afford, to be paid in three years; in addition, they were presenting a number of requests,

1. D.N.B.
 2. Cal.S.P.Ire., 1669-70, p.344.
 3. B.M., Sloan MS 3827, p. 132.
 4. Cal.S.P.Ire., 1625-32, p.326.
 5. Lyle (ed.) Acts of the Pr. Coun., Sept. 1627-June 1628, p.424

in accordance with the instructions which they had received; and, emphasizing that the whole negotiation was not to be understood as a contractual agreement, they promised that after the payment of the subsidies they would be 'ever willing' to contribute to the king's needs 'from time to time'.¹ The Vice Treasurer, Annesley, later denied all knowledge of the £150,000 referred to,² but taking in to consideration composition money, the support of the 'fleet soldiers' for a year and a half, and the support of the 'new levies' of 2,250 men since the beginning of the reign, the statement may be accepted as being, if exaggerative, by no means without substance. It may be noted that only the Leinster agents appear to have been given specific instructions, which they refused to show to Falkland, but described as having relation to the king's advantage and 'some particular easements of the kingdom'.³ In view of the efficient and purposeful way in which the meeting of the province of Leinster had approached the negotiations and in view of the previous records of its agents, it may perhaps fairly be assumed that Killeen, Talbot and Luttrell, and their instructions, played a leading part in the drafting of the requests. And, though its precise significance cannot be gauged, the presence of the earl of Westmeath in London in May 1628 cannot credibly be regarded as coincidental.⁴

1. J. Rushworth (ed.), Historical collections of private passages of state, 1618-1648. (6 vols. London, 1632-1701), ii; 17-18.
 2. Cal.S.P.Ire., 1625-32, pp.398-9.
 3. Ibid, p.302. P.R.O.,S.P.Ire., 63/246. 4.
 4. Grosart (ed.), Lismore Papers, 1st series, ii. 265.

The requests of the Irish agents neglected to appeal for the granting of that article of the 'Matters of Grace and Bounty' of September 1626 which promised the remission of the recusancy fine. It is possible that this was the product of a compromise between catholic and protestant agents; on the other hand, the denunciations of the Irish protestants/ hierarchy may have convinced Charles that he had gone dangerously far towards toleration. If the omission was due to the latter consideration, then the extant list of requests is probably not the original one, but a summary of the points upon which some measure of agreement had been reached in preliminary negotiations. The extant requests were tabulated in sixty articles, of which five were set aside in negotiation, with the committee above named; two were replied to by general assurances; and the remaining fifty-three were, with some modifications, embodied in fifty-one articles of the king's Grace.¹ In addition to the remission of the recusancy fine, three of the favours offered in September 1626 were also not requested; these related to the establishment of a mint in Ireland, moderation in granting pardons and reprieves, and effective redress of complaints brought before the Irish Council; while in place of the allowance of appeals from the Court of Wards to the Deputy and Council offered in 1626, the allowance of appeals to England was requested (but not granted). The five

1. The requests: Cal.S.P.Ire., 1625-32, pp.350-8. P.R.O., S.P.Ire., 63/246. 62.
 The Graces: Knowler (ed.), Letters and Dispatches of the Earl of Strafford, (2 vols, London, 1739), i.312-27.
 The 'Matters of Grace abd Bounty': Cal.S.P.Ire., 1625-32, pp. 156-8. P.R.O., S.P.Ire., 63/243. 446A .

requests set aside in negotiation related to corporation immunities, which the committee described as settled long before: to the employment of Irishmen, which it was promised would be given consideration: to the consideration of the cases of those wronged by incorrect surveys of plantation lands, which was stated to be impracticable: to the prevention of judges holding other offices, which was withdrawn by the agents: and to the reduction of unnecessary and expensive offices, on which point the committee required the submission of details for discussion. Sir Henry Holcroft was ordered to draft instructions for the Lord Deputy on the basis of the remaining requests and the committee's comments upon them. In the course of this, the request that at least one judge might be a native, on which the comment was 'Humbly left to the King's Grace', and the request that the seaport forts might be completed, on which the comment was 'When there is money to do it', were omitted. Of these seven ungranted requests, those concerning employment and incorrect surveys correspond to articles 7 and 5 of the 'Matters of Grace and Bounty'. Apart from these, and the four noted above, the promises of September 1626 were in substance incorporated in the 'Graces'.

The 'Graces'

Of the fifty-one Graces, nine were concerned with the immediate issues which had precipitated the negotiations, or which arose from them, settling details of the financial con-

1. See Appendix III.

tribution, primarily with the object of avoiding invidious exemptions, and regulating the army.¹ The army was to be stationed in garrison, and to be subject to civil law; when called upon by necessity of invasion or rebellion to leave its quarters, exactions for its maintenance were to be moderate, regulated and repaid; unless all legal methods failed, it was not to be used for rent collecting. The Provost Marshals, the officials responsible for the maintenance of ~~xxx~~ internal order, were to be limited to one for each province, and were to be subject to the same regulations as the army - a provision which meant in effect that their most effective weapon, the summary execution of martial law, was to be forborne.

The remaining forty-two Graces may be considered under a number of convenient subheadings - the Court of Wards, landholding, plantation conditions, the established Church, monopolies, fees, trade, and a few miscellaneous items.

(a) The Court of Wards: Articles 15-21 constituted a systematic regulation of the Court of Wards. In 1626 the replacement of the oath of supremacy by one of allegiance as a condition for suing out livery had been offered. The request of the agents on this point, however, was that permission should be given for liveries to be sued without charge for the next three years. In consideration of their abandoning this request, it was granted that suit of livery should be taken by oath of allegiance, a replication of

1. Articles 1,3,33,44; 2,4,13,37,45.

that offered in 1626. The considerations underlying the request are revealed by a graph of liveries sued published by Dr. Kearney.¹ The relevant figures may be tabulated as follows:

| | | | |
|------|-----|----------|-------|
| 1622 | 10 | liveries | sued. |
| 1623 | 18 | " | " |
| 1624 | 12 | " | " |
| 1625 | 30 | " | " |
| 1626 | 14 | " | " |
| 1627 | 21 | " | " |
| 1628 | 95 | " | " |
| 1629 | 118 | " | " |
| 1630 | 60 | " | " |

Only seven of the liveries sued in 1628 were sued before December. Dr. Kearney writes, that it is difficult to resist the conclusion that the sharp increase, beginning in December 1628, 'represents the accumulated backlog of proprietors wanting to sue livery but unable to do so owing to the insistance upon their taking the oath of supremacy'. It is clear that a very large number of landholders were waiting with a view to suing out their livery on the best possible terms, but the nature of the request seems to indicate that these terms were as much financial as religious. On the other hand, the record of liveries clearly shows the popularity of this Grace. In addition to this major point, the Court of Wards was prohibited from pursuing its enquiries further back than the last deceased ancestor; the accepted compounding ~~rate~~ rate was to be reduced to one eighth of the value of the lands, except ^{when} alienations were made with intent to defraud the king.

1. H.F. Kearney, 'The Court of Wards and Liveries in Ireland, 1622-41'. Proc.R.I.A. 57.c.2.p.39.

Fees were to be regulated, English precedents to be accepted, and officials to hold their inquisitions in association with 'some of the best quality of the several counties'. Nor were officials of the Court to be commissioners except those who were such ex officio. Finally, interested parties were to have the first offer of grants, and the Court was not to have jurisdiction in cases of contempt against it.

(b) Land: The articles dealing with landholding, which emerged later as the most important, were relatively few. Article 24 undertook the passage of an Act in the next parliament limiting the Crown's titles to land to those secured in the previous sixty years, and dispensing with all older titles, except those to King's and Queen's Counties. In 1624 the landholders of the Pale had petitioned for the adoption of this measure to allay fears aroused by the late plantations, by protecting them from dispossession by any similar projects in the future; and the commissioners for Irish causes had recommended that the request be ~~accepted~~ acceded to.¹ Though the agents in 1628 requested a forty year limitation on crown claims, the slight modification made did not affect the vital importance of this Grace, which involved, in effect, the renunciation of future plantations by the king.²

The purport of Article 25 was similar. In 1588 an attempt had been made to regularize the confused position of land titles

1. Cal.S.P.Ire., 1615-25, pp.506-8.
2. See page 14 above.

in Connaught and Clare by confirming all the freeholders in the land they then held. Subsequent^x disturbance, however, prevented the proper implementation of the projected settlement: the Crown failed to make the necessary valid grants, and the inhabitants in many cases did not observe the stipulated conditions. In 1625, James directed that letters patent should be made out to all freeholders in Connaught and Clare as had been intended in the original composition agreement of 1585. Grants were accordingly made. Their validity, however, depended upon their enrollment, together with the surrenders upon which they were based, in the Court of Chancery. For some reason, either by the remissness of the Clerks of that Court, or, as the Galway landholders later declared, by the remissness of the protestant Sir Charles Coote, this was not done.¹ In 1625, Sir John Bath had recommended the acceptance of an offer of £10,000 for the patents of the province,² some negotiations towards which had been conducted by the Lord President, Wilmot.³ This offer had been scotched by Clanricarde, in direct conversation with the king, even before Bath recommended it.⁴ Article 25 of the Graces, repeating the 'Matters of Grace and Bounty', ordered that the enrollments should now be made. The result of its implementation would be to confer unchallengeable titles upon the freeholders in the area, thus

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1. Butler, *Confiscation in Irish History* (Dublin, 1917), pp. 100-9. Butler, *Cleanings from Irish History* (London, 1925), pp. 225-31, 246. *Cal.S.P.Ire.*, 1647-60, pp. 213-5.
 2. *Cal.S.P.Ire.*, 1647-60, pp. 308-12. *P.R.O., S.P.Ire.*, 63 $\frac{1}{2}$ 276.112
 3. *B.M.*, Add. MS 11033. ff. 45-7.
 4. *N.L.I. MS 3111*. Clanricarde MS, Clanricarde to Sir Henry Lynch, 6 May 1625.

preventing any subsequent dispossession for the purposes of plantation.¹

Article 46 recited that 'such of the Barony of Carbery in the County of Cork as have assignments from Sir James Symple, and have not as yet passed their patents accordingly, are to be admitted to take out their grants'. On 27 June 1615 a grant was made to Sir James Sempill, (of Beltrees, member of a Scottish noble house and lifelong intimate of James I)², of all the lands of the Lords of Carbery, apparently in trust for MacCarthy Reagh.³ On the following day, a number of surrenders of extensive land in Carbery were made. In each case this was in consequence of a deed entered into with Sempill appointing each to receive a grant, by letters patent, of the land surrendered. All these deeds are dated 28 January 1615. On the day following the surrenders, 29 June, 1615, letters patent were issued to all these landholders, granting the surrendered lands, as assignees of Sempill.⁴ A number of grants were made on the same terms later. (The last is December 1616)⁵ Apart from one small portion, all the recipients were catholics. It seems clear that Sempill was acting as a middleman, negotiating the surrender and regrant of the area in return for a consideration. He had been involved in ^{an} exactly similar project in about 1606.⁶

1. See page 14 above.
2. D.N.B.
3. Butler, Gleanings, p.188. Cal.Pat.rolls Ire., James I. p.288.
4. Ibid, pp.289-91, 300.
5. Ibid, pp.296,310,311,314.
6. D. MacCarthy, Life and Letters of Florence MacCarthy (London, 1867), pp.395-6.

The beneficiaries of this Grace may then be presumed to have been those landholders of Carbery who had failed to procure letters patent in 1615/16. Who they were is not directly demonstrable, since in fact no grants were made as a result of this Grace, but in 1641 landholders in Carbery were almost exclusively catholic and Irish.¹ There were two main exceptions to this: the first was the protestant settlement comprising the town of Baltimore, the second was the Coppinger family, members the catholic 'old English' group. Their leading representative in 1628 was Sir Walter Coppinger, who had led the landholders of Carbery in a lengthy assault, both physical and legal, upon Baltimore.² Coppinger received two grants as assignee of Sempill: since both were by deed of 28 January 1615, before the actual grant to Sempill, it is evident that he must have been a principal mover in the original agreement. The facts that Coppinger was a wealthy Cork merchant, and that one of the agents was Recorder of Cork, perhaps explain the inclusion of this Article in the 'Graces'.

(c) Plantation conditions: Article 26 was the protestant counterpart to those Graces which gave security of possession to the catholics. It undertook, on certain financial conditions, to confirm the Ulster settlers in their estates, thus indemnifying them against the consequences of their widespread failure to fulfill the stipulated plantation conditions.

1. Book of Survey and Distribution, Co. Cork. P.R.O.Ire.
 2. Cal.S.P.Ire., 1615-25, pp.190-1. Ibid, 1647-60, pp.80-1.

Plantation conditions were also the subject of Articles 27 and 28; the planters in Leinster, Leitrim and Athlone being allowed a two to three year extension of the time allowed for performance according to the bonds into which they had entered. Article 40 gave legal protection to Scottish undertakers by conferring free denization of Ireland upon them, and this was to apply to the dead as to the living. Article 39 made some attempt to resolve the confusion caused in plantation areas by undertakers' grants of land properly belonging to the Church; arbitration was to be invoked, and those who were confirmed in their possession were to pay rent to the incumbent, while those whose land reverted to the Church were to be allowed a proportionate abatement of their rent to the king.

(d) The Church: Apart from the attempt to clarify its property rights in plantation areas, a commission was to be established, under Article 41, to discover which of those lands of the Established Church, of which the yield was by ancient custom properly allocated to the maintenance of a vicar and vicarage, had been impropriated, that is, had passed into the hands of laymen, and to reform these improper arrogations of the Church's financial resources. In addition, the bestowing of pluralities upon unqualified persons was to be forborne, and ministers were required to keep qualified curates for preaching.

(e) Monopolies: Four of the Graces were directed against monopolies - the system of royal grants conferring upon certain patentees the sole right to issue licences permitting the performance of some specific activity. The archbishop of Cashel

in 1626 estimated that the monopolies represented an annual income of £20,000 'now engrossed into the hands of some private men, who are caterpillars to the Commonwealth'.¹ In 1628, the crown's right to issue licences for the keeping of alehouses was under lease to Viscount Baltinglass at a rent of £2000.² Similarly, the right to issue licences for the sale of wine and whisky was shared by a number of patentees, the most important of whom was the earl of Carlisle.³ John West, groom of the Chamber, held a patent entitling him to the sole export of 1200 packs of linen yarn per year, at an annual rent of £200.⁴ In its operation, this resulted in West issuing export licences to others on a monopolistic basis.⁵ Articles 5, 6 and 11 of the Graces required the resumption of the grants establishing these monopolies. The fourth monopoly ~~relating~~ related to tanning. Under the Lord Deputyship of Sir Henry Sidney, an Act of Parliament granted him the right to declare where tanning should be exercised in the kingdom, and its details were later confirmed by King James. The grant was interpreted to give the Deputy power to issue a series of local monopolies 'in a certain place to a certain man', an interpretation which was unsuccessfully challenged by the Lord Chancellor in 1624.⁶ Like West's linen

1. T.C.D. MS.T.2. 17, f.7.
 2. Cal.S.P.Ire., 1625-32, pp. 26, 241.
 3. Ibid, pp. 325, 393.
 4. Ibid, p.176. Cal.Pat.rolls Ire., Chas I, p.194.
 5. Cal.S.P.Ire., 1615-25, p.450.
 6. Ibid, 1647-60, pp.71-3. Ibid, 1615-25 pp.532-3, 540.

patent, the Deputy's grants conferred not a right to a monopoly of tanning, but a right to a monopoly of issuing licences permitting tanning (and 'brogue making'): in each county such a monopoly was held by two persons.¹ The 9th Article of the Graces directed that all such grants should be called in and suppressed.

Article 8 of the Graces, though not relating to a monopoly, was similar in that its aim was to relieve the subject ~~of~~ by rescuing the crown's financial resources from the hands of profit seeking farmers. Under Chichester's Deputyship the custom of attaching the plough to the tail of a horse was prohibited under fine of 10s. The collection of these fines was later farmed out to Sir Thomas Uvedale for £100 per annum.² By 1620 it appeared that his agents had reduced the fine to 2s.6d., the result being to increase the yield by removing the intentionally prohibitive nature of the penalty.³ Uvedale surrendered his grant in 1625, for a consideration of £1250;⁴ it was, however, relet for £400, and in 1627 for £500.⁵ The matter had elicited protests in 1620 and 1625.⁶ The Grace conferred was that the pecuniary penalty should be presently taken away, and another substituted by Act of Parliament.

(f) Fees: A general regulation of fees, commercial, official,

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1. Cal.S.P.Ire., 1647-60, pp.308-12. P.R.O., S.P.Ire., 63/276. 112.
 2. Cal.S.P.Ire., 1615-25, pp.399-400.
 3. Ibid, p.283.
 4. Ibid, p.572.
 5. Ibid, 1625-32, pp.282-3, 292.
 6. Ibid, 1615-25, p.283. Ibid, 1647-60, pp.308-12.

and clerical, was initiated by a commission established under Articles 7, 23 and 49. Article 49 also restricted ecclesiastical jurisdiction, particularly in cases touching clandestine marriages, births and christenings - that is to say, that proceedings against catholic performances of the ceremonies involved were to be initiated by the civil authority. The importance of this reform of ecclesiastical jurisdiction was emphasized by Bedell shortly afterwards: 'Let us preach never so painfully, and live never so piously ourselves, so long as the officers in our courts do prey upon the people, they account us no better than publicans'. His own Chancellor, who was popularly nicknamed 'Rouke', had been 'more burdensome ... than the contribution to the soldiers'.¹

(g) Trade: Articles 10 and 12 related to Trade. When below a certain maximum price, that is to say, when plentiful, corn might be transported without licence to any part of the English dominions. It may be noted that the cultivation of wheat was mainly confined to Ulster and Wexford.² The other commodities dealt with, the primary articles of Irish trade, were mainly pastoral products. Thus cattle, tallow, hides, meat in cask, and fish were to be freely exported without restraint or licence, paying only the normal customs duties (the first 'into to our dominions', the others similarly 'and all other states in amity

1. Bliss (ed.), The Works of William Laud, vi. 280-4.

2. H.P. Kearney, 'The Political and economic policy of Wentworth in Ireland', p.205. (unpublished thesis).

with us'). Finally, wool might be transported, into England only, on the same terms, thus abrogating the system of licences and staple tenders introduced in 1614. Apart from wool, all these concessions had been requested in the parliament of 1613/14.¹ Complaining of the scarcity of corn, 'the gentlemen of Munster' declared that 'most men (were) employing their lands to grazing and stocking the same with sheep which now is grown the general husbandry of the country'.² It is evident from the nature of the other commodities involved that interest in their export must also have extended to landholders as well as merchants. The union of these interests is illustrated by the fact that the agents included the Recorder of Cork and Galway, and a former Recorder of Dublin; according to the Customs returns of 1632, the ports of ^{third,} seventh, ~~seventh~~ and first importance respectively in Ireland.³

(h) Judicial processes: Of the remaining 'Graces', thirteen were concerned with matters of judicial process.⁴ Prominent place was given in these to the regulation of fees and fines, and to adherence to the instructions issued by King James. In several instances the competence of judges was attenuated by association with the Justices of the Peace, the conduct and fees of the latter, and the sheriffs, being also regulated.

1. Kearney, op.cit, p.234.
 2. T.C.D. MS F.3.15, ff. 473-7, no. 14.
 3. B.M., Harl. MS 2048.
 4. Articles 22, 29, 30, 31, 32, 36, 38, 42, 43, 47, 48, 50, 51.

The binding over of either jurors or witnesses was strictly limited. Finally, the nature of proceedings upon land titles was revised to favour the defendant.

Miscellaneous: Article 14 concerned the perquisites of the nobility. It ordered the continued payment of creation money, which had been lately suspended for reasons of economy, to the nobility. This money, which appears to have been in the nature of an annual pension to assist its recipients to uphold the dignity of their position, amounted to £24. 13s.4d, or £20, in the case of an earl, and £13.6s.8d. in the case of a viscount.¹ The additional privilege of receiving an allowance to compensate for payment of the import duty on wine, later estimated by Wentworth to total about £375 in all,² was also to be continued. Part of Article 37 required the nobility and officials of Ireland to make their personal residence there, inhibiting them from leaving without official permission, evidently intended as an attack upon absentee landlordism, sinecure holding, and perhaps also the practice of bestowing Irish titles upon persons unconnected with the country.

Article 15 made the oath of allegiance a sufficient qualification for the practice of law. This had not in fact been requested, and its inclusion may indicate that the government had been impressed by the cogency of the arguments of Sir John Bath

1. P.R.O., S.P.Ire., 63/247. 175.

2. Knowler (ed.), Let. and disp., i.317.

recited above. On the other hand, an anonymous 'old English' author of the period attributed this favour to 'the necessity of supporting the courts of Justice (which) enforced the State to admit the Irish again to plead, who had else made almost a perpetual vacation at Dublin by composing suits and controversies in the country.'¹

Lastly, Article 34 promised to grant a general pardon 'for securing of our subjects' estates', at the next parliament, to meet on November 3 following: at which the subsidy was to be such as would, added to the appropriated part of the ordinary revenue, support the charge of the army.

From a purely quantitative aspect, ten of the 'Graces' were repetitions of various Articles of the 'Matters of Grace and Bounty', six were to some extent based on these former favours, and thirty-five were entirely new. These thirty-five comprised six Articles relating to plantation conditions and the Church, including the confirmation of Ulster estates; six regulating the Court of Wards; four regulating the army; twelve regulating judicial processes; two regulating details of the financial contributions (part of the thirty-seventh Grace was based upon Article 4 of the 'Matters of Grace and Bounty', but not the part affecting this); five redressing various financial and economic grievances; and two confirming land titles, including that which

1. B.M., Egerton MS 917, 'Discourse between two Counsellors of State, the one of England and the other of Ireland'. (1642).

2. Cal. S.P. Ire., 1624-30, p. 224.

was by general consent accepted as the most important of all the 'Graces' - the 'Dalila' of the opposition in the 1634 parliament, as Wentworth is reputed to have termed it¹ - the undertaking for the enactment of the Statute of Limitations. It is evident, then, that the agency to London was not merely a piece of profitless procrastination, substantial additional benefits were gained by it, though a number, particularly those relating to office holding, and to the remission of the recusancy fine, were lost.

The nature of the bargain:

Not only had the agents procured these concessions, they had also done as much as was in their power to secure them, by getting an undertaking to summon a parliament on an appointed date, at which the subsidies granted would be ratified, and assessed according to limitations already agreed upon. The variations between the covering letter for the transmission of the 'Graces' to the Irish government drafted on May 2 and that actually sent on May 24 reveal the influence of successful attacks upon detail by the Irish agents between these dates. Thus the former calculated each subsidy at over £40,000 and required an increase in assessment proportionate to any loss of revenue resulting from the 'Graces';² the latter stated the subsidies to be exactly £40,000 each and required that the loss in revenue should be compensated for by the raising of the

1. B.M. Egerton MS. 917. 'Discourse between two Counsellors of State, the one ~~English~~ of England and the other of Ireland'.
 2. Cal.S.P.Ire., 1625-32, p.326. P.R.O., S.P.Ire., 63/246.52, 521

first subsidy in advance of the meeting of parliament, all moneys raised and paid after April to be accounted a part of it.¹ This was a clear recognition that the grant was contingent upon the meeting of parliament. In view of this, and of the fact that the army was being supported at the time without a formal grant, the alteration was very advantageous to the subjects. Nor was this support of the army without consent entirely satisfactory to the king. In April, he had been forced to intervene on behalf of the earl of Desmond during whose absence in England the catholic Mayor of Kilkenny had arrogated to his own office payment, punishment, impressment, and other aspects of the command of Desmond's company.² In the same month, Thomas Burke, sheriff of Co. Galway, wrote to Falkland that 'the gentlemen of this county have found a way to have me indicted at the next assizes and quarter sessions for collecting the soldiers' money'.³ In May, Carlisle's tenants at Newcastle were withholding his rents in protest against the billeting of soldiers upon them.⁴ Thus, if the agents could compliment themselves upon having gained the deduction from the subsidies of sums which would, in any case, have been exacted, Charles might also regard with satisfaction the regularization of the necessary exaction at a

1. Cal.S.P.Ire., 1625-32, p.538. P.R.O., S.P.Tre., 63/246.
 2. B.M., Add.MS 18824, King to Lord Deputy, 23 April 1628.
 3. B.M., Sloan MS 3827, p.128.
 4. B.M., Add.MS 18824, King to Lord Deputy, 22 May 1628.

time when discontent was by no means stifled; and at a time, too, when the English parliament was insisting that redress of grievances should precede supply, and had gone so far as to vote five subsidies with a suspensory proviso to that effect.¹

The 'Graces' were dispatched to Falkland on May 24, together with the details of a commission to be appointed to enquire into fees in accordance with Articles 7, 23 and 49. While the commissioners included both old and new English, competence to propose reformation in the matter was restricted to the requirement that any such proposal should be supported by at least one of those members who also held office.² The claim which the 'old English' had advanced so consistently, but for which no provision was made in the 'Graces', was attended to almost immediately after their dispatch, when it was ordered that three of the seven new companies to be raised to increase the army to the intended 5000 were to be commanded by Westmeath, Killeen and Sir Lucas Dillon. These particular companies, however, were to be made up of soldiers already on the lists, the actual numerical increase of the army being deferred until the following September.³ At the same time, the instructions issued for the army administration required that soldiers should be of two English parents, and conformable in language, manners and religion, while the oath of Supremacy was necessary

1. Gardiner, *Hist. of Eng.* vi. 250-1.

2. *Cal. S. P. Ire.*, 1625-32, pp. 438-9.

3. *Ibid.*, p. 542.

for passing muster.¹

Recommending the agents, Charles commented upon their 'singular diligence and zeal for the business of this their country, by whom they have been trusted, which we no less approve in them than their good carriage and due support to us', and Falkland was ordered to issue warrants to the counties for the payment of their expenses.² In November following, the earl of Westmeath was ordered to be paid expenses for attending the king as an agent from Ireland, but this may refer to his rapid visit in May-June 1627.³

By the end of May 1628 the negotiations which had commenced in the summer of 1625 had culminated in the establishment of an apparently firm basis for full trust and cooperation between the 'old English' and the government, the strength of which was augmented by the inclusion of protestant requirements in the negotiated settlement: its weakness lay in its absolute dependence upon the consistency of government policy, for the agreement was in reality a unilateral one from which the government, if it felt impelled to re-define its attitude, could renege while continuing to enforce the commitments into which the agents had entered.

1. Cal.S.P.Ire., 1625-32, pp.346-9.
2. Ibid, p. 339. P.R.O., S.P.Ire., 65/246.
3. Cal.S.P.Ire., 1625-32, pp. 40., 402-3. Ibid, 1647-60, p.123.

V.

THE AFTERMATH OF THE 'GRACES'.

The implementation of the 'Graces'.

Falkland did not allow the favour exhibited by the English government towards the agents to prompt him into any display of trust for the 'old English'. When there were again disturbances in the north during June, the lords of the Pale took the opportunity to offer a practical demonstration of their loyalty, and at the Council Table Gormanstown suggested marching to the north with one or two hundred men to destroy the rebels. The offer, however, was not welcomed by Falkland, who chose to regard it as a reflection upon his competence. He was at the same time complaining to England that the 'Graces' made it impossible to take effective action against the malcontents, since the prohibition of the use of martial law made it possible to use only legal methods of repression until rebellion actually came to a head.¹

The utter confusion of government policy was fully revealed when in August the increase of the army to 5000 men was effected by the addition of Crosby's Irish regiment, which had returned from the Isle of Rhé.² Not only was the time chosen impolitic since the last warrant issued for supporting the soldiers had

1. Cal.S.P.Ire., 1625-32, pp. 353, 355, 356. P.R.O., S.P.Ire., 63/247. 2.
 2. Cal.S.P.Ire., 1625-32, pp. 373-4, 374.

contained a promise that it would be the final one, and the imposition of a new burden was therefore inadvisable, but the soldiers concerned were almost all catholics. This decision reversed all previous policy towards the army, the essential protestantism of which had been confirmed as lately as the preceding May,¹ and it was vehemently, but unavailingly, opposed by the Irish government. It also involved, incidentally, the cancellation of the grants of companies made to Westmeath, Killeen (who was now properly speaking the earl of Fingall, a promotion which he had bought for £2,700 while in London²) and Dillon. The Irish government argued that to arm and concentrate Irish enemies of the peace in this way was to invite rebellion, while the very fact of increasing the army at this time would be generally regarded as reflecting upon the sincerity of the king's promises. The inexpediency of this was underlined by the fact that the army was actually being paid without disturbances.³ When the regiment arrived at Waterford in September, the Irish government, acting in consonance with its expressed fears, made arrangements to pay it out of the exchequer for the next month.⁴ In October, the counties were circularized and asked to contribute to its maintenance, as the only alternative to quartering it upon the country, but the reaction was un-

1. See above, pp. 121-2.
 2. C.R. Maye, 'The Early Stuarts and the Irish Peerage', in E.H.R. lxxiii, April 1958, pp.227-51.
 3. Cal.S.P.Ire., 1625-32, pp.376,385. P.R.O., S.P.Ire., 65/247. 55.
 4. Cal.S.P.Ire., 1625-32, p. 385.

favourable.¹ The situation was made, in Falkland's estimation, potentially more perilous by the alleged implication of the Lieutenant Colonel of the regiment, John Butler, brother to Lord Mountgarrett, in the suppositious Byrne conspiracy.²

In early September Falkland received an intimation from the English government, dated August 25, that as a result of his failure to initiate the preliminary steps towards summoning parliament required by Poynings' Law³, it would not now be possible to hold parliament at the appointed date. The Lord Deputy had by this stage already issued the writs for the elections to be held, apparently on the presumption that the specific instructions concerning parliament in the 'Graces' constituted a sufficient authorization for so doing. He was greatly disturbed by the intended postponement and affirmed that the sincerity of the government's intention to hold a parliament was already doubted: any dereliction would jeopardize the payment of that part of the army which was dependent upon the country, which had paid in expectation of a parliament. He suggested that the writs which he had issued should be allowed to stand, and that the first meeting of parliament should result in an immediate adjournment which would give time for the legally required preparations to be performed.⁴ This suggestion was

1. Cal.S.P.Ire., 1625-32, pp. 394-5.
2. Ibid, pp.381-2.
3. See pages 123-4 below.
4. Cal.S.P.Ire., 1625-32, pp. 384-5. P.R.O. S.P.Ire., 63/247.72.

referred to the judges in England, with the commissioners for Irish affairs, for consideration.¹ In their report (dated 2 October 1628) the suggestion was rejected: it was insisted that the proper process would have to be gone through from the beginning, and it was recommended that a proclamation should be issued explaining the delay, and phrased so 'that the error may appear to have come from themselves, which is true'.² The implication of this last point was that the writs had been issued as a result of Falkland's being misinformed by the agents. The required proclamation, postponing the meeting of parliament indefinitely, was issued on October 20,³ by which date at least two elections had already taken place.⁴

In September, the English government, replying to Falkland's complaint that the 'Graces' had diminished his authority, defined the king's policy towards these concessions:

'And his Majesty having come to Articles with the agents from that kingdom, he intends that there should be observation of them, as well popularly as royally, provided that they bring in no dangerous consequence where of your Lordship and the Council must be judge'.

In short, the 'Graces' were made subject to any modifications which might be imposed by administrative exigencies, and 'the

1. Rushworth, Hist. collections, 1.19.
 2. Ibid, pp.20-1.
 3. Steele, Tudor and Stuart proclam., 11.31.
 4. Ware's 'Diary of Events ... 1625-.697', 7 Oct.1628. Gilbert Collection, Pearse Street, Library. Caulfield (ed.), Council Book of Youghal, pp. 146-147.

construction of an Article¹ was not to be allowed to interfere with 'your accustomed peace of that state'.¹

In about November the nobility and gentry, assembled in Dublin, prepared and presented a petition protesting that the benefit of many of the 'Graces' had been withheld. In particular, they protested that the details of Article 34 had been neglected, and that it would not now be possible to hold parliament at the appointed date 'whereby the subjects might receive the benefit of the general pardon, confirmation of estates, valuing of the subsidies, and other benefits intended'. They demanded that the expenses of government should not be increased by further grants of pensions, or by augmentation of the army. Violations of specific Articles were then dealt with. Soldiers continued to leave their garrisons, levy rents, and take meat and money. Contrary to Articles 7 and 23, no commission for reforming fees had been established; nor had commissioners been appointed under Article 44 to examine the abuses of the soldiers. No direction had been issued for the enrolment and acceptance of the Connaught surrenders, and Articles 26 and 27, concerning plantation conditions in Ulster, Leinster and Leitrim, had been violated in regard to native lands, 'custodiams' have been granted despite the time extension allowed. The customs officers had refused to allow the transportation of wool without licence. Clerical exactions had not been regulated. The courts were not observing

1. Cal.S.P.Ire., 1625-32, p.387. P.R.O., S.P.Ire., 63/247.87.

the conditions of Articles 22 and 50. Carlisle's wine grant had not been resumed. The suing forth of liveries had been restrained and denied. The petitioners concluded on a threatening note; 'it may be doubted that the subsidies in that parliament will answer his Majesty's expectation, and what was promised, if there shall be any retractation or abatement of this, which his grace and bounty hath given'.¹

There seems no reason to doubt the accuracy of these charges. A number of the 'old English' were members of the Commission appointed to examine fees, and were thus in a position to know if it had ever functioned: the Connaught surrenders had certainly not been enrolled. In July, the king directed that Carlisle, who was employed in an official capacity abroad, should suffer no prejudice during his absence: his wine grant was, accordingly, to be confirmed, and Falkland was to exercise tact to prevent this reservation from appearing in the light of a retraction of the relevant article of the 'Graces'.² The record of liveries sued indicates clearly that the Article concerned was not put into effect until December 1628.³ Thus at those points where it can be confirmed, the petition was accurate. It particularized fifteen Articles not yet observed. To these may be added the Article undertaking the enactment of the Statute of Limit-

1. Cal.S.P.Ire., 1625-32, p.418. P.R.O., S.P.Ire., 63/247. 176.
 2. Cal.S.P.Ire., 1625-32, pp. 368,407. B.M., Egerton MS 2597, f.42. Sir Samuel Smith to Carlisle, 18 Feb. 1629.
 3. See above, p.107.

4. Stafford Letter Book, I. The petition for the confirmation made for the establishment in 1629.

ations which was dependent upon the summoning of a parliament, and Article 11 undertaking to buy up the linen patent, which was not put into effect until the deputyship of Wentworth.¹ Whether the remaining thirty-four Articles were implemented is problematical, but it may be noted that subsequent petitions on the same subject were, with the exception of those Articles relating to the details of the levying of the contribution, almost entirely confined to the articles here-mentioned. The little confirmatory evidence which is available may be noted. In June the Master of the Rolls was ordered to carry out that section of the fifteenth Article concerning the conditions under which catholic lawyers should be allowed to practise.² The article was later violated in a number of particular instances by Wentworth,³ but it was in general observed until the outbreak of rebellion in 1641.⁴ The implementation of the Articles relating to the Court of Wards after November 1628 is indicated not only by the record of liveries sued, but also by the 1629 revenue returns, where a decline in the revenue yielded by that Court is accompanied by the explanation that the 'Graces' 'did at once in a manner abate his Majesty's revenue therein very near of £4,000'.⁵ In the 1628 revenue list, Baltinglass is listed among the pensioners in respect of his having relinquished his monopoly of alehouse licence

1. Cal.S.P.Ire., 1633-47, p.142.
 2. Ibid, 1660-82, pp.445-6.
 3. See below, pp. 254, 264.
 4. Gilbert (ed.), Ir. confed., iv. 313.
 5. Strafford Letter Books, I. 'The Estimate for the Casualties made for the Establishment in 1629'.

according to the sixth Article¹ - his administration of the grant had been regarded as totally inefficient by the Irish government, and he was behind in his payments for it, factors which perhaps explain the celerity with which this Article was put into effect.² This revenue list also includes a list of creation moneys 'payable by his Majesty's instructions brought by the Irish agents' (Article 14)³; and in April 1632 a report on an investigation into charges of malversation brought against the Vice Treasurer, listed among the latter's expenditure £86 creation money paid to Lord Nettirvill, a sum which would represent six and a half years payment.⁴ The other part of Article 14, however, relating to the import of wines, was not put into effect.⁵ In 1634, the Irish House of Commons conceded that Article 28, concerning plantation conditions in Athlone, had been observed.⁶ Sir John Ware noted that on 12 April 1630, the commissioners set in the Court of Wards Chamber about settling fees, but the proceedings seem to have had no effect.⁷ Proclamations similar to that published on 20 July 1626, promising the abandonment of the system of assignments, were published on 23 November 1629 and 27 December 1633,⁸ which suggests that attempts to observe the relevant articles were unsuccessful. While the evidence is

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1. P.R.O., S.P.Ire., 63/247. 175.
 2. Cal.S.P.Ire., 1625-32, p.26.
 3. P.R.O., S.P.Ire., 63/247. 175.
 4. Cal.S.P.Ire., 1625-32, pp.607, 657-8.
 5. Knowler (ed.), Let. and disp., 1.70.
 6. Ibid, p.322.
 7. Ware's 'Diary of Events... 1623-1647', 12 Apr.1630. Gilbert Collection, Pearse Street Library.
 8. Steele, Tudor and Stuart proclam., ii.31,34.

slight, it is sufficient to establish that the 'Graces' were by no means uniformly withheld, and negative evidence suggests that the majority may have been observed. The record of liveries sued indicates that this petition was not without effect.

In the new year, the Council claimed that the Irish were more insolent than ever, attributing this in great part to the withdrawal of the summary powers invested in the Provost Marshals¹ the suspension of whose authority was followed by lawless disorders in Tipperary, Cavan and Meath.² Forbearance in obedience to Article 43 of the 'Graces' did not, however, last, and in accordance with the directions of the previous September, which had allowed some discretion in subordinating the 'Graces' to government necessities, the disturbances were finally dealt with by the customary combination of Provost Marshal and Martial Law.³

The Exchequer Order

No preparations were made for summoning parliament. Falkland reported in February that the money for the army was being collected 'as well by sundry conferences which we hath with many of the principal of them as more particularly with the agents lately employed by them to England'.⁴ The amicability of these conferences is open to question, however, for unwillingness to pay the army was very general.⁵ A focal point for the expression

1. Cal.S.P.Ire., 1625-32, p.431.
2. Ibid, pp.435-6. B.M., Sloan MS 3827, p.155
3. Cal.S.P.Ire., 1625-32, p.439. P.R.O., S.P.Ire., 63/248. 43.
4. B.M., Sloan MS 3827, pp. 160-2.
5. Cal.S.P.Ire., 1625-32, p.439. P.R.O., S.P.Ire., 63/248.43.

of the prevailing discontent was created when the English government ordered the reorganization of the Irish financial system. This was first ordered on 26 August 1628, when it was directed that in future all moneys should be paid into, and disbursed from, the Exchequer, in response apparently to recommendations made by the Vice Treasurer, Annesley.¹ This course, which was innovatory only in so far as the payments for the army were concerned, was strongly opposed by the Irish government,² but the directions were confirmed on 5 April 1629.³ The object appears genuinely to have been the maintenance of a more efficient check on the finances of the subsidy scheme. On June 17 Council Orders were issued on the lines directed, requiring compliance on threat of quartering soldiers upon the recalcitrant.

It being then term time, many of the nobility and gentry were actually in Dublin, and a petition was quickly drawn up and presented at the Council Table on June 20. This petition recited the circumstances of the previous year's agency and emphasized that although the agents had offered to commence payment before the meeting of parliament, the actual arrangement had been that payment should be made in a parliamentary way. 'The said payment into the Exchequer being against the law', until a proper assessment had been made, the petitioners protested

1. Cal.S.P.Ire., 1625-32, p.381. Ibid, 1647-60, p.125.
 2. Ibid, 1625-32, p.395. P.R.O., S.P.Ire., 63/247. 111.
 3. Cal.S.P.Ire., 1625-32, p.461. P.R.O., S.P.Ire., 63/249. 6.

See Appendix III (14)

against its introduction as tending to stabilize the present unjust incidence of the burden which fell upon undertenants and lessees, while others escaped, particularly lords, officers, lawyers and others 'into whose hands the wealth of the kingdom for the most part runneth'. They declared it necessary to call a parliament in order to ensure a proportionate assessment, and protested against the issue of warrants 'to go forward with the remain of the said subsidies'. Under the former system, sums collected were paid directly to the army in the immediate locality; under the new system the money contributed might not even be used for the purpose intended, for 'many charges depend upon the said payment into the Exchequer, unprofitable to his Majesty, and prejudicial to the kingdom'. They gave it as their opinion that the people would submit to the quartering of soldiers upon them, rather than pay the money into the Exchequer before a parliamentary assessment of it had been made. They concluded by requesting the recall of the order and the calling of parliament. Having been exhibited at the Council Table, this petition was subsequently circulated and subscribed by over sixty landholders of the Pale, almost all of whom were 'old English', the exceptions being about six Irish (including Roger Moore) and about four protestants, including the former agent, Richard Osborne (whose lands were in Waterford). The petition was supplemented by verbal refusals to pay.

The reaction in Munster was equally unfavourable. The Lord President was able to gauge public opinion when a large

1. See Appendix Dii, (iii).

gathering assembled for the funeral of Sir Richard Aldworth, Provost Marshal. The attitude of those assembled was antagonistic: 'the subject in general', the President concluded, 'from the peer to the peasant is much distempered' at the Exchequer Order, and not only would prefer to pay double under the old system, but were unlikely to pay under the new one at all. Nor was the importance of public opinion to be underestimated. A former sheriff had been indicted by the Grand Jury of Cork at the Quarter Sessions for issuing warrants to support the soldiers, and as a result not only his successor, but also the sheriffs of other counties were so terrified 'that since they have made no levies but by the advice and approbation of the gentry'.¹

In early July, by which time the Mayor and citizens of Dublin and the inhabitants of Queen's County had added their protests,² there was no money to pay the soldiers, and the Treasurer-at-War was apprehensive lest the soldiers hitherto supported by the country, 'much against their wills', should be left unprovided for,³ while Falkland was obliged to confess that the threat of quartering soldiers contained in the Exchequer Order was an impracticable one. He believed the main basis of opposition to be the fear that payment into the Exchequer would lay the foundation for a crown claim upon the sums to be made perpetual upon their estates.⁴ The Lord President of Munster

1. Cal.S.P.Ire., 1625-32, p.461. P.R.O., S.P.Ire., 63/249. 6, 6^I-8^{VIII}.

2. Idem.

3. Cal.S.P.Ire., 1625-32, p.459. P.R.O., S.P.Ire., 63/249. 3.

4. Cal.S.P.Ire., 1625-32, pp.461, 463. P.R.O., S.P.Ire., 63/249. 6.

three weeks after his original warning, wrote to confirm the accuracy of his forecast. The people in that province were refusing to pay: as a result the soldiers were becoming undisciplined, and the position was exacerbated by the attitude of the corporations, which were so 'disheartened' by the Exchequer Order that they were refusing to give any credit to the soldiers.¹

A series of petitions against the Order, and refusals to comply with it was dispatched to Dublin from the counties of Armagh, Cavan, Tyrone, Monaghan, Donegal, King's County, Westmeath, Kilkenny and Wexford: 'they do all in effect earnestly desire a parliament, that so the money may come from them that way'. It is probable that the Pale counties missing from the list regarded themselves as covered by the petition of June 20, which was, it should be remembered, signed subsequently. The elaborate Kilkenny petition, which described the support of the soldiers as an imposition entrenching upon the liberty, the birthright, of every individual, and criticized it in practical terms for being imposed not in the old parliamentary way, but only upon land, was regarded by the Council as an important statement of the general denial of the king's right to levy taxes in this way. The petition supported its constitutional argument for the suspension of the subsidy payments until parliament had met by a list of 'particular motives' of which two may be noted: firstly, the claim that the soldiers of the

1. Cal.S.P.Ire., 1625-32, p.465. P.R.O., S.P.Ire., 63/249. 14.

Provost Marshal of Leinster had made exactions in contravention of the 'Graces'; secondly, the assertions that one third of the land in the county was owned by Desmond, Mountgarrett, Ormond and the Dowager of Ormond, that the revenue derived therefrom was carried out of the kingdom, and that the burden of the rest of the county was correspondingly excessive, which indicate that the alliance of the lords and the gentry was not so close in this area as in the rest of the Pale, where the nobles had signed a petition protesting against the exemption of lords and others from the contribution.

In order to placate public opinion, the government made it generally known that it was transmitting projected Acts of Parliament to England in fulfillment of the conditions required by Poyning's Law for the summoning of parliament, and in general 'hath used the best arguments we could to induce a conformity in them, but with little hope of prevailing'. One of these arguments appears to have been that the clause in the original Order concerning the billeting of soldiers was 'inserted partly as an intimation that the money would be applied for the payment of the soldiers'.¹

Before being made fully aware of the country-wide ramifications of the opposition to the Exchequer Order, however, the English government had already taken measures to alleviate the financial and military difficulties. On July 9, it was ordered

1. Cal.S.P.Ire., 1625-32, pp.467-70. P.R.O., S.P.Ire., 63/249.
19-19^{XVIII}

that all existing companies should be reduced to fifty men. An order was accordingly made requiring the collection of money due for the quarter by the sheriffs, and its payment to the cashiered soldiers as wages from June 1 to the date of their discharge. This order was to override the Exchequer Order.¹ This measure was endorsed in August when after fuller information had been received about the opposition, the king withdrew the Exchequer Order, and ordered that the former method of disbursing the army mon~~ey~~ locally should be continued.² This the widespread protest was by no means supererogatory, for the restoration of the old method for the payment of the cashiered soldiers had been an ad hoc measure. Its general reintroduction was the result of oppositions

The Lords Justices.

In October, Falkland yielded control to the Lords Justices, the earl of Cork and the Lord Chancellor, Viscount Loftus.³ The reduction in numbers of the foot soldiers, which left the army standing at 2500 foot and 400 horse,⁴ enabled the new administration to halve the contribution from the country (a measure which was put into effect retrospectively the following May), and steps were also taken to ensure that the remainder were kept in

1. Cal.S.P.Ire., 1625-32, pp.466-7. P.R.O., S.P.Ire., 63/249. 8-8^{II}
 2. Cal.S.P.Ire., 1625-32, pp.476, 477.
 3. Ibid, pp.492-3.
 4. Ware's 'Diary of Events ... 1623-47', August 1628. Gilbert Collection, Pearse Street Library.

garrison.¹ These improvements, however, were not sufficient to allay discontent. In the crisis, the Lord Deputy had committed himself to the calling of a parliament and when it failed to materialize, distrust grew and unwillingness to pay began quickly to be evident once more. The primary target for criticism continued to be the inequality of the levy which 'now falls out to be a double burden on the poorer sort, for the best making shift to ease themselves from payment of any of it'.² At a public meeting before the Council Table in the late autumn of 1629, Loftus promised a parliament and asked those who had attended to submit drafts of desired acts which he could transmit for consideration to England.³

The reduction of the army, which would allow an alleviation of the financial burden, and the promise of a parliament indicated a probability of improved conditions under the new administration. Hopes, however, were shortly to be disabused by the religious policy of the Lords Justices. The exclusion from the 'Graces' of any reference to religious matters meant that religious freedom for the catholics was directly dependent upon the discretion of the government, upon the restraint imposed upon it either by gratitude or by the expediency dictated by insufficient force. Falkland had consistently urged the adoption of strict measures against those priests involved in seditious

1. Cal.S.P.Ire., 1625-32, p.498. Letter book of Earl of Cork, 1629-32, Bodl. Chatsworth MS 78, p.254.
 2. Cal.S.P.Ire., 1625-32, p.490. P.R.O. S.P.Ire., 63/249. 77.
 3. Cal.S.P.Ire., 1625-32, p.516. P.R.O. S.P.Ire., 63/250. 30.

activities. In February 1629 he received permission to proceed with his policy,¹ and in April he issued a proclamation forbidding the exercise of ecclesiastical jurisdiction derived from Rome, and ordering the dissolution of catholic religious houses on pain of seizure.² The policy was ostensibly successful, and within a month he was writing that the houses had been generally abandoned.³ The primary distinction between loyal and traitorous priests was based upon catholic organization: Falkland's real objection was to the regulars who had by their very nature an intimate and continuous association with continental activities in which the secular clergy, whose extraneous allegiance was clearcut and defined, were not necessarily involved. Within this framework, Falkland seems to have been prepared to employ a secondary distinction in favour of the 'old English'.⁴ Whether or not this qualification arose from a genuine confidence in their loyalty, or from a desire, at the time when it was made, to avoid jeopardizing the negotiations for the subsidies, his recall removed its significance. The continuation of the anti-catholic policy, with which the Lords Justices were entrusted,⁵ was actively directed against those areas which had been known as traditionally loyalist in their outlook.

The tactics of the priests had been simply to disappear

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1. R. Dudley Edwards, loc. cit., p.6.
 2. Steele, Tudor and Stuart proclam., ii.31.
 3. Cal.S.P.Ire., 1625-32, p.450.
 4. See above, pp.100-101.
 5. Cal.S.P.Ire., 1625-32, pp.471-3.

temporarily until the unwonted executive action had ceased.¹ According to Cork, they had not even left their houses, but merely closed their doors and continued as before.² By December, they were reputed to have resumed their activities openly, and the Lords Justices determined to take decisive action to enforce observance of the proclamation.³ The first essay in this direction was made in Dublin on December 26, and was forcibly resisted by a large mob. Subsequently, however, the religious houses throughout Dublin were confiscated, the catholic aldermen being coerced into participation. The families affected by this action were among the most powerful in the kingdom. In the Jesuit house, erected by the Dowager Countess of Kildare 'were many active spirits descended of good houses, who hold dangerous principles'; in a nunnery were discovered daughters of Westmeath, Fingall, Gormanstown, and Dillon, 'and divers young professed nuns being the daughters of divers prime gentlemen'.⁴ Similar action was taken in Drogheda,⁵ and in Cork where, as in Dublin, an initial raid proved unsuccessful, and was followed by a general confiscation.⁶

In February 1630, the earl of Cork wrote that 'all the

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1. R. Dudley Edwards, loc., cit., p.7.
 2. Bodl. Chatsworth MS 78, pp.34-6.
 3. Cal.S.P.Ire., 1625-32, p.499.
 4. Ibid, pp.500-1, 509. H.M.C. Cowper MSS, 1, 398-9. Bodl. Chatsworth MS 78, pp. 25-5, 25-7, 28-31.
 5. Ware's 'Diary of events ... 1623-47', 8 Jan.1630. Gilbert Collection, Pearse St. Library.
 6. Cal.S.P.Ire., 1625-32, p.509.

cities and towns in Munster have cleared and freed the houses wherein the Jesuits, friars and priests were publicly assembled'.¹ In April he declared that the government was continuing by degrees to seize the 'mass houses' in the country, and that there was a notable absence of opposition, a fact which he attributed in part to the example made in Dublin, but also to the increased strictness in England and in particular at Court 'the notice whereof hath abated their hopes in this kingdom, and made them more obedient than otherwise I conceive they would have been'.² In September he stated that catholic religious houses had been suppressed even in the remotest parts,³ and in February 1631 he wrote: 'now we cannot hear of any either conventual houses, public known mass-houses or oratory in all the kingdom'.⁴ The actual extent of the success which Cork claimed for the policy may be open to question; but it is evident that the goodwill upon which religious freedom depended had proved valueless. Nor did the Lords Justices discriminate in any way in favour of the 'old English', and these, probably for the first time in the reign, found the liberties which they had been taking seriously endangered by the protestant control of government.

In February 1630, public opinion was anxious for a parliament, and the continued payment of the soldiers without one was increasingly unpopular.⁵ The Lords Justices communicated with

1. Bodl. Chatsworth MS 78. p.68.
 2. Ibid, pp. 93-4.
 3. Ibid, pp.186-8.
 4. Ibid, pp.254 et seq.
 5. Cal.S.P.Ire., 1625-32, p.516. P.R.C., S.P.Ire., 63/250. 88.
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the sheriffs to the effect that they were awaiting certain local preparations in the country before calling a parliament. These preparations may have related to the bills requested by Loftus in the previous Michaelmas Term. On May 10 instructions were issued to the sheriffs in which revised financial arrangements were announced. The burden of these was that only so much of the subsidies as was necessary to maintain the soldiers in garrison need be paid. The subjects, it was stated, should be grateful to the king for deferring his full demands until after the meeting of a parliament - however, former promises to hold a parliament could not be fulfilled 'with the expedition which was intended', due to the failure of the previously mentioned preparations in the country, but it would be summoned as soon as possible. The apportionment of the revised sum was to be conducted if feasible in association with the nobility and gentry, and while the customary threat of quartering soldiers upon defaulters was made, it included careful reservations based on the 'Graces'.¹ On the day following the issue of these instructions, May 11, 'the lords, knights and gentlemen about 200 in number appeared at the Council Table, and being demanded by the Lo: Chancellor whether they desired a parliament or no they generally (except the Viscount Gormanstown) said they did, and the fittest time, was adjudged to be the third of November next'.² The exception was the sixth

1. Cal.S.P.Ire., 1625-32, pp. 537-8. P.R.O., S.P.Ire., 63/250. 86.

2. Ware's 'Diary of Events ... 1623-47', 11 May 1630. Gilbert Collection, Pearse Street Library.

Viscount, Nicholas Preston, born in 1608, who had succeeded his father in the preceding December.¹

In June, however, reporting on the Irish situation, Cork pointed out that a certain degree of financial stability had been attained, and that with the contribution from the country it would be possible to meet current expenses in full for the next two and a half years. After that time, he opined, it would be expedient to call a parliament to obtain new subsidies and other forms of assistance.²

Earlier, he had written: 'God put it into the King's heart to discharge the Irish regiment, who are but an eating army, all papists and without any arms, not to be trusted in any fort of maritime town'.³ In May the English government agreed to its disbandment,⁴ and during the summer months it was cashiered without disturbance.⁵

The Lords Justices were pursuing an active anti-catholic policy. They had restored the protestant complexion of the army. To these manifestations of protestant dominance was added a project for the plantation of the baronies of Upper and Lower Ormond in Co. Tipperary. The details of the project were entrusted to a number of Scottish lords, a fact which was disapproved of by the Irish committee of the Privy Council, though they approved the

1. Ware's 'Diary of Events ... 1623-47'. 15 Dec. 1629 $\frac{1}{2}$, Gilbert Collection, Pearse St. Library.
2. Cal.S.P.Ire., 1625-32, p.549. P.R.O., S.P.Ire., 63/250. 118.
3. Chatsworth MS 78. p.68.
4. Ibid, pp.143, 154-5.
5. Ibid, pp.174-9. Cal.S.P.Ire., 1625-32, p.576. Ware's 'Diary of Events ... 1623-47', 31 July 1630. Gilbert Collection, Pearse St. Library.

plantation in principle.¹ Cork believed that it would be an effective way of paying arrears. As early as August, he wrote that the rumour of plantation was causing many to sell out to persons sufficiently influential to be able to secure preferential treatment in the event of a plantation.² There is some evidence that one of these persons was Sir Nicholas White, and, in fact, not many of the 'old English' were directly endangered by the project. Out of a total of 82,687 plantation acres held in freehold in Ormond in 1671, only 12,400 ~~acres~~ acres were held by 'old English' catholics, 7,176 acres by protestants, and the rest by Irish families.³ Adapting these figures to 1630, the protestant lands may be regarded as the property of the catholic earl of Ormond; apart from the earl, none of the 'old English' freeholders of the area were of conspicuous importance.

By November, the promised date for the meeting of parliament, no steps had been taken towards its summoning. On the 22nd of the month, Ormond, Mayo, Westmeath, Fingall, Gormanstown, Howth, Slane, 'with dovers others the prime knights and gentlemen of the Pale', presented a petition at the Council Table. The Council decided to shift responsibility for answering it on to the Irish Committee of the Privy Council, but before they had declared this intention, Fingall returned alone and delivered further demands 'as from himself and the other exhibitors'.

1. Bodl. Chatsworth MS 78, pp. 154-6.

2. Ibid, pp. 167 et seq.

3. Gleeson, Last Lords of Ormond, pp. 59, 141-2.

Cal.S.P.Ire., 1625-32, p.580.

The petition criticized the failure to hold parliament, claiming that on the present scale of contribution the payments made would long since have exceeded the sum promised, if some of the officers and others had borne their share, as they would have done if the assessment had been made by parliament. A number of specific requests were made: parliament to be held, the Statute of Limitations to be enacted, clerical fees to be regulated, fees of the Clerk of the Market to be regulated, the Connaught surrenders to be enrolled, and free export to be permitted. These had all been numbered among the unobserved 'Graces' in the corresponding petition of late 1628. This petition, in addition, asked that the charges for suing forth recognizances for building churches might be abated.¹ This was a new grievance. Like so many others, it stemmed ultimately from the army.

At the time of the Spanish invasion scare in November 1625, Sir Robert MacLelland had raised, in Scotland, 100 foot and 50 horse for service in Ireland. No payment for them was ever made, and he was forced to disperse them throughout the country for support, in the North, in Clare, and in Meath where they were when, in September 1629, he petitioned the king for permission to raise the sum due to him by discovering forfeited recognizances in Meath and adjoining counties. Failure to fulfill obligations to rebuild churches had led, in the time of Chichester, to the billeting of soldiers upon defaulters, who had secured relief by entering into bonds to perform this duty. In October

1. Cal.S.P.Ire., 1625-32, pp.589-91. P.R.O., S.P.Ire., 63/251. 123.

1629, the king consented to Sir Robert's proposal to investigate these bonds. Within one year, he claimed, to have discovered, in the face of obstruction by the sheriffs, £20,000 due in bonds. His activities were the subject of a separate petition from Fingall and others in about November 1630, (perhaps in explanation of this request), in which they claimed that the obligations had been fulfilled, and that no true forfeiture had taken place, and requested that the proceedings, which profited only the officials of the courts, should be stayed pending the appointment of a commission to examine into the true position. In reply, MacLelland, somewhat irrelevantly, offered to prove the petitioners disloyal to God and contemptuous towards the king.¹

The supplementary list of grievances with which Fingall had returned to the Council Table on November 22 required redress in matters relating to clerical exactions, official fees, and Court of Wards procedure, which had been dealt with in the 'Graces', and in addition asked that a rate should be set down for arrears of payment for respite of homage, that schoolmasters should be allowed to teach, provided that they taught no religion, and that houses seized as 'masshouses' should be restored to their owners.² The official returns for revenue from respite of homage seem to show the justice of this complaint, recording a decrease from

1. Cal.S.P.Ire., 1625-32, pp.272,483,487,594. Ibid, 1647-60, pp.135-6. P.R.O., S.P.Ire., 63/269.96,97,98. Cal.Pat.rolls Ire., Chas.I, p.181, B.M., Sloan MS 3827, pp.193-4.
 2. Cal.S.P.Ire., 1625-32, pp.539-91. P.R.O., S.P.Ire., 63/251.
 123.

£358 in 1627¹ to £200 in 1629, followed by a rise to £315 in 1630. It was estimated that the yield would shortly increase to about £600 per year.² The other two complaints arose out of the government's anti-catholic policy.

Cork claimed that the petitioners desire for a parliament was not genuine: that they propounded extreme claims in order to prepare the way for a compromise which would ease them from clerical exactions 'which they constantly affirm is heavier to them than their contribution towards the maintenance of the army'.³ In this matter, and in that of the forfeited recognizances, he declared himself ready to satisfy them.⁴ It is difficult to regard his statement of the attitude towards parliament as based on anything other than self-interest. His wish to do without a parliament from the point of view of government policy had been exhibited the previous June. In addition, it had been repeatedly urged that a parliament would make an equal assessment of the subsidies: and at this very time Cork was arranging the exemption from payment of some of his Munster lands.⁵ If his comments on matters relating to the conduct of government and his own interests must be highly suspect, however, his opinion on the position and attitude of the 'old English' in general is worthy of

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1. Cal.S.P.Ire., 1625-32, p.646. P.R.O., S.P.Ire., 63/253.12.
 2. Cal.S.P.Ire., 1647-50, pp. 147-8.
 3. That clerical exactions were a greater liability than the contributions towards the army was also affirmed by Bishop Bedell of Kilmore (see page 115 above) and by John Roche, Catholic Bishop of Ferns. (P. Moran, Catholic Archbishops of Dublin, Dublin, 1864, p.326.)
 4. Cal.S.P.Ire., 1625-32, pp.589-91. P.R.O., S.P.Ire., 63/251.123.
 5. Bodl. Chatsworth MS 78, pp. 213-4.

attention.

'The walled towns,' he wrote, 'do consist of ancient English who in all ages have stood first in the point of allegiance to the Crown: and the ancient English colonies did in the last great rebellion give good testimony of their readiness to fight for the same, and so for my part, I hold them in general at this time rather better disposed than otherwise'.

Their position he believed to be a satisfactorily secure and independent one.

'The gentry in general being now fixed upon legal freeholds, partly by grants from the crown, and partly by the currency of the law, and free from all other dependencies than on the king, and his ministers, whereas in former times they were all at the will of their lords'.

Cork was not deliberately painting a rosy picture, for he also pleaded that the treaty with Spain should not be made the occasion for a fresh reduction of the Irish army. Arguing the thesis that the state of Ireland was not determined by external politics, he asserted that the English protestants in Ireland were too weak and unreliable to cope with the result of such a reduction - 'combustions between the ~~soings~~^{stires} of the old English and Irish as heretofore'. For, though legislation had to a great extent done away with the power of the great lords, the maintenance of these laws was entirely dependent upon the army. Cork's position was clearly a sectional one: he believed the army to be essential

to the security of the 'new English' since it enabled the government to restrain powerful forces towards disorder in the country. As the representative of the 'new English' who possessed perhaps the greatest stake of all in the country, it was his concern to make the strongest case possible for his viewpoint; nonetheless he stated, when it was by no means to his advantage to do so, his belief in the loyalty of the 'old English'. On the other hand, his argument is perhaps somewhat disingenuous, for he may be supposed to have had as much reason to expect an active aversion to the 'new English' as he had to expect 'combustions' between the 'old English' and the Irish.¹

It seems possible that it was Cork's conviction that the 'old English' were loyal which made him confident that conciliation was unnecessary. During the year 1631, when the Treaty of Madrid fortified the Irish government against fears of foreign intervention, little was done to satisfy the complainants of November 1630. In an unhurried manner, the bishops were summoned to Dublin and required to answer the charges made against them. They proved unyielding, were informed that ecclesiastical jurisdiction was not to be used exploitatively; and dispersed. The incident seems to have had little effect.² In the matter of recognizances, in which some degree of alleviation had been promised, the government recommended that the normal form of

1. Cal.S.P.Ire., 1625-32, pp. 589, 597. P.R.O., S.P.Ire., 63/251. 123. 63/252. 3. Bodl. Chatsworth MS 78, pp. 606-13.
 2. Cal.S.P.Ire., 1625-32, pp. 610-11. P.R.O., S.P.Ire., 63/252. 58. Prynne, Hidden Works, (1645), p103^v-106. ~~106~~

3. Bodl. Chatsworth MS 78, pp. 606-13.

prosecution, which was ineffectual, should be waived, and that those in bonds should instead be ordered directly to rebuild the churches or to compound for their obligation: MacLelland should be paid out of this money, and the surplus form a part of the king's revenue.¹ Thus the effect of the petition was to prompt the official adoption of the scheme, and the facilitation of proceedings against the petitioners in the interests of revenue.

The petition itself was suppressed by Dorchester until information of it indirectly reached the Irish Committee of the Privy Council from the Primate, and he was forced to give the members cognisance of it. The Committee 'upon view of the petition much distasted the style used by the presenters under the title of representative body, as of ill example and savour in time of peace and orderly government'.² Concurring in this criticism, Cork pointed out that while in past times of disturbance, 'when other parts stood out in hostilities', it had been legitimate to accept petitions from the Pale as representative of the country, yet such a petition 'in a time of general settled peace should I think be rather encountered with a reproof than embraced as a public complaint'.³ To the advantage of peace, which enabled the government to take a firm stand, may be added the balancing of the budget, the full payment of both civil and military lists⁴ - though there seems no doubt that the

1. Cal.S.P.Ire., 1625-32, pp. 620.
 2. Grosart (ed.), Lismore Papers, 2nd Series, iii. 174-7.
 3. Cal.S.P.Ire., 1625-32, pp. 610-11. P.R.O., S.P.Ire., 63/252.
 58.
 4. Bodl. Chatsworth MS 78, pp. 277 et seq.

government's contribution to the upkeep of the army was still consistently paid not in ready money, but in assignments upon the king's debts.¹

The new security was reflected in the extension of plantation projects. Despite the protest of the earl of Ormond, who objected to being the first of the English to be ranked with the Irish and replanted, a royal commission was ordered for enquiring into the title of the crown in Ormond. The earl's opposition proved conclusive, however, and it proved impossible to find a title without his assistance.² In September 1630, Clanricarde had written of 'the labourings of some from thence (Ireland) ... for the planting of Connaught'.³ The results of these labourings became evident early the following year when Cork suggested the plantation of Roscommon, Sligo and Mayo, with offers of the free consent of the lords, knights and freeholders of those counties, a work 'now in secret agitation, and in a good forwardness'.⁴ By April the project had progressed significantly.

'All the lords, knights and prime gent: of the 3 counties ... are induced to entitle his Majesty by office and record to the lands and possessions of those 3 counties and to yield their consent to have them planted with English on such terms and conditions as ... Sir Charles

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1. Bodl. Chatsworth MS 78, pp.282-5. Cal.S.P.Ire., 1625-32.p. p.540.
 2. Cal.S.P.Ire., 1625-32, pp.597,615. Gleeson, Last Lords of Ormond, pp.60-1. J.P. Prendergast, 'The projected plantation of Ormond by King Charles I', in Kilkenny Arch.Soc., Trans., III (1851), pp.390-409.
 3. N.L.I. MS 3111, Clanricarde to (Sir Henry Lynch) 19 Sept.1630.
 4. Bodl. Chatsworth MS 78, pp.264-6.

Coote ... is by them entrusted and warranted to propound'.¹ Coote, however, had already been in direct contact with the English government, and was given permission by the king to repair to England on 26 February 1631.² He arrived in London in June, and Falkland wrote: 'The Connaught plantation proceeds slowly, but it is believed will be sure ... the agents are impatient of delay, and I participate with them in that passion'.³ The proposition brought by Coote visualized that those in possession of more than 200 acres should forfeit one quarter of their lands, that those in possession of less should forfeit all, and included a list of those 'thought meet to be exempted from being planted by the allowance and approbation of the chiefest men of that province'. The scheme met with severe criticism in England on several grounds: that the plans made were over~~ly~~ perfect - 'no latitude left to Court wisdom and favour': that it was unjust to the poorer sort, that it would enrich only its propounders, and fulfill none of the normal objects of plantation.⁴ Sir James Dillon, who was involved with Coote in the negotiations in London, returned to Ireland in August 'with little contentment'.⁵ Though the matter was recommended to the attention of the Irish government, which was asked to encourage Dillon 'and his party', there were no further developments.⁶ In May 1632, the fate of

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1. Bodl. Chatsworth MS 78, pp. 288-9.
 2. P.R.O., Ire., MS 2445, Falkland Letter Book, pp.179,186,190-1
 3. *Ibid.*, pp.214,215.
 4. Cal.S.P.Ire., 1625-32, pp. 639-40. P.R.O., S.P.Ire., 63/252. 153.
 5. Wentworth Woodhouse papers, Strafford Letter Books, ix.365. P.R.O., Ire., MS 2445, pp.221,223,224.
 6. P.R.O., Ire., MS 2445, p.221. Bodl.Chatsworth MS 78, pp.358-9.

the scheme was still uncertain; it was being reserved for the attention of the new Lord Deputy.¹ Involved in this scheme were Sir Charles Coote, Sir James Dillon, who was a brother of Sir Lucas Dillon,² and a Mr. Dillon of Kilmenny, a protestant.³ Walter Bourke of Tirlogh, Co. Mayo, was one of those on the exemption list.⁴ Thus members of the catholic 'old English' were among both the proposers and the beneficiaries of the scheme. It seems possible that, despairing of a confirmation of their titles under Article 25 of the 'Graces', the hoped, by taking the initiative in association with the protestants of the area, to guard against future dispossession by dictating the terms of a plantation which would leave them in possession of their estates and secure them therein. On the other hand, the omission of Galway, the most important 'old English' county in Connaught, perhaps suggests that the scheme was a protestant one which secured opportunistic assistance from a number of catholics.

Together with the refusal of the government to give any serious consideration to the grievances of the Pale, and what may perhaps be interpreted as an attempt of the 'old English' in the West to exploit the trend of government policy to their advantage in a manner which reveals disillusionment with the promise of the 'Graces', may be mentioned several other aspects of the scene in 1631. As a result, apparently, of the illegal export of a large consignment of wool to St Malo,⁵ by June 1631 wool

1. P.R.O., Ire., MS 2445, p.263.
 2. Ibid, pp.224,279.
 3. Ibid, p.229. He seems to have been a recent convert.
 4. Strafford Letter Books, ix. 365.
 5. Bodl. Chatsworth MS 78, pp. 298-300.

was permitted to be transported by the Lord Justices' special warrant only, even the formerly exempt staple towns being subject to this regulation.¹ As regards the several times repeated item in the 'Graces' that King James' Book of Instructions should be observed, Cork himself gives some evidence of the position;

'The printed book ... if well obeyed and pursued, would give great satisfaction and content to the subject in general, but ... as it is now applied, made use of as he that guides the court pleaseth; if it will serve the turn he desireth, then it is made warrantable and authentic; but if it prejudice his end, then disobeyed and rejected'.²

The strictness in religious matters was continued. In the Limerick area, 'masshouses' were suppressed, the catholic corporations discharging their duties in this respect, 'although I know it troubled the minds of the rude multitude, and perhaps divers of better quality'.³ In Dublin, a temporary absence of the Lords Justices resulted in the erection of a Nunnery under the patronage of the Dowager Viscountess of Gormanstown, but it was seized almost immediately upon their return and the nuns' 'only desire was to have a months liberty for their departure out of the kingdom', which was granted in regard of their sex and parentage, (they were the younger daughters of divers noblemen, knights and prime gentlemen'.⁴ By November it was

1. Cal.S.P.Ire., 1625-32, p.615.
2. Bodl. Chatsworth MS 78, pp.191-2.
3. Cal.S.P.Ire., 1625-32, p.608. P.R.O., S.P.Ire., 63/252. 53.
4. Bodl. Chatsworth MS 78, pp.381-4. Grosart (ed.), Lismore Papers, 1st series, iii. 106.

observed that people were reluctant to lease houses to the regular clergy.¹

The anti-catholic policy was, however, tempered by expediency, and when the English government suggested the exaction of the recusancy fine, the Irish government advised against this measure while the subsidies were being paid.²

the least hope that after the £100,000 is fully paid in, as it will be before Christmas next, that they will by any fair means be induced to have their lands further charged ... for the bringing of it in this kind hath already met with many objections and interruptions.' At the same time, referring to the reasons stated a year before, he pleaded against a reduction of the army.³ The army, consisting now of 2000 foot and 400 horse, was generally regarded as being the only comfort that the poor English undertakers live by.⁴

The appointment of Sir Thomas Wentworth to the Lord Deputyship of Ireland, notified to the Lords Justice on 13 January 1638,⁵ was the occasion of a request from the King to the Irish government for their opinion as to how the payments for the army might best be continued, or otherwise supplied.⁶ The Lords Justice and Council in reply recommended that the

1. H.M.C. Franciscan MS, p.59.
2. Grosart (ed.), Lismore Papers, 2nd series, iii. 180-1.

3. Bodl. Charters MS 78, ff. 211v-212r.
4. Knowles (ed.), Let. and Disp., 2. 23.
5. Strafford Letter Book, 1. 106v to Lords Justice and Council, 13 Jan. 1638.
6. Knowles (ed.), Let. and Disp., 1. 23v.
7. Strafford Letter Book, 1. 106v to Lords Justice and Council, 13 Jan. 1638.

VI

ARMY FINANCE, 1632.

The recusancy fine.

In January 1632, the earl of Cork, writing sub rosa, gave it as his opinion that the only way to augment the crown's ordinary revenue was by imposing the recusancy fine: 'I cannot get the least hope that after the £120,000 is fully paid in, as it will be before Christmas next, that they will by any fair means be induced to have their lands further charged for the bringing of it in this kind hath already met with many oppositions and interruptions.' At the same time, referring to the reasons stated a year before, he pleaded against a reduction of the army.¹ The army, consisting now of 2000 foot and 400 horse, was generally regarded as being 'the only comfort that the poor English undertakers live by!'²

The appointment of Sir Thomas Wentworth to the Lord Deputyship of Ireland, notified to the Lords Justices on 12 January 1632,³ was the occasion of a request from the king to the Irish government for their opinion as to how the payments for the army might best be continued, or otherwise supplied.⁴ The Lords Justices and Council in reply recommended that the recusancy fine should be imposed after the subsidy payments had come to an end.⁵ The king, on 4 April 1632, authorized

1. Bodl. Chatsworth MS 78, pp. 381-4.
 2. Knowles (ed.), Let. and disp., i. 61.
 3. Strafford Letters Books, i. King to Lords Justices and Council 12 Jan. 1632.
 4. Knowles (ed.), Let. and Disp., i. 62-3.
 5. Strafford Letter Books, i. Lord Justice and Council to the Lord Treasurer, 20 Feb. 1632.

this measure, ordering the preliminary presentments to be undertaken, and threatening that failure to continue the payments might lead him to "streighten" his former graces - a presumptive indication that he understood at least some of them to have been put into effect. He ordered in addition the publication of the letter, which not only made it clear that the proposal to exact the recusancy fine originated with the Irish government, but even implied some reflection upon their 'endeavours and affections' in the whole matter.¹ It was not the object of this letter simply to direct the introduction of an extreme policy, but rather to induce a disposition to continue the subsidy payments by appearing to do so.

A struggle now commenced in which both Wentworth and the Irish government endeavoured to gain their different ends by discrediting one another in the eyes of influential catholics. Wentworth sought to achieve the voluntary continuation of the subsidy by representing himself as the propounder of a moderate policy in contradistinction to the extremism of the Irish government; while the latter sought to implement their own policy, the exaction of the recusancy fine, while representing it as being that of the new Lord Deputy by concealing the king's letter of April 4. The Lords Justices were initially successful: 'the popish recusants are more afraid of your (Wentworth's) coming than of any of your predecessors', the new deputy was informed.² Wentworth's viewpoint at this time was a realistic

1. Knowler (ed.), Let. and Disp., 1. 71-2.
 2. Strafford Letter Books, 1. Lord Aungier to Wentworth, 28 June 1632.

one: his policy was based upon the proposition that 'it is more safe by much, considering the inequalities of the numbers, and the ill provision of the army, to take the contribution against the will of the protestant, than the other against the liking of the recusant'.¹ Consequently, exploiting the divisions of the Irish Council to his advantage, he enlisted the aid of Lord Mountnorris (formerly Sir Francis Annesley): and sent a catholic agent to negotiate the continuation of the subsidy with the catholics, in association with Lord Mountnorris. This agent was deliberately given to understand that Wentworth was negotiating entirely on his own initiative, and, consequently, only tentatively and without any explicit guarantee that he would be able to respite the course already prescribed.²

The instructions given to the catholic agent, Michael Hopwood, are of interest not merely as an illustration of the niceties of Wentworth's political method, but also as revealing the manner in which the situation was presented to the 'old English', a presentation upon the basis of which their decisions were to be made. Hopwood was informed of the contents of the king's letter of April 14, and instructed to find out if it had in fact been published. The course laid down by it, however, Wentworth stated, 'I do awhile pause upon, and till I a little better understand the state of tha t kingdom, shall give no further passage thereunto, than needs must': but in the event of the failure of the other contribution, he would have no

1. Knowler (ed.), Let. and disp., 1.75-6
 2. Strafford Letter Books, 1. Wentworth to Mountnorris, 14 July 1632.

alternative. Hopwood was to negotiate privately with Antrim, and with other leading catholics indicated by Mountnorris, with the object of persuading them to send agents to negotiate with Wentworth, authorized to offer to him the continuation of the contributions for an additional year. Wentworth undertook that this 'may be a means to respite the course now intended', and emphasized that the time gained thereby could be used to find a means of supply, perhaps through a parliament, other than the recusancy fine. The agents were to arrive by the end of August, otherwise it would be too late to divert the recasancy proceedings.¹

The development of this business was to some extent retarded by Mountnorris' presence in England during the summer, but he was not idle, and treated there with Lord Mountgarrett 'and some other papists of good quality', who were travelling to Ireland, and 'found them very inclinable to further any gift of moneys to his Majesty for supply of the army and they promised to endeavour with others to the same purpose.'²

Meanwhile in Dublin on June 11 the Bishops were instructed to initiate the proceedings necessary for presenting recusants.³ On June 28 the lords justices held a session for the presentment of recusants in Dublin to be made: the jurors refused to cooperate, and were fined variously sums of £100 and £50 and

1. Strafford Letter Books, 1. Instructions for Michael Hopwood, 14 July 1632.
2. Ibid, Mountnorris to Wentworth 23 Aug. 1632.
3. Ware's 'Diary of Events ... 1623-1647', 11 June 1632.
Gilbert Collection, Pearse St. Librar

delivered into custody of the sheriff.¹ On July 11 the session was held again, with a new jury, and there was no opposition, the names of catholics being presented as required.² The judges of Assize were instructed to hold similar proceedings throughout the country. According to Cork, the proceedings in Dublin provided a salutary example, 'so as in the whole province of Munster, as the Judges of Assize have certified me, the presentments in the counties and cities were readily found', though the other areas were not so complaisant.³ Mountnorris, in England, stated that according to his information there was 'a general refusal of presenting'. He had heard, too, that the arrival of a catholic who was reputed to be the new Lord Deputy's steward had excited considerable wonder.⁴

By mid-August, Hopwood, despite his isolation (due to Mountnorris' delay in England), was already in touch with the earl of Westmeath, who gave him active assistance. He then travelled to Ulster, where he presented the earl of Antrim with his letter of credence.⁵ 'That honourable old man' received him well, declared himself ready to accede to the request made, and gave Hopwood letters of recommendation to the Viscounts

1. Ware's 'Diary of Events ... 1625-1647' 28 June 1632.
 2. Ibid. 11 July 1632.
 3. Bodl. Chatsworth MS 78, pp. 467-9. Grosart (ed.)
 Lismore Papers, 1st series, iii. 147, 149-50.
 4. Strafford Letter Books, 1. Mountnorris to Wentworth,
 23 Aug. 1632.
 5. Ibid. Wentworth to Antrim, 14 July 1632; Antrim to Wentworth, 27 Aug. 1632.

1. Strafford Letter Books, 1. Hopwood to Wentworth, 3 Sept.
 Mountnorris to Wentworth, 17 Sept. 1632.
 2. Ibid. Wentworth to Mountnorris, 28 Sept. 1632.

Nettlevill and Iveagh, which Hopwood next delivered. Hopwood pointed out to Wentworth that his task was a difficult one, for while he had spoken to other catholics during his journey, and had found none unwilling, yet Irish catholicism was disparate: some were 'new English' (presumably Antrim), some were 'old English', and some were mere Irish, and 'amongst them there is no good correspondence'. Not only must these groups be dealt with separately, but it would be impossible to have any general decision made before Michaelmas term, when they would, for the most part, be in Dublin. He found a general willingness to continue the subsidy payments, but 'they generally complain of the carriage of their last agents and have an aversion from sending any more'.¹ Mountnorris' impression on his arrival in Ireland in September was similar, but there were also, he found, additional complications: 'they mightily complain they have not been allowed the benefit of his Majesty's graces for which they gave their former moneys', and the preparations being made for the exaction of the recusancy fine had stimulated a general fear of Wentworth's severity. In order to counteract this, Mountnorris showed those with whom he was in touch a copy of the king's letter of April 14, which modified their opinion. They made an attempt to see it in the Council Book, but were not permitted to do so.²

Wentworth insisted that an agency was necessary. An offer of half a subsidy (that is, £20,000) for the ensuing year should

1. Strafford Letter Books, 1. Hopwood to Wentworth, 6 Sept.
 Mountnorris to Wentworth, 17 Sept. 1632. 1632,
 2. Ibid. Wentworth to Mountnorris, 24 Sept. 1632.

be made, conditional upon the stay of presentments for recusancy, and he would hear their other desires when he came over. He was now prepared to guarantee acceptance of the offer.¹

The Irish government had by now sent out letters directing that all corporation officials for the coming year, for which the elections were imminent, should be required to take the Oath of Supremacy.² This measure, and the general presentments, 'they have been made believe derive originally from your counsel' Mountrorris informed the Lord Deputy. The catholics, though prepared to assist in paying the army, were cautious, not only because they feared Wentworth's severity, but also because, since faith had not been kept with them the last time, they suspected professions of better treatment on this occasion. Mountrorris' assurance that the present course of action owed its instigation to the Irish government made them 'very pliable to give you satisfaction', but they remained opposed to sending over agents, 'they being so jealous one of another, as they know not whom to trust, alleging how much they were abused by their last agents'. They claimed, too, that in the face of protestant antagonism and the likelihood of informers in their own ranks, it would be dangerous to hold a general meeting to resolve the matter. By emphasizing that nothing whatever could be done until some preliminary approaches had been made to the Lord,

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1. Strafford Letter Books, 1. Wentworth to Mountrorris, 24 Sept. 1632.
 2. H.M.C. rep. 10 (1885-7), Galway Archives, p.481. Ware's 'Diary of Events ... 1623-1647', Aug. 1632. Gilbert Collection, Pearse St., Lib.

Deputy, Mountnorris persuaded them to agree to summon a meeting of the nobility and gentry during Michaelmas Term in Dublin for the purpose of sending agents to Wentworth. Since it would be impossible to hold this meeting without the knowledge of the Irish government, which would 'interpose all the hinderances they can, and not permit any agent to go', the catholics exacted an undertaking from Mountnorris that he would make the way clear for them.¹

By the end of October, true recusant bills had been found in most counties, in general by protestant jurors. According to a letter from the king to the Lords Justices, dated December 12, directions for levying fines in Co. Wicklow/^{had been} issued before October 28.² On 1 March 1633 Archbishop Usher declared that the king had been misinformed, and this denial has found acceptance.³ In fact, the king was correct. According to Lord Esmond,

'The former bills found in Wicklow were by direction sent to my Lords Justices, who set down out of them a certain number of the best in every parish and so sent them to the Quarter sessions to Wicklow, the sheriff required to bring the parties, which for ought I heard needed not, for as soon as the gentlemen and others pricked down by my Lords Justice heard of, most of them came in themselves and paid of their moneys'.

1. Strafford Letter Books, i. Mountnorris to Wentworth, 28 Sept. 1632.

2. H.M.C. Cowper MSS, i. 486.

3. Edwards, loc.cit., p.9.

They subtracted from their fines, however, the twenty-five per cent allocated to the payment of officers' fees, refusing to pay this.¹ Cork later conceded the event, but claimed that it took place without government direction. The total exacted was less than 100 marks.² It was, then, against a background of active enforcement of the recusancy statute that the negotiations in Dublin took place. Anti-catholic action in October 1632 also took the form of the demolition of St. Patrick's Purgatory, by the Bishop of Clogher.³

The renewal of the contributions.

The negotiations in Dublin pivoted around an attempt on the part of the 'old English', acting on the advice of Wentworth, and with the assistance of Mountnorris, to discountenance the Lords Justices, and to verify the good faith of the new Lord Deputy, by forcing the publication of the king's letter of April 14. Wentworth wished the Irish government to be ordered to call an assembly of the nobility and gentry for the purpose of procuring an extension of the contribution,⁴ but the king was nervous of following any such course without Wentworth's actual presence.⁵ Wentworth now wrote to Ormond, Antrim, Westmeath, Gormanstown and Nettivill, from among whom

1. Strafford Letter Books, 1. Lord Esmond to Wentworth, 28 Oct. 1632.
 2. Bodl. Chatsworth MS 78, pp. 606-13.
 3. Ware's 'Diary of Events ... 1623-1647', 25 Oct. 1632, Gilbert Collection, Pearse St. Library.
 4. Knowler (ed.) Let. and disp. 1. 74-5.
 5. ibid. p.78.

Mountnorris believed the agents would be selected, taking notice of their endeavours, promising not only to ~~remember~~ ^{recommend} them to the king, but also to remember them on his arrival in Ireland, and counselling them, that they might better understand their own business, to get copies of the king's letter of April 14 last.¹ Writing to Mountnorris in reply to the objection that the continuation of the contribution would merely postpone the execution of the recusancy fine, Wentworth pointed out that even to put off the evil day was a great gain, but in addition they would please the king, which was a greater. It was now too late for treaty in England, so that someone should be authorized to come to England to make an offer, deferring the treaty of what was requested in return, 'with this assurance from me ... that this obligation of trust, they put upon his Majesty and me, will never return empty to them but be considered and allowed as justice and honour shall duly persuade'. And finally, Mountnorris was directed to

'assure the popish party that they yielding to the present continuing of the contribution, I will be a means that the benefit offered them by his Majesty's graces shall be honourably and justly complied with; and to speak truth, the ministers of the king can, in my opinion, do their masters no greater disservice, than to call their faith in question with their subjects, by slack or ill performance of their public

engagements, - a crime I have not been hitherto, nor ever will be by God's grace, guilty of'.¹

Assuming that Wentworth's instructions were carried out by Mountnorris and Hopwood, the position as it was presented to the catholics was clearcut. On the one hand, they had been promised a stay upon the recusancy fine proceedings, the implementation of the 'Graces' (an undertaking propounded in terms of strict principle), favourable consideration to whatever requests they might make in association with the subsidy offer, and in both general and particular terms, the gratitude of both deputy and king. On the other hand, the protestants in Ireland were holding meetings at which they announced that they would not pay a new subsidy, were going so far as to accuse Mountnorris of crimen lese maeistatis,² and were, in all likelihood, the originators of the design to transfer from a general contribution towards the army, to a levy upon catholics. When the catholics were called upon to decide whether it would be wise 'rather to comply with a rising deputy than with a setting justice',³ it was necessary to establish so far as possible the good faith of Wentworth. The only criterion available lay in the true assessment of responsibility for the intensification of anti-catholic measures. The key to that assessment was the

1. Strafford Letter Books, i. Wentworth to Mountnorris, 16 Oct. 1632.
2. *ibid.* Mountnorris to Wentworth, 28 Sept. 1632.
3. *ibid.* Wentworth to Hopwood, 19 Oct. 1632.

Nov. 1632. *ibid.*
is based upon this letter.

king's letter of April 14. That the contents of the letter were not unknown did not diminish its importance. As the touchstone of Wentworth's sincerity it occupied the central part in the struggle between the Lord Deputy and the Irish government. Its publication was the symbol of the Deputy's triumph - a political success in which his allies were influential catholics in Ireland.

Application had been made to the Clerk of the Council in September for a copy of the king's letter, and had been refused. On enquiry by Mountnorris, it transpired that the letter had been entered into the Council Book, according to the king's directions, but the pages had then been sealed up so that it could not be read.¹ In a joint dispatch which he drafted, Cork claimed that this was done because full publication would have made it impossible to collect the remaining part of the last subsidy, but Loftus refused to sign this explanation.² On receipt of Wentworth's letters, and in the knowledge that he had also written to the Lords Justices remonstrating with them for their dereliction, Westmeath and Nettirvill renewed application to the Clerk of the Council, and were again refused.³ On November 14, Westmeath moved the Lords Justices for a copy, and Cork told him that he would be answered at the next Council meeting, adhering to this answer even when Mountnorris, claiming mandate from Wentworth, moved for publication of the letter.

1. Strafford Letter Books, 1. Mountnorris to Wentworth, 28 Sept. 1632.
2. Bodl. Chatsworth MS 78, pp. 511-5.
3. Strafford Letter Books, 1. Mountnorris to Wentworth, 21 Nov. 1632. Where not otherwise stated, the following account is based upon this letter.

Loftus was in favour of both motions.

The nobility and gentry then convened and resolved to make a gift of half a subsidy, and to send a letter to this effect to Wentworth. It was agreed also that for the proper preparation of this letter, it was necessary, for information and guidance to have sight of the king's letter of April 14. On November 17, therefore, they repaired in a body to the Council meeting, where the earl of Westmeath, acting as their spokesman, moved for a copy of the letter. He moved in addition that, in view of their present proceedings, of which he gave an outline, the Council should forbear the issue of writs of 'capias' against the recusants, and all proceedings upon the recusancy statute, until the king's further pleasure was known. At a previous Council meeting, Mountnorris had refused to join with the rest in signing the warrant to the clerks of the crown for issuing writs of 'capias': now he moved publicly that these proceedings should be stayed, presumably in support of Westmeath.¹ Nonetheless, Cork required the petitioners to reduce their demands to writing, and dismissed them. On Monday, November 19, the nobility and gentry again presented themselves, and, refusing to comply with Cork's demand for a written statement 'by reason of the smallness of their members', repeated both their requests, Fingall now acting as spokesman. They were then dismissed and the Council engaged in a three hour debate at which Cork and his supporters were overborne by a compromise decision, much

1. Grosart (ed.) Lismore Papers, 1st series, iii. 167.

to their annoyance, 'for they seldom used to be overcome by voices at the Council Board'. The petitioners were then called in and the compromise put into effect: the letter was read publicly, but when several of the lords moved for copies their motions were refused. In reply to the request for a stay upon recusancy proceedings, the Council replied obscurely that they would proceed as they thought fit in pursuit of the king's instructions. The lords then moved for licences to send agents into England and were assured that licences would be given to nominated agents: in fact, Mountnorris had already procured from Wentworth a letter authorizing agents to travel.¹ Finally, the petitioners were told that 'they should do well to acquaint the Board with the propositions they had to make, but they seemed not willing thereunto, but to apply themselves to his Majesty's grace and goodness, and so they departed.'

This campaign directed towards the exposure and discomfiture of the Irish government having been brought to a triumphant conclusion, the lords and gentry proceeded to the inditing of a letter to Wentworth. This did not prove easy - 'it is a difficult thing to please the fancies of a multitude' - and after several had been written, and a number of meetings held, the task was finally delegated to a committee of five, on which the catholic clergy was represented, which was to examine the drafts and compose a letter from them. They did not have to work by recollection of the king's letter, for not only was

1. Strafford Letter Books, 1. Wentworth to Mountnorris, 16 Oct. 1632.

their distress, however, they had been in possession of a copy, but so also was 'Mr. Darcy, the lawyer', who had procured it from the signet office in London.¹ The resultant letter to the Lord Deputy was considerably less satisfactory from its recipient's point of view than several of the previous drafts, but Mountnorris had no doubt that their intention to pay was genuine. Indeed, he thought it likely that on his arrival Wentworth could easily get them to double their offer. On the other hand, Cork, fighting to the last ditch, claimed that they had no real intention of paying, 'their policy being upon those their propositions to stop and distemper the course of proceedings so fairly and hopefully begun, which if once interrupted will not be brought into the same frame and forwardness it now is in without a great deal of time and labour.'²

In their letter, the catholics declared that they anticipated the arrival of Wentworth with confidence. The fact that execution of the recusancy statute had been procured, however, had induced a general fear that his government would be unpleasing. The fine would merely impoverish the country, as had happened under King James when its effects were so drastic that it was immediately recalled, and fill the prisons with loyal and dutiful servants of the crown. Not only had full benefit of the 'Graces' not been received, but additional oppressions relating to fees had been introduced. Despite

1. Grosart (ed.), Lismore Papers, 1st series, iii. 167.
 2. Bodl. Chatsworth Ms 78, pp. 509-11, 519-20.

their distress, however, they undertook to be among the most forward in the country to pay their parts of a contribution of £20,000 to serve his Majesty's occasions - 'not doubting but upon your lordships happy entrance into the possession of this government, we shall have a period put upon our sufferance'.

Westmeath was appointed to bring this letter to England, an appointment which he was at some pains to gain, the company, still averse to agents, being content to entrust ~~x~~ it to Hopwood. There were fifty-four signatories to this letter, of whom exactly two-thirds were 'old English' catholics, the rest Irish, both groups being almost exclusively of the Pale. ¹ It was its extremely local nature that prompted the main criticism of the offer. The signatories not only did not claim to bind the rest of the country, but did not even purport to represent the Pale itself. Nor did they make any specific offer. In substance, the letter was no more than an undertaking by fifty-four individuals to pay their proportions of a contribution to the king.

A series of requests was presented with this letter: 'the public doth humbly pray the benefit of his Majesty's grace, transmitted by the late agents, to be rectified in these particulars'. The first request was that the price and quality of wine and aqua vita sold by licensees should be subject to control pending further provision under Article 5 the 'Graces'²: in this matter, a violation of the 'Graces' was

1. H.M.C.Cowper MSS, i. 480-2. See Appendix VII (iv).
2. The petition refers to Article 4 of the 'Graces': it may be noted that throughout its citations do not correspond to the original 'Graces'.

by requesting the restitution of such...
 being accepted, and an attempt made to moderate its effects.
 The second request was for the recall of a late proclamation
 issued for the licensing of ale and beer selling which had
 violated Article 6,¹ vitiating the benefits derived from the
 resumption of the grant to Baltinglass. The renewal of the
 commission for regulating fees was required, and also the enact-
 ment of the statute of limitations, and the acceptance of the
 Connaught surrenders. Also requested was the execution of those
 Articles forbidding preferential exemption from the contribution,
 regulating the conduct of sheriffs, and restraining clerical
 exactions and abuses. Apart from the first two, these requests
 are all familiar, and had recurred periodically since 1628.
 The tenth request, concerned with the conduct of Court of Wards
 officials, seems to have been calculated to prevent evasions
 of Article 19 of the 'Graces', though this is not specifically
 referred to. The eleventh, 'That for matter of tenure where
 no record appeareth for the king it shall be left to the
 country to find the tenure from any mesne lord according to
 proof of their own knowledge', may be taken in association
 with the claim of the court officials to have revived many
 capite tenures thought to be extinguished.² The effect of
 granting this request, which had been previously made in 1625,³
 would have been to prevent the Court from extending liability
 to the payment of full feudal dues. The petition concluded

1. 4 Feb. 1632. Steele, Tudor and Stuart proclam., ii.33.
Cal.S.P.Ire., 1625-32, p.670.
 2. Cal.S.P.Ire., 1625-32, pp.646-7.
 3. Ibid. pp.56-61.

by requesting the restitution to their owners and lessees of the confiscated 'mass houses', 'there being no security for the subject, if his lands shall be taken away upon such pretence':¹ and the regulation of tithes.

The catholics' immediate desire was for a speedy direction from the king to stop the recusancy proceedings, and there was some danger that Westmeath would be regarded in England as a papist agent bargaining for toleration. 'Your lordship may easily sound the depth of the earl of Westmeath', wrote Mountnorris, who seems to have had qualms about the impression which the earl might make, 'he is fierce and passionate, especially in matters of his religion, but he hath a leading voice amongst the priests and papists, and he hath showed himself forward in this business, and he loves kind usage well'.² When he arrived in England, the earl was treated with ceremonious perfunctoriness, and dealt not with Wentworth, who was at York, but with the Lord Treasurer and Lord Cottington.³ On December 12, the king⁴ instructed the Lords Justices to respite recusancy proceedings. On the following day, Westmeath was granted an audience with the king.⁵ A substantial part of his efforts in London was directed towards diverting attempts to send him home as quickly as possible.

Although the letter brought by Westmeath was accepted by the English government as an adequate justification for continuing the army contribution for another year, Wentworth was

1. Strafford Letter Books, i. The Humble Petition of divers lords and gentlemen, etc., 1632.
2. *Ibid*, Mountnorris to Wentworth, 21. Nov. 1632.
3. *Ibid*, Westmeath to Wentworth, 30 Nov. 1632; Wentworth to Westmeath, 6 Dec. 1632.
4. *Ibid*, King to Lords Justices, 12 Dec. 1632.
5. *Ibid*, Westmeath to Wentworth, 13 Dec. 1632.

dissatisfied with it, and attempted to have it improved upon by exploiting protestant opposition. Parsons had warned the Deputy that he was making a grave error in offending the protestants, who were now a great and useful party.¹ Cork argued furiously against the contribution, and attempted to obstruct it. Despite the fact that he was in a minority at the Council table, he refused to issue warrants for the next month's levy, according to customary procedure, but would issue them only for the unpaid residue of the last quarterly levy.² At the same time, he was writing that a strong argument against the acceptance of the contribution in place of the recusancy fine was the delay which would necessarily attend its collection.³ It was, as Wentworth observed, 'more than high time that a stork put his foot at least in the pond'.⁴ Cork was abruptly ordered to issue the necessary writs.⁵ In writing to Antrim, Fingall, Gormanstown, Nettirvill and Sir William Talbot, Wentworth attempted to turn the protestant opposition to advantage:

'I must tell you there have been great endeavours to persuade us here, that upon this your offer there was no reason to alter or stay the course now on foot, in regard it is only signed by those of Leinster, the other three

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1. Strafford Letter Books, i. Parsons to Wentworth, 22 Nov. 1632.
 2. Ibid. Mountnorris to Wentworth, 22 Nov. 1632.
 3. Bodl. Chatsworth Ms 78, pp. 519-20.
 4. Strafford Letter Books, i. Wentworth to the Lord Treasurer, 6 Dec. 1632.
 5. Ibid. King to Lords Justices and Council, 12 Dec. 1632.

provinces unengaged, and that your letter to me was penned with too much reservedness and caution'.

He suggested that a second letter should be drawn up, of a more satisfactory nature, and signed by those of the other provinces.¹

While this embellishment does not appear to have been forthcoming, he was pleased by the conduct of the protestants, for it made the catholics more forward in the king's service.² To the Irish protestants, Wentworth merely pointed out that the king had already decided against the exaction of the recusancy fine, 'and (as my Lord of St. Albans used elegantly to express it) after the clock hath struck there ought to be no chiming.'³

It was not, however, until the beginning of February 1633 that proceedings upon the recusancy statute finally ceased.⁴

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- 1. Strafford Letter Books, i. Wentworth to Antrim, etc., 22 Dec. 1632.
 - 2. Ibid. Wentworth to Coke, 22 Dec. 1632.
 - 3. Ibid. Wentworth to Parsons, 26 Dec. 1632. (St. Albans was the English title of the earl of Clanricarde; the allusion was no doubt intentionally provocative.)
 - 4. Ware's 'Diary of Events ... 1623-1647' Feb. 1633.

1. Bodl. Chataworth MS 2445, folios 78, pp. 606-13.
 2. F.R.S., Ire., MS 2445, Falkland Letter Book, p. 878.
 3. Fynes, *Wentworth Works*, p. 110.
 4. Knowler (ed.) *Ware and diary*, I, 146-51.
 5. Bodl. Chataworth MS 78, pp. 614-6.
 6. Ibid. pp. 617-8.

VII

THE PARLIAMENT OF 1634-5 (1)

Wentworth in Ireland

The apparent capitulation of the new Lord Deputy to the Catholics led to a good deal of exaggerative conjecture; that religious toleration had been acquired for £20,000;¹ that the plantation in Connaught had been prevented by Westmeath.² Archbishop Usher expected 'directions for the abridging of our ecclesiastical jurisdiction, that so the popish bishops may keep their courts more freely than we shall be permitted to do'.³ A number of protestants, in Cavan⁴ and Fermanagh,⁵ and perhaps also to some extent in Munster,⁶ refused to contribute to the new subsidy payment.

For the catholics, the earlier part of 1633 was a period of marking time. The imminent arrival of the Lord Deputy, the expectation of which was fostered by rumours circulated upon his directions, was responsible for this. Direct negotiations had perforce to await his arrival, while dealings with the discredited caretaker Irish administration had nothing to offer. The events of late 1632 had apparently placed the catholics of Ireland in a strongly advantageous position, and their self confidence must have been augmented by the manner in which the

1. Bodl. Chatsworth MS ~~2445~~ 78, pp. 606-13.
 2. P.R.O., Ire., MS 2445, Falkland Letter Book, p.279.
 3. Prynne, Hidden Works, p.110.
 4. Knowler (ed.), Let. and disp., i. 146-51.
 5. Bodl. Chatsworth MS 78, pp. 614-6.
 6. Ibid. pp. 617-8.

protestant opposition to the contribution was dealt with, for a number of the principals in this matter were committed to Dublin Castle,¹ while others were deprived of their commands in the army.² This was a clear indication that the new Deputy was not prepared to allow the interests of the government to be influenced by the presumed necessity of maintaining protestant solidarity before all else. The catholics could thus await his arrival with some legitimate expectation of an improvement in their position.

Wentworth's policy, however, it transpired, was that of avoiding commitment to any interest. His immediate problem was financial. Even including the contribution, the revenue yield was less than the total expenditure, and the state was in addition burdened with debts equivalent to approximately the revenue intake of an entire year.³ His first concern was to procure the extension of the contribution for a further year as an interim measure which would furnish him with time to find a more satisfactory source to replace it. At his first Council meeting in Ireland, almost immediately after his arrival in late July 1633, having dealt rigorously with the recalcitrant protestants, he went on to stress the importance of continuing the contribution and suggested that the Councillors should give

1. Ware's 'Diary of Events ... 1623-1647', 2 May 1633, Gilbert Collection, Pearse St. Library.. Grosart (ed.) Lismore Papers, 1st series, iii. 191
 2. Cal.S.P.Ire., 1633-47, p. 11.
 3. Income: £84,248.17.6: Expenditure: £84,977.11.5: Debt: £92,679. Knowler (ed.), Let. and disp. i.190.

some consideration to the matter before the next meeting. The following week, the Council agreed that the contribution should be continued for a further year, and requested that a parliament should be summoned before its expiration.¹ Like the catholic offer of 1632, this was a purely personal offer, which bound only those individuals who had subscribed to it. Drafts of letters in which the signatories likewise undertook to pay 'their proportionable parts of £20,000' were sent to leading catholics and protestants in September 1633 with the request that they sign it and procure the signatures of their tenants and friends also.² The Judges of Assize were instructed to explain the measure on their circuits, and their reports indicated that there was general satisfaction with the arrangement.³ Despite the appeal for general support, the episode afforded a demonstration that the new regime had already emancipated itself from the reliance upon catholic support which had been its strength in the previous year. Moreover, in his sessions with the Council, Wentworth used this former catholic support as an argument to unify protestant opinion on the side of the government.⁴ Thus it was revealed that the complex game of political exploitation which had been played in 1632 had resulted not merely in a moral advantage for the catholics and

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1. Knowler (ed.), Let. and disp. i. 98-9.
 2. Bodl. Carte MS, i.f.101. Knowler, (ed.), Let. & disp., i.99.
 3. ibid, pp.98, 102-3, 133.
 4. Ibid, p.99.

financial advantage for Wentworth, but also in a political victory for the latter, who was able to use the threat implicit in the support of one section to gain the support of the other.

To the desire expressed by the Council for a parliament, Wentworth gave detailed consideration, and his conclusions on the matter were not dispatched to the king until the following January.¹ Broadly speaking, it was the implications of the conjuncture of two primary factors with which he was concerned. In his dispatch to the king, he listed a variety of what he termed reasons for holding a parliament. In fact, the only genuine reason recited was the necessity for ^a ~~the~~ thorough financial rearrangement enabling the government to dispense with the unsatisfactory contractual agreements which had been its financial basis for almost ten years. The remaining reasons were in fact conditions which might lead to success, and might be classified under the general heading of one subsidiary reason - the probability of success. His reasons then were, the need for a financial rearrangement, and, in extension, the likelihood that it could be achieved by parliamentary means. Finance was, then, the first primary factor; the second, on the obverse side, was the 'Graces'. These constituted an extensive list of obligations which catholic representatives at least would ineluctably be concerned to enforce in parliament, and which, since a number of them were contrary to the interests of the government, Wentworth was equally concerned to evade. There existed in effect

1. Knowler, (ed.), Let. and disp., i. pp. 22. ~~183-2x~~ pp. 183-7.

an already formulated opposition programme which, though strengthened and invested with some considerable justification by the previous endorsement of the king, was nonetheless unacceptable to the Irish government. Thus, while financial considerations dictated the fact that a parliament must be held, the existence of the 'graces' determined the ~~framing~~ ^{framing} of a careful policy towards the manner in which it must be held. There would seem then, strong grounds for regarding Wentworth's parliamentary policy as an episode in the history of the 'old English', for it was largely determined by the potential hostility of this group.

Wentworth's task is simply stated: it was to prevent the implementation of concessions already promised without endangering financial support. Tactically he pursued two methods: the first, a pragmatic opportunism in his relations with those to be represented in Parliament; the second, legalistic.

Wentworth was in possession of a number of advantages. In the first place, he was still to a considerable extent an unknown quantity. He had shown himself by no means averse to dealing with catholics in 1632, and even the continuation of the contributions agreed to by the Council in 1633 had been followed by a canvass for catholic support. He had in addition made definite promises through his agents in 1632, and he did not scruple to adapt this fact to his end, though he was by no means forward in accepting the commitments into which he had then vicariously entered. The elevated principles of honour and integrity which he had enunciated when appealing to the

catholics to defer the discussion of grievances in order to avoid delaying the conclusion of the financial arrangements were no longer in evidence when he came to deal with the petition which had accompanied the subsidy offer. At first he temporized, hoping that the matter would die of itself, but the lords of the Pale, 'pressed me severally since for an answer', and at last he transmitted it to the English government in March 1634 (that is, about a year and three months after he had received it) with the recommendation that it should be referred to the approaching parliament, before the meeting of which, he pointed out, he did not wish to lose their good graces.¹ His recommendation was accepted by the king who authorized an assurance that at the parliament he would consider all the points raised in the petition 'and make them a clear answer'.² Wentworth thereupon informed the lords of the Pale that he had received a very gracious answer to the petition, deferring his revelation of the actual details of the reply until the writs for elections had been issued.³ The petition was thus used as an inducement to the catholics to expect favourable treatment in parliament.

It was also to Wentworth's advantage that the holding of a parliament in Ireland was an exceptional event, constituting in itself a significant concession, and one which was of increased significance in the present frame of reference since it involved the fulfillment, albeit tardy, of one of the 'Graces' and might legitimately be interpreted as auguring the fulfillment of those others which were dependant upon it. The catholics

then, receiving an important concession from a potentially favourable authority, were not merely in no position to quibble about details, particularly since this preliminary concession was revocable at pleasure by dissolution, but had no reason, other than those rooted in the deepest pessimism, to do so. Wentworth had a very considerable fund of goodwill to capitalize upon. The point may be illustrated from an 'old English' source, an account of the period in the form of a dialogue between a Privy Councillor of England and a Privy Councillor of Ireland:

'I.C. that (Vizier Bashaw) (sic) the Earl of Strafford who after the first year governed with a rod of iron.

'E.C. He pleased you well then the first year?

'I.C. He was always very high and kept too much distance with the officers of state and the nobility, by which he lost ground in the affections of men, but generally gave hope that he would prove a just though austere governor.'¹

The terms which Wentworth exploited his advantage to impose were that parliament should be held in two sessions, the first to be devoted to the king's business, the second to that of his subjects.² Thus it was made abundantly clear that the redress of grievances was entirely dependant upon the satisfactory disposition of the business of supply in the first session.

Notes from previous page: 1. Strafford Letter Books, V.55-9.
 2. Ibid. pp.226-9.
 3. Knowler (ed.), Let. and disp., i. 248.

Notes to this page: 1. B.M., Egerton MS 917.
 2. Knowler (ed.), Let. and disp. i. 184.

This was reinforced by the additional conditions that the first session should last only twenty-one days, a limitation which might serve to frustrate any attempts to bargain, and that the parliament itself should not exceed six months duration.¹

However, while this device, together with the obvious policies of avoiding actions likely to offend those who would be represented in parliament,² of initiating measures likely to please them (particularly a direction to the episcopal authorities to forbear questioning persons for clandestine marriages and christenings³) and of influencing elections to procure the return of supporters, went a long way towards guaranteeing the financial support of parliament, a more efficient tactic than dissolution (which would incidentally sabotage the government programme of acts to be passed) was necessary to prevent the parliament from subsequently insisting upon the enactment of the 'Graces'.

Wentworth's examination convinced him that a potential constitutional limitation answering his purpose existed in the method for conducting the operations of the Irish parliament dictated by Poyning's Law.⁴ The original object of this measure (10 Hen. VII c.4) had been to emancipate the parliament from the influence of a semi-autonomous Irish government by

1. Knowler (ed.), Let. and disp., i. p.259. Strafford Letter Books, v, 233.
2. Ibid, pp.33-6, 55-9, 216-21. ibid, viii. 34. ibid, iii.91. Knowler (ed.), Let and disp., i. 188, 193, 199, 201, 230, 299, 339, 355, 429.
3. Knowler (ed.), Let. and disp., i. 293.
4. Ibid. pp.183, 269.

requiring the prior endorsement of all projected legislation by the English Executive, and thus to enable it to assert an independence based, in lieu of any substantial power inherent in the assembly itself, upon an intimate connection with the English crown. The assertion of royal control in Ireland, removing the conditions which had made this system necessary, transformed it into an anachronistic impediment to the fluent operation of the constitutional system.¹ In a new situation in which the antagonism was between coordinated English and Irish executives on the one hand and the Irish parliament on the other, ~~an~~ an alteration in emphasis produced a complete inversion of the significance of the measure. An emphasis upon the exclusive right of the Irish Executive to transmit bills for verification in England gave to it a function of anterior veto which greatly limited the competence of parliament. In the parliament of James I this had been merely an inconvenience:² Under Wentworth's direction it became an actively enforced restriction, the effect of which was to arrogate to the Irish Executive legislative initiative in the Irish parliament. The novelty of his evaluation of the importance of this measure was illustrated by his refusal to accept the Attorney-General's recommendation that it should be suspended, as more than one previous governor had wished to do.³ The retention of the

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1. Falkiner, Essays, pp.212-20
 2. T.W. Moody, 'The Irish Parliament under Elizabeth and James I', in R.I.A.Proc. XIV.c. 41-81.
 3. Strafford Letter Books, v.226-9, 230-2. Knowler (ed.), Let. and disp., 1.269.

measure in its full force made it impossible/for the Irish parliament to take any positive steps towards the enactment of the 'Graces'.

There existed a comparatively well established right of the lords of the Pale to consultation on matters concerning preparations for parliament. An attempt to exercise this right led to the first recorded clash between the 'Old English' and the new Lord Deputy. It occurred sometime shortly before May 1634. The Lord Chancellor suggested that the lords of the Pale should be conferred with concerning parliament, and Wentworth refused. Some days later:

'The Earl of Fingall came purposely to me (Wentworth) in this chamber, where very gravely, and in a kind of electorate way, he told me, the report went, there would be a parliament, and that their lordships of the Pale had been accustomed to be consulted with, before these meetings, to assemble and take advice together, what to propound for the good of the people, and therefore desired to be ascertained therein, to the intent they might prepare themselves accordingly. This nobleman being a person as I conceive not of the best affections, that would be esteemed to be the advocate of the public, more popular with the generality, than either his parts or generous carriage (being passing sparing and penurious) will be able to persuade with any man of judgement, or of the common sort, and which was as observable as any of the rest, coming as it were the mouth to open for them all, I thought fit to close it, as soon and as surely as I

could. Therefore my answer was quick, I told him the calling of parliaments was the peculiar of kings (that) his Majesty might judge it a high preemption in him, or any other private man, to elect themselves inquisitors over his gracious purposes towards his subjects that assuredly his Majesty would reject with scorn and disdain all such foreign instructors or moderators betwixt him and his people; neither must his lordship ... expect his Majesty would consult in the calling of his people any, or in any other manner than he should think fit and convenient I perceived his lordship a little out of countenance, and hastening from the tenet, telling me it was but to put me in mind of what formerly had been the custom I advised his lordship ... not to busy his thoughts with matters of this nature, but leaving them to the king, and such as he should please to entrust therewith, to rest assured he should in convenient time, be acquainted with as much of his Majesty's resolutions, as should be fit for him to know, wherewithal he either ought or must rest satisfied; and so we parted'.¹

Though Wentworth's denial was framed in theoretic terms, as proceeding from a definite conception of the status and functions of the kingship, and of the duties of the subject;

1. Knowler (ed.), Let. and disp., i.246.

in both this case and in the case of his interpretation of Poyning's Law it seems an unnecessary refinement to attribute to him any elaborate theoretic approach towards the proper constitutional relations of subjects, or subjects in parliament, to the monarchy. His policy in this juncture arose not from the application of theory but from the simple necessity of withholding certain of the 'Graces'. Just as he was preparing to restrict parliamentary competence to prevent the enactment of these 'Graces', so now he denied the lords the exercise of their established right simply because it was essential to his purpose to prevent them from discovering that the preparations for parliament did not include any preparation of measures based on the most desired of the 'Graces'.

It was Wentworth's design that the House of Commons should be composed almost equally of catholics and protestants, with, in addition, a party of official members who 'may almost sway the business betwixt the two parties, which way they please'.¹ Writing to the Lord President of Munster in April 1634, Wentworth instructed him to keep secret the information that a parliament was to be called, but, since it was already rumoured, to assess carefully the reaction, and the state of affections in general. He was to keep the towns of Munster free from 'factions and tumultuous labouring for places beforehand'. Wentworth asked for a list of names of twenty leading men,

1. Knowler (ed.), Let. and disp., i. 183-7, 199.

'well affected and fit to be sent to this meeting ... as also your advice how upon recommendations hence to the towns, we may get such others chosen as shall be named unto them'.¹ His aim was thus twofold, to secure the return of acceptable persons from the localities, and to negotiate the return of a number of non-residents, that is of the persons to compose the official party which he envisaged.

By the end of May, Wentworth claimed to have written over one hundred letters of recommendation.² In the case of recommending non-residents, at least, an inducement was offered in the form of an assurance that the nominee, if returned, would serve without charge, and in addition, the Deputy's gratitude was promised.³ There is sufficient material to allow of an estimate of the effect of his attempts to influence elections. Dublin University obeyed,⁴ Ennis obeyed in a bye-election in the Autumn,⁵ the earl of Cork only partly conformed.⁶ Dundalk, the electors of which were recommended Sir Faithful Fortesque and Sir Arthur Tyringham, rejected these in favour of two local 'old English' catholics.⁷

1. Strafford Letter Books, viii. 105-6.
2. Knowler (ed.), Let. and disp., i. 259.
3. Prynne, Hidden Works, p.118.
4. Stubbs, Hist. of the Univ. of Dublin, p.68.
5. Prynne, Hidden Works, p. 118.
6. Grosart (ed.), Lismore Papers, 1st series, iv.30,33.
7. Brereton, Travels, p.133.

This is June 1654.
 Knowler (ed.), Let. and disp., i. 259.
 G.P. Meehan, The Pines and the
Monasteries (London, 1971) p. 133.

Similarly, the material to illustrate contested elections does not exist. Whether there was one in Dundalk is not clear. In Youghal, where two local 'old English' catholics were returned, there were four candidates, and the one at the bottom of the poll, Christmas Harford, seems to have been a non-resident.¹ The events of the election in Dublin were confused. The sheriff, Christopher Bryce, being 'set on' by priests, carried himself 'mutinously' in the election on June 10. He was fined £700 for various offences and deposed. Order was given for a new sheriff to be chosen; the election was held again, on June 12, and a result satisfactory to the government was obtained with the return of the protestants' candidates, Catelin and Barry (who had been defeated in the election of 1628).² Carlow town was burned at the election of the members for Carlow County, and the election of one of these members, Sir Morgan Cavanagh, was later voided, but no details appear.³

According to Wentworth, a considerable amount of clerical influence was exerted in the elections - 'the priests and Jesuits ... call the people to their Masses and there charge them on pain of excommunication to give their voice with no protestant'.⁴ John De Burgo, Vicar Apostolic of Clonfert seems to have been particularly active in this direction.⁵

1. Caulfield (ed.), Council Book of Youghal, p.180-1.
2. Knowler (ed.), Let. and disp., i.270. Ware's 'Diary of Events...' 10, 12 June 1634. Gilbert Collection, Pearse St. Library.
3. Ibid. 18 June 1634.
4. Knowler (ed.), Let. and disp., i.270.
5. C.P. Meehan, The Rise and Fall of the Irish Franciscan Monasteries (London, (1877)), p.134.

Nonetheless, Wentworth was convinced that, 'so as the matter of religion be not stirred against them', the catholic members of parliament would cooperate fully in the matter of supplying the king's financial needs.¹

Election returns

The House of Commons consisted of 256 members, including the representatives of four boroughs whose right to return members was later challenged by the Attorney-General. These were divided into thirty-three counties (including the county of the Cross of Tipperary), each returning two members, ninety-four borough constituencies, each returning two members, and Dublin University, which also returned two members.

(a) Leinster: In Co. Louth, seven of the ten members returned to parliament were of the catholic 'Old English' group, the exceptions being the representatives of Carlingford Borough and one member for Drogheda. Co. Meath returned nine 'Old English' catholics and the protestant, Thomas, Lord Dillon, who was of 'Old English' descent, had extensive local connections and owned land in the county. Dillon was returned with the catholic Valerian Wesley for the borough of Trim, which had returned two protestants in 1613. In Kilkenny, the single protestant returned out of a total of twelve members was the

1. Knowler (ed.), Let. and disp., 1. 267.

English protestant Lord Maltravers, who owed his seat in Callan to the influence of the earl of Ormond,¹ (now James, a protestant). The catholics returned for this county were not uniformly 'old English'; they included a Murphy and a Kelly. In County Dublin, six out of the ten members of parliament were 'old English' catholics, the members for Dublin University and Dublin city being protestant. (In the latter an original election of two catholics had been disallowed). Thomas Luttrell, one of the agents in 1628, who was returned for County Dublin, died in the autumn of 1634 and was replaced by Peter Barnewall. Lucas Nettirvill, son of Viscount Nettirvill, returned for Swords, early incurred the displeasure of the Lord Deputy: there is no record of his expulsion, or of the issue of a new writ, but he seems to have been replaced by the protestant Sir William Anderson of Dublin. The Borough of Newcastle, which had been protestant in 1613, was gained by the catholics. In County Kildare, four of the eight members returned were 'old English' catholics. Three seats in this county, two of the Borough of Kildare, and one of the Borough of Athy, had been lost since 1613. Thus of fifty members returned by the counties of the Pale, thirty-five were 'old English' catholics, two Irish, and thirteen protestants.

The remaining seven counties of Leinster returned fifty-six Members of Parliament. County Westmeath returned seven

1. H.M.C. Ormond MSS, n.s. i.28.

'old English' catholics, two of them from a borough of which the right to representation was later challenged, Fore. One of members for this Borough, Thomas Nugent, died in the autumn of 1634;¹ no re-election is recorded. King's County returned one catholic, Terence Coghlan, and five protestants. Queen's County returned six protestants. Of the four representatives from County Longford, two were Farrells, Catholic Irish, and two protestant. County Wicklow returned six representatives, of whom three were protestants, one, Sir Robert Talbot, an 'old English' catholic, and two, Brian and James Byrne, Irish catholics. Talbot was expelled on 1 August 1634² and was replaced by another Brian Byrne, who was on 10 December 1634 required to justify his election, being under indictment for high treason.³ County Wexford returned eighteen members, eleven of them 'old English' catholics, one (James Brien, Clonmynes Borough) Irish, and six protestants. Six catholics, including Brien, were returned by boroughs never before represented, whose right to return Members was later questioned by the Attorney-General. Alderman Richard Cheevers (M.P. Wexford Borough) died early in 1635 and was replaced by Alderman John Furlong, also an 'old English' catholic,⁴ The latter's namesake, Walter Furlong, (M.P. Bannow) was discharged from a £10 fine for non-attendance and neglect of duty in April 1635 'in regard to his extreme

1. Commons jn., Ire., (Dublin, 1796), ii Nov. 1634, p.79.

2. Ibid, 1 August 1634, p.69.

3. Ibid, 10 Dec. 1634, p.89.

4. Ibid. 9 Feb. 1635, 9 Apr. 1635, pp. 96, 115.

5. Book of Survey and Distribution, Co. Wexford, p.20, 179.

poverty.¹ The representation from County Carlow is obscure. James Butler and Sir Morgan Cavanagh's ~~election~~ were returned for the County; Cavanagh's election was voided on 3 December 1634 ² and he was replaced by Sir Thomas Butler, a protestant. Sir Barnaby O'Brien, returned for Carlow Borough, was also elected for Ennis, Co. Clare, and surrendered his seat in Carlow, so that at the opening of the Parliament in 1634 Carlow Borough had only one representative, a protestant. O'Brien's seat was gained by Edward Harmon, a protestant. Records for the returns for Old Leighlin conflict: the official parliamentary returns list Sir Thomas Meredith and Richard Fitzgerald of Dublin; one contemporary copy lists James Cusack solus ³; another, certified by the Clerk of the House, lists Sir Thos Meredith and Pierce Fitzgerald.⁴ Richard Fitzgerald was returned also for Strabane, Co. Tyrone. Although it is possible that a dual election was involved, I take the third source to be correct, so that in the beginning of the Parliament Old Leighlin was represented by one protestant and one 'old English' catholic. This perhaps fairly reflects the composition of the borough, for in 1641 there were eighteen burgesses, of whom eight were catholics.⁵ County Carlow as a whole, then, at the beginning of ^{the} 1634 Parliament returned five Members, two of them 'old English' catholics, two protestants, and one Irish catholic.

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1. Commons' Jn., Ire., (Dublin, 1796), 7, 9 Apr. 1635, p.115.
 2. Ibid. 3 Dec. 1634, p.87.
 3. Cal.S.P.Ire., 1633-47, pp.62-7.
 4. B.M., Harl. MS 2048.
 5. Book of Survey and Distribution, Co. Carlow, P.R.O., Ire.

Thus from the province of Leinster 105 Members were returned to the first meeting of the 1634 Parliament. Of these, sixty-five were catholics and forty were protestants. Nine of the catholics were Irish, fifty-six 'old English'. Of the twenty-four County Members, only three were protestants.

(b) Munster: Of the sixteen Members returned from County Cork, seven were catholics, one of them, Sir Donough MacCarthy, Irish, the rest 'old English'. Six of the eight Members from County Limerick were 'old English' catholics, the remaining two, from Askeaton, protestants. County Tipperary, out of eight Members, returned seven catholics, six of them 'old English', one Irish. Geoffry Baron, M.P. Clonmel was expelled on 3 December 1634,¹ but no re-election is recorded. The County of the Cross of Tipperary returned two 'old English' catholics. County Waterford returned five catholic 'old English' Members, the remaining five being protestants. County Kerry returned four catholics, out of eight Members, one of them Irish. The election of Sir Thomas Harris for Kerry County was later disallowed and he was replaced by the 'old English' catholic John Fitzgerald. County Clare returned four Members, of whom two were Irish catholics, two protestants.

In the new borough, Ardfert, Co. Kerry, created since 1613, the catholics secured one seat. They gained the two Limerick County seats which had been won by protestants in a

1. Commons' Jn. Ire., 3 Dec. 1634, p.87.

disputed election in 1613, but they lost seats which they had held in 1613 in Cork County, Kerry County, Cashel and Dungarvan.

From the province of Munster, fifty-six Members were returned to the Parliament in 1634. Of these, thirty-three were catholics and twenty protestants. Of the catholics, twenty-eight were 'old English'; and five Irish. Fourteen County Members were returned (including the Cross of Tipperary), of whom only two were protestants, and one of these was later unseated.

(c) Connaught: Six of the Members returned from County Galway were 'old English' catholics, and ^{one} Irish; the one protestant being Sir Thomas Rotheram. Sir Henry Lynch, (M.P. Galway County) withdrew in December 1634 on grounds of illness¹ and was replaced by another 'old English' catholic, Sir Richard Blake. The two Members for Mayo County were catholics, both 'old English'; the Members for the County's only borough, Castlebar, were protestants. One of the four representatives for Sligo was an Irish catholic, the rest protestants. One of the latter, however, Sir George Radcliffe, was also returned for County Armagh: he yielded his seat in Sligo and was replaced by Farrell O'Gara, ^{patron of the Four Masters,} who had been brought up as a protestant, and educated at Dublin University.² County Roscommon returned three protestants and Sir Lucas Dillon. County Leitrim returned six protestants.

1. Commons' Jn. Ire., 12 Dec. 1634, p.90
2. W.G. Wood-Martin, History of Sligo, (Dublin, 1889), p.20.

As compared with 1613, the catholics lost the two seats for Leitrim County, but gained one in Roscommon County, and one in Tuam. (O'Gara's seat in Sligo may perhaps also be regarded as lost). The one new borough, Jamestown, returned protestants.

From the province of Connaught, then, twenty-eight Members were returned to the first meeting of parliament in 1634. Of these, eleven were catholics, and sixteen protestants. Of the catholics, nine were 'old English' and two were Irish. Of the nine County Members (excluding Radcliffe's return for County Sligo), six were catholics, and three protestants.

(d) Ulster:

Catholic representation from Ulster was small. Lucas Dillon, Esq., of Trinity Island, was returned for Cavan County. John Dillon of Castledillon was returned for the Borough of Armagh, but it seems improbable that he was a catholic. A protestant, Henry Dillon, held land in the area in 1641.¹ Richard Fitzgerald of Dublin was returned for Strabane in County Tyrone. Fitzgerald, who was returned for Strabane again in 1640, was the trusted associate of the Lords Justices even after the outbreak of rebellion in 1641.² It seems clear that he was a protestant. Art Oge and Brien MacMahon were returned for Monaghan County. The former died in 1635 and was replaced by the protestant Richard Blany. James Dillon, esq., was returned

1. Book of Survey and Distribution, Co. Armagh. P.R.O., Ire.
2. H.M.C. Ormond MSS n.s.ii.10,11.

for Ballyshannon, Co. Donegal, after the death of the former M.P. Thomas Leake, on 27 December 1634.

Of the sixty-six Members returned for the Province of Ulster to the first meeting of the Irish Parliament in 1634, only three appear to have been catholics, one of them 'old English', the others Irish.

In the aggregate, allowing for two dual elections, 254 members were returned to the first meeting of the Parliament in 1634. Of these, 94 were 'old English' catholics, 18 were 'old Irish' catholics, and the remaining 142 were protestants. The protestant majority was thus 30. This majority was based on Ulster: excluding that province, the catholics were in a majority of 30 out of 188 members. The filling of the two seats vacant as a result of dual election brought the total of protestant ~~xxx~~ members up to 144, and the protestant majority to 32. On the other hand, it is doubtful if Lord Maltravers ever took his seat for Callan, and he had relinquished it by November 1634.¹ No further election is recorded.

The House of Lords

In 1613, the Irish House of Lords had comprised forty-five members, twenty of them Lords Spiritual, and twenty-five Lords Temporal. Three of the latter were minors: of the remaining twenty-two, seventeen were catholics and five protestants.

1. Commons' Jn. Ire., 18 Nov. 1634, p.81.

By 1634, the position had changed radically. At that date, the House comprised 123 members, 24 of them Lords Spiritual, and 99 Lords Temporal. The immense enlargement of the Irish peerage began in 1616 when a number of Irish protestants, or protestants with Irish connections, were ennobled in an effort to counterbalance the strong catholic majority. The same policy was pursued in 1618 and 1619. Thereafter, however, the process degenerated, and peerages were distributed as political rewards or favours to persons who very often possessed no connections at all with Ireland. Between 1620 and 1629, 61 additions were made to the Irish peerage, of whom about 30 possessed no land whatever in Ireland. Between the same dates at least 18 Irish peerages were bought.¹

The 99 temporal lords of whom the House of Lords was composed in 1634 included 16 earls, of whom one, Preston, Earl of Desmond, a Scotsman, was a minor. Only four of these titles were older than 1616 - those of the protestants Ormond, Kildare and Thomond, and that of the catholic, Clanricarde. Of the additional twelve earls, three were catholics resident in Ireland: Fingall, formerly Baron Killeen, who paid £2,700 for his promotion in 1628; Westmeath, formerly Lord Delvin, who paid £1,500 for his promotion in 1621; and Antrim, formerly Sir Randall MacDonnell, who bought a viscountcy (of Dunluce) for the record sum of £5000 in 1618, and was promoted in 1620, no additional payment being recorded. One of the nine remaining

1. C.R. Maye, 'The Early Stuarts and the Irish Peerage', in E.H.R. LXXIII (1958), pp. 227-51.

earls, Castlehaven, was an English catholic with landed interests in Ireland, and the religion of another, Dillon, Earl of Roscommon, is uncertain. The House of Lords in 1634 also included 43 Viscountcies, of which only three had been in existence before 1616. These three, Mountgarrett (Butler), Fermoy (Roche), and Gormanstown (Preston) were all held by 'old English' catholics. Two of the forty new titles were held by minors. Of the remaining 38 Viscounts, Taaffe, ^{(Butler),} Kerrin³, Fitzwilliam ~~xxxxxx~~, Muskerry (MacCarthy), Clanmorris (Burke), Clannelier (Dempsey), Nettirvill and Magennis were catholics. (The latter two had both paid £2,000 for this honour). The professed protestantism of Kilmallock (Sarsfield) was always, with considerable justice, extremely suspect. Finally, there were in the House of Lords, 40 Barons, (of whom two were minors). Of these, Athenry (Birmingham), Dunsany (Plunkett), Trimleston (Barnewall), Dunboyne (Butler), Upper-Ossory (Fitzpatrick), Louth (Plunkett), Power and Cahir (Butler), were catholics.¹ Brittas (Bourke) had received his title in 1618 in recognition of his having conformed to the established religion, and having entered into recognizances of £1,000 to remain in conformity. By 1635, however, he had forfeited his recognizances by reverting to catholicism.² It is extremely probable, therefore, that he was a catholic in 1634. Similarly, Lord Courcy in 1636 for-³feited a pension by revolting from the established church.

1. Lords' Jn. Ire., (Dublin, 1779), 17 July 1634, p.4. Details of purchases are from Maye, loc.cit.
 2. Strafford Letter Books, viii 320-1. ix. 301-2.
 3. Cal.S.P.Ire., 1633-47, p.127.

Whether the revolt had taken place by 1634 or not, his sympathies at that date may be presumed to have been catholic. Maguire, who received his title (probably by purchase) in 1628, was in all likelihood a catholic, as also was Lord Kerry. Lord Slane (Fleming) did not receive a writ. The title and lands of his elder brother, Thomas, who had become a franciscan friar, had been conferred upon him in 1629.¹ His case for a writ of ~~ex~~ summons was presented to the Lord Deputy before both Houses of Parliament by Patrick Darcy on July 14, and a writ was granted on the convenient but mendacious grounds of Thomas' presumed death.² A direction from England that Slane should not receive a writ arrived belatedly.³ One Baron, Baltimore, was an English catholic.

In the aggregate, then, out of an effective membership of 118 in the House of Lords, only 24 were indubitably catholics. 22 of these were 'old English' and two, Magennis and Clanmelier, Irish. To these may perhaps safely be added Wilmallock, Brittas, Courcy, Kerry, all 'old English', and Maguire. Roscommon (old English) is uncertain. The total number of catholics then, cannot have exceeded 30, and was, even at its maximum, less than the number of proxy votes controlled by the government.⁴ To this formidable control of proxies, many of them those of persons whose titles constituted their only connection with

1. Cal.S.P.Ire., 1625-32, p.487.
 2. Lords' Jn. Ire., 14 July 1634, p.3.
 3. Strafford Letter Books, V 245-6.
 4. See page 212 below.

1. Lords' Jn. Ire., 14 July 1634, p.3.

Ireland, was added control of the 24 spiritual votes.¹ Since the largest number of lords in attendance upon the House at any one time was 65², including lords spiritual, government control of the House was never in doubt. (It may be noted that the proxies of both the English catholic lords, Baltimore and Castlehaven, were under government control.)

1. Knowler (ed.), Let. and disp., i. 183-7: apostile to Art. 26.

2. Lords' Jn. Ire., 15 July 1634, p.3.

VIII

THE PARLIAMENT OF 1634-5 (ii)

The King's Session.

Parliament convened on Monday, 14 July 1634, when the official opening took place. On the following day the Lord Deputy addressed the assembled Houses. In a peroration (which he variously described as being 'in the mildest manner I could',¹ and 'so loud and heartily (delivered), that ... I was faint withal at the present, and the worse for it two or three days thereafter'²), he sketched the financial necessities of the government, and explained the two session arrangement which had been decided upon 'so as, if they without condition supplied the king this, they might be sure his Majesty would go along with them in the next meeting, through all the expressions of a gracious and good king'³. This speech was delivered extemporarily, according to Wentworth. The copy quoted above is a recreation made by Wentworth for the English Executive, mainly as a result of the fact that an alleged copy of his speech was being circulated in England by Cottington, at a time when, according to the Lord Deputy, he had not even written it down himself. Laud suggested that a shorthand copy might have been made as he delivered his address.⁴ Wentworth seems to have been disproportionately annoyed by the episode,

1. Knowler (ed.) Let. and disp., i.277.
 2. Ibid, p.273.
 3. Ibid. pp.286-90.
 4. Ibid. pp.273, 294,299,330. Bliss (ed.) The Works of William Laud, vii. 79, 85-6.

and it may perhaps be conjectured that he had committed himself further than he wished the English Executive to know. This possibility may be accepted as lending some credence to the statement of an 'old English' pamphleteer who claimed that in this address, Wentworth promised the Houses the fulfillment of all their desires in exchange for supply, assuring them that he would not profane the chair of state with untruths.¹

Being informed by the Lord Chancellor that there was some disposition in the Commons to oppose the Crown nominee for the position of Speaker, as had been done in 1613, Wentworth was careful to emphasise that the king possessed an absolute veto in the matter and that all that could be thereby achieved was a revelation of a 'frowardness of mind reigning in them'. If such a disposition did indeed exist, it was successfully scotched. The Crown nominee, Sargeant Catlin, the protestant Recorder of Dublin, was returned without opposition.² In 1613, an initial forceful assertion had proved successful; in 1634, it seemed probable that an initial cooperation would prove most beneficial; to offend Wentworth gratuitously before he had ceased to be an unknown quantity would clearly be unwise.

On Wednesday, the Speaker was presented to the Lord Deputy. Thursday was the first day of sitting for ordinary business, and the catholics in the House of Commons at once raised the question

1. B.M., Egerton MS 917.
2. Knowler (ed.), Let and disp., i. 277.

of purging the House. A Bill, however, was first read to invest the Speaker, presumably in order to avoid offending ^{Wentworth} with the reservation that the next business was to be purging. The process of purging was that of expelling Members who were not resident in the constituencies for which they had been returned. On the following day a Committee of Privileges was named for the examination of the legality of election returns; the determination of the composition of this committee led to the first division in the House. The protestants, 'in a manner entire upon one side', held that the committee should be appointed by nomination out of the body of the House. The catholics maintained that it should comprise one member from each county. The matter being put to a vote, the protestants were successful by a majority of eight, and the committee appointed consisted of forty members, of whom only thirteen were catholics.¹

The evenness of this division prompted Wentworth to decide to move the king's supply on the following day. He called a Council meeting that evening and forced the acceptance of his decision upon an unwilling Council. Some of the Council, in particular the Lord President of Connaught, he suspected of being in close touch with leading Members of the Commons, and it is probable that the speech which he addressed to the Council was in fact intended for a wider audience. He was careful not to reveal how important he regarded the success of this parliament,

1. Commons' Jn. Ire., 17 July 1634, p.64. Knowler (ed.), Let. and disp., 1.277.

professing not merely indifference to its outcome, but even his preference for a recalcitrance in it which would provide a 'just occasion of breach' between people and king, and exonerate him from attending to the interests of the former, a declaration to which the eclipse of parliament in the government of England may be supposed to have given some credence.¹

On the following morning in the Commons, the Master of the Rolls, according to Wentworth's plan, moved supply. The catholics responded by moving that all business should be suspended until the Committee of Privileges had completed its examination of election returns. After this had been 'long and very much debated', it was finally put to the question and defeated by 129 votes to 107, a majority of 22. It was thereupon ordered that the whole House should resolve itself into a Committee for Supply. The catholics, 'fearing to lose their part of the honour and thanks came round with all the cheerfulness possible', and the protestants, 'surprised, and no time to recollect themselves', then united in unanimously accepting the government's proposal that a gift of six subsidies payable in four years should be made to the king.² Thus within the first week, the rivalry of catholics and protestant, 'well fomented underhand',³ enabled Wentworth to conclude his financial propositions satisfactorily. The remainder of the

1. Knowler (ed.), Let. and disp., i.278.

2. Ibid, 277-8. Commons' Jn. Ire., 18 July 1634, p.64.

3. Knowler (ed.), Let. and disp., i.274.

first session was important from the government viewpoint only for the formality of reading and passing the subsidy bills.

'The rest of this session we have entertained and spun them out in discourses, but kept them nevertheless from concluding anything, yet have finished within the first limited time. No other laws passed but the two Acts of Subsidies, and that other short law for confirming all such compositions as are or shall be made upon the Commission of Defective Tithes'.¹

Wentworth declared his conviction that catholic opposition stemmed from a desire to arrogate royal gratitude to themselves by using a majority to demonstrate their loyalty.² Nonetheless, a successful purging of the House would have involved the destruction of Wentworth's plans. The thwarted catholic attempt doubtless had a considerably larger ambition than that of manufacturing an opportunity to secure the gratitude of the king, though this was no doubt an important consideration, for it must be remembered that Wentworth's obstructive administration of Poyning's Law had not yet been made known. A catholic majority could not only place an obligation upon the king, but also attempt to enforce it.

Though Parliament did not conclude anything during the first session, the Members of the House of Commons were by no means inactive, and the focal point of their activities was the

1. 1. Knowler (ed.), Let and disp., i.278.
2. c.f. Bliss (ed.), The Works of William Laud, vii. 83.

IBIA, 1 AUG. 1834, pp. 70-71.
IBIA 2 AUG. 1834, pp. 70-71.

'Graces'. On July 22 the whole House dissolved itself into a Committee of Grievances and appointed six persons to draw up propositions based upon those made to the standing committee of grievances, so that they might be presented to the Lord Deputy. The identity of these persons is of interest: two, Wandesford and Radcliffe were officials, newly appointed and newly come to Ireland, whose entire dependance was upon the Lord Deputy; the remaining four were 'old English' catholics, Sir Edward Fitzharris and Sir Henry Lynch, who had been agents in 1628, and Patrick Darcy and Richard Martin, who were both leading lawyers with considerable landed interests in Connaught.¹ On August 1 it was ordered that the 'Graces' and the Book of Instructions 'together with the alterations and conditions agreed upon by the committee of six as necessary to be passed as laws shall by petition of remonstrance be presented' to Wentworth to be made into Acts for transmission to England. On this date, a committee was appointed to attend the committee of the Council Board responsible for draughting Acts to be transmitted to England; of its twelve members, seven were catholics, and four were officials.² On the following day a committee was appointed to draw up the proposed petition of remonstrance: it was composed equally of catholics and officials.³ The consistency with which these committees relating to the 'Graces' comprised an almost exclusive combination of 'old English' and official members suggests that Wentworth's design to secure the return of an official party

1. Commons' Jn.Ire., 22 July 1634, pp. 65-6
 2. Ibid, 1 Aug. 1634, p.70.
 3. Ibid. 2 Aug. 1634, pp. 70-1.

which could 'sway the business' between the catholics and protestants had succeeded. The fact that in the first division the protestant majority was eight, and that in the next division on the following day, it had become twenty-two, suggests the possibility that the official party had abstained from the first ~~an~~ division in order to test the composition of the House. The effective strength of the official vote would thus have been fourteen, sufficient to turn a protestant majority of 22 into a catholic-cum-official majority of 6. It seems clear that this latter majority was operating on matters relating to the 'Graces' - perhaps the explanation of Wentworth's statement that he had 'entertained' the opposition.

The committee appointed to attend the ~~new~~ committee of the Council Board, or rather, it is safe to assume, the 'old English' members of it, did so 'incessantly', calling for the 'Graces', and in especially the law of threescore years' (i.e. the Statute of Limitations).¹ Those concerned were Richard Martin (Athenry), Patrick Darcy (Navan), Nicholas Plunkett (Co. Meath), Sir Nicholas White (Co. Kildare), Thomas Luttrell (Co. Dublin), Sir William Sarsfield (Cork), and Maurice Fitzgerald (Co. Kildare).

Though the attempt to purge the House of Commons had failed, one further gesture against the legal status of the protestant majority was made. On 29 July 1634 a petition was presented to the Commons questioning the right of thirty-two boroughs to send Members to Parliament.² Of these, one, Maryborough, had been

1. Knowler (ed.), Let. and disp., 1.279.
 2. T.C.D. ^{MS} F.3.15, f.481.

represented in the Parliament of 1585, twenty-six had been incorporated in 1613, and five had been incorporated since that date. Only two of the sixty-four seats involved, (Tuam and Ardfert) were held by catholics. The petition, it need scarcely be added, was without effect.

During this session of parliament, acquiescence in government measures, and preparation for the fulfillment of the king's promises of favour in the next session, were not entirely unrelieved by episodes of outright opposition to the government. Unfortunately the evidence for these events is slight, and almost entirely presumptive. On July 30, it was ordered upon question that the 'words spoken by Mr. Nettirvill, whereunto exception was taken, shall not be put to the question'.¹ This is by no means clear, but its significance is perhaps suggested by two contributory points. Firstly, the previous business was the second subsidy bill. Secondly, Wentworth described Nettirvill as having 'most barbarously and insolently ~~XXXXXXXXXX~~ demeaned himself this last session of parliament, expressing upon all occasions wondrous ill affections towards his Majesty's affairs and towards his ministers', and determined to prosecute him in the Star Chamber (i.e. the Court of Castle Chamber) for his offence when Parliament was finally over.² It seems clear that on 30 July 1634, the Commons protected Nettirvill from the consequences of this demeanour. Luke Nettirvill, a son of Lord

1. Commons' Jn.Ire., 30 July 1634, p.68.
 2. Strafford Letter Books, iii. 137. and Wentworth to the Lord Treasurer 7 Mar. 1635.

Nettirvill, had signed the subsidy contribution offer of 1632, and was Member for Swords.

On August 1, Sir Robert Talbot, Member for County Wicklow, was expelled for an offence, committed in the House that day, 'which tended to the dishonour of (the Lord Deputy) and this House'. He was in addition ordered to crave the pardon of the Lord Deputy. Previous business had been a petition to the Lord Deputy for establishing a mint in Ireland, and the dispatch of both the second subsidy bill and the bill for confirmation of defective titles to the Lords.¹ Talbot had subscribed both the Pale 'Benevolence' in 1625, and the subsidy offer of 1632. Though no clear picture emerges from these two isolated incidents, it may be concluded that there was a certain amount of openly expressed hostility and dissatisfaction.

A brief exchange recorded may be worthy of note as providing a single small indication of the prevailing atmosphere.² On July 18, when a Member moved that no business be conducted until the legality of the elections had been investigated, Capt. Charles Price (Belfast), speaking to Sir Hardress Waller and others, remarked: 'Surely this gentleman understands it not'. Sir John Dungan (Newcastle) who was sitting behind him (a fact that suggests that there was no physical division of parties in the House), broke in, 'in way of heat and passion', with 'Sir, as well as yourself', adding, 'Sir, we know you well

1. Commons' Jn.Ire., 1 Aug.1635, pp.69-70.
2. Ibid. 4 Nov.1634, pp.75-6.

enough'. Price replied that he was not acquainted with Dungan, who ought not therefore to have spoken to him. According to the account of witnesses, Dungan then tendered a form of apology: according to Dungan himself, he informed Price that he ^a was a liar. Whatever the truth of the matter, it is apparent that the incident was a trivial one: its real interest lies in the animosity displayed by Dungan.

The executive control over Parliament was facilitated by a procedural dispute between the two Houses which prevented the Lords from joining in the petition for the 'Graces'.¹ Nonetheless, the House of Lords, which was not anticipated by Wentworth to give much difficulty, in fact displayed far less caution than the Commons. On July 25 the 'Graces' were at least partly read, and on the same day an Act concerning the taxation of non-resident nobility was mooted.² On the following day, the House demanded view of the patent for licencing the selling of wine and aqua vita and the Act of State for the sale of ale and beer,³ both of which constituted violations of articles of the 'Graces'. On this and subsequent days the House ordered the Solicitor General and Attorney General to prepare bills for transmission to England, including two (relating to ploughing by the tail and barking of trees) based on the 'Graces'.⁴ On July 30 the same

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1. Knowler (ed.), *Let. and disp.*, 1.279.
 2. *Lords' Jn. Ire.*, 25 July 1634, pp.9-10.
 3. *Ibid*, 26 July 1634, pp. 10-11.
 4. *Ibid*, 26 July 1634, pp. 10-11.

two officials were ordered by the committee of grievances to prepare an Act for Limitation of his Majesty's title.¹ This committee was constituted, on July 24, of eighteen members, five of whom were catholics.² On the same day, July 30, proxies were entered and allowed; these totalled thirty-five in all, and were placed in the hands of eight persons, all protestants. Only one of the proxies was that of a catholic, Lord Brittas.³ On the following day a new committee of grievances was appointed: six of its twenty-seven members were catholics.⁴ This may be presumed to have been the result of the large protestant block vote created by the admission of the proxies. Nevertheless the nature of the House's activities remained unchanged. Almost the first act of the new committee of grievances was to request an Act for free trade in native commodities, according to the tenor of the 'Graces'.⁵ It also approached the Lord Deputy on the non-fulfillment of the promise concerning the impost of wines made in the 'Graces'.⁶ The House itself on August 1 ordered the Speaker to present the Acts prepared by the Solicitor General and Attorney General to the Lord Deputy for transmission to England 'according to the Statute'.⁷ The most prominent movers in these activities, according to Wentworth, were the Earl of Fingall and the protestant Lord Ranelagh.⁸

1. Lords' Jn. Ire., 30 July 1634, pp.15-17.

2. *Ibid.* 24 July 1634, p.9.

3. *Ibid.* 30 July 1634, pp. 15-17.

4. *Ibid.* 31 July 1634, pp. 17-18.

5. *Ibid.* 1 Aug. 1634, p.18.

6. *Ibid.* 2 Aug. 1634, p.21.

7. *Ibid.* 1 Aug. 1634, pp.18-20.

8. Knowler (ed.), *Let. and disp.*, i.279.

But even without this explicit statement of an inter-religious alliance, it is clear that the strict politico-religious division of the Commons did not hold true in the Lords. The activities of the House, taken in association with the firm protestant majority which it contained, indicate clearly that well-entrenched interests in the House were agreed upon their aims, in despite of religious differences. And this is the less surprising when it is remembered that a number of the protestant lords - Kerry, Howth, Kildare, Ormond, Mayo ^{and others} - were of 'old English' descent and must have continued to share the secular interests and grievances of their catholic fellows.

On August 2, the Speaker presented the Acts prepared for transmission to the Lord Deputy. Wentworth, who had refrained from previous intervention in order to avoid ~~jeopardising~~ jeopardising the passage of the subsidy bill through the House, took the opportunity to inform the House that its proceedings were contrary to Poyning's Law, and that it possessed only a right of petition. The lords accepted the rebuke and apologized.¹

The denial of the 'Graces'.

After the conclusion of the first session, the Commons' committee for Acts attended the committee of the Council Board strenuously, demanding the enactment of the 'Graces'.² Wentworth had in January sent to the English government an indication of a number of the 'Graces' which it would be necessary to refuse.³

1. Lords' Jn.Ire., 2 Aug. 1634, pp.20-5. Knowler (ed.), Let. and disp., 1.279,290-2.
 2. Ibid, p.279.
 3. ibid. pp. 190-4

It was now his concern to work out the details of his denial. He dispatched to England the Commons' Remonstrance, together with the requests upon the 'Graces' made by its Committee. To these Wentworth appended detailed comments of his own. The evaluations of the latter divide the 'Graces' into two sections: those, relating to the Court of Wards (Articles 16 and 17), to the army (Articles 2 and 44), and to the king's title to land (Articles 24, 25 and 26) which were contrary to the interests of the crown and unfit to be granted: and the rest, which were acceptable to the Executive, and might therefore be put into effect. This was to be performed by administrative direction not, as the Commons had requested, by legal enactment. Wentworth was prepared to allow the enactment of four of the 'Graces' (Articles 6, 8, 36 and 40).¹ His policy was to make his denial in such a way as to make it appear that the king had not been consulted. Preparing for this stratagem, he called the Commons' committee attending the conciliar committee before him and informed them that he could not transmit for laws the Statute of Limitations or any other of those 'Graces' which he regarded as prejudicial to the Crown.² He then issued a propagandist statement emphasizing the benefits already derived by the subject from co-operation with the crown, which was generally announced by the Judges of Assize and the Justices of the Peace during the recess. This contained the assurance that even the Statute of Limitations might ultimately be granted - after the

1. Knowler (ed.), Let. and disp., i. pp. 310-12, 312-28.

2. Ibid. pp. 279-80.

Commission for defective titles had completed its work in a moderate and mild way.¹

When parliament reassembled for the second session early in November, it was presented with a request that it should take action against Sir John Dungan, for his conduct in the incident described above. Dungan had earlier been ordered to make an apology at the Council Board, and committed to Dublin Castle.² After some delay, the House, upon acknowledgement of his offence, pardoned him, and requested the Lord Deputy that further punishment be remitted.³

On November 6, the committee which had been ordered to present the Remonstrance on the 'Graces' was ordered to report.⁴ After the House had re-endorsed the Remonstrance, the whole House attended the Deputy, on November 11, to receive his reply.⁵ No reply, however, was made. On November 17, a motion that an act against bigamy should be engrossed was defeated by seventy-eight votes to sixty-nine votes.⁶ It seems a legitimate conjecture that, irritated by the delay in dealing with the 'Graces', the Catholic party, finding itself in a majority, defeated the bill in an attempt to stimulate the government into activity. On the same day in the Lords, in which House Fingall and others had been

1. Knowler (ed.), Let. and disp. i.292-3, 327-8. The Commission for defective titles is dealt with below, pp. 274-80.
2. Commons' Jn. Ire., 4 Nov. 1634, pp. 75-6.
3. ibid. 15 Nov. 1634, p.81.
4. ibid., 6 Nov. 1634, p.77.
5. ibid., 11 Nov. 1634, p.79.
6. ibid. 17 Nov. 1634, p. 81.

since the beginning of the session, 'very earnest' for the 'Graces'¹ it was ordered that copies of the 'Graces' should be brought in 'that this House may upon reading of the same consider which of them to propound to be passed by Act of Parliament'.² On November 22, Sir Edward Fitzharris (Co. Limerick) was committed to Dublin Castle for an unspecified offence.³

On November 27, Wentworth finally addressed to both Houses his statement on the 'Graces'. This was purely a factual survey of intended policy: no explanations of any kind were given. Perhaps the most significant variation from his previous statement of opinion to the English government lies in the treatment of Article 26, relating to landholding in Ulster, which was then, he felt, necessary to be refused, but which he now stated would be put into effect by Act of Parliament, together with Articles 5, 6, 8, 9, 27, 34, 36, 40 and 41. All of the other 'Graces', apart from those which had either been already effected or were temporary in intent, were to be granted and put into effect by administrative direction and practice, with two exceptions: the Connaught surrenders were not to be enrolled, and the Statute of Limitations was not to be enacted.⁴

'The refusing their two darling articles did much unsettle them, which together with the apprehension of plantations ... so far stirred the popish party as they

1. Strafford Letter Books, v. Wentworth & Coke 19 Nov. 1634.
 2. Lords' Jn. Ire., 17 Nov. 1634, p. 31.
 3. Commons' Jn. Ire., 22 Nov. 1634, p. 83.
 4. Lords' Jn. Ire., 27 Nov. 1634, pp. 36-7.

grew very peevish'.¹ They 'lost all temper, and fell into such a froward sullenness as was strange; and indeed to that excess it went, as had it continued two days in that state, I had certainly adjourned the House, advertised over, and craven his Majesty's judgement. For the Recusants, having by the negligence of the protestant party, gained a question or two upon the dividing of the House, ten voices, they grew upon it to such a wanton insolence, as they rejected hand over head all that was offered them from his Majesty and this state; the bill against bigamy they would not should be engrossed; the law for correction houses they absolutely cast out; the law against fraudulent conveyances ... they would have none of; a law for the bailements tasted not with them; the burgesses that served for the new borough being most of them protestants, they questioned as not having the right to sit there. The Statutes of Uses and Wills we durst not adventure a reading unto, for fear some blemish might be put upon them by these men, that in all these things never gave or answered reason, but plainly let us see, their wills were set together to refuse all, but to refute nothing: nay, the party came to that at last, as the vanity and forgetfulness of duty in Sir Pierce Crosby transported him so far as that in the bill for suppressing murders ... he declares himself as it were the ringleader of that party,

1. Knowler (ed.), Let. and disp., i.347.

passing his vote not only against the bill but, (when some endeavoured to save it by that means) even against the re-committment too; and did so bestir himself as that side carried it!.

Crosby was not only a protestant, but also a Privy Councillor, so Wentworth began his attempt to recover his ground by attacking him. He caused the Councillors to sequester Crosby from the Council Board, berated them roundly with the fact that the protestant party was allowing its religion to be 'insensibly supplanted' for want of a few days attendance upon the House, and abjured them to use their influence to secure a sufficient protestant representation.

Crosby, the renegade protestant, having been disciplined, another example was wanted from the catholic ranks. The choice fell upon Geoffry Baron (Clonmel), 'of all others the most mutinous and bold; this fellow having informed some untruths unto the House had been roundly called to account for his fault by the Master of the Rolls; but as then, there being more of that party in the House, there was no good to be done', Wentworth decided that on the following morning Baron's expulsion should be the test issue to determine whether the protestants had regained control of the House. This being performed, Baron's expulsion was carried by sixteen votes, and the crisis was past. For the remainder of the session the catholics contended every issue, recording a constant ninety-five votes, but the protestant majority remained in control.¹

1. Knowler (ed.). Let. and disp., i. 350-1.

This account needs to be read very critically. The immediate impression conveyed is that, having been denied Articles 24 and 25 of the 'Graces', the catholics at once, finding themselves in a majority of ten, but without any constructive means of protest open to them, expressed their dissatisfaction in an attempt to sabotage the Government's programme of legislation by the uncritical rejection of all bills. The impression is of an immediate explosion of immoderate malignancy.

The dating of the entire sequence of events is important. The murder bill was rejected on November 28,¹ the day following Wentworth's statement on the 'Graces'. On December 2, the House declared itself satisfied with Geoffry Baron's explanation² (presumably on the fault attributed to him by the Master of the Rolls). On December 3, he was expelled.³ Thus the Council meeting took place on December 2, and the protestants regained control on December 3. The period of catholic control then lasted from November 28 to December 2, four business days (there being no meeting of the House on November 30), although Wentworth implied ('had it continued two days in that state, I had certainly adjourned the House') that it had lasted only one. The record of business on these days when, we are given to understand by the Lord Deputy, a catholic majority was rampaging irresponsibly in the House, reads: November 28: three Bills received their first reading, the Murder Bill was rejected, and a Committee with a

1. Commons' Jn. Ire., 28 Nov. 1634, p.85.

2. *Ibid.*, 2 Dec. 1634, p. 86.

3. *ibid.*, 3 Dec. 1634, p.87.

protestant majority was ordered to procure a copy of the Statutes of Kilkenny: November 29, three bills engrossed and two passed: December 1, three first readings, one bill engrossed and two passed: December 2, two bills engrossed and one passed.¹ This is the background against which must be assessed Wentworth's statement that he was forced to apply 'whips' to the protestants and to make an example of Baron in order to allow normal business to proceed - the catholics having set themselves 'to refuse all'.

His explicit statements of detail may now be examined.

Firstly, the refusal to engross the bill against bigamy took place on November 17, ten days before the reply to the 'Graces' petition.²

Secondly, the law for correction houses (which Wentworth described as 'absolutely cast out'), having been several times committed, to a majority of Catholic members, came before the House on December 8, when, at a time when Wentworth claims that a protestant majority was operating with clockwork precision, it was ordered that it should not be engrossed.³ Not only was it not cast out, it was actually passed in a subsequent session.⁴

Thirdly, the law against fraudulent conveyance (which 'they would have none of') ~~was passed in the Commons on November 14,~~ passed in the Lords on November 18, and thus at the time of the denial of the 'Graces' awaited only the royal assent to become law.⁵ Fourthly, the law for the baillements, (which 'tasted not with them') was engrossed on December 1,

1. Commons' Jn. Ire., 28, 29 Nov., 1, 2 Dec. 1634, pp. 85-6.
 2. Ibid. 17 Nov. 1634, p. 81.
 3. Ibid. ~~18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~ 10, 15 Nov., 8 Dec. 1634, pp. 78-9, 80-1, 89.
 4. Ibid. 18 Apr. 1635, p. 119.
 5. Ibid. 14 Nov. 1634, p. 80. Lords' Jn. Ire., 18 Nov. 1634, pp.

passed on December 2, and sent to the Lords on the same day, both days of catholic supremacy according to Wentworth's account.¹ Fifthly, there is no record of the right of the burgesses from the new boroughs to sit being questioned at any time other than July 29 in the previous session. Sixthly, the statute of Uses and Wills (which 'we durst not adventure a reading unto') had been introduced to the House on November 6, and was in committee throughout the period of catholic control.² Lastly, it may be observed that the Deputy's pejorative description of Baron as 'a kind of petty chapman's son who by peddling left him some £200 a year', while it may be factually accurate, does scant justice to a leading young lawyer, brother of Bonaventure Baron and nephew of Luke Wadding.

Thus Wentworth in his report to the English Executive sensationalized actuality by telescoping disconnected episodes of catholic opposition activities into one dramatic whole. Not only is this report an extensive and elaborate falsification of fact, it is in at least one point, that relating to the bill for bailements, mendacious in fact as it is throughout in tenor.

The reason is not far to seek: it is contained in the same report, in the conclusions which Wentworth draws from the events which he has depicted:

'I judge it very happy, this waywardness hath been thus unusefully for themselves discovered, and his Majesty

1. Commons' Jn.Ire., 1, 2 Dec. 1634, p.86.

2. Ibid. 6, 29 Nov. 1634, pp. 77, 85.

disengaged in the least towards that party, but free in point of honour and state to go that way to work with them as he in his good pleasure and time shall advise fittest for the service of the Crown, the securing and peace of his dominions, which in truth, I have all along been very fearful of, much apprehending the inconvenience that might have dwelt upon my master, through the free expression of their readiness in all public service: so as now I do heartily thank God, I may now say, the subsidies are given to the king, the good laws for his people passed, all without any obligation put upon his Majesty by the recusants, and this last alone I value equal with either of the other'.¹

It is clear that the denial of 'their two darling Articles' resulted in open catholic hostility to the government: but the rejection of the Murder Bill was the extent of the immediate reaction, and this was not, as the implication of Crosby demonstrates, an exclusively catholic move. Of the immense disgust of the catholics, there is no question: that it resulted in the episode particularized by Wentworth is untrue. The Lord Deputy deliberately exaggerated the opposition in an endeavour to justify his breach of faith, and to prepare the way for the initiation, unencumbered by scruple of principle, of measures opposed to the interests of catholics.

1. Knowler (ed.), Let and disp., i.351.

That the catholic party in the Commons opposed those bills which Wentworth claimed that they opposed, need not be questioned, except perhaps in the case of the baillement bill, but this opposition was generalized throughout the entire session, and proceeded not from the formal reply made by Wentworth on November 27 but from the preliminary reply which he had made to the committee of the House and which would have been made known to the House on November 16, ~~the 16th~~, when that Committee was ordered to report.¹ The importance of the denial of the 'Graces' in disillusioning the catholics with the new Lord Deputy is emphasized by an 'old English' author. Having dealt with Wentworth's alleged financial exploitation of his position, he continued:

'but that which rendered him more odious to the people was his bold reversing the promises he had made to both Houses of Parliament in the first session of the confirmation of those Graces formerly granted by the king to the country, in a scoffing and jeering manner telling the committee appointed to attend him in blunt terms that they had more already than their six little subsidies were worth and that they were not to expect their Delila (meaning the Act of Limitation) being the principle thing they desired, and he promised, which was so great a fall from those blandishments by oratory and solemn pledges and protestations he

1. Commons' Jn, Ire., 6 Nov. 1604, p.77.

had made to induce the parliament to grant those subsidies he was ever after esteemed no better than a mountebank ... No sooner were the subsidies passed, which was done with the greatest alacrity possible, but he began to play Rex, his eloquence was now turned to another key, upbraiding the natives in general with strange barbarities, rebuking bitterly the parliament upon every slight occasion, and imprisoning some members (sitting the Houses without their consent) endeavouring and striving to introduce cruel and sanguinary laws, and punishing those who in parliament dissented, whereof one being a Privy Councillor he sequestered him from the Council Board'.¹

On the day following Wentworth's statement on the 'Graces', the earl of Westmeath, whose movements seem rarely to have been without political interest, was excused his attendance upon the Lords to permit him to enter upon a pilgrimage to Lamretta.² The withdrawal of this prominent catholic spokesman is symbolic, for from a catholic viewpoint the parliament was over, its potentialities and possibilities exhausted, and the hopes implanted and carefully nursed by Wentworth revealed in their sterility.

Nonetheless, although the expulsion of Baron was reinforced by an equally telling blow, the re-introduction and passing of the Bigamy Bill on December 4,³ the activities of the remainder of the session do not altogether support Wentworth's picture

1. B.M., Egerton MS 917.
 2. Lords' Jn.Ire., 28 Nov. 1634, p.38. Ware's 'Diary of Events. 1625-1647', 10 Aug. 1635. Gilbert Collection, Pearse St. Lib.
 3. Commons' Jn.Ire., 4 Dec. 1634, p.87.

of a House controlled by a complaisant protestant majority. On December 5 a committee containing a protestant majority, was appointed to consider an Act for explanation of the Act for the confirmation of Defective Titles.¹ On December 9 a fresh committee was appointed to draw an Act for this purpose. Six of its eight members were catholics.² As already noted, the House refused to engross the Houses of Correction Bill on December 8.³ On December 11, Patrick Darcy introduced a number of projected bills for consideration, and the committee appointed for this purpose contained a catholic majority.⁴

The session, which ended on December 15, was regarded by Xx Wentworth as being on a long term view more profitable than the last, not only because of the value of acts like that for Wills and Uses, (the revenue potential of which was estimated at £4000 a year 'a point my masters of the House dream not of')⁵, but above all because 'the Acts of Grace are like to sleep their last, and indeed they being denied the 24th and 25th Articles which they valued more than all the rest, they never move for any of the rest, or ever will'. It was his intention to take steps for the enactment of those 'Graces' which could be made to yield a profit to the crown, primarily those concerning wine and aqua vita and alehouses: 'as for the rest, let them call for them if they mean to have them'.⁶ The cheerful confidence with which Wentworth

1. Commons' Jn.Ire., 5 Dec. 1634, p.87.
 2. Ibid. 9 Dec. 1634, p.89.
 3. Ibid. 8 Dec. 1634, p.89.
 4. Ibid. 11 Dec. 1634, p.90.
 5. Knowler (ed.), Let. and disp., i. 192, 305, 378.
 6. Strafford Letter Books, v. 144-50.

discarded the obligations into which both he and the king had entered was not unanimously shared by the Irish Councillors whom he had compelled to share responsibility for his decision. The apprehensions of these men, whose understanding of the issues involved can scarcely have been less profound than that of the newly arrived Lord Deputy, aroused the latter's scorn: 'But to make you laugh,' he wrote, 'there are of this Council, and the ablest amongst them, that are fearful we may have blame hereafter for denying the Graces'.¹

The final sessions, 1635.

With the 'Graces' 'now so happily laid to rest',² the issue of major concern to the opposition was decided. There remained, however, a considerable amount of government legislation to be passed, or, if possible, defeated. Details of catholic activity are dependant upon the accounts given by Wentworth. Throughout the third session, 26 January - 21 March 1635, laws passed satisfactorily, 'albeit we find the popish party in the same temper we left them in last session, by no other arguments to be persuaded into any reason but plurality of voices.'³

There was, at this time, a 'popish libel' discovered in circulation. Its theses were that while in private causes Wentworth was just, where the king or church was concerned there was no right to be expected from him; and that it was his intention to subvert catholicism by plantation. It concluded with the sinister

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1. Strafford Letter Books, v. 144-50.
 2. Knowler (ed.), Let. and disp., i. 368.
 3. Strafford Letter Books, v. 178-90.

assertion that Ireland, too, had its Feltons.¹ One of those suspected of circulating it was Sir Pierce Crosby. A search of his papers revealed nothing but the suggestive fact that he appeared to have had a smaller number of letters in the previous two years than in earlier years. He was required to enter into bonds for good behaviour.²

Parliament went on 'quietly and prosperously' during March.³ On March 20 Wentworth received a commission for prolonging the parliament for a further month. 'Some made doubt' as to whether parliament could be thus continued, and although the Council dismissed such objections as frivolous, Wentworth determined to pass the royal assent at once upon all the laws already passed to remove all question of their validity. He advised the Commons to read, engross and have in readiness the Act for Explanation of the Statute concerning Defective Titles which they had themselves drawn up. He then prorogued the House formally for two days, and the fourth session began on Tuesday, March 24.⁴

For some ^{time} during this session the opposition regained control in the House. 'Howbeit the popish party is of the most untoward peevish humour I ever saw, in rejecting and misinterpreting every desire and motion of the state', yet the government had succeeded in passing all the most important laws 'and stick now at a company

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1. Capt. Felton assassinated the Duke of Buckingham in 1628.
 2. Strafford Letter Books, v. 175-90.
 3. Knowler (ed.), Let. and disp., i.391.
 4. Ibid., pp.404-5.

of laws of far less consequence'. An Act concerning gunpowder was rejected, but the government simply converted it into an Act of State and issued it on April 10, to demonstrate that the king 'wants not power to conform them to such a government as in his wisdom he shall best like of'.¹

On April 16, Wentworth communicated to the House of Commons, through Lord Dillon, his extreme displeasure with its proceedings.²

On the same day, he sent for a number of the Lords, by name, and spoke to them of the subsidy rating of the Lords:

'But we not knowing beforehand (what) we were sent for, the Earl of Fingall moved to know whether it were his lordships pleasure to have it communicated to the Lords of the House, which was denied; or for the Lords to have any meetings about it. The Graces performed: false, slanderous, untrue, etc.'³

The concluding sentence of this extract from the Earl of Cork's diary is unclear. But whether it represents an assertion by the Lord Deputy, together with his comments on those who denied it; or an assertion of the Deputy with Cork's comments upon it, it remains evident that the subject of the 'Graces' remained not merely acrimonious, but sufficiently vital to enter irrelevantly into the discussion of other subjects.

Wentworth's displeasure did not at once influence the Commons. An Act concerning Irish manufactures was rejected on

1. Strafford Letter Books, iii. Wentworth to Cottingham, 10 Apr. 1634. Steele, Tudor and Stuart proclam. ii.35.
2. Strafford Letter Books, ix. 30-9.
3. Grosart (ed.), Lismore Papers, 1st series, iv. 92.

the first reading on April 17.¹ On the same day this bill was passed in the Lords, where it was supported by Fingall.² On the following day, however, the last day of the parliament, the Commons called for two bills which they had previously refused to pass, and 'passed them one after another with as much cheerfulness as might be'.³ One of these was the Houses of Correction Bill; a committee was appointed to request the Deputy to modify its terms in administering it.⁴

The parliament ended in a very different climate of opinion to that in which it had begun. If the catholics had revealed to Wentworth's satisfaction that they were led along as one man by their clergy, 'which I assure you is but a ticklish condition, and at best but a slippery hold for the crown of England',⁵ the catholics too had experienced a revelation. When Wentworth mustered the general hosting of Leinster shortly after the end of parliament, he was fearful of trusting himself alone with them and brought his own company with him to guard against an attempt on his life. The catholic clergy were predicting an imminent introduction of anti-catholic religious measures, and several religious houses closed in anticipation.⁶ Wentworth, who had been the repository of catholic hopes, had become in less than a year the object of catholic fear and hatred.

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1. Commons' Jn.Ire., 17 Apr. 1635, p.119.
 2. Lords' Jn.Ire., 17 Apr. 1635, pp.71-2.
 3. Strafford Letter Books, ix. 30-9.
 4. Commons' Jn.Ire., 18 Apr. 1635, p.119.
 5. Strafford Letter Books, ix, 30-9.
 6. Ibid. v. 175-90. Ware's, 'Diary of Events.. 1623-1647'. 23 June 1635. Gilbert Collection, Pearse Street Library.

A number of odds and ends had yet to be cleared up. Firstly, the futility of parliamentary opposition was to be demonstrated. All the laws which had been rejected were to be revised and established by Act of State, 'it being necessary this people should see his Majesty will be without more ado obeyed', and a committee of the Council Board was appointed for this purpose.¹ Secondly, the way was to be prepared for ensuring a future protestant majority by challenging the right of a number of corporations to send members. At least twenty were vulnerable, 'who all sent, and so will still, mere Irish papists, the most obstinate senseless creatures I am persuaded of the world, who had no more wit nor will than to do just as their Jesuits and Friars appointed them'.²

This statement is not, of course, accurate: the number of 'mere Irish papists' in the House was extremely small. To all intents and purposes, the catholic opposition in the parliament was an 'old English opposition.

1. Strafford Letter Books, ix. 30-9, 53-9. Knowler (ed.), Let. and disp., i.432.
 2. Strafford Letter Books, ix. 30-9.

IX

LAND (i)

The inquisitions in Connaught.

The catholics were not without a hint as to what was likely to follow their defeat in parliament. As early as January 1634, a number of landholders in Connaught were required to answer in the Exchequer such titles for the king as he might put in against them.¹ Towards the end of the parliament the full consequences of the failure to enforce observance of Article 25 of the 'Graces' began to emerge. Wentworth had certain dealings with those whom he regarded as 'persons of greatest power' in Connaught (the Lord President, the earl of Mayo, Lord Taaffe and Sir Charles Coote) concerning the plantation of the province. He found them all 'confident there can be no title found for the king without their consent being as much as to say the crown hath nothing there but what shall please them'. The effect, however, of basing a plantation upon some sort of understanding with these people would be to divert the profit 'another way than we intend it', and it therefore became incumbent upon the government to present a title sufficiently clear to enable this disadvantageous assistance to be dispensed with.

1. Knowler (ed.), Let. and disp., i. 191.

Wentworth stated at this time, March 1635, that there was at yet no title good enough for this purpose: and he requested that a search be instituted for records which might resolve the difficulty.¹

Confusion surrounds an offer made by X the earl of Mayo at this time. In March 1635, he withdrew it, saying that he had been 'let unto' it before he understood the business, by James Cusack, Clerk of the Commission for defective titles.² Two possibilities suggest themselves. Firstly that Cusack, as a government official, had almost succeeded in committing Mayo to a disadvantageous agreement in connection with the plantation. Secondly, that Cusack, despite his official position, was encouraging Mayo to negotiate over Wentworth's head, for the offer was transmitted to the Deputy by the Lord Treasurer of England.³ Mayo's failure to understand the business may then have been his ignorance of the fact that Wentworth did not wish to have the Lord Treasurer involved.

In March 1635, a committee was set up to examine former plantations, and, on the basis of this investigation and their own judgements, to frame conditions for the plantation of Connaught.⁴ By May, Wentworth had proceeded so far in his preparations as to be able to send an estimate of the plantation to the king. A proportion of one quarter of the

1. Strafford Letter Books, iii. 179 et seq.
2. Idem.
3. Ibid, iii. 175.
4. Knowler (ed.), Let. and disp., i. 402, 421.

5. Ibid, p. 411.
6. Ibid, pp. 442-4. The following three paragraphs are based on this letter.

on July 9. On his arrival, he found not only the jury, the land to which title was found would be resumed into the king's hand. This, it was estimated, would be about 1,100 ~~quarters~~ quarters, yielding £4 per quarter per annum: the land remaining unresumed would have a sum of £2,195 rated upon it, so that the aggregate additional revenue accruing to the crown¹ as a result of the plantation would be £6,595 per annum. At this time (19 May 1635), Wentworth affirmed himself confident of having a 'good and just title'.² Yet it was not until June 17 that Coke, sending the commissions and instructions for the plantation, also sent the records formerly requested by Wentworth.³ Whether it was the details of title which had changed between March and May or merely the Deputy's opinion of how it could be exploited does not appear.

Sometime late in June, Wentworth gave orders that a jury for an inquisition into the king's title to lands in County Roscommon was to be returned, and was to consist of 'the gentlemen of the best estates and understandings'. Thus, if they found against the king, they would be in a position to pay substantial fines, while their awareness of this fact would dispose them to find for the king: if they chose the latter course of action, their example would be an influential⁴ one.

Early in July, Wentworth began his progress into Connaught, reaching Boyle, where the Roscommon inquisition was to be held,

1. Strafford Letter Books, iii. 206.
 2. Ibid, ix. 30-9; Knowler (ed.), Let. and disp., i. 421.
 3. Ibid, p. 433.
 4. Ibid, pp. 442-4. The following three paragraphs are based on this letter.

on July 9. On his arrival, he found not only the jury, the nineteen members of which satisfactorily complied with his instructions as to its composition, and the foreman of which was Sir Lucas Dillon, but also many of the gentlemen of the county, in attendance. 'And understanding that divers affrights had been underhand put in men's minds concerning his Majesty's intentions in this work', he summoned the principal persons and informed them that his object was the finding of the king's title to Connaught, that he was commencing with Roscommon, and that as an unprecedented concession he was prepared to allow any man's Counsel to speak in defence of his rights. The following morning, a heavily subscribed petition was exhibited, pleading that the trial be deferred, on the grounds that the petitioners were insufficiently prepared to present their case. To this Wentworth replied that they had had adequate opportunity to make preparation, since proceedings on the commission had begun in the Court of Chancery twenty days before. (In fact, as has been seen, he had thought it necessary on the previous day to resolve their confusion about the object of his visit.)

These preliminaries completed, the inquisition began. Counsel for the crown was Sargeant Catlin, the former Speaker of the House of Commons, and he dealt with 'the opposition and objections from the other side' to Wentworth's entire satisfaction. When Counsel had finished, the Lord Deputy addressed the jury. He assured them that the king's title was plain, that the king was indifferent 'whether they found for him or no', but was out of his grace giving them an

opportunity to share in the honour and profit of such a work:

'if they were passionately resolved to go over all bounds to their own wills, and without respect at all to their own good, to do that which were simply best for his Majesty, then I should advise them, roughly and pertinaciously to deny any title at all.'

On the following day, the jury found for the king, petitioning that good patents should be allowed to stand, and that abbey and church lands should be exempted. These requests were granted, and a proclamation was issued deferring the examination and enrollment of patents. The result of this first inquisition was thus eminently satisfactory to the government. Sir Lucas Dillon was commended for his good affections and assured that they would be remembered when, upon the dividing of the lands, his own estates should come into question.¹

From Wentworth's own account, recited above, it is clear that this inquisition was a piece of organized intimidation rather than a balanced investigation of legal fact. The petition for postponement presented to the Lord Deputy was a request for time to procure from the Tower of London records which would support the petitioners' plea that their titles were not merely good in law, but had actually been confirmed. Wentworth was accused of having refused to allow the lawful exceptions made by the defendants' Counsel to the presence on the jury of 'divers Councillors of the province, as men not

1. Knowler (ed.), Let. and disp., i.442-4.

indifferent, they being in receipt of pensions from the king or captains in the army'.¹

Almost at once, Wentworth continued his progress, and the king's title to County Mayo was found at Ballinarobe on July 13, and his title to County Sligo at Sligo on July 20²; both 'in such manner, and with like freedom and forwardness of affections as^x in the county of Roscommon' as Wentworth observed³, or, as an 'old English' author maintained, 'in all of which it would be very hard to describe (Wentworth's) stern looks and insolent and impious and insupportable pride'.⁴

Even at the time of the Roscommon inquisition there was, according to Wentworth, 'much muttering (that) we shall meet with opposition in the County of Galway, and as if the earl of Clanricarde, or at least his servants^x, were very averse from the plantation'.⁵ At the assizes in Galway (probably in late June), John Donnellan, steward of Clanricarde, Lord Clanmorris, Sir Ulick Burke, Thomas Burke, Sir Richard Blake, Sir Dominick Browne and others delegated one David Meade to go to England⁶ to procure records clarifying the title to Connaught lands.

When the commissioners were in Mayo, Richard Martin, acting on the instructions of Donnellan, brought the earl of Clanricarde's letters patent to the king's Counsel to be

1. B.M., Egerton MS 917. Cal.S.P.Ire., 1647-60, pp.213-5.
2. T.C.D.MS F.3.15, ff.507 et seq.
3. Knowler (ed.), Let. and disp., i. 451.
4. B.M., Egerton MS 917.
5. Knowler (ed.), Let. and disp., i.442-4.
~~6. Bodl. Carte MS i. 139-52.~~
6. Bodl. Carte MS i. 139-52.

copied into the draft of inquisition for County Galway. On the return of Meade, however, he was instructed to resume the documents: and Meade's return encouraged many who were prepared to submit to the king's title to alter their resolution.¹

There is extant an account of the inquisition, which began at Portumna on August 14, by one who writes as a participant in it.² He claims that at the time of taking the inquisition there were so many persons in the Deputy's train, including four foot companies and two troops of horse, that the jury and the interested parties were forced to lodge several miles away from the town. As had occurred in County Roscommon, the sheriff was sent a list of names of persons who were to be summoned as jurors. The sheriff, however, Martin Darcy, disregarded these instructions and impanelled a jury of his own choice. None of these jurors were challenged by the king's Counsel, but those who did not appear on the first call were fined £200, despite the fact that a full complement of fifteen was in attendance.

'During the time that the evidence was given for his Majesty, there were some of the soldiers within the room with muskets charged and matches lighted ... After we gave the evidence for the country, the Lord Deputy did slight and disvalue it publicly and spoke these words Ex Magno conamine magno nugas?'³

1. Knowler (ed.), *Let. and disp.*, i. 482.
2. ~~X~~. 'Manner of proceeding at Portumna', T.C.D.F. 3.15, ff. 487 sqq.
3. ~~A~~. Roughly: What great nonsense from so great an effort.

David Meade, who had testified to the authenticity of a number of records entered by the defence, was then bound over to appear in the Court of Castle Chamber for an unspecified offence.

The proceedings lasted three days, after which the jury offered to find the king's title to those lands which had reverted to the crown on the deaths of William de Burgo, earl of Ulster, and Lionel, duke of Clarence, but not, in conscience, any others. This decision was presented in writing, and signed by each member of the jury. Nonetheless, when it was submitted to the court by the foreman, John Donnellan, the Lord Deputy insisted upon examining the jurors individually, 'whereat two of the jury said that they would have found the title if the rest had found it'¹. While Wentworth was interrogating one of these another juror, Richard Burke, nephew to Clanricarde, 'pulled him by the sleeve thereby labouring to divert the juror from declaring, that his conscience led him to find for his Majesty, which notwithstanding the juror did'². Thus Wentworth reported the incident. The anonymous author whose account of the trial has been outlined above stated that Burke touched the juror, whom he identified as Hugh O'Dalaghan, accidentally.³ The 'old English' author of the 'Discourse' claimed that the juror was slow in replying when questioned, and Burke 'quicken'd him with a touch of his

1. T.C.D.F.3.15, ff.487 et seq.
2. Knowler (ed.), Let. and disp., i.452.
3. T.C.D.F.3.15, ff.487 et seq.

elbow'¹.

As a result of this inquisition, the jury was bound over to appear in the Court of Castle Chamber to answer for its 'pertinacious carriage'. The sheriff was fined £1,000 'for returning so insufficient, indeed, as we conceive, a packed jury, to pass upon a business of so great a weight and consequence'², or, according to viewpoint, 'for daring to be honest to the prejudice of (Wentworth's) design'³. Richard Burke was fined £500 and bound over to good behaviour for life.⁴

A proclamation was issued requiring the landholders of the county to acknowledge freely the king's 'true, right and undoubted title' within a specified time. Preparations were begun to establish the king's title in law and 'by an Exchequer proceeding to seize for his Majesty the lands of the jurors and of all that shall not lay hold on his Majesty's grace offered them by the proclamation'⁵.

Accounts of the evidence for the defence conflict. While Wentworth maintained that 'nothing material was objected which had not been formerly alleged in the other counties'⁶, it is clear that records not formerly available were introduced, and it was generally claimed that it was upon the evidence of these that the jury's decision was based.⁷

1. B.M., Egerton MS 917.
2. Knowler (ed.), Let. and disp., i.451.
3. B.M., Egerton MS 917.
4. T.C.D.F. 3.15, ff.487 et seq.
5. Knowler (ed.), Let. and disp., i.451, 453.
6. Ibid, p.451.
7. B.M., Egerton MS 917. Bodl. Carte MS i.139-52. Cal.S.P.Ire., 1647-60, pp.213-15.

Wentworth attributed the conduct of the jury to three main influences: ¹ the factious advices of catholic lawyers; the hegemony of the priests, resulting from the absence of protestant freeholders; and the attitude of the earl of Clanricarde, expressed in part through John Donnellan, and also through Viscount Clannorris, the earl's brother, who 'appeared openly before us, as the gracious lord to countenance the opposition of the county, and to contradict the king's title', and who, before the jury had returned its verdict, had 'been heard to say in a vaunting manner ... that they would have given a great sum of money that we had begun here, that so by not finding the king's title here, the other counties might take example to do the like'. ² Wentworth went so far as to ask that neither Clanricarde nor his son be allowed to come to Ireland until the business of the plantation was completed. ³ It was believed in Ireland that the Lord Deputy felt considerable animosity against Clanricarde, the cause being that before he came to Ireland, the earl had given him 'such grave and solid advice, for the better administration of that charge, as his long experience in matters of government had well furnished him with', which was taken in bad part by Wentworth. ⁴ There is probably some truth in this, for Clanricarde did advise the new Lord Deputy that it would not be possible to procure an extension of the contribution for the

1. Knowler (ed.), Let. and disp., i.452.
 2. Ibid, p.451.
 3. Ibid, p.453.
 4. B.M., Egerton MS 917.

army, and Wentworth neither forgot nor allowed others to forget what he seems to have regarded as a piece of deliberate obstruction.¹

When Wentworth arrived at Portumna, he took up his residence in Clanricarde's house, 'and held his Court of Inquiry in the hall, to find the earl's whole estate in Ireland for the king'.² When his use of the house was questioned, Wentworth claimed to have received permission from Donnellan at least four months beforehand, and to have come fully provisioned so that his fourteen day stay involved the earl in no expense whatsoever.³ It was not, however, his use of the house so much as his misuse of it which aroused general feeling. He was accused of slaughtering the deer, grazing horses in the best meadow, and 'casting himself in his riding boots upon very rich beds'.⁴ The very triviality of these charges is of significance, for it reflects the fact that any diminution of the prestige of Clanricarde, beyond question the premier catholic peer of Ireland, was a phenomenon which could only be interpreted as implying the debasement of the subjects in general. If the personal possessions of Clanricarde, were not free from petty abuses, and the earl himself from petty indignities, then indeed lesser men might justly wonder if any limits existed. The comment provided by the 'old English' author for the English Privy Councillor of his 'Discourse' emphasized the

1. Strafford Letter Books, ix. 74 et seq. xi. 217-23.
2. B.M., Egerton MS 917.
3. Strafford Letter Books, ix. 91-7. Knowler (ed.), Let. and disp., i. 495.
4. B.M., Egerton MS 917.

point:

'I dare say there was not any nobleman or gentleman in England (that man excepted) that would not have been careful to yield the earl of St Albans (Clanricarde) ¹ great respect and honour'.

The opposition of the Galway landholders.

The landholders of Galway were not yet prepared to accept defeat. They determined upon an attempt to circumvent Wentworth's designs by recourse to the well established practice of sending agents to England, where they could count upon the influence of Clanricarde, 'to offer themselves to composition in a way that should be as honourable and as profitable for his Majesty as that which was tendered by (Wentworth) at (his) presence there for the plantation'. ² In a petition to the king requesting that he should hear them by agents, they rested their case against the king's title largely upon the surrenders of 1615 and upon Article 25 of the 'Graces', which, whatever the legal state of the title, bound him in law and honour, and offered to perform themselves whatever a plantation would have effected. ³

Wentworth, who had resolved to punish Galway's opposition by causing to be resumed in the county a greater proportion of land than in the other counties, regarded the issue as one of the most critical importance. There existed in Ireland,

1. B.M., Egerton MS 917.

2. Bliss (ed.), The works of William Laud, vii.97.

3. Cal.S.P.Ire., 1647-60, pp.213-15.

he believed, 'the greatest, the safest, open, which was ever given to the crown of England whereby to let in the English laws, manners and religion to this nation'; if the agents succeeded in closing it, the opportunity to 'conform this desolate nation to England' would never recur.¹ The issue involved, however, was even greater than that of their immediate object, and embraced the principle upon which they were sent, 'it having been anciently the chief art of this nation, by the intervention of these agencies, to destroy the services of the crown, and strike through the honour and credit of this state and the ministers thereof'.² If the present situation were properly handled, not only would the important proceedings in Connaught be confirmed, but that fact would 'serve to wean them from this unbecoming way of remonstrating and negotiating their grievances'.³

'You may conceive at first sight', he wrote, 'I magnify the importance of this business more than there is cause for, that the gates are bigger than the city; but believe me, I judge that there doth more depend upon the success of this by far, than of any other affair which hath been in proposition or motion since I came to this government'.⁴

There seems no reason to dispute his evaluation of the episode. The agency constituted a trial of strength between the Deputy

1. Strafford Letter Books, ix.105.
 2. Knowler (ed.), Let. and disp., i.473.
 3. Strafford Letter Books, ix.106-4.
 4. Knowler (ed.), Let. and disp., i.473.

and the 'old English'. The latter had been defeated in parliament, but, as had been demonstrated in 1625, 1626, 1628, and 1632, the most effective theatre in which to exercise political influence on events in Ireland was in England, and it was in this theatre that the 'old English' made their stand against Wentworth's authority.

Wentworth characterized the agents at some length for the guidance of the English government:

'Sir Roger O'Shaughnessy, a gentleman of as much power as most in those parts, of a thousand pounds a year lands all subject to plantation as I take it, a person that in the parliament went with temper indeed but with as much constant stiffness against the king as any amongst them, ^aperson on whom the romish clergy have a great dependence, and again he ~~was~~ on them, a person that cunningly wrought himself off the jury whereon he was returned, by practising the sher~~r~~iff not to give him summons, as was by us all conjectured being upon the place. Mr (Patrick) Darcy, by his profession a lawyer, and in as great practice as any other of his profession, earnest in the way of his own religion, but yet to speak truth of the man, that in divers particulars carried himself very well ~~in~~ this last parliament, drawn into this business I am persuaded by Mr Martin his brother-in-law or by some greater persons, for which in truth I am sorry. Mr (Richard) Martin is a lawyer also, very able, and in great practice, but one that carried himself obstinately and indeed malevolently all the

parliament, one that for certain hath been a chief ¹
boute feu and contriver in all that hath passed in this
 business, as well before as since our meeting upon that
 commission at Portumna, one that we thought fit therefore
 to have made a defendant in the Castle Chamber, with the
 rest of the jury; to have tendered him an oath of suprem-
 acy and thereupon to have prohibited him his practice ...
 .. and whose father, an alderman of Galway hath four
 hundred pounds a year in that county liable likewise to
 the plantation.²

Apart from his legal practice, Darcy was a man of considerable
 landed interests in Connaught.³ Martin was permanently retained
 by the earl of Clanricarde for all his law cases.⁴

Wentworth requested that these three agents should receive
 a hearing, be required to reduce any propositions they might
 make to writing, be committed for leaving Ireland without
 licence, and then sent back, together with their propositions,
 for legal action to be taken against them.⁵

Notice of the agents' arrival in England was brought to
 the king in October 1635 by the earl of Clanricarde's son
 'who pretended that himself and his father were much taxed
 by (Wentworth) and that (the agents) were sent to justify
 themselves and others for their proceeding in the business of

1. Lit. touchpaper: fig. one who stirs up discord.
 2. Strafford Letter Books, ix.100-4.
 3. O'Sullivan (ed.), The Strafford Inquisition of County Mayo,
 (Irish Manuscripts Commission, 1958), ff.70, 99v, 100v, 152, 252v.
 4. N.L.I. MS 3111, Clanricarde MSS, Clanricarde to Sir Henry
 Lynch, 27 Apr.1632.
 5. Strafford Letter Books, ix.100-4.

the ^mcom^mission'. Charles replied unsympathetically to this approach, stating that he would deal with the agents on his return to London, and making evident his disapproval of Clanricarde's part in the Galway denial.¹

Later, a day of hearing was appointed for the agents and they were ordered, in accordance with Wentworth's advice, to reduce their propositions and reasons to writing.²

The expiration date of the time allowed by proclamation for submission to the king's title in Galway was 10 October 1635. By that date, not more than five persons had submitted. It was clear that the landholders of the county were unrepentingly gambling on the success of the agency.³ Wentworth respite^d further proceedings in the matter of the King's title until the outcome of the venture was known. Interest and concern about the agency were not confined to the immediate participants, for the issue at stake was clearly general.

'They within the Pale begin now to find his Majesty hath the same title to a great part of Meath, which he hath to Connaught, and that many other places among them also are upon other fair and just claims subject to plantation. So as I understand they are consulting to send over agents apart to treat their own accommodations with you likewise upon that side'.⁴

1. Knowler (ed.), *Let. and disp.*, i.476
2. Idem. *Strafford Letter Books*, iii.234-5.
3. Ibid, ix.100-4.
4. Ibid, ix.105-6.

The Galway agents had submitted their propositions in writing before November 16. Their position was straightforward. They denied that the government had submitted sufficient evidence at Portumna to justify the jury in regarding the royal title as proven, and suggested that those entire proceedings should be dismissed, and the impasse resolved by the acceptance of all existing patents as valid, and the doubling of the rents paid thereon.¹ On about 13 November 1635, the agents 'lost a great protector' when the earl of Clanricarde (who had of late been 'very sure friends' with Cottington and the Earl Marshal²) died.³ Despite the introduction of an element of personal recrimination when his death was attributed to Wentworth's ill treatment of him, of which in particular 'his son seems very sensible',⁴ the death of the earl was of considerable advantage to the Irish government. The agents, nonetheless, were not left entirely friendless. Sir Piers Crosby, who had come to England at about the same time as the agents, and without official licence,⁵ was reported to be 'ushering them to and from all their appearings before the lords', and it seems probable that they were supported by other discontented elements as well.⁶

The agency ended in rapid and complete failure. Not only did the agents receive no official encouragement whatever (though

1. O.Ogle (ed.), Calendar of the Clarendon State Papers preserved in the Bodleian Library (Oxford, 1872), i. 362-4.
2. Bliss (ed.), The works of William Laud, vii. 200-201.
3. Strafford Letter Books, ix. 319-20.
4. Ibid, viii. 333.
5. Knowler (ed.), Let. and disp., i. 476.
6. Ibid, p. 497.

Francis Windebank seems to have been favourably disposed towards them ¹), but were summarily 'dismissed presently after their first appearance' ², and ordered to return to Ireland 'and make haste to present their account to' the Lord Deputy. ³ They pleaded that proceedings against them should be taken ~~in~~ in England, not remanded to Ireland ⁴, and also 'pretended the dangerous winter passage to gain time' ⁵ - 'whether from fear or hope I know not'. ⁶ They were informed that they would be taken to Dublin in the custody of a special messenger if they did not leave instantly. On 12 January 1636, Coke reported their departure, with instructions to submit to legal proceedings against them 'from which no public agency can give them protection from that justice to which both they and their confederates are absolutely left'. ⁷ On the part of Richard Martin, this departure was a subterfuge. In February, having been apprehended 'in a place obscure enough', he was escorted back to Ireland by special messenger. ⁸ By early March, both he and O'Shaughnessy were close prisoners in Dublin Castle. ⁹ Darcy, however, had received permission to remain in London 'for private service, without relation to this cause'. ¹⁰

Wentworth was determined to make an example of the agents

1. Strafford Letter Books, ix.320-1.
2. Ibid, ix.325.
3. Ibid, ix.322.
4. O.Ogle (ed.), Cal.Clar.S.P., 1.81.
5. Strafford Letter Books, ix.325.
6. Ibid, ix.322.
7. Ibid, ix.325-7.
8. Ibid, xv. Coke to Wentworth, 8,9 Feb. 1636.
9. N.L.I. Ormond MSS iv.329.
10. Strafford Letter Books, ix.325-7.

partly in order to punish them for the insolence of their stale and well-worn propositions, partly in order that the device of agencies to England might 'be taken up so by the roots as never to bring forth these bitter fruits¹ thereafter'. The commissioners for plantation declared that 'to assume to themselves of a title of agents' was 'an offence of a high nature deserving exemplary punishment', and referred to those concerned as 'conspirators'.²

Although in January the failure of the agency resulted in the Deputy being instructed to proceed quickly to the trial of title, and he was assured that no composition had been made with the agents, or would be made with anyone else, and that the agents had been dismissed rapidly lest 'their long abode might both dishearten and disturb the followers of that cause (of plantation)', and although this letter was publicly read out, it proved for some time impossible to proceed.³ The failure of the agents to return was encouraging the ill-affected and discouraging the well-affected. As a result of this delay, and of the opposition of the Galway landholders, who disputed every step forward, the measurement of the land and the taking of effective possession had perforce to be postponed. The prosecution in the Castle Chamber, which might be expected to have a salutary influence was deferred until it should be possible to examine the agents, of whom it was intended to

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1. Knowler (ed.), *Let. and disp.*, i.493.
 2. *Strafford Letter Books*, ix.117-20.
 3. *Ibid.*, ix.324, 325-7.

charge at least Martin and Darcy as 'combiners' with the jury. Information of private consultations both before and after the Portumna sitting indicated that the jury's perverseness was principally actuated by these two, and they by others farther off. They had, too, been responsible for levies being raised 'under unseemly pretences as for a public defence of themselves and liberty' (presumably either expenses for the agency to England or, less probably, the trial of the jurors). In addition 'the contrary part prevail themselves mightily with the vulgar, upon the stay of Mr Darcy, as if his proposals were not only for the service of the crown, but such as would in the last resort much weaken, if not altogether lose (the Lord Deputy) in the gracious opinion of his Majesty'¹.

Very shortly, however, the return of Martin took place. He and O'Shaughnessy were committed and examined, 'and very probable it is, there will be a notable combination found out among them', the discovery of which would be facilitated by the fact that there were 'already jealousies among the agents themselves'².

Opposition was not altogether confined to County Galway. During the preliminary measurement of those parts of Connaught to which the king's title had been found, the earl of Mayo, a Privy Councillor, together with his mother and two brothers, behaved obstructively and perjuriously towards the commissioners of survey, A number of his fellow-protestants in the area

1. Strafford Letter Books, ix.146-52.
 2. Knowler (ed.), Let. and disp., i.521.

petitioned the Deputy for protection against the earl, and both he and his family were confined to Dublin and its immediate surrounds.¹ A dozen surveyors were then sworn in, (an unprecedented precaution), and sent down to prepare a complete statement of landholding in the three counties.²

Darcy's continued stay in London was a considerable embarrassment to the Lord Deputy and an encouragement to the opposition. In fact, however, his endeavours were as profitable as the Galway agency. A number of attacks were at this time being made on Wentworth's administration of the Irish Customs, primarily by Wilmot, Barr and Mountnorris, and Darcy associated himself with these.³ He first submitted a proposal that the king should cease to farm out the Customs, and take them into his own hands. When this was rejected, he offered to find persons of worth to take the farm for £11,000 or £12,000 more than was at present being paid. Both propositions were rejected. Darcy asked for protection from the Lord Deputy's anger at his offers and petitioned 'that being a lawyer by profession, he may live here, and follow his studies at one of the Inns of Court, as never daring to appear again in Ireland'. The last eight words of this appeal were underscored by the king, with the comment, 'I like not this'. By the end of January 1636, Darcy's stay was evidently futile. Although he

1. Strafford Letter Books, ix.152.
 2. Ibid, ix.160-3.
 3. Ibid, iii.239-41. Knowler (ed.), Let. and disp., i.421. Bliss (ed.), The works of William Laud, vii.216-21. Ogle (ed.), Cal. Clar. S.P., i.361.

remained until at least May, he was entirely on the defensive, attempting unsuccessfully to refute allegations of his disservices to the king in the last parliament.¹ Wentworth was confident that Darcy was 'fomented and (held) intelligence with some both on this, and on that side',² and that he had acquired his knowledge of the business concerned only after his arrival in England.³ By April it had been decided that Wentworth should shortly come to Court to give an account of his administration, and all proceedings on the Customs were respited until that time.⁴ Having thus defeated the attack on his Galway policy by the 'old English', and the joint attack on his Customs administration by catholics and protestants, Wentworth once more took up proceedings in the matter of County Galway.

On 27 May 1636, the jury came to trial.

'The charge against these gentlemen is for a wilful refusal to find the title of his Majesty to the whole county of Galway contrary to their evidence and of a combination amongst them and with the sheriff by this act of theirs to give an impediment to the gracious intention of his Majesty for the planting and civilizing that county to which they and the rest were but intruders.'

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1. Cal.S.P.Dom., 1635-6, pp.179, 405. Ogle (ed.), Cal. Clar. S.P. i. 75, 76. Knowler (ed.), Let. and disp., i. 512. Strafford Letter Books, iii. 328-30; ix. 332-4.
 2. Ibid., ix. 146-52.
 3. Knowler (ed.), Let. and disp., i. 521.
 4. Strafford Letter Books, iii. King to Wentworth, 10 Apr. 1636.

The question before the court was whether the evidence presented for the jury's consideration had been sufficient to establish the king's title.

Once more the members of the jury were interrogated individually on the reasons motivating their decision. The general concensus of opinion was that the Galway landholders were able to produce better evidence in defence of their titles than were those of the other counties, and that therefore the contradiction, posited by the prosecution, between their decision~~x~~ and those of the other juries was not a true contradiction. The course of the trial consisted largely of a repetition of the inquisition proceedings at Portumna. The case for the king's title was presented by the prosecution, and Nicholas Plunkett, Counsel for the defence, attempted to refute it. Under the charge of combination the state presented for consideration a series of facts: the failure of the jury to obey the proclamation calling for the production of letters patent for examination and verification before 10 October 1635; the partiality of the shexriff's selection of juror~~s~~, evidenced by the fact that one of them, Ambrose O'Madden, could neither read nor write; the behaviour of Richard Burke; and 'the course taken by them since in England'.

It was adjudged that both the king's title and the charge of combination had been abundantly proved: it was ordered accordingly that inquisition should be taken anew, and that the jurors be each fined £9,000 and imprisoned.¹

The jury petitioned against this decision to the king, their suit being preferred by the earl of Clanricarde, but their petition was referred back to the Irish government. Wentworth was in full control, with complete support from England. The king's title had not yet been found, but the Lord Deputy hoped to have the case ready for decision in the Exchequer Court in Michaelmas term following. In June, he left for England to render an account of his deputyship, leaving Wandersford and Loftus as Lord Justices in his place.¹

O'Shaughnessy, after a short term of restraint for leaving Ireland without licence, was released. Martin and Darcy were required to take the oath of supremacy, and on their refusal were disqualified from practice at the bar. According to Wentworth they were then released.² Darcy, however, towards the end of August, was still in restraint in Dublin Castle, protesting that he was unable to contradict Wentworth's statements that he was at liberty, since the Deputy 'sways all at the fountain'.³

On July 23, the king, at the request of Clanricarde, required Wentworth to licence Sir Richard Blake and John Donnellan to come to England on special service of the earl, Donnellan (who was foreman of the jury) to be released on bail. Wentworth acceded to this.⁴ In the meantime, however,

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1. Knowler (ed.), *Let. and disp.*, ii.14.
 2. *Strafford Letter Books*, ix. 177-81.
 3. *H.M.C. Ormond MSS* n.s. i. 35-6.
 4. *Strafford Letter Books*, ix. 339.

despite the judgement against them, the Galway jurors had refused to make an acknowledgement of their fault, Donnellan's perverse conduct throughout 'being especially notable; while the country in general do promise some hope unto themselves to be relieved from this intended plantation'.¹ It seems very probable that this optimism resulted from a misunderstanding of Wentworth's visit to England, and a feeling that his recall might be imminent.² In fact, Wentworth had by this time, in full Council before the king, given a satisfactory report of all his proceedings in the matters of Clanricarde and the Galway jury, had been given full power to continue with the plantation, and had also disposed of the criticisms of his administration of the Customs.³ He now demonstrated his power by rescinding Donnellan's licence to come to England.⁴

The submission of the Galway landholders.

In late August Clanricarde was entrusted with a submission from the Galway jurors, on whose behalf he was requested to sue for pardon. The earl was strongly advised by Coke against making his suit directly to the king, since it 'might much disparage the justice of that kingdom'. It was, besides, a matter of considerable delicacy, for it involved not merely the remission of the king's fines, but also the foregoing of

1. Strafford Letter Books, ix.173-5.

2. cf. Knowler (ed.), Let. and disp., ii.27-8.

3. Ibid, pp.20-1.

4. Ibid, p.23.

of the intention to confiscate a greater proportion of the land in Galway than in the other counties.¹ Nonetheless, Clanricarde several times approached the king, whom he found adamant that the jury should make a public acknowledgement of their fault - be forced to 'confess themselves knaves', as Clanricarde termed it - and that Galway 'be differenced from others' in the plantation. He permitted Clanricarde, however, to approach Wentworth on the subject.²

The earl accordingly addressed himself to the Lord Deputy, being now in a position to submit for his consideration a Surrender from the Galway landholders, which offered to the king 'as a sacrifice of their affections a grant and surrender of all their lands not derived by effectual letters patent from the crown', together with a covering petition. In this latter, the landholders claimed that they had been unprepared for the plantation proceedings; that their ancestors had been faithful subjects; that they were sorrowful at being thought to oppose the king; that they had held the lands in question for a very long time; and concluded by asking for mercy. Wentworth subjected this essentially 'old English' document to detailed criticism. The intention to plant Connaught, he claimed, had been announced in open parliament; their ancestors had only with difficulty been restrained from open rebellion on the death of Queen Elizabeth; their sorrow consorted ill with their 'drunken obstinacy and pride at

1. Knowler (ed.), Let. and disp., ii. 31.
 2. Bliss (ed.), The works of William Laud, vii. 282-6.

Portumna'; their possession of the land in question was merely a lengthy intrusion upon crown property; as to mercy, they had disdained and rejected the king's grace when it had been offered by his ministers; finally, the land which they affected to surrender already belonged to the king. Clanricarde himself excited the Deputy's antagonism by referring in his covering letter to 'points of great difficulty wherein their consciences did not direct the jury to find his Majesty's title', which Wentworth regarded as implicitly impugning both the king's title, and the conviction of the jury. The landholders' offer was rejected.¹

Before information of its rejection had reached Ireland, one hundred and seventy-five persons of the best quality of the county of Galway wrote to Clanricarde confirming his authority to treat on their behalf. At the same time, the jurors petitioned Wentworth, acknowledging his justice and their own error of judgement. In view of these new developments the earl renewed his efforts. He appealed to Wentworth to mediate with the king:

'to accept of this their free and unanimous resignation of their ~~estates~~^{estates} without further dispute, and your lordship and the state to receive the jury's humble acknowledgement the rather in regard they have laboured to redeem their first offence by persuading the rest of the county to this general surrender.'

1. Strafford Letter Books, ix.177-81.
 2. Knowler (ed.), Let. and disp., ii.35.

This approach was no more successful than the preceding one. The offer of surrender was again rejected. As to the jury - 'a company of unconsionable and inconsiderable persons are they, God wot' - Wentworth recommended them to make their suit to the judges of the Court of Castle Chamber, and was confident of their eventual submission.¹

In these events passed the autumn of 1636. Although the trial of title to County Galway was not held, the admeasurement and survey of the three counties to which title had been found was completed, and revealed results more satisfactory to the government than had been expected.²

In December 1636, the jury finally submitted at the Council Board, had their fines reduced, and made an offer to find the king's title to the county: subsequently in the Court of Castle Chamber they made acknowledgement of the justice of the proceedings taken against them, and of the clarity of the king's title. On giving security for the payment of their fines, they were set at liberty. It was decided to continue with the legal proceedings already introduced and to require the jury to 'put in~~x~~ their answer to the information exhibited against them in the Exchequer Chamber before the beginning of next term and then to crave judgement and seizure upon the king's title'; subsequently, an inquisition would be held for the remaining lands in the county. This was done in order that

1. Strafford Letter Books, ix.183-4.
2. Ibid, ix.186-7.

3. Ibid, ix.205-10. See also P.R.O. 100, 63/206.7.

a legal judgement against them might remove any merit attaching to the jurors' offer to find the king's title, or any justification arising therefrom for the treatment of Galway in the same manner as the other counties.¹

The Irish government had thus brought the affair to a triumphant conclusion, and Wentworth observed that the manner in which it had been allowed to manage the matter had added so greatly to its power 'and to the apprehension of this people' that the other plantations in view would be uninterrupted.²

One final attempt was made by the Galway landholders to exploit belated acknowledgement of title. On 9 February 1637, Lord Clanmorris (Thomas, second viscount, who had succeeded his father John, Wentworth's opponent at the Portumna inquisition, in November 1635), Lord Bermingham and about one hundred others, including the jurors, petitioned the plantation commissioners, acknowledging the justice and clarity of the king's title, desiring that the suits in the Exchequer might be stayed, that a commission might go down to the county to find for the king, and that 'they of this county might be as well dealt with as those of the other three'. The petition was denied. The people of Connaught were now, Wentworth believed, completely disciplined, and opposition need no longer be feared.³

At Assizes held in Galway in April 1637, by virtue of a

1. Strafford Letter Books, ix. 196-7.

2. Ibid, ix. 189-93.

3. Ibid, ix. 205-10. Cal. S.P. Ire., 1633-7, p. 149.

P. R. O., S. P. Ire., 63/256. 7.

new commission (dated 13 February Car. 12) two inquisitions were taken, one at the monastery of St Francis near Galway city on April 5 for the county of Galway, and one for the county of the town of Galway, to find the king's title 'which was done very readily' and which was accompanied by a general acknowledgement of the 'honour of the proceedings',¹

The preliminary plantation proceedings in Connaught were thus virtually complete. There remained only the sending down of surveyors to measure County Galway, and the preparation of a detailed statement of landholding in that county, together with the perusal of letters patent for lands in Connaught in general. Thirty surveyors were sent down to Galway. The patents were examined by Radcliffe, , the Attorney-General, and the Lord Chief Justice of the Common Pleas, who accepted the validity of only about one-sixth, among those adjudged to be void being those of the earl of Clanricarde.²

There was, however, a set-back in the proceedings in general. In March 1637, Wentworth wrote that the plantation in Connaught 'which was in a sort settled, totters again, and great ado there is to keep the undertakers to their first propositions, so much do they apprehend a distraction through a war with Spain.'³

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1. Knowler (ed.), Let. and disp., ii.76. T.C.D.F.3.15, ff.507 et seq. Strafford Letter Books, ix.220.
 2. Ibid, ix.220; iii.300-1, 308-9, 309-11.
 3. Knowler (ed.), Let. and disp., ii.63.

The incursions in Ormond and Clare.

Wentworth had made a preliminary estimate of the plantation of Ormond in County Tipperary in January 1634.¹ The project was at that time, however, still in the hands of the Scots lords to whom it had earlier been entrusted.² In May 1635, the Deputy wrote that the earl of Ormond was prepared to assist in the finding of the King's title, but only on condition that the benefit should accrue to the king, not to the Scots projectors. He was directed to assure the earl that this condition would be observed.³ He again referred to the project in January 1636, but proceedings in the matter had perforce to await the outcome of the opposition in County Galway.⁴ As soon as it became clear that this latter had been decisively overcome, Wentworth recommended that the plantation of Ormond should be proceeded with immediately, in particular before any break with Austria.⁵ Instructions to proceed in the matter were dispatched to him on 25 April 1637.⁶ Some days previously, he had again written declaring that, apart from rumours of war with Spain, the time was opportune for other plantations, particularly in County Clare. As yet there was no strong title

1. Knowler (ed.), Let. and disp., i.191.
 2. Strafford Letter Books, iii. Lord Treasurer to Wentworth, 3, 15 July 1634.
 3. Ibid, ix. 30-9, 53-9.
 4. Ibid, iii. 237-9.
 5. Ibid, ix. 218-9.
 6. Knowler (ed.), Let. and disp., ii. 69.

to the land in this county, but such was the fear induced by the proceedings in Galway 'as I am very hopeful¹ they would not adventure to refuse to find but an indifferent title'.¹ In reply, he was encouraged to proceed with this matter also, and assured that the king had no intention of making war on Spain.²

In May 1637, Wentworth entered into negotiations with the earl of Ormond and the Lord President of Munster, and was confident, in spite of the necessity for co-operation with interested parties in the plantation of Ormond, 'in a short time to guide and raise it in a proportion to, near, as good a benefit for the crown as is already attained in that other'.³ He remained confident, too, despite the inadequacy of the title, of being able to secure a satisfactory result in Clare also.³ By the end of June, preparations for the finding of the titles were far advanced, and commissions were issued on July 7.⁴ But the main preliminary in Ormond was an agreement between Wentworth and the earl on the basis of a compromise decided upon with the previous earl. The earl was to be secured in his possessions and rights, to have for himself one-quarter of the lands to be planted, on normal plantation conditions, while three of his friends, Piggott, Fennell and Rothe, the latter two 'old English' catholics, were to have plantation grants of 1,000 acres each. This agreement was reduced to a formal

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1. Strafford Letter Books, ix.220-3.
 2. Knowler (ed.), Let. and disp., ii.76.
 3. Strafford Letter Books, ix.223-30.
 4. Knowler (ed.), Let. and disp., ii.84. T.C.D.F.3.15, ff.507 et seq.

document on 2 August 1637.¹

On August 12, a royal commission sat at Clonmel in the presence of Wentworth and found the king's title to the baronies of Upper and Lower Ormond, title having passed to Henry VIII by the Statute of Absentees. The importance of the agreement with Ormond therein appears, for this title was bogus: it was found only by the suppression of a royal grant and the ignoring of a statute of the realm.² Wentworth justly described the king's title as 'borrowed'.³

Some days later, the landholders of County Clare sent to Wentworth a petition acknowledging, and submitting to, the 'honour and justice' of the king's title to that county.⁴ An inquisition was held at Castlebank, County Clare, on 22 August 1637 and the king's title was formally found.⁵ The background to the events in Clare was revealed shortly when on August 28 Wentworth requested permission to restore Richard Martin to his practice:

'My reasons are these, Mr Darcy was the principal boute feu in that business, this gentleman persuaded and brought into it by that other, hath ever since expressed a much greater sense of his transgression hath endeavoured to expiate his offence by counselling all men to submit to his Majesty's title in Galway,

1. T. Carte, The life of James, Duke of Ormond (6 vols, Dublin, 1851), i. 118-9.
2. T.C.D.F. 3.15, ff. 507 et seq. Gleeson, The last lords of Ormond, pp. 51-2, 63-4.
3. Knowler (ed.), Let. and disp., ii. 93.
4. Strafford Letter Books, iii. 289.
5. T.C.D.F. 3.15, ff. 507 et seq.

nay, persuaded now of late with those of Clare to do the like, of himself brought us all the records he had concerning this title, and amongst them one indeed which we hath not before: and lastly, was the man which drew the petition for Clare, and advised it to be signed before we came hither.¹

Martin received his reward, being once again in practice by November 1637.² Darcy, however, despite the powerful intercession of Archbishop Laud, was still debarred in June 1638.³

Wentworth and Laud agreed that 'the steady hand carried in the business of Galway made this so ready', and Wentworth believed that the opportunity could be exploited yet further.⁴

The progress of the plantations: the earl of Clanricarde.

This expectation overreached reality, however, for despite the government's success in plantation preliminaries, the actual process of plantation did not proceed with any facility, primarily because it proved difficult to find persons ready to undertake to plant the lands. In April 1638, this was still an obstruction in Connaught, and until the problem was disposed of there a beginning could not be made elsewhere.⁵ This paucity of human resources contrasted strongly with the 'universal running to New England', and it was perhaps largely due to the fact that it was Wentworth's policy to

1. Knowler (ed.), Let. and disp., ii.98.
2. Strafford Letter Books, ix.29.
3. Bliss (ed.), The works of William Laud, viii.406-7, 437-45.
4. Knowler (ed.), Let. and disp., ii, 104, 136. (446-56, 487-94).
5. Ibid, p.157.

exclude Scots (for which 'the whole ~~kingdom~~ kingdom bore me the ill-will of it').¹ In June 1638, Wentworth wrote: 'the plantations prove a most laborious work, I could not imagine their march had been so ~~xxxxx~~ heavy'.²

Galway landholders were not entirely cowed. When the commissioners of survey sat at Loughrea, from August to November 1638, to make a complete record of landholding in the county, there was at first a considerable amount of obstruction: 'the earl of Clanricarde's officers and divers other great men held back and were unprovided'. All portions of land under 134 acres were to be forfeited not as to half, but in their entirety, and a good deal of the delinquency which took place was comprised of false returns concealing these small portions. There was very considerable point in this, for it was calculated by one of the commissioners that the confiscation of all these portions, together with one half of the rest, would result in an aggregate forfeiture of more than four-fifths of the whole county. The committal of a number of leading landholders, including Jonack Burke, cousin-germane to Clanricarde, and Redmond Burke, heir-apparent to Clanricarde's uncle, Edmond Burke, together with an increase in the military guard present, led to some improvement in the conduct of the landholders.³

Specific exemptions from plantation were granted to

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1. Knowler (ed.), Let. and disp., ii.169, 195.
 2. Ibid, p.175.
 3. H.M.C. Egmont MSS i.105-6.

Inchiquin, ~~Thomas~~ Thomond, Ranaalagh and Coote.¹ On the other hand, when the earl of Westmeath requested similar treatment for lands held by his son in Roscommon and Sligo, his petition was denied.²

The plantation business dragged on. In May 1639, Sir William Parsons was excused other duties on the grounds that he was employed in settling the plantation of Connaught,³ and Wandesford was similarly engaged in July 1639.⁴ In August 1639, the events in Scotland were reported to be interfering with the plantation.⁵ The admeasurement of Ormond was performed in 1639,⁵ but the inquiry into the exact state of landholding was still imminent, and still being postponed, in July 1640.⁶

The activities of the earl of Clanricarde contributed to the difficulty of putting the plantation of Connaught into effect. Relations between the Deputy and both the earls of Clanricarde were never easy. In October 1634, Wentworth complained to the king that Clanricarde's foot company was composed of catholics and was not resident in garrison, while its officers, the earl and his son, were not even resident in the country, nor indeed had they licence to be absent. Were any other involved, Wentworth wrote, he would have known what steps to take, but he was chary of proceeding against

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1. Strafford Letter Books, iv. 29, 42, 43, 72.
 2. Ibid, ix. 91-7, 297. Knowler (ed.), Let. and disp., i. 475.
 3. Ibid, ii. ~~343~~ 343.
 4. E. Berwick (ed.), The Rawdon papers (n.p. 1819), pp. 55-6.
 5. Strafford Letter Books, iii. Wentworth to Wintour, 7 Aug. 1639.
 6. J. Frendergast, 'The projected plantation of Ormond' in Kilk. Arch. Soc., Trans., III (1851), pp. 407-8.
 7. N.L.I. Ormond MSS vi. 51-2; vii. 19.

Clanricarde, 'whose service to the crown bears so fair a fame with it', with out specific instructions.¹ This opening skirmish was won by the earl, who received licences to be absent for himself and his son in May 1635.² Almost immediately after the inquisition at Portumna in August 1635, Wentworth attacked Clanricarde's position as Lord Lieutenant of the town and county of Galway, describing him as little less than a hereditary Count Palatine, and suggesting that his powers should be circumscribed, if necessary by making him Lord President of Connaught.³ The death of the fourth earl in November 1635 provided an opportunity. It was at once pointed out that since the office was a judicial one it reverted to the crown on the death of the holder, and might now without impropriety be abolished.⁴ The king however was 'graciously pleased not to take advantage against a man of (Clanricarde's) quality', and refused to withhold the office. He agreed, however, that the powers conferred upon the earl ought to be restored to the government of Connaught, and suggested that an attempt be made to effect this 'by treaty and accommodation'.⁵

An incident involving the fourth earl's brother, Desmond Burke, who had been found guilty of manslaughter twenty years previously, and whom Wentworth forced to compensate the dependants of his victim on threat of indictment for murder,

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1. Knowler (ed.), *Let. and disp.*, i. 308-9.
 2. *Cal. S.P. Ire.*, 1633-47, p. 105.
 3. *Strafford Letter Books*, ix. 74.
 4. *Ibid.*, ix. 117-20.
 5. *Ibid.*, ix. 324.

further exacerbated relations between the Clanricardes and the new regime in Dublin.¹

In March 1637, it was ordered from England that a sum of £1,500 due to Clanricarde should be ~~xxx~~ deducted from his composition for livery.² This was in compensation for his father's resignation of an O'Rourke wardship in 1620 to facilitate plantation in Leitrim. This was opposed by the Irish government on several grounds: that the earl had derived considerable profit from the grant while he held it; that he had, at least indirectly, been already rewarded for its resignation; and that at the time of plantation the ward was found to be illegitimate, which rendered the grant ipso facto void: consequently the true position was that Clanricarde owed the crown all profits formerly derived therefrom.³ From a purely administrative standpoint, Wentworth took exception to the fact that the matter had been transmitted to Ireland as a strict instruction without any attempt being made to investigate, or consult with the Irish government on, either its expediency or its factual basis.⁴ The order was rescinded in September 1637.⁵

As has been noted, Clanricarde's patents to his lands in Connaught were adjudged invalid.⁶ The Irish government requested that he should not receive preferential treatment, and this was agreed to by the king.⁷ Clanricarde, who had in July

1. Strafford Letter Books, ix. 74. B.M., Egerton MS 917.
 2. Cal. S.P. Ire., 1633-47, pp. 101, 157.
 3. Strafford Letter Books, ix. 231-3. Knowler (ed.), Let. and disp.,
 4. Ibid, p. 111. (5) Strafford Letter Books, xi. 323. (11. 83)
 6. See above, page 260. (7) Strafford Letter Books, iii. 308-9;
 (309-11.

1637 requested an assurance from Wentworth that his patents¹ were acceptable, since he needed a good title to mortgage, was 'greatly frightened' at the threat of losing half of his lands, and again wrote to Wentworth claiming that rumours of the voiding of his patents were impairing his credit, and trying to extract a statement of his position from the Deputy.² Wentworth replied with general assurances, and advised the earl to leave the matter in the King's hands.³ This Clanricarde proceeded to do, and to considerable effect. By December 1638 Wentworth was agreeing to stay proceedings against the earl until the case had been clearly put to the king.⁴ On 14 (19) February 1639, Charles made a grant to Clanricarde of all the lands granted by King James to his father, not only as a reward for his services and affections, but also to 'encourage him in the expedition which he is taking to the north'.⁵ In March 1639, the Irish committee for revenue respited this grant until such time as it could certify the true state of the business to the king.⁶ Wentworth remonstrated with Charles for giving way to the earl 'after that business was as we thought settled according to (your Majesty's) mind', and calculated that the grant represented a loss of £60,000 to the king.⁷ He also denied that either the earl or his father had ever

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1. Strafford Letter Books, x. 45-6.
 2. Knowler (ed.), Let. and disp., ii. 155-6.
 3. Ibid, pp. 175-6.
 4. Strafford Letter Books, xi. 157-9.
 5. Cal. S.P. Ire., 1633-47, pp. 209, 210.
 6. Strafford Letter Books, xi. 212.
 7. Knowler (ed.), Let. and disp., ii. 332.

done anything but disservice to the crown¹, and, prompted by the death of the earl of Thomond, to whose son's request that he be granted the government of Clare the Deputy was opposed, he renewed his attack on ~~Wentworth's~~ Clanricarde's official position in Galway.² Though protests were made to Clanricarde's grant, and a detailed criticism promised³, the latter was not sent until 9 July 1639, when it urged at length that the effective plantation of Connaught would be made impossible by the grant.⁴ On the previous day, However, the king had made a final order that the grant should be implemented, adding, 'if through ignorance my bounty be too large, your slow advertising of the case is the cause!⁵

In August, Wentworth wrote that since Clanricarde, who deserved the worst, had prospered so well, all the rest of the nobility and gentry were planning to make similar overtures, and with better justification for receiving the king's favour. He recommended that such petitions be referred back to the Irish government.⁶ Though Clanricarde offered to exchange any lands hindering the plantation,⁷ he did not prove co-operative in performing this undertaking, and his opposition continued to be an important impediment to plantation.⁸

1. Strafford Letter Books, xi. 217-23.
 2. Ibid, xi. 227, 245-8.
 3. Knowler (ed.), Let. and disp., ii. 340.
 4. Ibid, pp. 365-6, 366-9.
 5. Ibid, pp. 360-1.
 6. Ibid, p. 381.
 7. Cal. S.P. Ire., 1633-47, p. 230
 8. Whitaker (ed.), Life and orig. corr. of Radcliffe, pp. 210, 212.

Plantation in Idough and Wicklow.

In May 1635, an inquisition was held and the king's title¹ found to the territory of Idough in County Kilkenny. The king had in fact no good title to the area, and title was only found by the assistance of the earl of Ormond on condition that the lands should be confirmed to him, reserving a tenure in-capite, and doubling his former rent.² After the office had been taken, the land was passed under the Commission for defective titles, and a rent of £40 per annum was reserved for the crown.³ By agreement, the land was then passed over to Wandesford and Coote, and ultimately to Wandesford alone.⁴ The O'Brennans, who were the main inhabitants of the area, opposed these proceedings violently, and went so far as to send an agent to England in 1636, but without avail, despite the assistance of the Earl Marshal, earl of Arundell and Surrey, and his son Lord Maltravers,⁵ who conceived themselves to have some interests in the area.

Among the landholders in the area was Lord Mountgarrett. He claimed that when the inquisition was found for the king, 'by undue and sinister means', the patents of 14 June 1619 by which he claimed to hold his land were ignored. He was subseq-

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1. Inquisitions Chas. I, Kilkenny, no.64. 1 May 11.
 2. Strafford Letter Books, ix.107-13, 154-5.
 3. H.M.C.Egmont MSS i.222.
 4. H.M.C.Ormond MSS n.s.i.32-3, 41-2.
 5. Ibid, pp.33-4, 36-7, 44. Strafford Letter Books, iv.168-75.
Cal.S.P.Ire., 1633-47, p.107. Knowler (ed.), Let. and disp., ii. 14. See below, page 274.

uently intimidated by Wentworth into passing his lands under the Commission, which resulted in a fine of £300, and forced to release his interests in his lands in Idough to Wandesford.¹ This release was in fact a constrained exchange of lands to facilitate Wandesford's project to plant the area. Moun^cgarrett obstructed this process systematically, refusing to allow his lands to be surveyed and threatening to imprison anyone in the area who co-operated with the surveyor 'which made all people to forbear to assist in that service'.² Though his opposition was finally overcome, he remained implacable. In 1640/1, he sent his son to London to represent his grievance in the matter,³ with results that became apparent when the episode was incorporated into one of the Articles of impeachment against Wentworth.⁴

The only other area where dispossession took place was in County Wicklow. The territory of the Vartry (Feartry), in the possession of the O'Tooles, was found for the king in April 1636.⁵ By June 1638, far more extensive possessions of the Byrnes had been similarly found,⁶ and were subsequently passed to protestant undertakers,⁷ the most important recipient being the Lord Deputy himself, while Ormond, Ranalagh, Sir William Parsons, Sir Edward Wingfield, Sargeant Reeves and Sir John Hoy

1. Cal.S.P.Ire.,1647-60, p.254.
 2. H.M.C.Ormond MSS n.s.i.38.
 3. Cal.S.P.Ire.,1647-60, p.254. Whitaker (ed.), Life and orig. corr. of Radcliffe, p.246.
 4. See below, page 388.
 5. Cal.S.P.Ire.,1633-47, pp.127-8.
 6. Knowler (ed.), Let. and disp.,ii.175.
 7. Ibid, p.343.

were among the others who profited.¹ The 'old English' landholders in the area do not appear to have been disturbed in their possession, and though the Irish were legally expropriated there is no evidence that any attempt was made to plant the area.

The spectacular violation of property rights constituted by the Connaught plantation project had, as has been seen, prompted the landholders of the Pale to consider the possibility of sending agents to England. For if the withholding of Article 25 of the 'Graces' had led thus directly to the resuming of land in Connaught by the king, it was to be presumed that the withholding of Article 24 would result similarly in the assertion of crown claims upon land elsewhere. In fact, there was no such immediate danger. When, in June 1635, a royal grant conferred upon the earl of Arundel and Surrey all the lands of his ancestors, a general description which in fact comprehended almost all arable land in Leinster, Wentworth protested that it ran contrary to his intended policy in the area. Both the 'old English' and the 'new English', he stated,

'were to be regarded in respect of themselves, or in relation to their ancestors, and by us intended to be provided for and secured in their estates (yet with just regard to his Majesty's profit) by the Commission of

1. Book of survey and distribution, County Wicklow, P.R.O., Ire.

The same course was to be taken with the Irish 'of merit', while the rest, in the interests of security, were to be planted upon. Wentworth's opposition to this grant was

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LAND (ii)The Commission for defective titles.

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'were to be regarded in respect of themselves, or in relation to their ancestors, and by us intended to be provided for and secured in their estates (yet with just regard to his Majesty's profit) by the Commission of defective titles'.

The same course was to be taken with the Irish 'of merit', while the rest, in the interests of security, were to be planted upon. Wentworth's opposition to this grant was

successful.¹

It was the function of the Commission for defective titles to proceed, either on petition or on its own initiative, against persons in possession without proper legal title of lands to which the king's title could be established. In an instance of this nature, the Commission was empowered to rectify the defects of the possessor's title on payment of a compounding fee (or fine) in settlement of arrears of rent and dues. It was also empowered to alter existing rents and tenures, and, if the possessor should fail to enter into composition, to offer the land, on fulfillment of the same conditions, to public tender.²

The Commission was in existence before Wentworth's appointment as Lord Deputy, but its operations were haphazard, and its administration was in the hands of the Irish committee of the English Privy Council, a circumstance which, since it involved suitors in an expensive journey, reduced efficiency still further.³ Wentworth arranged that the administration of this business should be transferred to Dublin and placed in the hands of a number of commissioners selected, and presided over, by himself.⁴ James Cusack, an 'old English' catholic resident in London, was appointed Clerk to the Commission, a

1. Strafford Letter Books, ix. 107-13.

2. Ibid, iv. 101-7. Cal.S.P.Ire., 1633-47, pp.56-7.

3. Ibid, 1625-32, pp.615-6. Strafford Letter Books, i.41v, 45v-6.

4. Idem.

position which he seems also to have occupied in England.¹
 In June 1633, Wentworth described the Commission as 'one of
 the hopefulest fruits now left us to gather for your
 Majesty's advantage'.² In August of the same year, he was
 less confident: not only was Cusack 'many times ... a little
 wide in the true state of such titles as he doth produce',³
 but the Commission itself was not altogether satisfactory.³

Early in 1634, a new Commission remedying the defects
 was drafted. Those who had already compounded had been prom-
 ised that in addition to the Commission's confirmation of
 their estates, an Act would be passed in the next parliament
 confirming the Commission's activities, and that they need
 pay neither fine nor increase in rent until the passage of
 that Act - 'which is the only cord we have hitherto drawn them
 on by'. Wentworth emphasized that the passage of the projected
 Statute of Limitations would render the Commission inoperative,
 and, estimating the revenue potential of the latter at £3,000
 per annum, urged that Article 24 of the 'Graces' should not
 be conceded until the Commission's activities had been
 completed. The Act confirming these activities (both retro-
 spectively and prospectively) would, he believed, in some
 degree salve the discontent resulting from the denial of
 Article 24.⁴ He requested that he should at once have a

1. Knowler (ed.), Let. and disp., i.83.

2. Ibid, p.92.

3. Strafford Letter Books, iii. Wentworth to Cottington,
 26 Aug. 1633.

4. Knowler (ed.), Let. and disp., i.191.

letter to warrant the passing of the new Commission under the great seal : if necessary a second letter could be sent privately deferring proceedings upon the new Commission until further notice. ¹ 'There is no one thing', he wrote, 'that will so well incline them to give freely this parliament'. ² Instructions for passing a new Commission under the great seal were sent on 26 June 1634: in early July, the king gave special order that future plantations were not to be prejudiced thereby. ³

In the first session of the 1634 parliament, the Act for the confirmation of defective titles was, apart from the subsidies, the only Act passed. In August 1634, Wentworth wrote of the new Commission: 'it is of great use here, the better to stay their stomachs in that ravenous appetite they have after' the Statute of Limitations. ⁴ In December, he transmitted to England for consideration the first compositions made under the new Commission, representing a revenue increase of £311 per annum. ⁵ Their reception was unfavourable, for the opportunity had not been taken to convert the conditions of holding to tenures in-capite, which would involve the fullest possible payment of feudal dues. Wentworth regarded this criticism as unrealistic: if tenures in common socage, which were in the vast majority, were to be altered to tenures in-capite no one would compound with the Commission; tenures in-

1. Knowler (ed.), Let. and disp., i.240,244-5.
 2. Ibid, p.259.
 3. Strafford Letter Books,iii. Lord Treasurer to Wentworth, 3 July 1634.
 4. Knowler (ed.), Let. and disp., i.280.
 5. Strafford Letter Books,v.140-4.

capite could be created only where the king had a good and clear title unencumbered by later grants; the present object of the Commission was to secure acceptance of the king's title where it was neither clear nor good, and to insist on introducing knight service in-capite might result in a resistance which would defeat that object.¹ This defence was accepted. Wentworth was given permission to execute the compositions without first remitting them to England, and to deal with the matter of tenures as he saw fit.²

Though his first reaction had been to justify himself, Wentworth seems nonetheless to have taken the criticism seriously. Early in 1636, he declared that the business of the Commission was increasing, and might ultimately be worth £6,000 per annum, 'and shall daily give tenures in capite which will much advantage the revenue of the crown in the Court of Wards'.³ Sir Phillip Percival, who was at this time appointed Clerk to the Commission in association with Cusack,⁴ wrote that 'the aim of the Lord Deputy is to confirm the estate of the possessors, and (he) resolves, with all these cases, to have an increase of rent and a capite tenure of part of the land'.⁵

In April 1636, the effectiveness of the Commission was increased by an order that all the increases in rent imposed should be made payable retrospectively from Michaelmas 1634, a

1. Strafford Letter Books, v.175-90.
 2. Knowler (ed.), Let. and disp., i.392-3.
 3. Strafford Letter Books, ix.146-52.
 4. Idem.
 5. H.M.C.Egmont MSS (1905), i.98.

provision which removed any incentive to postpone composition.¹
 The two legal members of the Commission, the Lord Chief Justice
 and the Lord Chief Baron, were granted four shillings in each
 pound of the first year's rent raised upon the Commission,
 an arrangement which proved extremely profitable to the crown,
 'for now they do attend it with a care and diligence such, as if
 it were their own private'.² The patents passed under a former
 Commission under Chichester and Grandison proved an impediment,
 but after considerable efforts a legal decision was procured
 enabling some of these to be voided, and the remainder to be
 converted into tenures in-capite.³ By August 1637, the
 Commission had already increased the yearly revenue by over
 £3,000, 'besides very many tenures brought back to the crown,
 and certainly most of the kingdom will presently come to
 composition'.⁴ It had by this date extended its activities to
 Ulster.⁵

In 1638 the Commission ran into some difficulty. A number
 of catholic lawyers challenged it on the grounds that it did
 not in fact give full security to those whose estates were
 passed under it. The doubts thus spread resulted in hesitancy
 about compounding, and there was a decrease in the steady
 improvement of the revenue.⁶ In August, a new Commission

1. Strafford Letter Books, ix.332-4.
 2. Knowler (ed.), Let. and disp., ii.41.
 3. Strafford Letter Books, ix.205-10.
 4. Knowler (ed.), Let. and disp., ii.90
 5. Strafford Letter Books, ix.205-10.
 6. Ibid, xi.107.

rectifying the points criticized was prepared, but there remained as late as December of the same year a general reluctance to pass land under the Commission, and in some cases outright refusals to do so were encountered.¹ A proclamation was issued calling attention to the fact that the Act of parliament confirming the activities of the Commission was limited in duration, and would shortly expire.² Almost exactly one year later, on ~~December~~ 19 December 1639, another proclamation was issued, stating that the benefit of the Act ceased on 21 March 1640.³

Thus the payment of fines, the exaction of increased rents, and in many instances, it is clear, the introduction of the onerous capite tenures, were the results of the denial of Article 24 of the 'Graces'. The ultimate object of that concession, the bestowal of general security of titles to land, was being achieved, but it was being achieved piecemeal, and at a price.

The court of wards and liveries.

The profits derived from the activities of the Commission for defective titles came not only directly from the exaction of fines and the imposition of higher rents, but also indirectly from the fact that the introduction of capite tenures increased the amount of land under the control of the

1. Strafford Letter Books, xi.156
 2. Steele, Tudor and stuart proclam., ii.38.
 3. Ibid, p.39.

781

court of wards. The history of the court in the earlier part¹ of the reign has been considered in relation to the 'Graces'. Until the implementation of Article 15 of the 'Graces', in December 1628, the oath of supremacy was regularly required of hiers wishing to sue out livery on their inheritance. The result was a very general defalcation, and the main business of the court was the leasing out of lands which had been resumed to the crown because of this failure to sue livery.² It was not unusual for hiers to lease their own land from the court, and a certain amount of agitation was directed towards ensuring that such interested parties should be given first offer of leases.³ After December 1628, default of livery became much less frequent.⁴ The figures for suits of livery from 1622 to 1630 have been listed above.⁵ The series may now be completed:⁶

| | | | | | | |
|------|---|---|---|----|----------|-------|
| 1631 | . | . | . | 70 | liveries | sued. |
| 1632 | . | . | . | 53 | " | " |
| 1633 | . | . | . | 80 | " | " |
| 1634 | . | . | . | 49 | " | " |
| 1635 | . | . | . | 44 | " | " |
| 1636 | . | . | . | 78 | " | " |
| 1637 | . | . | . | 60 | " | " |
| 1638 | . | . | . | 39 | " | " |
| 1639 | . | . | . | 37 | " | " |
| 1640 | . | . | . | 40 | " | " |
| 1641 | . | . | . | 14 | " | " |

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1. See above, pages 51-2, 106-7.
 2. T.C.D.MS, F.3.22, Court of wards' leases, 1626-8. T.C.D.MS, F.1.12, Court of wards' leases, 1628-34. Handlist to the latter, H.F.Kearney (ed.), R.I.A.proc., 57.C.2., pp.51-68.
 3. Cal.S.P.Ire., 1625-32, p.60. See above, pages 52, 108.
 4. As note 2.
 5. See above, page 107.
 6. Kearney, 'The court of wards and liveries in Ireland, 1622-1641', in R.I.A.proc., 57.C.2., pp.29-50.

It was claimed that the implementation of the 'Graces' resulted in an immediate drop of £4,000 per annum in the revenue of the court¹, and Wentworth later estimated the loss at £6,000 per annum.² The loss of revenue from leases, however, was to some extent compensated for by an increase in the number of fines paid for livery.

A second aspect of the court's activities was the issue of licences to alienate land held of the crown, and of pardons, upon fine, for having alienated such land before livery had been sued for it. The annual business of this nature transacted by the court was as follows:³

| | | | | | |
|------|---|---|---|-----|-----------------------|
| 1625 | . | . | . | 42 | pardons and licences. |
| 1626 | . | . | . | 72 | " " " |
| 1627 | . | . | . | 80 | " " " |
| 1628 | . | . | . | 56 | " " " |
| 1629 | . | . | . | 85 | " " " |
| 1630 | . | . | . | 58 | " " " |
| 1631 | . | . | . | 86 | " " " |
| 1632 | . | . | . | 75 | " " " |
| 1633 | . | . | . | 103 | " " " |
| 1634 | . | . | . | 52 | " " " |
| 1635 | . | . | . | 56 | " " " |
| 1636 | . | . | . | 103 | " " " |
| 1637 | . | . | . | 97 | " " " |
| 1638 | . | . | . | 70 | " " " |
| 1639 | . | . | . | 75 | " " " |
| 1640 | . | . | . | 56 | " " " |
| 1641 | . | . | . | 15 | " " " |

The total is 1,181. Failure to procure pardon for alienation was unusual. There was an annual average of about 5 persons⁴ whose land was resumed for failure to compound.

1. Strafford Letter Books, i. 'Estimate for the casualties, 1629'.
 2. Knowler (ed.), Let. and disp., i. 317.
 3. Kearney, loc. cit., pp. 41, 42.
 4. Ibid, p. 44.

The vast majority of persons involved in these transactions were catholics. The plantation counties of Ulster were scarcely affected at all.¹ This was due to the fact that plantation lands were held by the tenure of common socage, and although these tenures were changed by the Commission for defective titles to knight service-in-capite, this does not appear to have come into effect.²

In 1628, the revenue of the court was estimated at £7,000.³ Despite the loss caused by the 'Graces', and despite the fact that the finding of the king's title to Connaught and Clare removed five counties from its jurisdiction,⁴ the court had increased its income by 1640 to £10,000 per annum.⁵ This increase may be attributed to a number of factors: firstly, the new lands placed under the court as a result of the capite tenures created by the Commission for defective titles; secondly, a large scale drive to discover lands alienated without livery, conducted, in all probability, not only on an official level, but also by private persons whose reward was a proportion of the profits;⁶ thirdly, the passage of the Statute of Uses in 1634. The object of this Act was to countervail the device of evading feudal incidents by granting lands to use. Its gravamen was to equate the use of land with its full seisin,

1. Kearney, loc. cit., pp.42,43.
 2. Strafford Letter Books, ix. 205-10.
 3. Cal.S.P.Ire., 1625-32, p.419.
 4. Kearney, loc. cit., pp.41,42.
 5. Cal.S.P.Ire., 1647-60, p.234.
 6. Kearney, loc. cit., p.40, note 55.

in so far as the payment of, and liability to, feudal incidents was concerned. Wentworth calculated the potential revenue yield of this measure at over £4,000 per annum, and emphasized in particular that it would lead to a large increase in the number of wardships, thus providing an opportunity of making protestants of many heirs. The advantages to be derived from such a policy he illustrated by referring to the example of the earl of Ormond.¹

This introduces another aspect of the court's functions. The activities of the court already considered, though they did in effect, as a result of contingent circumstances, discriminate against catholics, were of their nature financial.² In the matter of wardships, however, the operations of the court were specifically directed against the catholic religion. Minors inheriting lands held under capite tenures became wards of court. The court appointed gaurdians, who by the terms of its patent must not be catholics; and leased out the lands of the minor, very often, but not always, to the gaurdian appointed. The heirs of noblemen were outside the court's competence, and the gaurdians of titled minors were appointed directly by the king.³ Thus neither of the two standard examples of the court's effects - the protestantism of the earls of Ormond and Kildare - is in fact valid.

1. Knowler (ed.), *Let. and disp.*, i. 192, 378.

2. See above, page

3. *Cal.S.P.Ire.*, 1625-32, p.459.

285

Between March 1625 and August 1641, 197 grants of wardship were enrolled in Chancery.¹ These figures are not complete, for an examination of leases made by the court between March 1626 and April 1633 reveals 29 instances of lands leased by reason of the minority of persons for whom no grant of wardship is recorded: nor were leases recorded in respect of the lands of all the persons whose wardships were entered in Chancery.² Consequently, neither set of records is complete. Of the 197 wardships of which particulars are available, 168 were concerned with catholic minors, of whom 108 were 'old English', and 29 were concerned with protestants. Though the appointment of protestant gaurdians was mandatory, such appointments were not in fact invariably made. In 20 instances catholic gaurdians were appointed to catholic 'old English' wards, and in 8 cases catholic gaurdians were appointed to Irish wards. The remaining 140 catholic minors, 88 of them 'old English', were entrusted to the gaurdianship of protestants, a proportion of exactly ~~five~~ five in six. There existed a body of professional gaurdians: thus Sir Phillip Percival, Clerk of the court from 1628, received 21 wardships, Henry Kenny received 17, Anthony Dopping, feodary of Leinster and examiner of the court, received 8 and James Grace and Hugh Gratrix received 5 each. Between them, these five men received more than a quarter of the total grants made.³

1. P.R.O., Ire., la, 53, 67. Summaries by John Lodge of entries on the Irish Chancery Rolls, pp. 29-39.
2. T.C.D.MSS, F.3.22; F.1.12.
3. P.R.O., Ire., la, 53, 67., pp. 29-39.

Very generally, the lands of minors were leased to their gaurdians. The picture of leases is, thus, very much the same as that of wardships. The vast majority of leases were made to protestants, a disproportionate number to a select few, Percival, Kenny, Grace, Dopping, and others. On the other hand, the catholic proportion of lessees was rather higher than the catholic proportion of gaurdians, for in a number of cases the lands of a ward to whom a protestant gaurdian had been appointed ¹ were leased to ~~xxxxxx~~ catholics.

It is clear that this system was open to many abuses. The temptation to exploit a short term lease ruthlessly was great, and the charge of wasted patrimony was a frequent one. ² Similarly, the neglect of the education of a ward was not unknown, nor was the indignity of children being sold like 'horses in a market'. ³ In 1629, the earl of Kildare fetched £6,600 - an indication of the profits which his purchaser, the earl of Cork, expected from this trust. ⁴ But it was on this financial and personal level that the institution of wardship was criticized. There seems no reasonable doubt that the court utterly failed to achieve its religious purpose. The wards included among their number many who became noted

1. E.g. The lands of Ann Kendall, ward of James Grace, leased to Jonickan Lynch: the lands of Lawrence Belling, ward of Anthony Dopping, leased to Nicholas Barnewall: the lands of Meyler Fitzharris, ward of Henry Kenny, leased to Edward Hay: the lands of James Wolverston, ward of Sir Adam Loftus, leased to Wm. and Chris. Wolverston: et al. T.C.D.MSS,F.3.22; F.1.12. Items 87,88,97,139 in Kearney's handlist are also cases in point, loc. cit., pp.51-68.

2. Gilbert, Ir.confed.,iii.302. Frost, History of Clare,pp.321-2.

3. Gilbert, Ir.confed.,iii. 302.

4. Grosart (ed.), Lismore papers, 1st series,ii.336.

proponents of the catholic cause - Sir John Dongan, Maurice Fitzgerald, Nicholas Stritch, Walter Bagenel, Lawrence Dowdall, Walter Hussey, Piers Butler, and others. The pre-1625 wards included Valerian Wesley, David Tirry, Thomas Cappock, Nicholas Stafford, Nicholas Darcy, Richard Barnewall and Henry Shee. Only one demonstrable 'court of wards protestant' emerged from the ranks of the catholic minors between 1625 and 1641, Sir Andrew Barrett.

Thus grievances arising out of the activities of the court of wards were financial rather than religious, and this was true even of the supposedly proselytizing functions of ward- and gaurdian-ship.

discharging of the king's duties, in short both the reform of the established church and the consolidation of the government's power and independence, were essential prerequisites to the deposition of religious conformity. In the meanwhile, until he was in a position to take effective action against catholicism, he was not unprepared to allow an expedient latitude in the exercise of the catholic religion. Not only did catholics attend their religious services openly in many places, but the religious orders were able to expand greatly with impunity.

A characteristic example of Wentworth's approach to the religious problem was provided by his treatment of the

1. Documents concerning Archbishop Wentworth, 1621, p. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

2. Knowler (ed.), Life and Times, 1, 177.

3. Brereton, Irish, pp. 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200.

4. See below, pages 1, 2, 3.

XI

THE GOVERNMENT AND THE 'OLD ENGLISH'

Wentworth's religious policy.

Although Wentworth believed that religious conformity in Ireland was necessary to the security of England and was determined to enforce it as soon as he should 'find himself enabled to undergo so great a business'¹, he was convinced that the ground must first be carefully prepared. The rebuilding of churches, the creation of a numerous and able ministry, the settlement of the payments for the army on a secure basis, the discharging of the king's debts, in short both the reform of the established church and the consolidation of the government's power and independence, were essential prerequisites to the imposition of religious conformity.² In the meanwhile, until he was in a position to take effective action against catholicism, he was not unprepared to allow an expedient latitude in the exercise of the catholic religion. Not only did catholics attend their religious services openly in many places³, but the religious orders were able to expand greatly with impunity.⁴

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1, Documents concerning Archbishop Usher, 1641, B.M., Ad. MS 34253, f.3.
 2. Knowler (ed.), Let. and disp., i.172
 3. Brereton, Travels, pp.133,136,156.
 4. See below, papa 317-8.

289

constantly contentious matter of clandestine marriages and christenings. In the spring of 1634, he directed the ecclesiastical authorities to forbear questioning parties on these grounds.¹ That this leniency was not merely a device to influence the catholics in parliament was revealed when, on the Lord Deputy's absence in England in 1636, the authorities seized the opportunity to resume these proceedings in three dioceses. Wentworth procured instructions to respite these proceedings on the grounds that they constituted 'rather an engine to drain money out of their pockets, than to raise a right belief and faith in their hearts, and so doth not tend to that end it sets forth.'²

The Lord Deputy's refusal to pursue the normal policy of small oppressions and financial penalties which were simply irritants ineffectual to achieve their nominal ends was a piece of rare political wisdom, the product of deliberate restraint, without roots in timidity or caution, based on a precise estimation of feasibility. Wentworth was by no means averse to taking a strong anti-catholic line on such points as should arise in the course of normal administration. Thus when it came to his attention that oaths sworn before a priest, upon the altar and sacraments in a catholic church, were not merely being submitted in the courts as conclusive proofs of veracity, but were actually being ~~xxx~~ admitted in

1. Knowler (ed.), Let. and disp., i.293.

2. Ibid., ii.38-9. Strafford Letter Books, viii.402. Elrington, The life of Ussher, p.190.

evidence, he summarily forbade the practice, declaring that no credit at all was to be given to oaths of this nature.¹

The forbearance with the catholic laity was not, in profession, extended to their clergy: 'I shall be watchful', Wentworth promised, 'upon all occasions and by fitting degrees still to abate from the power of the popish clergy'.² He attacked the catholic clergy virulently after the 1634/5 parliament, and claimed that several religious houses had closed in anticipation of an imminent change in religious policy³, but in fact he does not seem to have made any attempt to take practical measures against them. Nor ~~he~~ does he seem to have shared Falkland's inclination to distinguish between the 'old English' and Irish elements in the catholic church. On the other hand, he was not uninformed about the facts of this division. When ordered to call Peter Lombard (who was in fact dead) to account for a book lately published in support of the earl of Tyrone, Wentworth replied that Lombard was the greatest enemy that Tyrone ever had, 'and the man indeed that certainly overthrew his credit at the Court of Rome'.⁴

He derived his information about Irish catholicism from a number of secular priests, primarily Fathers Harris and Cadell. On his arrival in Ireland, both these men were involved in a protracted dispute with Fleming, catholic archbishop of Dublin. Harris had accused Fleming, in a pamphlet, of

1. Knowler (ed.), Let. and disp., i.203,248.
2. Ibid, p.281.
3. Ibid, p.402. Strafford Letter Books, ix.30-9:v.175-90
4. Knowler (ed.), Let. and disp., i.161. Strafford Letter Books, v.51-2.

plotting to replace the parochial clergy by regulars: he sued for libel a number of persons who attacked this pamphlet, and, together with Cadell who supported him, was excommunicated by Fleming. The two priests appealed to Wentworth, who ordered Fleming to withdraw the excommunication, for it was an infringement on the civil government which

'ill became them of all other men who ought much rather in sobriety and modesty to acknowledge his Majesty's clemency in suffering them without trouble to enjoy the freedom of their own consciences rather than thus boldly and scandalously usurp upon his legal rights'.

Threatened with prosecution in the court of Castle Chamber, the archbishop capitulated. Wentworth took the two priests under his protection and used them as sources of information, and to some extent it seems as agents provocateurs. Harris proved a particularly useful protege, and published with government connivance a number of books attacking the regulars, which were placed on the papal index.¹

Wentworth justified his proceedings in the matter of Fleming with reference to the fact that the point at issue involved 'nothing of conscience, entrenching only upon the civil power, not touching any question of religion'.² On more or less the same principle, that conscience was not involved,

1. Strafford Letter Books, viii.13-4, 34, 43-5; v.175-90. Knowler (ed.), Let. and disp., i.111, 155, 173; Cal.S.P.Ire., 1633-47, p.14. C.MacNeill, Publications of Irish interest, pp.19-20. Archivium Hibernicum, xiv.16-7.
 2. Strafford Letter Books, viii.13-4.

he had no hesitation in his first years in appropriating a number of endowments of the catholic church to the use of the protestant church, also, of course, technically Catholic - as Wentworth jocosely observed, 'We have rectified the knowledge of the donor'.¹

These isolated episodes of conflict with the fringes of Irish catholicism were confined to the earlier years of his deputyship. Later, perhaps because of his preoccupation with protestant extremists, such incidents seem to have almost entirely ceased, apart from a two year hunt for Archbishop Walsh of Cashel conducted on explicit directions from England. Even this latter action was based on a purely political motive, for Walsh was in receipt of a large annual pension from the king of Spain. When Walsh was finally apprehended in August 1639, he was not even imprisoned, but simply bound over on good security.²

There was undoubtedly religious discrimination in Ireland under Wentworth, but no attempt was made to interfere with religious freedom. An individual was subjected to disabilities because he was a catholic, but prevention from practising his religion was not one of those disabilities.³

Wentworth insisted from the outset that the reform of the established church was an essential preparation to any attempt to enforce protestantism.⁴ Apart from doctrinal

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1. Strafford Letter Books, viii.43-5. Cal.S.P.Ire., 1633-47, p.37. Knowler (ed.), Let. and disp., i.171-2, 189.
 2. Strafford Letter Books, xi.264, 322-3.
 3. Comment. Rinucc., i.201.
 4. Knowler (ed.), Let. and disp., i.172.

changes, the most important instrument of reform was a Court of High Commission,¹ which first sat on 27 February 1636.² Its competence was twofold: one side of its activities was concerned with the religious administration of the church, and as such it dealt with cases of non-residence, simony and impure doctrine: on the other hand, it was also responsible for the central supervision of the ecclesiastical courts, and, in that capacity, was concerned with matters of probate, divorce, immorality, clerical dues, and presentation to church livings. A considerable proportion of the defendants were catholics.³ Their catholicism, however, was irrelevant to the points at issue. The Court was not an instrument of religious persecution: such discrimination as it exercised seems to have been against presbyterians alone. Insofar as it did constitute a grievance to catholics, the reason was financial.

Religious discrimination

The main facet of religious discrimination lay in the exclusion of catholics from official appointments. In 1625 Sir John Bath wrote that 'from the highest place of the Lord Deputy of this kingdom to the poorest parish clerk, few or none of the natives , , , , are placed in any office of dignity that yields profit'. There was, he believed, but one exception, Sarsfield,

1. Knowler (ed.), Let. and disp., i, 188.
 2. Ware, 'Diary of Events and occurrences ... 1623-1647', 27 Feb. 1636. Gilbert Collection, Pearse St. Library.
 3. Notes of proceedings of the Court of High Commission, Marsh's Library, Dublin. MS Z4. 2. 1. (21).

Lord Chief Justice. Members of the nobility and gentry were admitted to the positions of Justice of the Peace, Sheriff, constable, collector and such like, all of which, being honestly administered, were liabilities rather than places of profit.¹ The distinction here involved between offices of central and provincial government and offices of local administration held good throughout the reign. The latter, which were of little value and little influence, were held by catholics, if for no better reason, very often, ~~due~~^{because of} the shortage of suitable protestants in many areas.² The same was true of municipal offices: apart from the year 1632, no attempt was made to enforce generally the oath of supremacy.³

Catholics were, however, systematically excluded from offices of central or provincial government. Those appointees who were of Irish or 'old English' origin owed their appointments to their protestantism. This was the case with the exception mentioned by Bath, Viscount ~~Kilmallock~~^{Kilmallock}.⁴ Though Bath's exception referred only to the Lord Chief Justice's origin, it might in fact have related to his religion, for the sincerity of his protestantism was seriously in doubt. Not only was he married to the sister of the catholic bishop of Cork, but he allowed his son, Sir William Sarsfield, to be brought up as a catholic.

47
 1. Cal.S.P.Ire., 1623-60, pp.508-12.
 2. Ibid, pp.128-9.
 3. See page 162 above.
 4. Liber mun.pub.Hib. I.ii.36.

Suspicion was not confined to the government; in captured notes relating to a putative plot, the Lord Chief Justice was listed as a potential supporter of Spanish invasion.¹ He was dismissed in 1633, having been found guilty of combining with a High Sheriff, Sir Henry Bellings, to convict an innocent man of murder for the sake of his possessions.² Whatever his honesty, he had the important advantage of speaking Irish, and this loss was not made good until 16~~33~~³⁷ when James Donnellan, a protestant of Irish stock who was Chief Justice of the Presidency Court of Connaught, was appointed Justice of the Common Pleas. This appointment was thought particularly apt as giving encouragement to the Irish 'when they see themselves equally advanced and accepted to the service of the public if they equally express like affections to the weal thereof, as the English'.³

Similar examples of the honours attendant upon conversion were displayed to the 'old English' and Irish by the appointment as Privy Councillors, for which the oath of supremacy was mandatory,⁴ of Lord Dillon of Kilkenny-West, Roscommon, Ormond, Thomond, Mayo and Dillon of Costelloe-Galben.

Not many 'old English' protestants did receive appointments. On the petition of John Cusack of Dublin in 1625, reversion of

1. Cal.S $\frac{1}{2}$ P.Ire., 1625-32, pp.322-3, 634-5.
 2. Ibid, 1633-47, pp. 26-31.
 3. Strafford Letter Books, iv. 297. ix. 243. x. 30.
 4. Knowler (ed.), Let. and disp., i. 367.

See pages 170-1 above.
 Marsh's 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

office was granted to his sons, Robert and Walter, as an encouragement to Irish subjects to bring up their children in religion, civility and learning.¹ Edward Dowdall, register of Chancery throughout the reign, member of a leading Meath family, repudiated his protestantism in 1641 and joined in the rebellion.² William Plunkett, Keeper of the Court of Pleas, and Robert Barnewall, chirographer, were also protestants.³

The most important exception to the protestant monopoly of offices was the position of the earls of Clanricarde as Governors of Galway.⁴ The earls, however, were both non-resident. The manner in which their area of government was administered does not appear. A second exception was the appointment in 1633 of the 'old English' catholic James Cusack as Clerk to the Commission for Defective Titles, a position which he seems previously to have exercised in London under the committee for Irish affairs.⁵ A possible third exception was the appointment of Walter Archer of Kilkenny as Attorney for Connaught in September 1625.⁶

The endeavours of the 'old English' to secure places in the army have been dealt with.⁷ Apart from the specialized episodes of Sir Piers Crosby's Irish regiment in 1627-9,⁸ and Strafford's new army in 1640-1,⁹ positions of command were held only by the

1. Cal.S.P.Ire., 1625-32, p.44.
2. Liber mun.pub.Hib. I. ii.23,25. N.L.I. Thorpe Tracts II, The Last True Intelligence from Ireland.
3. Book of Survey and Distribution, Co. Kildare. P.R.O., Ire.
4. See page 267 above.
5. See pages 275-6 above.
6. Marsh's lib. MS 23. 2. 6. (67).
7. See pages 39-40, ~~41~~ 46, 50-1, 53, 57-8, 70, 82, 86, 121 a 600.
8. See pages 99-100, 123-4, 143 above.
9. See pages 348-9 below.

earls of Clanricarde whose command was nominal since they were non-resident, and Sir John Nettirvill, whose position was probably due to the fact that he was son-in-law to Portland, the Lord Treasurer of England.¹

Protestantism was also an essential qualification for the receipt of a government pension on the Civil List. Thus in 1636, Gerald Courcy, Lord Kinsale, having abjured protestantism, forfeited his annual pension of £150 since he had thereby 'rendered himself incapable of that favour which was intended unto him'.²

There was, however, again one exception, the earl of Clanricarde.³

So far as titles were concerned, no purposive policy of any kind was apparent. Catholics received titles in the same way as protestants, either by purchase or by influence. After the cessation of the influence of Buckingham, who was the main pedler of dignities, virtually no titles at all were conferred.⁴ There is no record of a title having been conferred as a reward for religious conformity, as had happened earlier in the case of Theobald Bourke, Lord Brittas.⁵

There were in 1640 only thirty-nine baronets in Ireland. Of these, seventeen were 'old English' catholics and five Irish.⁶

Throughout the reign, the position remained constant.

1. Nettirvill was granted a company in 1630, (Cal.S.P.Ire., 1625-32, p.541), but he is not in the army list. Ibid, p.595.
2. Ibid, 1633-47, p.137
3. Ibid, 1625-32, pp. 528, 531.
4. Maye, ~~The~~ Early Stuarts and the Irish Peerage', in E.H.R. lxxiii. (1958) 226-51.
5. See page 179 above.
6. Harl. MS 2048, Misc. Papers, ff. 514-519. Traffic in baron- eties was not unknown. B.M., Add.Ms 18,824, King to Falkland, 18 Aug.1628.

Catholics were rigorously excluded from positions of profit and responsibility. No attempt, however, was made to exclude them from positions of little profit and little responsibility, and this included not merely local and municipal offices, but also titles.

In one semi-public respect the position of catholics was improved during the reign. After 1628, catholics were allowed to practise as lawyers, and apparently as solicitors,¹ upon subscribing the oath of allegiance contained in Article 15 of the 'Graces'. In two instances Wentworth withdrew this concession and debarred lawyers for refusing to take the oath of supremacy (Richard Martin and Patrick Darcy)², but in general there is no doubt that this 'Grace' was effective.³ The effects of this policy were reflected in the admissions to the Inner Temple in England. Between 1603 and 1625, nine 'old English' catholics were admitted: between 1615 and 1633, none were admitted; and between 1633 and 1641, seven were admitted.⁴

Catholics were also allowed to practise medicine.⁵ The most famous physician of the period was Dr. Thomas Arthur, an 'old English' catholic, who had been educated in France, and whose patients included Archbishop Usher and Lord Falkland.⁶

1. Cox, Hibernia Anglicana, ii. 20-35.
2. See pages 254, 264 above.
3. cf. Gilbert (ed.), Ir.confed., iv. 313.
4. Students admitted to the Inner Temple 1547-1660.
5. Cox, Hibernia Anglicana, ii. 20-35.
6. F. MacLysaght, Irish Life in the Seventeenth Century (2nd edit. Cork, 1950), pp. 218-23.

An aspect of religious discrimination which aroused considerable resentment was that which operated in the sphere of education.¹ The positive anti-catholic action put into force by the Lords Justices in 1630 undoubtedly resulted in the closing of schools, many of them probably clerical.² The earl of Fingall requested in that year that schoolmasters should be allowed to teach, provided that they taught no religion,³ and a petition of about the year 1632 protested against the issue of a direction ordering that catholic schoolmasters should be replaced by protestants.⁴ Nonetheless, in June 1632, Aungier drew the attention of the new Lord Deputy to the number of catholic schoolmasters, mainly clerical, who, in cities, towns and villages throughout the country, were corrupting youth and emptying the protestant schools.⁵ There is evidence of the manner in which the government prohibition was evaded:

'although there be no law inhibiting the teaching of any youth, of what religion soever, yet it is manifest that some who were Roman Catholics, and were learned schoolmasters, have without other exception than that of their religion, been forbidden to keep public schools, in so much as they were driven to give pensions to protestants to assume the name of teaching, though they took not the pains⁶

1. Remonstrance of Trim, Art.1, Carte Ormond, v.408-24. Gilbert, Ir.confed., ii.4-7 (Art.3); iii,128-33 (Art.7);v.37.
 2. B. Jennings (ed.), Wadding Papers, 1614-39, (Ir.MSS.Comm., Dublin, 1953), p.333.
 3. Cal.S.P.Ire., 1625-32, pp.589-91. P.R.O.,S.P.Ire., 63/251.123.
 4. Cal.S.P.Ire., 1647-60, p.161.
 5. Brafford Letter Books, i. Lord Aungier to Wentworth, 28 Jur
 6. Gilbert Ir.confed. v.37.

There seems to be a clear recognition here that government policy in this respect was unsuccessful. What was objected to was not that catholics had been deprived of education, but that they had been forced to resort to expensive subterfuges in order to obtain it.

This was also to some extent true of higher education. The position in regard to Trinity College, Dublin, was equivocal. No religious qualifications for admission to that university existed, and a number of catholics undoubtedly availed themselves of this fact in order to attend it.¹ On the other hand, no student could graduate from the university without taking the oath of supremacy.² This shortcoming was, of course, of vital importance. Attempts were made to circumvent religious discrimination on this level also. In the diocese of Kilmore in 1626 there existed a school:

'which is nothing else but a seminary and nursery of priests, the schoolmaster being an Irishman, conformable for fashion, and teaches above 100 scholars, the most part of them are come to perfect mans age whom he instructs in logic and philosophy (which is a great hinderance to God's glory and to Trinity College Dublin) and not one of them go to church'.

The attention focussed upon this situation was due to the fact that the school was in receipt of a government grant of £30 per

1. C. Maxwell, A history of Trinity College Dublin, 1591-1892 (Dublin, 1946), p.6. MacLysaght, Irish life in the seventeenth century, pp. 299-300.
2. Cox, Hibernia Anglicana, ii. Appendix VI, pp.20-35.

annum, and that the master in question was using his official position to licence other school masters.¹ There is thus little reason to believe that in anything but incidental details it was exceptional. The Jesuit religious house which was closed in Dublin is reputed to have been a 'college of higher studies',² and the order continued its educational activities to the end of the period.³ According to Father James Plunkett of Meath in 1636, promising young men of the nobility had for some years been received into the Franciscan Convents in Dublin, Drogheda, and Multyfarnham, where they were educated along sound religious lines. He asserted that the

'exemplary lives of these young men, and their excellent dispositions, together with the likelihood of a sufficient number of others like them in future years, greatly pleases all devout catholics, and fills them with the hope of a new flowering of catholic life in Ireland.'

It seems clear that he was referring here to the education not of clerics and potential members of the order, but of the laity.⁴ It is probable that other religious orders were doing likewise.

Thus while the tradition of catholic education was maintained during the reign of Charles I, this was achieved only by the

1. T.C.D. MS T.2.17, f.12v.
 2. Edwards, op.cit., in O'Brien (ed.), Measgra i gGuimhue Whichil Ui Chlerigh, p.8. T. Corcoran, State policy in Irish education (Dublin and London, 1916), p.23.
 3. Archivium Hibernicum, vi.121-4.
 4. T. O'Donnell, The Franciscan abbey of Multyfarnham (Multyfarnham, 1651), pp.58-9. Jennings (ed.), Wadding Papers, p.xiv.

evasion and defiance of government policy; though there seems little reason to suppose, on the other hand, that Wentworth made any attempt to put that government policy into practice. Grievances on this score, then, were related rather to the sustained theory of discrimination, than to the actual effective deprivation of educational facilities.

Miscellaneous aspects.

The first of the many concessions made to the subjects of Ireland in the reign of Charles I was the issue, in response to the request of Sir John Bath, of a proclamation prohibiting the Lord Deputy from hearing and determining civil causes at the Council Board.¹ The history of this concession is not unusual. It was observed for a number of years, with occasional infractions made upon orders from the king.² Wentworth, however, insisted that the restoration of the practice was an essential part of government,³ and requested permission to revive it in January 1634.⁴ In April, he was given a special dispensation 'to hear and end cases betwixt party and party' - 'though we think not fit by a new proclamation to recall the former'. This permission was restricted by the provisions that no 'matter of inheritance' was to be dealt with, and that causes already at issue in a

1. Steele, Tudor and Stuart proclam., 11.29. See page 40 above.
2. Cal.S.P.Ire., 1625-33, p.388.
3. Strafford Letter Books, viii. 130-2.
4. Knowler (ed.), Let.and disp., 1.201.

court of law were not to be interferred with.¹

According to a contemporary 'old English' account,² the revival of these proceedings was greatly resented by lawyers, with whose business it interferred, 'but the common people, without examining the legality of it, finding speedy justice, and that indifferently executed against the powerfulest men in the kingdom, were well satisfied with such proceedings'. Certainly, the proceedings were popular. In the single month of July 1637, for example, 174 petitions were presented to the Lord Deputy, most of them requesting his intervention in contentious matters of too trivial a nature to warrant the expense of legal proceedings.³

This position was not regularized until 15 July 1640, when the king formally authorized Wentworth, now Lord Lieutenant, and the Council, to hear and determine civil cases, on the grounds that the arrangement had given much relief in the past, and was therefore worthy of renewal.⁴

A further institutional augmentation of Wentworth's power took place in September 1634, when a commission was issued for renewing and enlarging the commission of the Court of Castle Chamber. The Court was authorized to sit at any time, both in or out of normal law terms, and Wentworth was given discretion

1. H.M.C. Various, iii. p.155.
2. Bellings, Ir.conf., i. 4
3. Register of Petitions. B.M. Harl. MS 430.
4. Cal.S.P.Ire., 1636-47, p.244.

to add to it any of the powers and functions of the English Court of Star Chamber that he should consider advisable.¹

Among the restrictions imposed upon the individual liberty of the subject during the Lord Deputyship of Wentworth was a proclamation issued on 17 September 1635 which prohibited passage from Ireland to England other than by licence from the Irish government.² This was done in response to a direction from the king dated 20 January 1635.³ Wentworth affected to believe the proclamation unnecessary, for 'what passed formerly so solemnly in England under his Majesty's hand as did the 'Graces' we take them here to be far more binding than any Act of Council made on this side can possibe be';⁴ (but he had, in fact, requested such a direction in October 1634.⁵) It is a fact that the inhibition upon estate and office holders from leaving the kingdom was requested and granted in the thirty-seventh article of the 'graces' when it seems to have been directed against the holding of offices by non-residents and against absentee landlordism.⁶ The utility of the system was questioned by Windebank in 1637, and Wentworth justified it with reference to the necessity for

1. Strafford Letter Books, iv.115-6.
2. Steele, Tudor and stuart proclam., ii.35.
3. Cal.S.P.Ire., 1633-47, p.93.
4. Strafford Letter Books, v.175-90.
5. Knowler (ed.), Let.and disp., i.307-10.
6. See the petition from County Kilkenny in 1629, pages 15-6 above.

prevented^{ing} correspondence with the continent.¹ The general belief in Ireland was that its object was the prevention of direct access to the king and the protection of the Lord Deputy from complaints, and it was on this assumption that the proclamation was made the basis of one of the charges against him at his trial.²

In one respect, however, Wentworth not only permitted, but even facilitated, correspondence with the continent. This was in the matter of the recruitment of soldiers for the service of the king of Spain in the Low Countries. The Irish contingent in this king's employment was divided into two regiments, one representing largely the Irish, under the command of Eoin O'Neill, and the other, representing the 'old English', under the command of Colonel Preston, uncle of Lord Gormanstown. Wentworth seems to have treated both regiments impartially, and to have allowed both to recruit men in Ireland. Certainly he claimed to have done so.³ On the other hand, he made no attempt to conceal his preference for Preston, and expressed his delight at that commander's distinguished part in the rebuttal of the French siege of Louvaine, with the explanation: 'for, I love his person, and judge him better to deserve it than any other of his nation, which is in your pay'.⁴ O'Neill,

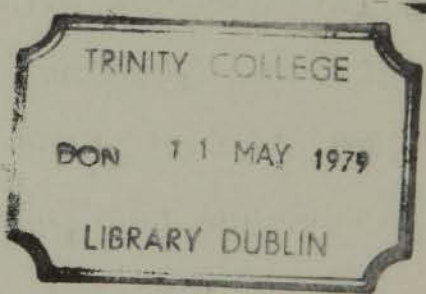
1. Strafford Letter Books, ff. 15-18.

2. See page 384 below.

3. Knowler (ed.), Let. and disp. i. 394-6.

4. Ibid, ~~ixx298~~ pp. 470-1.

he regarded as a traitor.¹ It seems clear, however, that Wentworth's policy in this respect was an aspect of English foreign policy, and had no specific reference to the Irish situation.



1. Knowler (ed.), Let and disp. ii.296-7.

