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The 'old English' in Ireland, 1625-42.

second part

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THE 'OLD ENGLISH' IN IRELAND, 1625-42

Second part

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In its attitude towards this matter the 'old English'

1. See above, pages 11-13.

group was out of step with the counter-reformation, and consequently therefore XII for religious reasons as well as political ones, it differed sharply from the viewpoint of the Irish 'OLD ENGLISH' CATHOLICISM church. Fessenden, Rector of the Irish College in Paris, later known to Wentworth as a

Some indication of the religious attitude of the 'old English' had been given earlier with reference to the views of representative spokesmen, Francis Nugent and Peter Lombard. The essence of this attitude was the rejection of the principle which had emerged from the reformation, that subjects should profess the same religion as their prince, and its replacement by the principle that temporal and spiritual allegiances could without inconsistency be separated, and that a true community of secular interests between subject and prince was a sufficient guarantee of loyalty without the additional cement of religious conformity. There seems no doubt that this ambivalence was based on an internal contradiction, and that, pursuing the separate loyalties to their logical conclusions, an irreconcilable conflict of commitments would be inescapable. It was this contingency which was ever present to the English government. It is necessary, however, to avoid the facile assumption that because the two loyalties were in the final analysis incompatible, the attachment to one or other of them must therefore have been insincere.

In its attitude towards this matter the 'old English'

1. See above, pages 11-13.

group was out of step with the counter-reformation, and consequently therefore, for religious reasons as well as political ones, it differed sharply from the viewpoint of the Irish members of the catholic church. Massingham, Rector of the Irish College in Paris, later known to Wentworth as a supporter of Harris and Cadell¹, wrote to Luke Wadding in July 1630 informing him that the Irish clergy had sent agents to the queen in an attempt to procure connivance at religious practices as formerly, and commented:

'which I fear will hardly be granted, and it may be it is God's will, for they did abuse it both by their continual jarrs amongst themselves and by their building churches and keeping public schools'.²

So restrained a conception of the responsibility of the clergy to the crown, illuminative of the 'old English' sense of duty, was not only inimical to the Irish at the time, but seems also to have fallen foul of later catholic thought, for Cardinal Moran, when he printed this letter, changed its entire sense by omitting the underlined clause.³

The division in the catholic church in Ireland was highlighted in a bitter dispute which broke out over the appointment of a successor to the primatial see of Armagh on the death of Lombard in September 1625. The considerations which

1. Strafford Letter Books, v.175-90.
 2. Jennings (ed.), Wadding Papers, pp.379-81.
 3. P.F.Moran, History of the catholic archbishops of Dublin (Dublin, 1864), pp.358-9.

were introduced into the debate were extensive, and the 'old English' candidates were criticized on grounds ranging from their unfamiliarity with the Irish language and their preference for living in towns, both of which disqualified them from the administration of Irish natives in an almost entirely rural archdiocese, to the facts that they had supported the heretics in the last war, and that their ancestors had supported the enactment of anti-catholic legislation in the Elizabethan parliaments. Though the detailed ramifications of the argument were diverse, the fundamental bone of contention was simple: the 'old English' were loyal to the king of England. While they, in the tradition of the late primate, urged that this was an advantage, a consideration which would avert persecution, claiming that as a matter of simple fact 'old English' clerics tended to be treated more tolerantly by the government, and stressing that the appointment of an Irishman would be interpreted as a declaration of hostility, and would provoke the introduction of strenuous measures against catholics; the Irish denied that the 'old English' were treated with any more favourable degree of consideration, and denied that party's prediction of the consequences of the appointment of an Irishman. But nonetheless, they urged in effect that such a declaration of hostility was in fact necessary and that the intransigence of the Irish element in the catholic church in Ireland should be endorsed, and accepted officially thereby, as one more in accordance with the needs and outlook of the church than the politique attitude

with which Lombard had been identified.¹ John Roche, bishop of Ferns, was alone in deploring the dispute, and refusing both to enter into the mood of bitterness or to make any recommendation, confining himself to the plea that, in view of the eminence of the appointee's counterpart, Archbishop Ussher,² the appointment should be made on merit alone. Politics, however, both of Ireland and of the counter-reformation, gained the victory, and the nominee of the northern earls and Spain, Hugh MacCaughwell (alias MacAingil) from Ulster, formerly tutor to the sons of Hugh O'Neill, Franciscan friar, theologian and poet, was appointed in April 1626.³

Ironically, the controversy was to be resumed almost at once, for MacCaughwell died about six months after his appointment. The issue once gained, however, continued to prevail, and his successor Hugh O'Reilly, bishop of Kilmore, who took office in 1628, was also an Ulster Irishman nominated by Spain and the earls. He continued in his position until 1653.⁴

The appointment of an archbishop of Armagh was a matter of considerable political importance, and the circumstances surrounding it were not reproduced on the lower levels of the hierarchy. Though no explicit statement of policy on the point

1. H.M.C.Franciscan MSS, pp. 83,84,87-92,104-6. Jennings (ed.), Wadding Papers, pp. 121-2,128-36,149-56,158-61,165-8,168-74.
 2. H.M.C.Franciscan MSS, p.84.
 3. Ibid, p.83. Jennings (ed.), Wadding Papers, p.178. Aodh de Blacam, Gaelic literature surveyed (Dublin,1929), pp.161, 222-4. W.M.Brady, Episcopal succession in England, Scotland and Ireland (3 vols,Rome,1876-7), ii,224-6.
 4. H.M.C.Franciscan MSS, pp.94,94-5,95,96-7. Brady, Episcopal succession,ii,224-6.

was made, ordinary episcopal appointments seem clearly to have been made with a realistic regard for the division within the Irish church. The archbishop of Dublin throughout the period was Thomas Fleming (1623-55), a member of the family of the lords of Slane, who had the unusual distinction of being supported in his nomination by both Lombard and the northern earls.¹ The archbishop of Tuam, Florence Conry, was Irish, and was replaced on his death in 1629 by another Irishman, Malachy Queely. The archbishop of Cashel, Thomas Walsh, was a native of Waterford of 'old English' descent, who was appointed in April 1626 by Franciscan influence. He was a well known pensioner of Spain whose outlook was wholly Irish.

There were at this time 26 bishoprics of the catholic church in Ireland. Of this number, 10 were without bishops for the entire period under consideration. Of those remaining (4 of which were without bishops until 1641/2), 22 persons were bishops during this period. Bishops of Irish stock numbered 14, while 8 were 'old English'. These latter were David Rothe, bishop of Ossory, 1618-50; Thomas Dease, bishop of Meath, 1621-52; John Roche, bishop of Ferns, 1624-36; William Tirry, bishop of Cork, 1612-c.1640; Richard Arthur, bishop of Limerick, 1620-46; Patrick Comerford, bishop of Waterford and Lismore, 1629-52; Luke Dillon, bishop of Achonny, 1641-5; John de Burgo, bishop of Clonfert, 1641-² ?.

1. Jennings (ed.), Wadding Papers, pp.x-xi.
 2. Brady, Episcopal succession, ii.224 et seq.iii.22-216.

From this list it emerges clearly that those areas in which the 'old English' were important tended to be administered by 'old English' bishops, that areas of influence were representatively reflected in episcopal appointments. There were two areas in which this was not the case. The discrepancy in Galway was more apparent than real, since actual administration in the area was in the hands of a Vicar General, Francis Kirwan, who was a native of Galway city, for a very considerable time. The Irish bishop of Kildare, Ross MacGeoghegan, however, was both resident and active.

Not only was there a tendency for the division within Irish catholicism to be reflected in the territorial arrangements for the administration of the church, but this division was also to a limited extent an aspect of the organization of the religious orders in Ireland, some of which were specifically associated with an 'old English' attitude towards the establishment. The Capuchins in particular were objected to on this ground, and it is true that the order, which was largely recruited from the province of Leinster, and from the Pale in particular, did mirror the attitude of Francis Nugent, its leading member, despite the fact that its missionaries were forbidden to mix in political

1. J.Lynch, Pii Antistitis Icon. Ed., C.P. Meehan (Dublin, 1884), pp.32-120.
 2. Brady, Episcopal succession, ii.352-4.
 3. Jennings (ed.), Wadding Papers, p.216.

affairs, or to communicate with royal officials.¹

Despite the protestant custom of employing the term 'Jesuit' as the quintessence of abuse, in fact the Society of Jesus, like the Capuchins, was noted for its loyalty. An expatriate Irishman characterized it for the information of the king of Spain:

'Christopher Hollywood, Superior of the Society of Jesus in Ireland, who is a pure Englished and almost all those of his order, Yea, the very Ancient Irish that enter into that same order become almost all Englished, conforming themselves to their Superior not only in their rules of religion, but also in their rules of policy and government, and manner of life, procuring to conform themselves to the times and to win the willx of the mighty.'²

Hollywood, a member of the 'old English' family of Artane, County Dublin, was Superior of the Irish mission for the twenty-three years preceding his death in 1626, and was succeeded by Father Robert Nugent who maintained the same tradition.³ In about 1635, at a diocesan synod held by Fleming, one of the subjects of discussion was:

'the preference given in Salamanca to Irish students of the Pale, while those of the northern and western

1. F.X.Martin, Francis Nugent, pp. 325, 571A, 572, 594-6.
A.Healy, Pages from the story of the Irish Capuchins (Cork, 1915), pp. 33-52.
2. T.C.D.MS? E.3.8, ff.95-8.
3. E.Hogan, Chronological catalogue of the Irish Jesuit Fathers, under Hollywood, Chris., and Nugent, Robert.

provinces, whose fathers had sided with Spain in the late wars, were treated harshly by the Superior who was a Jesuit and admirer of English polity.¹

Of those persons from Ireland recorded as having joined the order during the period under consideration, 56 were of 'old English' descent, while only 23 were Irish.² They seem, too, to have had an easy conscience: thus Richard Walsh, S.J., after spending thirty years in Salamanca, returned home for reasons of ill-health, 'having a hopeful confidence in his Majesty's clemency, that I behaving myself honestly and as a true subject in this kingdom should not be troubled for my conscience and religion'.³ The loyalty of neither Jesuits nor Capuchins saved them from molestation during the rule of the Lords Justices Cork and Loftus, houses of both orders in Dublin being confiscated with the others.⁴

It was not without significance that Dease, who on entering his diocese of Meath in 1622 warned the synod of the clergy of the necessity for proving themselves loyal subjects of the king of England in all things compatible with conscience,⁵ and who later gained notoriety by opposing the 1641 rebellion,⁶ was a consistent defender and upholder of both the Capuchins and the Jesuits, and encouraged the foundation

1. Meehan, The rise and fall of the Irish Franciscan monasteries, pp. 161, 200.
2. Hogan, Chronological catalogue, passim.
3. P.R.O., S.P.Ire., 63/247. 50.
4. See above, page 140.
5. Meehan, The rise and fall of the Irish Franciscan monasteries, pp. 177-8.
6. See below, page 500.

of houses of these orders in his diocese.

The Irish Poor Clares were founded by five 'old English' members of a community of English nuns (at Gravelines) at Dunkirk in 1626. Here they were under the guidance of the Franciscans of the Irish province, who decided that they should return to Ireland. The five nuns, with two postulants (also 'old English'), accordingly opened a house in Dublin in 1629, Cecily, daughter of the first Viscount Dillon of Costello-Gallen, being the abbess.² In the same year, they were incorporated in the Irish Franciscan province.³ The vicissitudes of their years in Dublin have been already noticed.⁴ After the final closure of their convent, the nuns moved not, as they had engaged to do, aboard, but to another convent, Bethlehem, on the property of Costello-Gallen, near Loughrea.⁵ The membership increased under the continued rule of Mother Cecily (and included her sister and six neices) and other branches of the order were established in Drogheda, Waterford and Wexford.⁶ By 1640, the order numbered about sixty members. There seems no doubt that this membership was predominantly 'old English', and while the order was closely associated with the Franciscans, the members of that order mainly concerned were themselves 'old English', and included two brothers of Mother Cecily.⁷

1. A.Cogan, The diocese of Meath (Dublin, 1867), ii.23-6.
 2. Mrs T.Concannon, The Poor Clares in Ireland (Dublin, 1929), pp.6-10. Archivium Hibernicum, xii.104, 129.
 3. C.Mooney, 'The golden age of the Irish Franciscans, 1615-50', in O'Brien (ed.), Mhicel ui Chlerigh, p.25.
 4. See above, pages 140, 154.
 5. Archivium Hibernicum, ii.216.
 6. Concannon, The Poor Clares in Ireland, pp.19-20, 26.
 7. Arch.Hib., ii.216; vi.122-4. Concannon, The Poor Clares, p.9.

The period 1615-50 has been described as 'The golden age of the Irish Franciscans',¹ and the order was indeed by far the largest and most influential. In 1623, its total membership (c.200) was approximately twice that of all the other orders combined.² In its general outlook, the order supported the northern earls, and was pro-Spanish (the 'old English' tended to be pro-French), and anti-English.³ It was, in short, the Irish counterpart of the small 'old English' Capuchin order, and for political, religious and economic reasons there was considerable friction between the two.⁴ Despite the consistent extremism of the Franciscan political attitude, however, it was by no means without 'old English' membership. Thus, for example, of the sixty-four persons received at St Anthony's, its foundation in Louvaine, from 1607 to 1617, twenty-four were 'old English', and these included sons of Lords Slane, Trimleston and Costello-Gallen.⁵ There were many members of the order, both important and unimportant, who were 'old English', and they seem, with very few exceptions, to have adopted, as the Irish in the Jesuit order were reputed to do, the political attitude of their order. The man through whom Franciscan influence was mainly wielded, both in relation to religious matters such as the appointment of bishops, and political affairs, was Luke Wadding, who was born in Waterford

1. See above, page 315 note 3.
 2. Moran, Catholic archbishops of Dublin, i.290-1.
 3. F.X.Martin, Francis Nugent, pp.569-71.
 4. Ibid, p.586. H.M.C.Franciscan MSS, p.143.
 5. H.M.C.rep.4, Appendix, p.603.

A. Coleman, Francis, 1902, pp. xviii-xix.
 W. B. Walsh, The Irish Dominicans (Dublin, 1957), p.99.

of 'old English' stock. Though Wadding was a leading proponent of the Irish political outlook, he was nevertheless not exempt from suspicion of favouritism towards the 'old English' staff and students of the College which he founded in Rome, and it is not impossible that, despite his political opinions, he had a ~~great~~¹ certain pride in his descent.

The Dominican order closely resembled that of the Franciscans. That is to say, that while the political outlook of the order, and the majority of its members, were Irish, many individual members were 'old English'. The latter circumstance seems to have been to some extent due to the efforts of the Irish bishop of Kildare, himself a former Provincial of the order, who was responsible for its re-introduction into Leinster, small communities being founded in Dublin, Drogheda and Kilkenny.² In order to prevent rivalry and ill-feeling, the Provincials of the Irish mission of this order were appointed in rotation from each of the four provinces.³

There seems no room for doubt that the religious orders flourished in Ireland during the reign of Charles I. Both as regards personnel and foundations, the numbers grew greatly. In 1623, there were no more than five Capuchins in Ireland: less than twenty years later, the number, divided into one

1. C.Mooney, 'Was Wadding a patriotic Irishman?' in Franciscan Fathers (ed.), Father Luke Wadding commemorative volume (Dublin,1957), pp.71-3.

2. A.Coleman, The Dominican order in Ireland (Dublin,1926),p.9. J.O'Heyne, Irish Dominicans in the seventeenth century. Ed. A.Coleman (Dundalk, 1902), pp.xviii-xix.

3. D.Mould, The Irish Dominicans (Dublin,1957), p.99.

convent and six hospices, was fifty-two.¹ In 1623 also, the Irish contingent of the Dominicans numbered forty-nine, not all of whom were in Ireland: ^{six} ~~seven~~ years later, it had increased to about 100: and by 1654, the Irish province was estimated at 600.² The Discalced Carmelites were introduced into Ireland, from Louvaine, in 1625, and their first house was founded in Dublin two years later. By 1640, the Irish mission of this order had been constituted a separate province, and had nine houses in Ireland, including a novitiate. (The identification of individuals in the order is prevented by the fact that ~~the~~ secular surnames were not retained by its members, but its introduction to Ireland was led by Father Edward, son of Christopher Sherlock of Naas, who became prior of the Dublin house).³ The Franciscans were estimated to have increased from about 200 in 1623 to about 1,000 twenty years later.⁴

Apart from an occasional alarm,⁵ this growth seems to have taken place with almost complete impunity. To take one example, from the only period of positive anti-catholic activity during these years; the Poor Clares were introduced to Ireland and opened their first house in Dublin less than three months after the issue of the first proclamation ordering the closing of the religious houses and the banish-

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1. Moran, Catholic archbishops of Dublin, i.290-1. Healy, Pages from the story of the Irish Capuchins, p.89.
 2. Moran, op. cit., i.290-1. O'Heyne, Irish Dominicans in the seventeenth century, pp.xviii-xix.
 3. J.P.Rushe, Carmel in Ireland, (Dublin, 1903), pp.45-6, 54-5, 72, 78; and Supplement, p.8.
 5. See above, page 229.
 4. Moran, op.cit., i.290-1. Archivium Hibernicum, vi.121-4.

ment of the regulars. Two years later, the nuns were explicitly directed to leave the country, and agreed, at the Council Table, to do so. In fact, they removed themselves to the west of Ireland, where they remained undisturbed until after the outbreak of the rebellion.

If this development and growth of the religious orders in Ireland owed a good deal to lack of government interference, its driving force was the existence on the continent of a number of schools orientated towards the single purpose of training personnel for the Irish mission. The first of these in point of time was the Irish College at Paris, founded, primarily through the efforts of Fr. Thomas Lee, in 1578.¹ In France also were colleges at Bordeaux (c.1602)² and Toulouse (1603).³ Father Thomas White played an important part in the organization of colleges at Salamanca (1592), Lisbon (1593), Santiago (1606) and Seville (1612).⁴ Other colleges in the Iberian peninsular were located at Alcala and Madrid (1629).⁵ In the Low Countries, the chief part in the establishment of these institutions was taken by Father Christopher Cusack, who was largely responsible for the foundation of colleges at Douai (1596), Antwerp (c.1608),

1. J.O'Boyle, The Irish colleges on the continent (Dublin, 1935), p.28.
2. Ibid, p.222.
3. Archivium Hibernicum, i.123.
4. O'Boyle, The Irish colleges on the continent, pp.153,156, 159,175.
5. Ibid, pp.176-8.

Lille (1610) and Tournai.¹ In Louvaine, there were three separate Irish Colleges, Franciscan (1607), Dominican (1623) and secular (1623).² A Franciscan mission house was formally recognised at Charleville in 1625.³ In Rome, there were two Irish Colleges, St. Isidore's (1624/5),⁴ and the Ludovisian secular college, under Franciscan control for some years after its foundation (1628), but transferred to the Jesuits in 1635.⁵ In 1631, a further college was founded at Prague,⁶ but it did not prosper.

Some of these colleges were vastly more important than others, but all existed for the sole purpose of maintaining a constant stream of recruits for the Irish missions. So far as numbers were concerned, the average annual entry into the college at Salamanca was four (though the number of pupils was halved during the third decade of the seventeenth century as a result of financial difficulties)⁷, into the secular college in Rome it was about three per annum,⁸ while the Franciscan college at Louvaine averaged between five and six each year.⁹ This latter college has been calculated to have produced, from the date of its foundation in 1607 to 1630, 63 trained preachers, 3 archbishops, 2 bishops, 4 Ministers provincial, 18 Lectors of Theology, and 25 Lectors

1. J.Brady, 'Father Christopher Cusack and the Irish college of Douai', in O'Brien (ed.), Mhicel ui Chlerigh, pp.101-6. Moran, Catholic archbishops, i.403. Arch.Hib., xiii.45.
 2. Mooney, op.cit., in O'Brien (ed.), Mhicel ui Chlerigh, p.21. Jennings, 'Irish students in the University of Louvaine' in Ibid, pp.78-82. O'Boyle, The Irish colleges, p.130.
 3. F.X.Martin, Francis Nugent, pp.334-5.
 4. G.Clery, Father Luke Wadding and St Isidore's College, Rome, (Rome,1925), p.161.
 5-9. See following page.

of Philosophy.¹ Between 1625 and 1641, 138 students from Ireland entered the University of Louvaine, that is, about eight each year. Of these, it may be noted, fifty-one were 'old English'.² Though these numbers are not perhaps at first sight impressive, they represent in the aggregate a continuous steady ~~ixxxx~~ augmentation of the clergy in Ireland, and a persistent intercourse between Ireland and counter-reformation Europe.

The Irish colleges were not altogether immune from dissensions. It has been recorded that a diocesan synod protested against discrimination against Irish students at Salamanca, and that Wadding himself was the subject of similar accusations, perhaps, so far as staffing at least is concerned, not unjustified. Cusack was accused of discrimination against students from Ulster and Connaught at Douai in 1614, and though the resultant inquiry found in favour of Cusack, it also recommended that the college be divided into two. The view of the internuncio, who maintained that this would tend to perpetuate the divisions, prevailed, and the college remained unaltered.³ It should be stressed, however, that these rivalries

From preceding page: 5. O'Boyle, The Irish colleges, p.111.
 6. Arch.Hib., ix.173-294.
 7. O'Boyle, The Irish colleges, pp.262-3. Arch.Hib., vi.172.
 8. O'Boyle, The Irish colleges, p.111.
 9. H.M.C.rep. 4, Appendix, p.603.
 Notes to this page: 1. Mooney, op.cit., in O'Brien (ed.), Mhicel ui Chlerigh, p.27.
 2. Jennings, op.cit., in Ebid, pp.78-82.
 3. Arch.Hib., iv.284.

tended to be expressed in provincial rather than in racial terms, and this may very often have genuinely reflected their nature, for the 'Contention of the bards' illustrated that Munstermen, Ulstermen, and others could still fall out among themselves in the old tradition, 'wrestling over an empty kennel (the pups being gone)' as Florence Conry sourly commented.¹

That the students of the Irish Colleges should seriously have engaged in anything so unreal as provincial hostilities is not altogether remarkable. Very many of them had left Ireland at an extremely early age, and their understanding of Irish issues was not in fact based on a detailed personal familiarity with them. A twenty-five year old Franciscan, Patrick Fleming, testifying to the fitness of Thomas Fleming for appointment as archbishop of Dublin, professed ignorance as to what province that archdiocese was situated in.² This kind of ignorance of the most elementary facts about Ireland cannot be considered a satisfactory foundation for the assessment of the rights and wrongs of the Irish political and religious situation. It is difficult to resist the conclusion that Fleming, and others like him, must have ^{been} excessively susceptible to the climate of opinion within the Franciscan order, and, despite his own 'old English' descent, quite unfitted to modify from his own experience and judgement the

1. de Blacam, Gaelic literature surveyed, pp.152-5.
 2. Franciscan Fathers (ed.), Father Luke Wadding, p.532.

1. P. A. Martin, Francis August, p.614.

picture of Ireland and Irish needs presented to him by anti-English mentors and fellow students. Similarly, on a higher level, Wadding's early departure from Ireland, continental education, and Roman experience, equipped him very poorly, well informed though he was, to understand the delicately balanced equipoise of loyalties which was so important to his 'old English' relatives. Distance and the lack of material interests made it easy to overlook or dismiss complications which were vitally important to those directly involved.

While an intimate and constant contact with catholic western Europe was the lifeline of catholicism in Ireland, and the context of catholic thought in Ireland was a counter-reformation one in which relations with England were part of a wider framework, nonetheless the 'old English' did not therefore abandon their own peculiar ambivalence. Despite their awareness of different standards, they remained prepared not only to yield a temporal obedience to a protestant king (whom the Capuchins, for instance, regarded not as a heretic, but as a schismatic ¹), but also to underline that obedience by the exercise of discretion in the practice of their nominally proscribed religion. Wentworth, at least, had no aversion to co-operating with this attitude on an interim basis, and the keynote of by far the larger part of the period under consideration was one mutual restraint. With this situation, the 'old English' were relatively satisfied, but

1. F.X.Martin, Francis Nugent, p.614.

it did possess two major shortcomings. In the first place, it was based merely upon an Act of Grace without firm legal foundation, and was therefore, as the experience of government by Irish protestants had demonstrated, revocable at pleasure: what was needed was the equation of the legal with the actual position, and the removal thereby of the continual possibility of a deterioration in the position, through the repeal of the Elizabethan legislation against catholicism. In the second place, that official ~~an~~ tolerance was based upon expediency rather than upon confidence was suggested by the continued practice of religious discrimination: that the contrary, the ideal reciprocity, was true could only be evinced by the abandonment of these practices, and in particular by the employment of catholics in positions of trust and responsibility. It was towards the fulfillment of these two aims, under their protestant liege lord and king, that 'old English' religious ambitions were directed.¹

... as to what degree of military aid might be forthcoming from Ireland, the Deputy, however, did not think it feasible to deplete the Irish army in any way, though he undertook to concentrate it in the north-east where it might constitute a threat to the Scots. It was, however, subsequently arranged that 500 men selected from the companies of the Irish army should be sent to join the Scottish army.

1. Gilbert, Ir.confed., iii.289-301.

... there are of that nation in the north of Ireland', Wentworth wrote, 'not ten hours sail from Scotland, at least threescore thousand men, of the

THE PARLIAMENT OF 1640-1 (i)

The Scottish situation.

An attempt to introduce the Book of Common Prayer into Scotland in 1637 led to widespread resistance and the rapid circulation of the Covenant, binding its subscribers to maintain both the king's authority and the presbyterian form of church government. These dual undertakings, however, proved irreconcilable in face of the insistence of Charles upon the importance of the episcopacy. His belief that the principle of 'No bishop' involved inescapably the corollary 'No king' resulted in a conflict of opinion so great that open hostility soon emerged. Early in 1639, Leslie, a veteran of the 'thirty years' war', was appointed Commander in Chief in Scotland, and Charles began to make overt military preparations in England.

As early as July 1638,¹ Charles approached Wentworth for information as to what degree of military aid might be forthcoming from Ireland. The Deputy, however, did not think it feasible to deplete the Irish army in any way, though he undertook to concentrate it in the north-east where it might constitute a threat to the Scots.² It was, however, subsequently arranged that 500 men selected from the companies of the Irish army should be used to garrison Carlisle.³ The threat in Scotland was mirrored in Ulster: 'there are of that nation in the north of Ireland', Wentworth wrote, 'not ten hours sail from Scotland, at least threescore thousand men, of the

same affections and passions those others are'.¹ It was the danger latent in this area rather than the disposition of the Irish which mainly influenced Wentworth in believing it unsafe to transport any substantial portion of the army to England. In 1639, with characteristic ruthlessness, he set about the task of neutralizing the north by the imposition of an oath binding its subscribers not to bear arms against the king, nor to resist his commands, nor to enter into any covenant. The general enforcement of this oath on the Ulster Scots was assisted by the presence of half the army in Ulster.²

There is no evidence of Irish or 'old English' reaction to this situation. During the course of 1637 and 1638, the catholic courtier Randall MacDonell, earl of Antrim, whose connections with Scotland were close, was involved in protracted negotiations with both English and Irish governments directed towards creating a diversion from a base in the north of Ireland where his estates lay.³ He proposed to invade the west of Scotland with a force of northern catholics, with the assistance of Colonel Eoin O'Neill from the Irish regiment in Flanders.⁴ There appears to have been no 'old English' partic-

Notes from previous page: 1. G.Davies, The early Stuarts, (2nd edit., Oxford, 1938), pp.85-8.
 2. Knowler (ed.), Let. and disp., ii.233-6.
 3. Ibid, pp.275, 325, 329.

Notes to this page: 1. Ibid, p.270. ~~xxxxxx~~
 3. Knowler (ed.), Let. and disp., ii.184, 187, 204, 211, 217, 221, 225-6, 248, 266, 275, 278, 289, 296-7, 300-6, 318-9, 322, 323, 325, 334-7, 338, 356-9, 361, 363, 371-2, 374. Strafford Letter Books, x. 19A, 22A-4, 63A-9, 109A-11, 171A, 172A, 239A, 246A, 257A, 291A-2, 329A, 335A-7.
 4. Strafford Letter Books, x.257A.

N.B. 2. Knowler (ed.), Let. and disp., ii, 336-7, 343-6, 363.

ipation in his grand design. Those whom he named as prepared to assist him were Magennines, Maguires, MacMahons, O'Neills and O'Haras.¹ Though Antrim appears to have impressed the king, in Ireland he was merely a nuisance. Quite apart from the potential dangers of his scheme of arming Irish catholics (who, if victorious, 'might perchance prove not so well natured as to lay down their arms',² and who moreover were to be led by O'Neill, 'a traitor, bred no other, egg and bird, as they say',³), Antrim, himself a grandson of Tyrone, was an incompetant braggart, heavily in debt, whose inability to perform what he promised⁴ was never in doubt.

In Munster, the earl of Barrymore made an attempt during April/May 1639 to raise a regiment for service against the Scots. He found extreme difficulty in getting the required numbers, partly because of popular hostility, and partly because of competition from an agent, O'Sullivan, raising men without licence for the king of France. When he finally left for England, his numbers were incomplete. His troops seem to have been largely catholic, and among his officers was his catholic kinsman, Captain John Barry of Lisscarroll.⁴

These preparations, however, proved for the moment superfluous, for the king found it impossible for financial reasons to mobilize an effective army, and on 18 June 1639,

1. Knowler (ed.), Let. and disp., ii.306

2. Ibid, pp.356-9.

3. Ibid, pp.296-7.

4. Ibid, pp.298, 342. Strafford Letter Books, x.320, 321, 322-3.

the 'first bishops' war' ended in the treaty of Berwick without the striking of a blow.¹ For Charles, this was merely a postponement. He warned Wentworth not to relax his vigilance in the north of Ireland², and in July he summoned the Lord Deputy to England, for reasons which he would divulge only in the sufficiently revealing statement that 'the Scots' Covenant begins to spread too far'.³

In September, Wentworth went to England, leaving Wandesford and Lord Dillon as Lords Justices.⁴ After the treaty of Berwick the Scottish General Assembly had proceeded to abolish episcopacy and to enforce general subscription to the Covenant. Charles was once more thinking in terms of war. Wentworth, supported by Laud and Hamilton, urged that a parliament should be called to finance it.⁵ He was confident that the catholics in Ireland needed but little inducement to take an active part against the Scots, should occasion arise.⁶ In the event, it was decided to hold two parliaments, one in Ireland in March, to be followed by one in England, both of which were to be attended by Wentworth.⁷ A successful parliament in Ireland, would, it was hoped, be an influential example to parliament in England. It was further agreed that a new army of 8,000 foot and 1,000 horse should be levied in Ireland

1. Davies, The early Stuarts, p.88.
 2. Knowler (ed.), Let. and disp., ii.361.
 3. Ibid, pp.372-3,374.
 4. Strafford Letter Books, vi.33.
 5. Davies, The early Stuarts, pp.89-90.
 6. Knowler (ed.), Let. and disp., ii.371-2.
 7. Whitaker (ed.), Life and orig. corr. of Radcliffe, pp.187-8.

to join the king's forces at Berwick for service against the Scots.¹

During the absence of Wentworth, the management of the elections was entrusted in the main to Radcliffe, and the usual policy of conciliating interests which would be represented was followed.² It had been decided, on Wentworth's recommendation, to request six subsidies payable in three years.³ The Council, in consultation with 'members of the Commons' before the opening of parliament, decided that a request for four subsidies, together with an undertaking to grant more if it should be necessary, would be more judicious, and Wentworth concurred.⁴

Election returns.

When parliament met in March 1640, the aggregate number of seats had been reduced from 256 to 240. Seven boroughs had been disfranchised, Bannow, Taghmon and Clonmyne (County Wexford), and Fore (County Westmeath), all four of which had been challenged by the Attorney-General in 1634, together with Ardee (County Louth), Newcastle (County Dublin), and Naas (County Kildare). The County of the Cross of Tipperary had been united with Tipperary County by letters patent in 1637.⁵ A bill to this effect had been introduced to the House of Commons

1. Knowler (ed.), Let. and disp., ii. 391-2.
2. Whitaker (ed.), Life and orig. corr. of Radcliffe, pp. 195-6.
3. Ibid, pp. 187-8.
4. Knowler (ed.), Let. and disp., ii. 394-5, 396.
5. Ware, 'Diary of events ... 1623-47', July 1637. Gilbert Collection, Pearse Street Library.

on 24 March 1635, but had failed to pass.¹ All sixteen seats thus disfranchised had been held by catholics in 1634, two of them Irish, the rest 'old English'.

(a) Leinster: The disfranchisement of Ardee reduced the representation of County Louth to eight members. Of these, four were 'old English' catholics, three of whom had been members of the 1634 parliament. One seat, in the borough of Dundalk, was gained by the protestants. The returns for Meath were similar to those of 1634: nine 'old English' catholics, and Lord Dillon of Kilkenny West. Three of the catholics had been members of parliament in 1634, one of them, Sir Richard Barnewall, for Swords (County Dublin). In County Kilkenny, only six catholics, all 'old English', were returned, a loss of five seats, two in Inistiogue, two in Thomastown, and one in Gowran. One of the members had also been a member in 1634. In County Dublin four of the members, reduced to eight by the disfranchisement of Newcastle, were 'old English' catholics, two of whom had been members of the 1634 parliament. County Kildare, its representation reduced to six by the disfranchisement of Naas, returned only one catholic, Maurice Fitzgerald, who had also been returned in 1634. One seat for Kildare county was gained by a protestant, Sir Maurice Eustace, later Speaker of the House, himself of 'old English' descent. Thus in the counties of the Pale, overall representation was reduced from fifty to forty-four, while catholic representation was reduced from thirty-seven to twenty-five, ten of whom had sat in the 1634 parliament.

1. Commons' jn. Ire., 24 Mar. 1635, p.112.

The returns for County Westmeath were reduced to eight by the disfranchisement of Fore; four of those returned were 'old English' catholics, three of whom were members of the 1634 parliament. One seat, in Athlone, was lost to a protestant. King's County returned one catholic, John Coghlan, and five protestants, while Queen's County returned six protestants. County Wicklow also returned six protestants, representing a loss of three catholic seats, two of them Irish. Representation from County Wexford was reduced by disfranchisement from eighteen to twelve. Of these, six were 'old English' catholics and five were protestants. The remaining member, Ralph Waddington, returned for Enniscorthy, was a Queen's County landholder, described in the Book of Survey and Distribution¹ as an 'English papist'. He was unseated in 1641 and replaced by the 'old English' catholic Sir Thomas Esmond. The seat is perhaps most safely regarded as being held by Waddington in the protestant interest, particularly since this borough returned protestants in 1634. Only one of the members from County Wexford had sat in the previous parliament. As in 1634, the returns from County Carlow were complicated by a dual election, and only five members were returned to the first meeting of parliament, James Cusack being returned for Old Leighlin as well as Ballyshannon, County Donegal, for which he elected to sit. His place in Old Leighlin was subsequently taken by an 'old English' catholic. As in 1634, the other

1. Book of Survey and Distribution, Queen's County, P.R.O., Ire.

member for Old Leighlin was a protestant. The other members from County Carlow were evenly divided, two being 'old English' catholics and two protestants, and a loss of one seat in Carlow County was compensated for by the gain of one seat in Carlow borough. The county as a whole, then, returned five members, of whom two were 'old English' catholics. From County Longford was returned Faughney Farrell, who had also represented the county in 1634. The other county seat was lost by the catholics to Sir James Dillon of Moymet, County Westmeath, later earl of Roscommon, a protestant.

Thus from the province of Leinster, 91 members were returned to the first meeting of parliament in 1640. Of these, 38 were catholics, 52 were protestants, and one was an 'English papist'. Only two of the catholics were Irish, the rest 'old English'. The protestants thus gained 12 seats, but because of the disfranchisement of the seven boroughs, the proportionate gain was much greater. Excluding Waddington, catholic representation dropped from 61.9% to 42.2%, and a catholic majority of 25 was converted into a protestant majority of 14. Apart from disfranchisement, the catholics lost seven county seats, and eight borough seats. Fifteen of the catholics had also been members of parliament in 1634.

(b) Munster: Of the sixteen members returned from County Cork, six were catholics, one of them Irish, the rest 'old English'. Three had sat in the 1634 parliament. One seat, in Cork city, was lost by the catholics. Four of the eight members from

County Limerick were 'old English' catholics, of whom two had been members in the 1634 parliament. The election of John Power, of Kilmeadan, County Waterford, however, was probably dual, a John Power being also returned for Waterford County, so that the effective returns for Limerick would be seven members, three of them 'old English' catholics. Two seats were lost to protestants, one in Kilmallock, and one in Limerick County. County Tipperary, with which was now amalgamated the County of the Cross of Tipperary, returned eight members of whom five were catholics, one of them, Thomas Heynes, perhaps Irish. Two had been members of parliament in 1634. Both seats in the borough of Clonmel were lost to protestants. County Waterford returned four catholics, all 'old English', two of whom had also been returned in 1634, and six protestants. One of the county seats was lost to Sir Richard Osborne. County Kerry returned two catholics, one of whom had been a member of parliament in 1634, out of eight members, both for county seats, which represented a gain of one seat as against the returns to the opening of the 1634 parliament. However, this gain was overcompensated by the loss of two seats in Dingle and one in Ardfert. County Clare returned four members of whom one, Dermot O'Hrien, was a catholic. This represented a loss of one county seat by the catholics.

From the province of Munster, fifty-three members were returned to the first meeting of parliament in 1640. Of these, twenty-one were catholics (two of them Irish, the rest 'old English') and thirty-two were protestants. The catholics lost

ten seats, seven in boroughs and three in counties, and gained one seat, for County Kerry. Catholic representation from Munster dropped from a proportion of 58.9% of the whole to a proportion of 39.6%, and a catholic majority of ten was converted into a protestant majority of eleven. Ten of the catholic members had also been members of the previous parliament.

(c) Connaught: County Galway returned six 'old English' catholics two of whom had been members in 1634, and two protestants. The catholics lost one seat, in the borough of Tuam. The two county members for Mayo were 'old English' catholics, one of them a member of the previous parliament. The only borough in the county, Castle bar, returned protestants. One of the county members for Sligo was an 'old English' catholic, while the remaining three members from the county were protestants, one of them, Kean O'Hara, an Irishman. The two county members for Roscommon were catholic Dillons, one of them, Sir Lucas, a member in 1634. This represented a catholic gain of one seat. As in 1634, County Leitrim returned six protestants.

Thus total catholic representation in the province of Connaught was unchanged, a catholic loss in Tuam being offset by a gain in County Roscommon, and eleven catholics were returned to the parliament of 1640, all of them 'old English', and four of them previously members of parliament in 1634. The only Irishman returned was one of the seventeen protestants.

(d) Ulster: As in 1634, one of the members for County Cavan

was a catholic, though this time of the Irish group - Phillip FitzHugh O'Reilly. In addition, one of the seats for Belturbet borough in that county was gained by an 'old English' catholic, his fellow member being Sir John Borlase. James Cusack, Clerk to the Commission for defective titles, an 'old English' catholic, was returned for Ballyshannon in County Donegal. Rory Maguire, brother to Lord Maguire, was returned for Fermanagh County. The effect of these last three gains, however, ~~were~~ was modified by the loss of the two Monaghan county seats.

Thus of the sixty-six members returned from Ulster, four were catholics, two of them 'old English' and two of them Irish.

In the aggregate, allowing for two dual elections, 238 members were returned to the first meeting of parliament in 1640. Of these, 68 were 'old English' catholics, 6 were Irish catholics, and 163 were protestants; while one, Waddington, fits no classification. Excluding Waddington, catholic representation in the House dropped from a proportion of 44.1% of the whole to a proportion of 31.1%, and a protestant majority of 30 became a protestant majority of 89, as compared with 1634. In 1634 the protestant majority had been based on Ulster. In 1640, however, of the 172 members returned from the other three provinces (omitting Waddington), a majority of thirty-two were protestants. Twenty-nine of the catholics had previously been members of the parliament of 1634, that is, roughly, 39%.

The catholics lost 37 seats; 14 through the disfranchisemen

of boroughs, 2 through the abolition of the County of the Cross of Tipperary, and 1 as a result of the dual election in Kilmallock. The remaining 20 represented election losses: 12 county seats and 16 borough seats were lost, while only 3 county seats and 5 borough seats were gained. The explanation of these losses is clear. After the parliament of 1634, Wentworth had determined to ensure a future protestant majority by challenging the right of a number of corporations to send members. It is evident that seven corporations were deprived of representation in this way, while the proceedings in the matter of the County of the Cross of Tipperary may be presumed to have been directed towards the same object. In other cases, however, the technique was different. The charters of many towns were sequestered by quo warranto proceedings, Sir John Clotworthy informed the English House of Commons, but 'some of them were restored again upon agreement to send such to the parliament as those in power should name, so that, having the command of parliament, it was no wonder what was then done'.

The House of Lords.

The composition of the House of Lords in 1640 varied scarcely at all from that in 1634. A vacancy reduced the episcopal members to twenty-three. There were as before sixteen earls, their religious division altered only in the respect

1. W. Notestein (ed.), The journal of Simon D'Ewes (1923), pp.13-14.

that the protestant Desmond, formerly a minor, was now of age. The number of viscounts was reduced by one (the protestant Powerscourt) to forty-two. The overall picture was changed in a number of ways: the catholic Magennis, Lord Iveagh, was a minor; Sir William Sarsfield, formerly catholic member of the Commons for Cork County, had succeeded his father as Lord Kilmallock; the two minors in 1634, Boyle and Dillon of Costello-Gallen, both of whom were protestants, had now taken their seats. Dillon, who was received back into the catholic church by Rinuccini in 1646, was a member of the 'old English' group, and was closely identified with it in parliament. The number of barons was also reduced by one, the protestant Lord Balfour, and now totalled thirty-nine. Three of these were minors, all of whose places had been occupied by protestants in 1634. The only important changes were that the title Lord Maguire was now definitely held by a ^{catholic} ~~protestant~~, and that of Lord Kerry held by a protestant.

The effective membership of the House was 116. The certain catholic membership was 25: to these may be added Brittas and Courcy. The maximum catholic vote was, thus, 27, while the position in regard to government control of spiritual and proxy votes remained as it had been in 1634.

Supply.

The opening of parliament in March 1640 followed well

1. Lords' jn. Ire., p.99.

established precedent. Sargeant Maurice Eustace (County Kildare),
 formerly of Lincoln's Inn¹, was elected Speaker. At once, an
 'old English' member, Sir Richard Barnewall, moved that the
 election returns should be examined before this election was
 finally ratified; that is, that the first business of the
 House should be purging. This motion was successfully opposed
 by Radcliffe.² On March 21, it was decided to read a bill to
 invest the Speaker before proceeding to other business. On the
 same day a committee of privileges, one of the duties of which
 was the examination of election returns, was appointed, consist-
 ing of sixty-one members, only twelve of whom were catholics.³
 In 1634, the equivalent committee had numbered only forty
 members, and thirteen of these had been catholics.⁴ Also on
 March 21, the sheriff of Louth was required to explain why no
 returns had been made from Ardee.⁵

On March 23, the subsidy business was introduced. Six
 subsidies were requested. In the ensuing debate, the most
 extravagant professions of gratitude, loyalty, and readiness
 to supply the king's necessities were made, primarily, according
 to the Councillors who reported the matter to the English
 government, by the 'natives', who not only offered to donate
 their all to 'so sacred a Majesty, from whose princely clemency,
 by the ministration of the Lord Lieutenant, so many and so

1. Cal.S.P.Ire., 1633-47, pp.241-2.
 2. Commons' jn. Ire., 16 Mar. 1640, p.133.
 3. Ibid, 21 Mar. 1640, p.137.
 4. See above, page 204.
 5. Commons' jn. Ire., 21 Mar. 1640, p.137.
 6. Commons' jn. Ire., 23 Mar. 1640, pp.138-9.
 7. Ibid, 25 Mar. 1640, pp.139.

gracious favours are continually derived to them', but also desired that they might have the honour of being employed against the Scots. The conclusion was an anti-climax. The pre-arranged agreement with the Council was introduced:

'considering the present condition of the kingdom, and how unable they are without too much pressure to them to advance more at this time, they humbly besought, that by the Lord Lieutenant's interposition to his Majesty, four subsidies might be accepted from them at this time; yet with this declaration that if more than these four shall be requisite, and the occasions of the war continue, they will be ready to grant more ¹'.

The proposal for four subsidies and a declaration was passed unanimously, and a select committee was appointed to draw up an appropriate declaration. This committee consisted of Wandesford, Radcliffe and Lord Dillon, together with Nicholas Plunkett, Geoffrey Browne, Sir Roebuck Lynch and Thomas Bourke. On the same day, March 23, the subsidy bill was introduced to the House and received its first reading.² It received its second reading, was engrossed, and passed on March 26.³ The Declaration was assented to by the House and entered on March 30. It stated:

'we do profess that our zeal and duty shall not stay here at these four subsidies: but we do humbly offer and promise that we shall be ready, with our persons and estates, to the uttermost of our abilities for his

1. Knowler (ed.), Let. and disp., ii. 397-8.
2. Commons' jn. Ire., 23 Mar. 1640, pp. 138-9.
3. Ibid, 26 Mar. 1640, pp. i. 39.

Majesty's future supply in parliament as his great
 occasions, by the continuance of his forces against ~~that~~
 that distemper shall require.¹

In the House of Lords on March 24, the earl of Ormond sug-
 gested that the House should express a desire to be associated²
 with the subsidy declaration, and was seconded by Ranalagh.
 When the subsidy bill was passed in the Lords, on March 28,
 a debate on the declaration took place. Lord Slane stated that
 there existed some disagreement in the Commons, there having
 been 'some exception taken to some words, as in a parliamentary
 way, not in a parliament'. Gormanstown moved 'that this may
 not oblige posterity', and submitted an alternative declaration.
 When, upon question, it was agreed that the wording should be
 'in parliament', not 'in a parliamentary way', Gormanstown
 'professeth readiness to give more subsidies, but so as they
 may not be without thanks to their posterity in future'. Mount-
 garrett proposed that the declaration introduced by Gormanstown
 should be adopted by the House, irrespective of the Commons'
 position on the matter, and after a number of amendments had
 been agreed upon this was done.³

It is evident that the Commons' declaration was modified
 by debate in the House of Commons itself, the term 'in parlia-
 ment' being substituted for 'in a parliamentary way'. This
 alteration was significant. The term 'in parliament' was specific

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1. Commons' jn. Ire., 30 Mar. 1640, p.141
 2. Lords' jn. Ire., 24 Mar. 1640, p.102.
 3. Ibid., 28 Mar. 1640, pp.106-7.

and without ambiguity. The phrase 'in a parliamentary way', however, might reasonably be interpreted as meaning not by vote in parliament, but simply according to the particular method of assessment used in the collection of subsidies voted by parliament. A loophole by which a direct executive imposition might have been justified was thus closed.

Gormanstown's objections to the Commons' declaration as it stood on March 28, however, went further than this detail. He altered the entire phrase after the colon, omitting the reference to 'our persons and estates', so that it read: 'but likewise we will be ready to offer the best of our abilities for his Majesty's future supply in parliament etc.'. Thus a guarantee of performance was changed to a guarantee of endeavour to perform.

On March 31, it was reported to the House of Lords that at three separate meetings with a committee of the Commons' it had proved impossible to agree on the wording of a joint declaration. Gormanstown declared that he wished to clear himself of opprobrium by making it clear that he personally was prepared to support the king with his life and fortune, and that he was prepared to accept alterations to the declaration which he had submitted. There followed a debate as to whether his declaration had been voted finally, or merely on an ad hoc basis for submission to the conference with the Commons.. Slane, Nettirvill, Mountgarrett, Clanmorris and Kilmallock urged the former, and

1. Lords' Jn. Ire., 28 Mar. 1640, p.107

were opposed by a number of protestants. On a vote, the protestants were successful, and a committee of eleven, on which Gormanstown was the only catholic, was appointed to prepare a declaration. The declaration submitted differed from that of the Commons only in using the passive voice, and in the omission of the four words ('at these four subsidies') immediately preceding the colon. It was agreed to as an Act of the House.¹

It may be observed that throughout this session there was a protestant majority in the House of Lords.²

The emphasis placed upon the 'natives' as being most prominent in the subsidy debate, together with the extremely unrepresentative composition of the declaration committee, suggest that the protestants in the House of Commons were less wholeheartedly enthusiastic than their catholic fellows in the king's support. On the other hand, proceedings in the House of Lords suggest that influential catholics were by no means unmindful of the wisdom of tempering professions of loyalty with caution.

The business of the subsidy bill and the declaration having been satisfactorily concluded in both Houses, parliament was adjourned on April 1. On that day, a vacation committee was appointed by the Commons to consider the laws which were to be introduced, and also laws which ought to be

1. Lords' jn. Ire., 31 Mar. 1640, pp.109-11.

2. Ibid, 26, 28 Mar. 1640, pp.103, 105-6.

3. Commons' jn. Ire., 1 June 1640, p.142.

4. Ibid, 3 June 1640, pp.143-4.

passed, and to prepare the latter for transmission to England. It was composed of twenty-two protestants and thirteen catholics.¹

The development of opposition.

When the English parliament convened, traditional hostility to the Scots proved weaker than common detestation of Anglicanism and common grievances against the crown. After the Commons had decided that redress of grievances should precede supply, on April 25, Charles was forced to dissolve parliament on May 5 to prevent the presentation of a petition requesting him to come to terms with the Scots.² When the Irish parliament met once again, Wentworth was absent, seriously ill, and openly defied by the English parliament. The Irish parliament followed this example with a rapidity which signally revealed the fallacy of Wentworth's assertion that Ireland was settled and contented.

The House of Commons reassembled on June 1, when it was presented with an important bill for securing the plantations in Connaught.³ The progress of this bill was a barometer of the development of opposition. On June 3 it was referred to a committee of eleven protestants and six catholics:⁴ on June 8, this committee nominated a sub-committee to attend the Council Board for the amendment of that bill if they should

1. Commons' jn. Ire., 1 Apr. 1640, p.142.
2. J.Tanner, English constitutional conflicts of the seventeenth century (Cambridge, 1928), pp.88-9.
3. Commons' jn. Ire., 1 June 1640, p.142.
4. Ibid, 3 June 1640, pp.143-4.

find cause for so doing; four of the six members of this sub-committee were 'old English' catholics. Not only did this preponderantly protestant committee surrender its competence on this vital matter to a number of catholics, but the latter were authorized to avail themselves of the assistance of two of the leading opponents of the plantation, Patrick Darcy and Richard Martin, neither of whom were members of the House.¹ Clearly, these developments were the result not of a catholic majority, but of an inter-religious alliance. This impression was shortly to be confirmed.

The executive had acted precipitately, and the first subsidy was actually being collected despite the fact that its collection had not yet been ordered by the House.² A petition from the knights and gentlemen of the five counties of the Pale called upon the House to resist the apportionment of the subsidies by the Council as an invasion upon its prerogative, drawing a comparison 'with the exaction by will of the Council in France'.³ On June 9, on the motion of Nicholas Plunkett,⁴ a committee consisting of twenty-one protestants and eighteen catholics was appointed to consider the assessment of the subsidies.⁵ On June 10, the House ordered that the collection of the first subsidy should be allowed to continue, but that the other three were to be collected in a parliamentary way;

1. Commons' jn. Ire., 8 June 1640, p.145.
 2. Cal. S.P. Ire., 1633-47, pp.241-2.
 3. Ibid, p.240. P.R.O., S.P. Ire., 63/258. 33.
 4. Carte, Ormond, i. 202.
 5. Commons' jn. Ire., 9 June 1640.

that is, valuation was to be made according to a pre-determined rate of contribution without reference to any preconceived total figure from which proportionate rates were calculated. It was ordered that a declaration should be drawn up vindicating the competence of the House in the matter and a committee of five was appointed for this purpose, of whom three were 'old English' catholics.¹ The division in this committee was not, however, religious. Sargeant Sambach 'was left alone in his modest opinion for the king', the other protestant member, John Bysse, Recorder of Dublin, 'joining with the other side'.² The draft which this committee presented to the House was subjected to a lengthy debate in which the opposition to the government was not 'prosecuted by the Irish only, but those of our own party (as we call them) have joined apparently with them'.³ Despite the fact that the draft was modified in the debate, primarily as a result of the efforts of Lord Dillon and Sambach, the resultant declaration, which was adopted by the House on June 13, remained an uncompromising statement of parliament's sole right to assess the subsidies.⁴ On June 16, a supplementary declaration, prepared by a committee containing a catholic majority, was adopted by the House. It declared that the former declaration was not intended to modify in any way the former protestations of loyalty and

1. Commons' jn. Ire., 10, 13 June 1640, pp. 145, 146-7.

2. Whitaker (ed.), Life and orig. corr. of Radcliffe, pp. 249-51.

3. Idem.

4. Commons' jn. Ire., 13 June 1640, pp. 146-7.

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affection to the king.

By this time Wandesford, who was not only unable to control the Commons, but also suspected that most of the Council sympathized with the House's attack on the subsidy collection, had determined upon a prorogation.² A committee had requested on June 15 that the House might sit a few days longer³, and it may have been the Lord Deputy's reply which prompted the supplementary declaration. On June 16, the Commons declared it fitting that grievances touching the clergy should be reformed.⁴ A committee, equally composed of catholics and protestants, was appointed to draw up these grievances, and on the following day it presented a lengthy schedule of them which the House order^{ed} to be presented to the Lord Deputy, together with a petition of remonstrance on the subject.⁵ The expedition with which this business was accomplished suggests preliminary planning. On this day also, the last of the session, the Commons endorsed a petition against the pederastic bishop of Waterford, and attacked the High Commission Court.⁶ It had been ordered on June 11 that writs should be issued for the return of members from the seven disfranchised boroughs.⁷ The membership of the committee appointed to sit during the recess to prepare matters for the

1. Commons' jn. Ire., 15,16 June 1640, pp.147-8.

2. Whitaker (ed.), Life and orig. corr. of Radcliffe, pp.249-54

3. Commons' jn. Ire., 15 June 1640, p. 148.

4. Ibid, 16 June 1640, p.148.

5. Ibid, 16,17 June 1640, pp.148-51.

6. Ibid, 17 June 1640, pp.148-9.

7. Ibid, 11 June 1640, pp. 148-6.

next session, being a combined committee of both privileges and grievances, was overwhelmingly protestant, numbering twenty-eight protestants and only seven catholics.¹

There was little incident in the Lords during this session. On June 14, the Lord Chancellor proposed prorogation, urging the advantages already derived from the session 'especially for that one Act, touching defective titles which may well be called the Golden Act, worth to the subject many millions of money' (a reference to the Act for strengthening letters patent issued upon the Commission for defective titles). This proposition was accepted, and the Lord Deputy was requested to prorogue parliament.² On June 16, it was reported to the House that the Commons wished it to join in the declaration on the levying of the subsidies.³ A lengthy debate on the subject took place on this and the following day. The judges were of the opinion that the House could not properly enter the declaration since it dealt with finance: this view was supported in debate by the bishop of Derry (Bramhall), the Lord Chancellor, and Lords Ranalagh and Mountgomery. The opposition maintained 'That it may be done here; though, de jure, it ought not to be', and was represented by Gormanstown, Slane and Kilmallock. The matter was still unresolved when the debate was adjourned on the motion of Mountgomery. Shortly afterwards, the Lord Deputy

1. Commons' jn. Ire., 17 June 1640, p.149.
 2. Lords' jn. Ire., 14 June 1640, pp.120-1
 3. Ibid, 16 June 1640, pp. 121-2.

came to the House, and, having requested that the Commons be informed that the consideration of the declaration was deferred to the next session, prorogued parliament to the first of October following.¹

The new army.

When Strafford went to England in early April, he left the order of March 2 for the recruitment of a new army of 8,000 foot and 1,000 horse to be executed by the Irish government, and in particular by the earl of Ormond, who was appointed Lieutenant General. It was hoped to assemble the new army at Carrickfurgus in May. Those members of parliament, both catholic and protestant, who had been appointed commissioners for the collection of subsidies in 1635 were entrusted with the supervision of the levies in each county. The date of rendezvous appointed for the levies in each province was May 18. Primarily because of the financial difficulty of ensuring an adequate supply of provisions at the general meeting point, the provincial rendezvous were postponed, first to June 1, and then to June 18. The nucleus of the new army consisted of 1,000 men from the standing army. The places vacated by these were filled by protestants, thus preserving the protestant complexion of the old army. No such considerations, however, influenced the recruitment of the new army, and the bulk of

1. Lords'jn. Ire., 16,17 June 1640, pp.121-4.

the new levies were catholics. This abandonment of the religious qualification for military service extended even to positions of command. One of the eight Colonels of foot was John Butler (a veteran of the Isle of Rhe expedition who had since served in continental armies)¹, brother to Lord Mountgarrett. Among his company captains were Rory Maguire, Arthur Fox, William Butler, Piers Butler and Dermot O'Brien. Theobald Taaffe, eldest son of Viscount Taaffe, was Lieutenant Colonel of the regiment raised by Coote in Connaught; his brother, Luke Taaffe, and Sir James Dillon the elder commanded companies in the same regiment. Sir John Nettirvill, Miles Burke and John Sherlock commanded companies in the regiment raised by Bruce, and another Sir James Dillon (perhaps the protestant son and heir of the earl of Roscommon) and Richard Nettirvill commanded companies in the regiment of Lord Dillon of Kilkenny West. One of the eight Sergeant-Majors of foot was Captain Walsh, while Captain Barry was both Sergeant-Major of horse and Captain of a troop of carbines.² Gerard Fennell was one of the two physicians.

Clearly the protracted business of recruiting and assembling the army must have considerably reduced attendance, particularly of government supporters, in the Commons during the second session. In the event, the troops did not finally

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1. Cal.S.P.Ire., 1625-32, pp.381-2. Ibid, 1633-47, p.197.
 2. Bagwell, Stuarts, i.286-92. Carte, Ormond, i.195-9. 'List of the new army', Bodl. Carte MSS i.ff.181 et seq. 'Arrears of officers of the new army', T.C.D.MS, F.2.1.ff.154-58.

assemble at Carrickfurgus until the middle of July. There, despite grave financial difficulties, they were trained¹ rigourously by St. Leger throughout the summer.

The delays, however, seriously diminished the value of the force. Events in England outpaced preparations in Ireland. In August, the Scots army, having crossed the Tweed, routed the king's forces at Newburn-on-Tyne, to the delight of the anti-royalists in England. This was followed by the virtual surrender of Charles in the treaty of Ripon, the terms of which made the convention of the English parliament inevitable. It was summoned to meet on November 3.² The new army was by now no longer a potential asset, nor even merely a superfluity: it had become a distinct political liability.

1. Bagwell, Stuarts, i.286-92. Carte, Ormond, i.195-9.
2. Tanner, Eng. const. conflicts, pp.89-90. Davies, The early Stuarts, pp.93-5.
3. Parl. Hist., 1640-41, p. 167.
4. Parl. Hist., 1640-41, p. 167.
5. Parl. Hist., 1640-41, p. 167.
6. Parl. Hist., 1640-41, p. 167.

XIV

THE PARLIAMENT OF 1640-1 (11)

The Petition of Remonstrance

During the first three weeks of the third session, the House of Commons concerned itself in particular with two matters: the valuation of the subsidies¹ and the disfranchised boroughs,² the writs for which had not been issued as ordered. After detailed consideration, an Order of a grand committee of the House on October 20 prescribed 'the ways and rates to be set in taxing the growing subsidies'. It was determined that an individual could be taxed on one-tenth of his property, personal and real, only.³ The effect of this would be to reduce the value of a subsidy by 70%, from £40,000 to £12,000.⁴ On the following day, the House concluded a protracted dispute with the Lord Chancellor by ordering the Speaker to renew the warrants for six of the disfranchised boroughs. The case of Fore was recommitted to the Committee of Privileges.⁵ On October 24, a select committee of sixty-five members, with a substantial protestant majority, was appointed to consider in detail the subject of fees.⁶ On October 27, a bill 'for reformation of *impannels* for

1. Commons' Jn.Ire., 5,14,16,17 Oct. 1640, pp.155,157.
 2. Ibid, 2,5,6,10 Oct.1640, pp. 155,-6.
 3. Ibid, 10 Feb. 1641, pp. 170-1.
 4. Cal.S.P.Ire., 1633-47, p. 324. Ibid, 1647-60, pp.231-2,
 5. Commons' Jn.Ire., 21 Oct.1640, p.157.
 6. Ibid, 24 Oct. 1640, p.160

the king' was totally rejected on the question for the engrossing.¹
 By this stage the Irish Government was already considering pro-
 rogation, but determined to await Wentworth's directions about
 the subsidies.² On November 3, the government resorted to an
 extraordinary proceeding: Lord Dillon moved in the Commons,
 'that it was the Lord Deputy's pleasure to have the House ad-
 journ itself until Saturday next, and in the meantime all
 committees to adjourn themselves also'. This was accordingly
 passed.³

The Lord Deputy found occasion, on October 14, to convey
 to the House of Lords his disapproval of the fact that despite
 the king's necessities, several of the Lords were behind in
 their subsidy payments.⁴ On October 29, in the Committee of
 Privileges, Gormanstown moved for the reduction of the Lords'
 subsidies.⁵ On October 30, the proposal was introduced to the
 House by Slane and others. An order was made for a committee
 to attend the Lord Deputy to request an abatement of the sums
 payable. The House was then adjourned until Saturday, November
 7; in what circumstances does not appear.⁶

The extraordinary adjournments of the parliament in Ireland
 coincided with the opening in England of the Long Parliament,
 which was convened on November 3. The preparations made by the

1. Commons' Jn.Ire., 27 Oct. 1640, p.161.
 2. Whitaker (ed.), Life and orig.corr. of Radcliffe, pp.210-3.
 3. Commons' Jn.Ire., 3 Nov. 1640, p.162.
 4. Lords' Jn.Ire., 14 Oct. 1640, p.126.
 5. Ibid, 29 Oct. 1640, p.139.
 6. Ibid, 30 Oct. 1640, p.139.

opposition in England included arrangements for attacking Wentworth on the grounds of his proceedings in Ireland. This was known to the Lord Lieutenant himself: on November 5, he wrote of the opposition, 'certainly they will rack heaven and hell, as they say, to do me mischief. They expect great matters out of Ireland, therefore lend an ear to what may stir there'.¹ On the following day, the first stage in the campaign against Wentworth was launched when Pym moved that a committee of the whole House should be appointed to consider Irish affairs. His motion was seconded by Sir John Clotworthy, an Antrim planter and Member of the Irish Parliament in 1634, who was 'utterly unknown in England (and) who was, by the contrivance and recommendation of some powerful persons, returned that so he might be enabled to enact this part against the Lord Lieutenant'.² To make doubly sure, Clotworthy was in fact returned for two boroughs.³ The object of Pym's motion appears to have been to facilitate the accumulation of complaints against Wentworth. It was approved by a vote of 165 to 152.⁴ The committee so appointed met for the first time on the following day, November 7, and Clotworthy took the opportunity to present a lengthy account of the state of Ireland, which, though no direct reference was made was interpreted as 'reflecting much upon the Lord Lieutenant'. Having explained that the late parliaments in Ireland had been ineffect-

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1. Whitaker (ed.), Life and orig. corr. of Radcliffe, p.218.
 2. Clarendon, History of England (1721), 1.98.
 3. Commons' Jn., ii. 9 Nov. 1640, p.24.
 4. Ibid., 6 Nov. 1640, p.21.

ual in redressing grievances, largely because the institution's proper powers had been interfered with, he went on to list these grievances. The clergy were bad both in their personal lives and in the administration of their offices. Catholics were not only not questioned for their religion, but even possessed many religious houses and also many offices throughout the kingdom. All proceedings in the courts of Justice were merely pro forma tantum, since in fact all causes were settled at the Council Board. The disposition of the customs was disadvantageous to the king, as also was the tobacco monopoly. An attack on the extensive forfeiture of letters patent concluded the civil grievances. There were, Clotworthy stated, two armies in Ireland, the large new army consisting almost entirely of catholics, which was well paid, and the small old army consisting for the most part of protestants, which was unpaid. ¹

On November 8, Wentworth added a postscript to his already quoted letter of November 5, in which he commented, 'the articles that are coming I apprehend not. The Irish business is past, and better than I expected, their proofs being very scant'.²

His satisfaction proceeded from a serious underestimation of the forces against him. On the same day, November 7, as Clotworthy's speech to the committee, the Irish House of Commons

1. Notestein (ed.), Journal of Simon D'Ewes, pp. 13-14.

2. Whitaker (ed.), Life and orig. corr. of Radcliffe, p. 218.

met again after its temporary adjournment. It at once proceeded to the consideration of a Petition of Remonstrance of which it had had no prior formal cognisance. This petition was twice read, and it was voted upon question that the particular matters contained in it were grievances requiring a present redress. It was ordered that it be presented to the Lord Deputy by the Speaker and the House.¹

According to Radcliffe, the petition was presented 'ready drawn ... and required to be instantly twice read and then immediately to be put to the Question although the matters therein had never been formerly discussed': debate was obstructed, an eminent member who rose to speak being overwhelmed by cries of 'Question': 'nor was the Speaker suffered to put several questions upon the several heads thereof, but all the whole matter in the said remonstrance contained without any more to be said were forthwith voted to be grievances'.² These detailed statements of the manner in which the petition was passed were denied in only one point. It was alleged by a committee of the Commons that no one had been prevented from speaking against the petition, since in fact no one had offered to do so. The eminent Member to whose obstruction Radcliffe referred was in reality endeavouring to deliver a message to the Speaker calling the House to the presence of the Lord Deputy in the Council Chamber.

1. Commons' Jn.Ire., 7 Nov. 1640, pp. 162-3.
 2. P.R.O., S.P.Irs., 63/258. 62.

'And it was credibly informed to many members of the House, and by many probable conjectures the House of Commons did gather, that if the said remonstrance had not been voted, there had been some high and strict command laid upon the House either to adjourn itself, and for cessation of all business in the interim, or otherwise the House would have been after some unusual manner adjourned as several times before had been done of purpose to prevent the voting of the remonstrance aforesaid by messages sent and procured by the said Sir George himself. The said Sir George and others with whom he did comply, having been the chief causes and instruments that did occasion the same.'¹

The petition thus passed recited that it had always been the care of the king and of his predecessors 'that their loyal and dutiful people of this land of Ireland, being now for the most part derived from British ancestors, should be governed according to the municipal and fundamental laws of England', and this had resulted in a prosperity which had enabled various grants of money to be made to the king. Now, however, the kingdom was reduced to poverty, and it was feared that the grievances from which that poverty derived would be accepted as precedents and become perpetual unless they were at once redressed. A select list of these grievances followed. Attention was drawn to the general decay of trade, which was attributed to the increased

1. P.R.O., S.P.Ire., 63/258. 64.

impositions imposed by the new Book of Rates. These new rates had been imposed in 1632,¹ and it seems clear that trade increased in subsequent years; on the other hand, there was a decline in trade in 1639, which Wentworth attributed to the Scottish troubles.² The reintroduction of conciliar jurisdiction in civil causes was attacked in several articles. Article 4 alleged 'that the subject had been in all the material parts thereof denied the benefit of his princely 'Graces', referring in particular to the Statute of Limitations; while Article 5, by a logical extension, attacked the voiding of Letters Patent at the Council Board, a charge which it would appear comprehended not merely plantation activities but also the proceedings of the Commission for Defective Titles. The tobacco monopoly was described as a principal cause of the general poverty, while an unusual and unlawful increase in monopolies was also alleged. The latter charge is perhaps overstated. There seem to have been only two grants of monopolies, other than the tobacco monopoly, under Wentworth, in alum in 1634, and in glass in 1639.³ The treatment of the Londonderry planters, to the great weakening of the kingdom, the erection of the court of High Commission, the exorbitant fees, clerical, legal and official, and the disfranchisement of parliamentary boroughs, were also enumerated as grievances, as also was the increase in the king's debts (which was probably due in great part to the expenses in-

1. Steele, Tudor and Stuart proclam., ii. 33.
 2. Strafford Letter Books, x.76A-78A . cf. Kearney, 'Mercantilism in Ireland, 1620-40' in T.D. Williams (ed.), Historical Studies: I (London, 1958), p.66.
 3. Steele, Tudor and Stuart proclam., ii.38.

volved in forming the new army).¹ Article 12 attacked the Proclamation of 1635 restraining passage to England as a deliberate attempt to prevent direct appeal to the king for redress of grievances. Article 14 alleged 'that by the powerfulness of some ministers of state in this kingdom, the parliament, in its members and actions, hath not its natural freedom', and Article 16 asserted that the very existence of these grievances, and their slow redress, was an indication that the attitude of those in Ireland, particularly their readiness to serve the king, had not been properly represented to his Majesty. The petition concluded by requesting the Lord Deputy's permission for a select committee of 'persons uninterested in the benefits arising from the aforesaid grievances' to be licenced to go to England to represent Irish grievances to the king, and by requesting that parliament should be continued until remedies 'be there confirmed by several acts'.²

On November 9, the petition was read once more.³ On November 10 a committee was appointed to discover if bills recommended by the House had been transmitted to England, and if this was not the case, to require an explanation.⁴ On November 11 a committee was sent to the Lord Deputy to ask when he would answer the petition. It was then ordered upon question that a committee of the House should be nominated to go to England

1. cf. Carte, Ormond, i. 225-6.
 2. Commons' Jn. Ire., 7 Nov. 1640, pp.162-3.
 3. Ibid, 9 Nov. 1640, p.163.
 4. Ibid, 10 Nov. 1640, p.164.

'with a remonstrance of the grievances of this kingdom, some whereof have been voted in this session'. The qualification was added that the committee should not proceed if redress was had in Ireland before the adjournment. It was then ordered that the committee should consist of Sir James Montgomery, Sir William Cole and Sir Edward Rowley, all Ulster protestants, Richard Fitzgerald who, although returned for Strabane in Co. Tyrone, was a protestant resident in Dublin, Simon Digby and Sir Hardress Waller, King's County and Limerick protestants respectively, and seven catholics: Thomas Bourke (Co. Mayo), a nephew of the earl of Glanricarde; Nicholas Plunkett, (Co. Meath), a lawyer, counsel for the defence in the trial of the Galway jurors, uncle of the earl of Fingall; Nicholas Barnewall (Co. Dublin), a leading landholder in the Pale who had been involved in the politics of the area since 1625, and who later became Viscount Kingsland; Geoffry Brown (Athenry), a lawyer; John Walsh (Waterford), a merchant, who may also have been a lawyer; Sir Robert (or Roebuck) Lynch (Galway), son to Sir Henry Lynch, agent in 1628; and Sir Donough MacCarthy (Co. Cork), son and heir to Lord Muskerry, an extensive proprietor in Co. Cork, who had been returned for that county in 1634 also.

This being done, the House proceeded to confirm the subsidy Order of October 20.¹

On November 12 the Lord Deputy replied to the petition by requesting that a committee of the House of Commons should be

1. Commons' Jn.Ire., 2 Nov.1640. ~~pp~~ 10 Feb.1641, pp.164-6,170.

appointed to meet with a committee of the Council to consider the matters contained in it. The Commons rejected the proposed conference and countered by confirming the appointment of the committee, and considering the details of its expenses. It was ordered that the Lord Deputy be asked to assist the committee so far as possible, in particular by recommending it to the king.¹

When the Lords reassembled on November 7, the reply of the Lord Deputy to the former request for an abatement of the subsidies was reported. He undertook to refer the matter to the king.² Business on November 9 was confined to matters of privilege, and the House adjourned to November 12.³ On this day, Lord Gormanstown moved 'certain particular grievances concerning the commonwealth', among them, that subjects should not be restrained from England or from access to the king, that the subjects might have the benefit of the 'Graces', that fees should be ascertained in parliament, and that titular lords should be compelled to purchase lands in Ireland on pain of forfeiting their votes in the Irish House of Lords. He was seconded by Lord Kilmallock. The Bishop of Derry and Lord Digby moved that these grievances should be referred to the committee for grievances. This was passed.⁴

At this point in the proceedings of both Houses, Wandesford prorogued the parliament until January 26.⁵

1. Commons' Jn.Ire., 12 Nov. 1640, p.165.
2. Lords' Jn.Ire., 7 Nov. 1640, pp.139-40.
3. Ibid, 9 Nov. 1640, p.141.
4. Ibid, 12 Nov. 1640, pp.142-3.
5. Idem.

Meanwhile in England on November 11 a committee of six persons, including Sir John Clotworthy, resolved that a charge of high treason should be preferred against Wentworth, that a proclamation should be issued for all concerned to come to give testimony against him, and, in order to facilitate those desiring to do so, that the House of Lords be desired to request the king to allow unrestricted passage between Ireland and England. These resolutions were adopted by the House, and as a result of their immediate communication to the Lords, Wentworth was committed to custody on the same evening.¹ Clotworthy took the opportunity to make a lengthy speech in which, while dealing primarily with Wentworth and the Black Oath, he also incriminated Radcliffe who, he claimed, had informed Sir Robert King some days before the breach of the last parliament 'that this army raised in Ireland is against England and not against the Scots'.² On November 12, the Lords replied 'that in pursuit of your desire yesterday, to have the ports open between England and Ireland, some of the Lords had moved his Majesty in it and it shall be done speedily and effectually'.³

In Ireland on November 13, the Members of the Committee appointed to go to England

'were summoned by a pursuivant by direction of your Majesty's Deputy to attend at the Council Board, where

1. Commons' Jn., ii. 11 Nov. 1640. pp. 26-7.
 2. Clarendon, Hist of England, i.98. Notestein (ed.), The Journal of Simon D'Ewes. p.256.
 3. Commons' Jn., ii. 12 Nov. 1640, p.27.

they were interrogated upon several questions concerning their intentions of repairing to your sacred Majesty according to the command laid upon them by the House of Commons, then commanded in your Majesty's name upon their allegiance not to depart the kingdom until your Majesty's pleasure were known. That the same time all the ports were shut up. That the Clerk of the House of Commons was commanded by the Lord Deputy not to deliver copies of Orders conceived in the House. That the said Clerk was examined upon oath to discover some discourse had with him by some of (the committee) concerning the duty of his place'.¹

As a result of this prohibition, eighty-four Members of the Irish House of Commons, twenty-nine of them protestants, the remainder catholics, joined together to send a petition to the English House of Commons. Having recited their desire to procure the redress of grievances, and their inability to leave Ireland, they continued:

'The petitioners therefore calling to mind the near links and great ties of blood and affinity betwixt the people of this kingdom and the famous people of England from whose lo^oins they are descended and being therefore thus flesh of their flesh and bone of their bone subjects to one gracious sovereign and governed by the same laws are emboldened humbly to beseech you, that you will be pleased

to present the annexed petition of remonstrance of the grievances of this kingdom to his most sacred Majesty and that you join with it your own desires and assistance in behalf of the Commons of this kingdom that by his Majesty's grace and favour this kingdom may be relieved from such grievances as it now groans under', and that the English Commons should join in the petitioners suit 'that a committee nominated by the House of Commons may be required and authorized to repair thither in the name of the whole to the effect and purpose as in our said petition of remonstrance is desired'.¹

Members of the House of Lords also were unprepared to allow prorogation to interrupt their plans. A private meeting of peers, later estimated at thirteen or fourteen, authorized three agents, Gormanstown, Kilmallock and Muskerry, 'to repair to his Majesty to complain of grievances'.²

In England on November 13, the Sergeant at arms was sent into Ireland to apprehend Radcliffe, and at about the same time pursuivants were sent to open up the ports 'and to proclaim that all who had grievances might come over'.³

The details of the arrival of the Petition of Remonstrance in England are not altogether clear. On November 18, Baillie wrote: 'The parliament of Ireland is sitting: a remonstrance from

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1. B.M., Egerton MS 1048. See Appendix VII, (vi).
 2. Lords' Jn. Ire., 15 Feb. 1641, pp. 148-9.
 3. Commons' Jn., ii. 13 Nov. 1640 p. 28.

them, without any knowledge of things done here, came this day to the king'.¹ On Thursday, November 19, at the English Commons' committee for Ireland, Pym delivered a remonstrance of the state of Ireland, which was unquestionably the Petition of Remonstrance. The Diurnal Occurrences gives an account of the manner in which this document came to hand:

'In Ireland they are in a combustion, for that the lieutenant sent to adjourn the parliament; which as the report is, they would not obey, but sent a remonstrance against him, which as the talk is was intercepted by his Deputy, ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ or by his means; and a copy sent privately of it to the Lieutenant, or his Deputy, to the end he might make his peace, which copy was upon a search by accident seized on, and sent to our Lords of the Council, who sent it to the Committee of the parliament this afternoon, where it was read.'³

It was ordered that the remonstrance should be presented to the House on the following day, as conducing towards the charges against the earl of Strafford.⁴ This was performed by the Chairman, Whistler, and there was delivered into the House a copy of the Remonstrance 'under the hand of the Clerk of the of the Parliament there'.⁵ It was then ordered, on the motion

1. Baillie, Letters and Journals (Edinburgh, 1841-2), 1.271-4.
 2. Notestein (ed.), The Journal of Simon D'Ewes, p.547.
 3. Diurnal Occurrences (London, 1640), 19 Nov. 1640.
 4. Notestein (ed.), The Journal of Simon D'Ewes, p.539.
 5. Commons' Jn., 11. 20 Nov. 1640, p.32.

of Clotworthy and Pym, that the Clerk of the Irish Council should be required to send copies of the proceedings of the Council Board, while the Secretaries were to send copies of the books of entries of petitions since Strafford's coming to Ireland, and also documents relevant to the tobacco monopoly and the customs.¹

On November 22, the king in Council ordered a committee, including the earl of Cork, 'to repair to the Lord Lieutenant to receive his advice on the grievances sent out of Ireland, and to confer with him thereon'.² On November 24, Pym presented the articles of impeachment against Strafford in the English House of Commons, drawing particular attention to the Petition of Remonstrance.³ On November 28, a petition 'of his Majesty's officers and others the merchants of Ireland', which had been sent to the financier Burlimachy, was read in the Commons. It complained not only of the Book of Rates, but also 'that the committees there are not suffered to go for England'. It was referred to the Committee for preparing the charge against Strafford. On the same day, Whistler, reporting from the committee for Ireland, commented upon the great quantity of suitors and petitions with which it was dealing.⁴

On Monday, November 30, Sir John Clotworthy moved divers particulars against the Lord Lieutenant of Ireland, with specific

1. Commons' Jn., ii. 20 Nov. 1640, p.32.
2. Cal.S.P. Ire. Dom., 1640-1, p.269.
3. Commons' Jn., ii. 24 Nov. 1640, p.35.
4. Ibid, 28 Nov. 1640, p.38.

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reference to the stopping of the ports and the prevention of men from seeking justice.¹ Shortly afterwards, he introduced to the House, two petitions

'from the knights, citizens and burgesses of parliament in Ireland to either of which about 200 hands were subscribed their names: one directed to this house with desire we would prefer a Remonstrance sent with the petition to his Majesty and the other was inscribed to his Majesty.

'Then were the parties that brought this petition and remonstrance called in and did justify that they received them from the House of Commons but that the Remonstrance had been kept back by the Clerk.

'They said they had received it from the committee that should have brought it over: they were themselves members of the House of Commons and had subscribed their own names to it.

'They say the number of the House of Commons there is but 250 at the most: and so the greatest number by far have subscribed their names. They should have brought other particulars but the clerk by the Deputy's commandment² (would not deliver copies of orders conceived in the House³)'.

The two members concerned were John Bellew (Co. Louth) and

1. Notestein (ed.), Journal of Simon D'Ewes, p.545.

2. Ibid, p.84.

3. P.R.O., S.P.Ire., 63/258.59. D'Ewes' sentence is incomplete.

Oliver Cashell (Dundalk).¹ It is clear that the committee in Ireland, prohibited upon their allegiance from leaving Ireland, had circumvented this prohibition and sought to achieve the purpose of assisting the English Parliament against Strafford, by entrusting its task to these two men. There is one discrepancy: the petitions to both Commons and King are extant: they contain only eighty-four and ninety signatures respectively.² It would seem that a deception was practised on the English Commons in this matter.

In Ireland on November 19, Wandesford sent for the Journals of the House of Commons and at the Council Table tore out the order of October 20 prescribing the new subsidy rates and the order confirming it of November 11.³ This was done on the instructions of Wentworth, who regarded the order as violating both Poyning's Law and the Act for the subsidies.⁴ Towards the end of the month, the Sargeant-at-arms arrived in Ireland to apprehend Radcliffe, bringing with him news of Strafford's arrest, and also, it seems likely, a copy of a proclamation issued by the king on November 18 rescinding the former order prohibiting Irish subjects from travelling to England without leave.⁵ The majority of the Commons' committee were then allowed to depart, and they seem to have done so before Decem-

1. Commons' Jn., ii. 30 Nov.1640, p.39.
 2. B.M., Egerton MS 1048: B.M., Add. Charters 9327. *Appendix III, (v), (vi).*
 3. Commons' Jn.Ire., 19 Nov. 1640, p.166.
 4. Whitaker (ed.), *Life and orig. corr. of Radcliffe*, pp.204-6
 5. Baillie, op.cit., pp.279-85. *Sal.S.P.Ire., 1633-47.* p.247.

ber 1.¹ Three of them, however, Montgomery, Fitzgerald and Walsh, 'who by particular engagement may not depart that kingdom without special licence, cannot as yet obtain licence to repair into England'.² The second result of the Sergeant's arrival seems to have been the death of the Lord Deputy Wandesford: 'upon the first word he received of the Lieutenant's accusation and imprisonment he swooned, and died within a very few days after'.³

The parliamentary committees in England

Wandesford died on December 3. Within a week the ten members of the committee who had been allowed to leave were in London, where they at once tendered a petition to the king. This petition was concerned not with supporting the denunciations of Strafford's government contained in the petition of Remonstrance, but with the immediate issues of the last month. It began by protesting against the vacation of the subsidy order, asserting that only the deepest loyalty had prevented the general dissatisfaction at this from eventuating in tumult, and pointing out that the rate agreed upon by the Commons, though lower than that arbitrarily imposed by the Council in 1634, was nonetheless higher than that prevailing in England. It then dealt at length with the Deputy's treatment of the Committee, and requested permission to justify the actions of the House in the king's presence, when they would ask that the subsidy order be

1. Cal.S.P.Ire., 1633-47, p.247.
2. P.R.O., S.P.Ire., 63/258.59.
3. H.M.C. Cowper MSS, ii, 267.

restored. They concluded by expressing the hope that no one associated with the recent illegal proceedings in the House would be appointed to the government in place of Wandesford.¹ The committee was then granted a formal audience with the king on December 11.²

On December 15, Sir William Parsons and Lord Robert Dillon were appointed Lords Justices of Ireland.³ Parsons, albeit Master of the Court of Wards, was a signatory of both the petitions to the English Commons and the petition to the king, and as such, a Member of the parliamentary opposition. Dillon, on the other hand, was not only related to Strafford by marriage, but was also one of his chief supporters, and perhaps the ablest of these, ~~and~~ particularly in the House of Commons. The Irish committee, which had reached its full complement with the arrival of Walsh, Fitzgerald and Montgomery on December 19,⁴ at once petitioned against the appointment of Dillon, accusing him of various administrative improprieties and of having not merely signed the illegal subsidy ascertainment, but defended it in the Commons.⁵ On December 23 the exceptions against Dillon were urged 'by instances of matters acted and done by his lordship' in an audience with the king, Nicholas Plunkett acting as spokesman. On December 27, the committee was again summoned to the

1. Cal.S.P.Ire., 1633-47, pp.248-9. P.R.O., S.P.Ire., 63/258.59.
2. Commons' Jn.Ire., 23 Feb. 1641, pp.180-1.
3. Cal.S.P.Ire., 1633-47, pp.247-8.
4. Bodl. Carte MS Ixvii. 53-54^v.
5. Cal.S.P.Ire., 1647-60, pp.233-4.

the following account is based on this compilation.

royal presence and informed that Dillon would be removed 'to give the people content', and Sir John Borlase Master of the Ordnance, to whom no objection was to be taken, appointed in his place.¹ Borlase was an elderly official Member of Parliament about whose ineffectuality there is a measure of agreement rare among historians of Ireland. His substitution for Dillon was a signal triumph for the Irish Committee - though whether on a long term view it was in fact beneficial is open to serious doubt, for Dillon had considerable abilities and extensive connections with the catholic 'old English', and an administration under his joint control is unlikely to have been as fatally incompetent as that of Parsons and Borlase proved to be.

At the audience on December 27,² the committee was ordered to draw up a letter on the subject of the subsidy Order. This having been done, the committee again attended on Sunday, January 3, when this letter, and letters concerning Borlase, and pardon for those who had left Ireland without licence (in particular Cashell and Bellew), were agreed upon. The Petition of Remonstrance was then presented and read openly. The king announced that he would send it to Strafford for comment, and then make answer. In fact, he sent it to Radcliffe. The committee hearing this, on January 13 delivered to the king in private a protestation against Strafford, Radcliffe and Mainwaring, and the king replied verbally that he would not consult

1. Bodl., Carte MS lxvii, 53-54^v.
 2. Ibid. Where not otherwise stated, the following account is based on this compilation.

with any of them. On January 20, the king having made no reply to the Remonstrance, the committee presented a petition requesting a speedy answer and redress.¹ This was promised. On January 27, Radcliffe's reply was read at the Council Board. He described the petition as thoroughly misinformed, attacked the manner in which it had been passed in the House of Commons, and criticized the individual articles in detail.² The Council ordered that this reply should be sent to the Irish Committee. On the following day, Thursday, January 28, the committee was summoned to the king, who ordered them to answer this reply 'and expressed himself concerning some particulars of the Graces of 1628, touching the plantations in such a sense, as the Committee apprehended some doubt of the success they expected before that time, concerning the redress of all things'. The Committee at once proceeded to prepare a Declaration of the sense of the House of Commons concerning the grievances in general, intended to be presented the following Sunday, 'but by means of some they were prevented', for the king again summoned them on Saturday, January 30, when he enlarged upon his former statements 'and although some of the Committee were not well satisfied therewith, yet ~~a~~ the preferring of a Declaration was not thought necessary'.

The Committee thereupon occupied itself with preparing a reply to Radcliffe, and with opposing the projected establish-

1. Cal.S.P.Ire., 1647-60, p. 241, where it is misplaced under April.

2. Cal.S.P.Ire., 1633-47, pp. 252-6. P.R.O., S.P.Ire., 63/258.

ment of a Commission for examining the proofs of the grievances voted. The reply, which was presented in the middle of February 1641, dealt with in detail with the circumstances in which the Remonstrance was passed, and in that context has been already quoted. The Committee emphasized that its complaint about the failure to fulfill the 'Graces' had been justified at the time when it was made, but it now wished to express its gratitude 'for your Majesty's royal word and late promise made touching them, that your subjects shall fully enjoy the benefit of the said Graces'. In conclusion, the Committee protested that if elaborate attempts were to be made to examine the statements made by Parliament, or by the Committee on its behalf, the privileges of the Irish Parliament would be thereby threatened. The result would be to

'force each particular person to repair hither to the Parliament of England for redress of their particular grievances, as many have already done, and are like to do daily if the solicitations of this Committee do not prevail speedily and effectually for the general redress of all grievances'.¹

On February 19, the agents of the Lords, Gormanstown and Kilmallock, presented a petition against Strafford in which they charged him with having stated that Ireland was a conquered nation, interfered with parliamentary elections, improperly controlled the House of Lords by means of proxies, prefixed

1. P.R.O., S.P.Ire., 63/258. 64.

preambles to Acts of Parliament, equalled Acts of State to Acts of Parliament, torn out and defaced parliamentary records, and made subsidies into 'ransomes rather than aids'.¹ The third agent, Muskerry, died on the following day, and was succeeded by his son, Sir Donough MacCarthy, who was in London as a member of the Commons' Committee.²

Parliament, January to March, 1641.

The Irish Parliament had reassembled on January 26. It occupied itself with preparing a set of instructions for the Committee in England which was ordered to move for an Act of Explanation of Poynings' Act and to request that the House of Commons might draw up bills by its own Committee and transmit them.³ On February 9, the House received a letter dated December 31, from the Committee in England, in which the successful conclusion of the subsidy Order business and the recission of Dillon's appointment were communicated. This letter seems to have been brought by Cashell and Bellew.⁴ The king's letter of January 4, based on the Irish Committee's draught, requiring the restoration of the subsidy order, and in addition that all communications between the English and Irish governments should be available to inspection,⁵ which had also just arrived, was at once requested from the Lords Justices.⁶ The latter complied

1. Cal.S.P.Ire., 1633-47, pp.262-3.
2. Ware's 'Diary of Events... 1623-47', 20 Feb.1641. Gilbert Collection, Pearse St. Library.
3. Commons' Jn.Ire., 26,30 Jan.1641, pp.166-8.
4. Ibid, 9,23 Feb.1641, pp.168-9, 178-82.
5. Ibid, 10 Feb.1641, pp.169-70.
6. Ibid, 9 Feb.1641, pp.168-9.

and the Orders were restored, amidst a general satisfaction which the government hoped to exploit to full advantage.¹

This hope proved abortive. On February 13 the House appointed a committee to consider a series of articles questioning the legality of various administrative practices.² This compilation, known as the 'Queries', questioned: the jurisdiction of the Council Board and of the chief governor; aspects of their duty in which the judges seemed to be subserving the purposes of government; the lawfulness of monopolies; the use of martial law in times of peace; the restraint of access to the king; the censuring of jurors in the Court of Castle Chamber and other activities of that Court; the taking of Quo warranto proceedings against parliamentary boroughs; and inquired into the true nature of Acts of State.³ On February 16, these 'Queries' were adopted by the House and it was ordered that they should be sent to the Lords with the request that they be submitted to the judges to answer.⁴

On February 17, the House went into committee to consider the preamble to the Act for Subsidies. This preamble had, amidst professions of loyalty to the king, expressed enthusiastic gratitude to the king for having appointed Wentworth to the government of Ireland, and had eulogised his administration at some length. A protestation was now agreed upon which stated

1. Cal.S.P.Ire., 1633-47, p.258.
2. Commons' Jn.Ire., 15 Feb.1641, p.73.
3. Ibid, 16 Feb.1641, pp.174-5.
4. Idem.

5. Commons' Jn.Ire., 17 Feb, 1641, pp. 176-7.

that the agreement to pass subsidies had been made before the subsidy bill was read; because of the urgency dictated by the Scottish situation, and because of the delay and inconvenience which would have resulted from awaiting the preparation, transmission to England, and return, of a new bill, the bill presented to the House was passed. They now declared the preamble to have been surreptitiously inserted and to be false: while adhering loyally to the body of the Act, they requested that the preamble be revoked by Act of Parliament. Strafford was denigrated at some length, and accused of having altered the government by tyrannical methods. A committee was appointed to discover who had been responsible for penning the preamble.¹ There seems no reason to doubt the accuracy of these statements: they accord with the sequence of events in the first session, and with the procedure required by Poynings' Law. The preamble must have been composed by the government: the reasons given for the failure to object to it are cogent. The Commons claimed that the passage had been inserted to prevent and anticipate complaints: it may also have been intended as an instrument of propaganda in England.

On February 23 the 'Queries', the Protestation on the preamble, and details of the tobacco monopoly were entrusted to Mr. Patrick Gough for delivery to the Committee in England, together with a letter in which the Committee was instructed to concern itself with securing the Commons' right to initiate bills, to attend to the Petition of Remonstrance, the several Articles

1. Commons' Jn.Ire., 17 Feb.1641, pp. 176-7.

of which the House declared itself prepared to substantiate in detail, and to see to the fulfillment of the 'Graces', in particular Articles 24, 25 and 26 (that is, those dealing with land titles).¹

On February 25, the Lords Justices and Council decided upon a prorogation.² But before the agreed date the Commons, on February 27, appointed a Committee to draw up a charge of impeachment against the Lord Chancellor, Sir Richard Bolton, the Bishop of Derry, George Bramhall, the Lord Chief Justice of the Common Pleas, Sir Gerald Lowther, and Sir George Radcliffe, and to move the House of Lords to sequester the first three.³ There was at this time, it may be noted, some rumour that Bolton and Lowther were to be summoned to England to give evidence on behalf of Strafford.⁴

As a result of several adjournments, the House of Lords did not begin to function in this session until the second week in February. On February 13, the question of proxies was agitated, and a select committee was appointed to draught a reasoned petition against the parliamentary rights of the propertyless non-resident titular nobility.⁵ On February 15 and subsequent days, the House, having been given an account of the appointment of agents in the preceding November, by Slane, authorized these agents, together with the then protestant Lord Dillon of Costelloe.

1. Commons' Jn.Ire., 23 Feb.1641, pp.179-182.

2. Cal.S.P.Ire., 1633-47, pp.259-60.

3. Commons' Jn.Ire., 27 Feb. 1641, p.185.

4. Cal.S.P.Ire., 1633-47, pp. 258-9.

5. Lords' Jn.Ire., 13 Feb.1641, pp. 147-8.

Galben, to prefer grievances on their behalf in England.¹ A schedule of grievances, equivalent to the Commons' remonstrance, was approved. Apart from attacking Wentworth's control of the House of Lords, and the inclusion of minor points relating to the imprisonment of nobles, and restrictions of the sale of gunpowder and hunting, it differed from the Commons' grievances only in including an attack on Wentworth's intervention in the linen trade.² On February 19, on the recommendation of a committee reported by Fingall, the House read Articles 1, 2, 3, 4, 5, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 28, 29, 30, 31, 33, 35, 36, 42, 43, 44, 47, 48, 49, 50 and 51 of the 'Graces', and determined that they were 'fit to be drawn out, to be propounded to be passed as Acts of Parliament'.³

On February 20, the Commons' protestation against the subsidy preamble was introduced to the House of Lords by Slane, who fully expressed its significance when he stated 'that all the grievances that they have voted is not to any purpose as long as the preamble to the Act of Subsidies remains of force'. With unimportant variations, this Protestation was adopted by a Committee of the House and recommended to be transmitted to the Lords' Committee in England. It was opposed in the House by Ormond and Digby on the grounds that it was 'more fit for a charge than a protestation', but the House adopted it and accepted

16, 18

1. Lords' Jn. Ire., 15, Feb. 1641, pp. 148-151.
 2. Ibid, 18 Feb. 1641, pp. 152-3.
 3. Ibid, 19 Feb. 1641, p. 154. See Appendix III

the Committee's recommendation on its transmission.¹ The 'Queries' were reported to the House on February 22 by Louth, and an additional Query questioning the propriety of the judges receiving 4/- in the £ on rents augmented by the Commission for Defective Titles was added.² On February 23, it was agreed that members of the nobility ought to be employed in offices of state.³ On the same day a committee considered a petition from the judges asking to be relieved of the necessity of answering the 'Queries' and took grave exception to the suggestion contained therein that the Irish Parliament was subordinate to the English Parliament. The petition was rejected.⁴ On February 24, full details of the activities of the House were entrusted to Lord Digby to be delivered to the Lords' Committee in England.⁵

In all these proceedings a prominent part was played by the 'old English' lords, but nonetheless the House contained a protestant majority.⁶

On February 27, the Commons informed the Lords of the intended impeachment. The Lord Chancellor denied the charge, and the House went into committee on the matter. The debate revolved almost entirely around the legal difficulty that the Lord Chancellor was also Speaker of the House of Lords. No party

1. Lords' Jn. Ire., 20, 22 Feb. 1641, pp. 155-8.
 2. Ibid, 22, 24 Feb. 1641, pp. 158-60, See page 279 above.
 3. Ibid, 23, 24 Feb. 1641, pp. 161-3.
 4. Ibid, 23, 24 Feb. 1641, pp. 161, 163.
 5. Ibid, 24 Feb. 1641, pp. 162-3.
 6. Ibid, 18 Feb. 1641, pp. 150-1.

division was evident. Finally, it was decided to take recognizances of Bolton for his appearance. Neither Derry nor Lowther were in the House.¹

Faced with this threat, the Lords Justices were conciliatory. They deferred the prorogation of parliament and decided to discuss the transmission of bills initiated by the Commons to England.²

On Monday, March 1, Lord Lambert entered a petition relating to Letters Patent of Land in Mayo, in which he complained of the proceedings of Bolton and Lowther. It was ordered that this test case should be argued, and the Counsel assigned for Lambert were Patrick Darcy, Richard Martin and a Mr. Kirwan. Lambert himself, together with Slane and Lord Maguire, moved that in view of the threat of prorogation the judges should be required to answer the 'Queries' sooner than was first appointed. This was defeated. There followed a debate on the impeached persons. Here, unlike the first debate, a definite bipartition of views existed. In general, the Catholic Lords and Lord Lambert were for the committal of those impeached, while the protestants were for releasing them on bail. The latter were successful.³

On March 2 the Commons sent a committee to the Lords to enquire what had been done about the 'Queries'. Lord Maguire moved that this committee should be given a detailed account of the transactions in the matter, and was opposed by Ormond, who

1. Lords' Jn. Ire., 27 Feb. 1641, pp. 165-9. Cal.S.P.Ire., 1633-47, pp. 259-60.

2. Ibid.

3. Lords' JN.Ire., 1. Mar. 1641, pp. 169-71.

maintained that a generalized answer to the effect that the House had taken a fitting course, and would communicate the result in due time, would be sufficient. The House supported Ormond. The Commons took exception to the imprecision of the term 'in due time', and retaliated by stating that they were sending the 'Queries' to England.¹ The full significance of this statement (which was apparently supererogatory, since the 'Queries' had already been dispatched to the Committee in England) appeared on the following day when it was ordered that the 'Queries' should be submitted to the English Parliament for declarations upon the points therein, 'wherein they will fix a special obligation upon this House'.²

It is evident that the government was regaining ground in the Lords, and the replacement on the Committee in England of the deceased Lord Muskerry by the protestant Lord Baltingalass on March 3 perhaps also reflects that trend.³ On March 4 a similar attempt was made in the Commons, when an attack was made upon the impeachments. First, it was proposed that a committee should be appointed to consider the Articles of Impeachment. When this was rejected, it was moved that the particular words objected to should be amended. This objection seems to have been to Article Two which asserted that those impeached had traitorously assumed

1. Lords' Jn.Ire., 2 Mar. 1641, p.172.
 2. Commons' Jn. Ire., 3 Mar. 1641, pp.190-1
 3. Lords' Jn.Ire., 3 Mar. 1641, p.173.

'regal-powers over the goods, persons, lands, and liberties', of those living in Ireland, particular exception being taken to the term 'regal powers'. This motion was also rejected, and the Articles were sent to the Lords.¹

In that House, March 4 and 5 were almost entirely devoted to the impeachment business, with particular reference to the problem of whether those involved should be committed or released on bail. The principal proponents of committal were Slane and Lambert, the latter of whom drew the attention of the House to the importance of the charges in relation to the charges against Strafford. Their main opponents were Ormond and Moore. A Division on the committal of the Lord Chancellor, who had with some justice suggested that the Articles were so general as to be meaningless, resulted in an even vote. It was thereupon suggested that the Bishops were not entitled to vote in a case of treason, since life and death were involved, but their right was upheld, and they voted on the motion for the committal of the bishop of Derry and Lowther, which were passed - a result confirmed on a second count called for by Lord Blaney. The bishop and Lowther were committed to the custody of the usher of the House, and the Lords Justices were requested to name another Speaker for the Lords in place of the Chancellor, of whom the Lords asserted that they did not believe him fit to sit at the Council Board.² At this point,

1. Commons' Jn.Ire., 4 Mar.1641, p.194.
2. Lords' Jn.Ire., 4 Mar.1641, pp.175-8. These Journals have been severely edited at this point, and the events of the two days telescoped into one. They may be corrected by reference to a copy of the Journals printed in part in H.M.C. Clements MSS, pp. 208-14.

Parliament was prorogued till May 11, the Commons having on March 5 empowered their Committee in England to present grievances to the king in private, to the king in Parliament, or to both Houses of Parliament there, and empowered its vacation committee, the protestant majority of which was substantially increased, to call to its assistance Darcy, Martin and Richard Birford, another 'old English' lawyer.¹

1. Commons' Jn.Ire., 5 Mar.1641, pp.198-200.

THE PARLIAMENT OF 1640-1 (iii)

The trial of Strafford.

The fortunes of the Commons' committee in England vacillated. Through the influence of the pro-catholic Cottington, Burke and Plunkett approached the king in private, and claimed to have persuaded him to relinquish the plantations and to have predisposed him towards the performance of the other 'Graces'. For a time the success of their representations was apparent in the king's attitude, but soon he wavered again, and began to present arguments in favour of plantation, and this was suspected to be the result of the workings of 'others of the committee for particular ends'¹. By March 23, however, he was co-operating with the committee 'cheerfully and heartily', to quote the opinion of a catholic.²

Negotiations with the king, however, were only one aspect of the activities of the committee, for its members had been co-opted on to the committee for preparing the charges against the earl of Strafford.³ Twenty-eight articles of impeachment were drawn up, of which it was alleged that, while none of the articles individually demonstrated an act of high treason, the

1. H.M.C. Egmont MSS i.128-9.
 2. Captain John Barry. Ibid, p.130.
 3. Clarendon, Rebellion and civil wars in England, i. 225.

aggregate effect was to prove cumulative high treason. Not only the Irish parliamentary committees assisted in the drafting of the articles and the preparation of the Commons' case; extensive use was also made of Irish protestants in England, the earl of Cork, Lord Mountnorris, Lord Ranalagh, Clotworthy, Crosby and others. The genesis of one article is recorded: article 15 was reputed to have been prepared by Lord Justice Parsons and Ranalagh and sent to Richard Fitzgerald of the Commons' committee, but the content of the article does not seem to confirm this account.¹ Members of the Irish committees played comparatively little part in the trial. This may be conjectured to have resulted from two considerations: the English Commons must have hesitated at making use of catholic witnesses, particularly since one of the articles alleged undue tolerance of Irish catholicism by Strafford; on the other hand, the Irish committees themselves must have hesitated to play too prominent a part in the proceedings when they were largely dependent upon royal favour for the success of their mission.

The trial opened before the House of Lords on 22 March 1641, when Strafford's reply to the articles was heard. On the following day, after Clotworthy and Barnewall had been produced to testify to threats made against them by Radcliffe after they had opposed the government in parliament,² the

1. Whitaker (ed.), Life and orig. corr. of Radcliffe, pp. 228-33. See below, pages 387-8.
 2. J. Rushworth (ed.), The tryal of Thomas, earl of Strafford (London, 1680), pp. 110, 112.

Remonstrances of both the Lords and Commons of the Irish parliament were read 'as testimonies of my Lord Deputy's justice'.¹ By the reading of these Remonstrances, an observer noted, 'Strafford losed much of his reputation'.² On March 25, the prosecution proceeded to article 3, the first of the Irish articles. This charged Strafford with having described Ireland as a conquered nation which must expect laws as from a conqueror. The principal occasion on which this statement was made seems to have been when Wentworth made his reply to the 'Graces' petition before both Houses of parliament, of which 'most part were English and British extractions, and only few Irish', as Gormanstown testified.³ Kilmallock, who had been a member of the Commons on that occasion, corroborated.⁴ The statement, however offensive to Anglo-Irish sensibilities, was not such as to antagonize an English audience, and Strafford had little difficulty in disposing of the charge.

Article 4 charged Strafford with having equalled Acts of state to Acts of parliament. In point of law, of course, as Strafford argued, they were. The gravamen of the charge should have been the issue of Acts of state in place of rejected Acts of parliament, and the witnesses from Ireland, Roger Lotts, a protestant, and Kilmallock, tried to make this clear.⁵ Kilmallock neatly fortified a consistant weakpoint in the prosecution,

1. Rushworth, Trial, pp.108, 113.
 2. Baillie, Letters and journals, i.318.
 3. Rushworth, Trial, pp.158,171.
 4. Ibid,pp. 159,171.
 5. Ibid,pp. 177,184.

that very often the particular instances cited incriminated an agent rather than Strafford himself, by parenthetically dismissing Radcliffe as 'my lord of Strafford's echo'.¹ Article 5 related to the sentence of death passed against Mountnorris in 1635, though in addition an unsuccessful attempt to establish instances of improper execution by martial law was made, the testimony of Patrick Gough, agent of the Irish House of Commons to the committee in England, being used.² Article 6 was another of Mountnorris' grievances, concerning his dispossession of lands on a paper petition.³ Article 7, an attack on the voiding of letters patent after the finding of the king's title to Connaught, was not pressed.⁴ Article 8, which alleged the unlawful imprisonment of peers, particularly of Loftus and Kildare, was for the most part waived, only one point, another case of dispossession by paper petition, being proceeded with. Once again the principals involved were protestants.⁵ Article 9 charged Strafford with having invested bishops with excessive powers of arrest and committment in ecclesiastical courts, Sir James Mountgomery being called as principal witness.⁶ Strafford had no difficulty in establishing precedent. Article 10 alleged that the Deputy, being the farmer of the customs, had procured the increase of rates for his personal profit. Since the charge was based on the inversion of the actual sequence of events, it presented Strafford

1. Rushworth, Trial, p.177.
 2. Ibid, p.196.
 3. Ibid, p.205.
 4. Ibid, pp.64, 220.
 5. Ibid, pp.221-35.
 6. Ibid, pp.237-8.

with no problem. John Walsh, who was 'directed by the committee to come hither', testified as a merchant to the disproportion between the stipulated rates and the market value of the commodities involved, and was corroborated by one Patrick Allen.¹ Article 11, relating to the improper requirement of export licences for pipestaves and other commodities, was not pressed.² Article 12 related to the tobacco monopoly, and the sixth article of the Commons' Petition of Remonstrance was read, its authenticity being verified by Plunkett.³ Strafford questioned whether any proofs of the allegations had been submitted to the Commons when the article was voted, but his right to do so was rejected as an aspersion.⁴ Walsh, Gough and Allen were witnesses to this article.⁵ Article 13, which charged Strafford with having gained an effective monopoly of linen yarn sales by means of confiscatory proclamations establishing new standards was witnessed by Clotworthy, Fitzgerald and Gough, the latter of whom presented a complaint on the matter entrusted to him by the members of parliament for Connaught and Ulster.⁶ Article 14 related to Strafford's having enforced a sworn declaration of the cargoes of ships upon masters and owners. It was not proceeded with.⁷ ~~Article 14~~ Article 15, that reputed to have been drawn up by Parsons and Ranalagh, concerned unlawful exactions for supporting soldiers,

1. Rushworth, Trial, p.245.
 2. Ibid, pp.66,252.
 3. Ibid, p.405.
 4. Ibid, p.405.
 5. Ibid, pp.403-5.
 6. Ibid, p.420.
 7. Ibid, pp.67,425.

the enforcement of warrants by soldiers, and the forceful dispossession of persons by soldiers. The first part of this charge was an invention of the earl of Cork's: it related to the extension of the contribution for the 'Graces' to a number of towns in Munster which he had improperly exempted from payment. The last part related to the plantation of Idough, and its inclusion may not improbably be attributed to the presence in London of the eldest son of Mountgarrett for the express purpose of presenting his father's grievance on that matter.¹ This part was not proceeded with. Strafford was able to demonstrate with ease that the use of soldiers in executing warrants was well established before his arrival in Ireland. He was supported by a witness, Henry Dillon,² who had formerly been sheriff of Longford, and whose election to parliament for that county had been voided by the Commons in March 1640.³ Witnesses for the prosecution included Gough, ~~Walsh~~ Richard Walsh, Nicholas Ardah, Patrick Clear and Edward Byrne.⁴

It was at this point in the trial that the Irish committee achieved a major success in its negotiation with the king. On April 3, Charles directed the Irish government to draft and transmit to England bills conferring upon the subjects of Ireland the benefit of the 'Graces', with particular reference to those articles relating to the Statute of Limitations, the

1. See above, page 272.
 2. Rushworth, Trial, pp.443-4.
 3. Commons' jn. Ire., 31 Mar. 1640, p.141.
 4. Rushworth, Trial, pp.433-47.

securing of estates in Connaught, and freedom of Trade. An early draft of this letter, probably that submitted by the committee, allowed for the implementation of the remaining 'Graces' by parliament, but this, together with a concession to parliamentary initiative in the introductory remarks, was omitted from the later version, in which it was replaced by 'as shall be thought fit'.¹ Captain John Barry, who was in close touch with the committee, believed that these concessions had come cheerfully and without constraint 'though it may be the distractions of other places, and the conjunctions of these times have contributed to the facilitating of our affairs, and the continuing of his Majesty in his good intentions towards us'.² The delivery of the letter was entrusted to Digby and Browne, and they left for Ireland on about April 6.³

Meanwhile, the trial continued. On April 3, the restraint of passage between England and Ireland, and the prevention of access to the king, the subjects of article 16, were dealt with. The force of the charge was somewhat reduced by the reading of the 37th article of the 'Graces',⁴ but considerable effect was achieved by Lynch and Fitzgerald who gave accounts of the refusal to allow the committee of the Commons to leave Ireland.⁵ Since this had been the action of Wandesford, however, it was not pertinent. Article 17, which related to a rather confused remark about the Irish army providing a pattern for

1. Cal. S.P. Ire., 1633-47, pp. 268-9. P.R.O., S.P. Ire., 63/258.82, 82A.
 2. H.M.C. Egmont MSS i.131-2.
 3. Idem.
 4. Rushworth, Trial, p. 473.
 5. Ibid, pp. 268-9.

the king's other kingdoms, and article 18 which charged Strafford with having endeavoured to secure the favour of catholics, in particular by restoring confiscated masshouses, and by paying and equipping a large catholic army while the smaller protestant one was neglected, were not pressed.¹

Article 19, which concerned the Black Oath and was supported in great part by the evidence of Mountgomery and Clotworthy, was dealt with on April 5 and brought the Irish articles to an end.²

It was by this time clear that the trial had failed, and that the validity of the theory of cumulative treason had not been established. Whether this was due to the weakness of the theory itself, or to the incompetence of the managers of the trial, whose forensic abilities proved inferior to those of Strafford, is open to question. The Irish articles did not touch upon the real causes of catholic animosity to the Lord Lieutenant. They were in a sense fakes: minor grievances substituted because true grievances would not have impressed the English House of Lords or been acceptable to the English House of Commons. What were regarded in Ireland as Wentworth's real enormities were policies which English protestants could only adjudge thoroughly sound. The parade of minor transgressions which this circumstance forced upon the prosecution was an inadequate foundation for a charge of high treason. An attempt was made to establish specific treason in a proposition

1. Rushworth, Trial, pp.69-70,488.
2. Ibid, pp.490-6,511.

to use the Irish army in England. When this failed, the English Commons abandoned both the trial and the pretence at justice. A bill of attainder was introduced on April 10, read a second time on April 14, and passed on April 21 by a majority of 204 to 59.¹

Though the accusation that the earl of Strafford had treated the catholics in Ireland with improper leniency was not pursued at the trial, the matter was not allowed to end there. At the end of April, Sir John Clotworthy presented to the English House of Commons a petition, described as proceeding from some 'protestant inhabitants of the counties of Antrim, Down, Derry, Tyrone and Armagh', against the Irish prelacy. Among the most important grievances articulated in this petition was the laxity with which the laws against catholicism were enforced; and titular bishops and priests, the public celebration of mass, the toleration of the houses of religious orders, and the keeping of schools by catholics were all roundly condemned. This petition was favourably received by the Commons, and the episode made a deep impression upon catholics in Ireland.²

Parliament and the committees, April-August, 1641.

On April 6, a petition was presented to the king on behalf of the plantation areas. It offered to increase the composition

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1. Rushworth, Trial, pp. 45-54.
 2. P. Wilson, 'Strafford' in Studies in Irish history 1603-1649. Ed. R. Barry O'Brien (Dublin, 1906), pp. 163-4.

rents in Connaught and Clare to a total of £6,000 per annum, and to increase the rents paid in Limerick and Tipperary proportionately, the sums concerned to be settled on the king by Act of parliament. This offer, clearly a return for the king's concessions of April 3, and probably already agreed to before that date, was signed by Clanricarde, Dillon of Costello-Gallen, Kilmallock, Nicholas Barnewall, Lynch, Burke, Browne, Walsh, and a single protestant member of the Commons' committee, Sir Hardress Waller, whose alignment with the catholics in parliament had earlier attracted attention. This list of signatories is a pretty fair indication that the ~~king~~ division, reported by Captain Barry, within the committee was a religious one. On April 16, the committee presented the king with an extensive list of further grievances, and a special petition attacking the Commission for defective titles and presenting the undertakers' case for the abolition of capite tenures introduced by it in the north.

In Ireland, where Digby and Browne delivered the king's letter to the Council Board on April 14, the army was unpaid and undisciplined, and the government was fearful of either relieving or ~~xx~~ correcting it by normal means since both cess and martial law were questioned in the 'Queries'. The government was on the defensive, and the opposition was not slow to

1. Cal.S.P.Ire.,1633-47, p.269.
 2. Whitaker (ed.), Life and orig. corr. of Radcliffe, p.212.
 3. Cal.S.P.Ire.,1633-47, pp.271-2, 272-3; 1647-60, pp.229-31.
 4. Ibid, 1633-47, p.270.

Cal.S.P.Ire., 1633-47, p.270. Cal.S.P.Ire., 63/299. 4.

exploit its advantage. On April 21, members of the Lords and Commons moved the Council for the dispatch of the bills concerned. Browne stated that the king had accepted an offer of £6,000 per annum in lieu of all composition rents in Connaught, and on the motion of the Attorney General an Act was framed confirming this arrangement. The other bills were presented already prepared by the deputation. That for securing estates in Limerick and Tipperary left blanks for the king's rents, to be filled up by agreement in England, and contained provisions for voiding letters patent in the area issued since the inquisitions and for giving up land reclaimed from the sea at Limerick. Neither of the latter were allowed for in the king's letter, but Browne insisted that the king had agreed to both. The preamble of the Act drafted for securing estates in Connaught impugned both ministers of state and the Court of Castle Chamber, and the bill itself contained a proviso for the dismissal of certain officers. The Council ^{transmitted} ~~accepted~~ these bills in the form in which they were presented, in the custody of Browne, claiming that the criticisms made thereon in a covering letter were a fulfillment of the requirements of Poyning's law.¹ This adoption of the opposition interpretation of Poyning's law testified eloquently to the ascendancy of the opposition over the government at this point when the outcome of its impeachment of members of the government was as yet undecided.

1. Cal.S.P.Ire., 1633-47, p.270. P.R.O., S.P.Ire., 63/259. 4.

Sir Adam Loftus commented upon the results of parliament's ascendancy: 'most of the Councillors turn tail to us in many businesses, and the judges are so overawed as they will say nothing: the authority of the state quite lost, so as you may easily guess in what state we stand'. People everywhere were busily 'gathering up clamours' in preparation for the next session of parliament, and he understood that the 'Conn-aughtmen' planned to make the king an offer to maintain the new army for the next year:

'This doubtless is a fearful plot to work the king to certain present ends, and then leave him in more distress and undo this poor country: they devise to have the army dispersed into all parts of the kingdom; they will fall upon all the new English societies, partly because they see them live in some handsomeness and partly because perhaps they would disperse them, and certainly will destroy them.'¹

In fact, the disbandment of the new army had been decided upon in March², though it was not until the end of April that the Lords Justices were officially apprised of the fact.³ At the end of April, too, the king directed that the Lord Chancellor and other impeached persons should continue in their offices unless precedents could be found for proceedings in capital causes by the peers of the Irish parliament - 'and so⁴

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1. P.R.O., S.P. Ire., 63/258. 95, 96.
 2. H.M.C. Egmont MSS 1.128-9.
 3. Cal. S.P. Ire., 1633-47, p. 269.
 4. Ibid, p. 280.

all danger, so far as concerneth the main of the matter, is past', as Ussher assured the bishop of Derry.¹

In England, the committees continued their negotiations with the king. In audiences on May 11 and 13, further desires in connection with unfulfilled 'Graces' were submitted, including in particular the enactment of Articles 5, 26 and 35, and the regulation of the court of wards by Act of parliament.² On May 17 a Memorial on Poyning's law was submitted requesting that bills for transmission should be drawn up jointly by government and parliament, and that bills prepared before the meeting of parliament should be drafted 'with the privity and advice of some of the lords and principal gentlemen of every province of that realm'. It asserted that the original object of the measure 'was not to exclude the subject from the knowledge and advice of drawing the said bills, as of late the practice hath been', but to control the government, and requested that it should be replaced by a new Act which would clarify the system.³

Before the next session of the Irish parliament, the government attempted to induce the members of both Houses to permit the Lord Chancellor to remain Speaker of the Lords, and to accept bail for Lowther, without revealing that the king had denied parliament's competence in the case unless precedent could be found. On the first day of the session, May 11, the House of Lords, which the government described as

1. Berwick (ed.), *The Rawdon papers*, pp.81-3.
 2. *Cal.S.P.Ire.*, 1633-47, pp.283-4, 285.
 3. *Ibid.*, pp.286-7.

being 'swayed by papists', refused to reappoint Bolton, but accepted the alternative appointment of Sergeant Reeves. The House recorded the opinion that both Bolton and Lowther should be committed, but left the decision in the matter to the government. On May 13, hearing that the Commons intended to demonstrate against the impeached judges if they appeared in court, the Lords Justices publicly read the letter in which the king effectively denied their right to continue with the impeachment, having first read the previous letter directing the transmission of bills relating to the 'Graces' to 'sweeten'¹ it.

The reading of these letters gave rise to a period of intense parliamentary activity which culminated on May 24 in agreement upon three 'instruments' in the Commons: a Thankful Acknowledgement and Humble Supplication to the king, which requested the enactment of the 'Graces' not specifically mentioned in his previous letter, and the redress of grievances in general: a Declaration and Protestation, which argued the thesis that the 'court of parliament is the supreme judicature in the said realm' of Ireland: and a Vindication of the impeachment proceedings which argued that English precedents were necessarily valid for Irish constitutional matters, otherwise the whole fabric of the judicial system might be called in question.² These Instruments met with the approval of the Lords, who thanked the Commons for 'the care and pains that they

1. Cal.S.P.Ire., 1633-47, pp.285, 287-9.
 2. Commons' Jn. Ire., 24 May 1641, pp.212-5.

have taken in the preserving of the rights, power and judicature of parliament'.¹

On May 28, the answers of the judges to the 'Queries' were read in the Commons. The general tenor of these was that the matters touched upon were aspects of the king's prerogative power with which the judges were not competent to deal - 'and after debate had thereupon, this House did hold it not fit it should be called an Answer, but absolutely to be refused, this House being thereby not satisfied'.² The 'Queries' became the subject of intense activity for some days, all the resources of lawyers, whether members of the House or not, being drawn upon. The leading figure was Patrick Darcy, lately returned to the Commons, who defended and justified the 'Queries' at length before the Lords.³ The full results of this activity were to emerge later in the session.

On June 8, 9 and 10, a Declaration and Supplication, which asserted loyalty, expressed dissatisfaction at the failure to redress grievances, and requested the return of bills already transmitted, was agreed upon by both Houses and dispatched to the committees in England.⁴ In the Commons on June 17 and 18, a number of bills were 'utterly quashed', having been 'rejected in the last parliament as matters of bloody and pernicious consequence', and a committee directed to

1. Commons' jn. Ire., 24 May 1641, pp.212-5.

2. Ibid, 28 May 1641, p.219.

3. Ibid, 2, 5 June 1641, pp.220-1, 222-4. An argument delivered by Patrick Darcy, Esquire; by the express order of the House of Commons in the parliament of Ireland, 9 Junii, 1641 (Dublin, 1764).

4. Commons' jn. Ire., 8, 9, 10 June 1641, pp.226-32.

discover their 'contrivers'.¹ On June 19 and 21, a Commons' committee was appointed to draw up charges against the persons impeached.² On June 22, the House was called before the Lords Justices, and attention drawn to the king's instructions that this matter was not to be pursued unless precedents could be found. The immediate result was a dispute over the Chair for a Grand Committee, which was won, in a House of 126 persons, by a small opposition majority.³ The Lords Justices and Council believed that notwithstanding the king's directions a majority in the House would be in favour of impeachment:

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'for in these last two sessions we find many protestants (and no papists at all unless some few not able to appear) removed from the House, and new elections ordered to be made, and in some of their rooms divers papists brought in, which is a very great weakening of the protestant party in the House'.⁴

From the beginning of the year, in fact, to the date at which this statement was made, twenty-two new elections were ordered by the Commons, twenty of them in place of protestants, one of them in place of the Queen's County 'English papist' Waddington (at his own request), and one in place of the 'old English' catholic⁵ Oliver Plunkett, member for Kells. The returns for these new elections are not complete. Both Plunkett

1. Commons' jn. Ire., 17, 18 June 1641, pp. 233-5.
 2. Ibid, 19, 21 June 1641, pp. 235-7.
 3. Ibid, 23 June 1641, pp. 238-9.
 4. Cal. S.P. Ire., 1633-47, pp. 308-9.
 5. Commons' jn. Ire., 4, 16 Feb., 5 Mar., 21, 27 May, 8, 17, 18 June 1641, pp. 168, 177-8, 199, 211, 218, 227, 233, 234.

and Waddington were replaced by 'old English' catholics, and
this was also the case with nine of the unseated protestants.
It seems probable, too, that by this stage members from the
disfranchised boroughs had been allowed to take their seats.

The powerful stimulus to inter-religious union provided by the existence of a common enemy, the earl of Strafford, had to a considerable extent blinded the Irish protestants to the consequences of their actions and involved them in pursuing opposition further than was in their own interests. Once Strafford had been defeated, the co-ordination of effort which had been directed against him was no longer desirable to the protestants in the hands of whose fellows the government of Ireland was now invested. They no longer possessed any great incentive to persist in opposition, for the objects of that opposition were related to catholic rather than to protestant interests. Sir Adam Loftus, returning from England, discovered the Irish parliament, as a result of informations sent by Lynch and Kilmallock, in the process of preparing a protestation against himself and Ranalagh 'which when the protestants in the House discerned, they knit themselves together in so firm a concord to oppose them, as they durst not then adventure upon us'. He found the executive overawed by parliament, and the protestant party in the Commons disgusted by the catholics' policy of retrenching the king's profits and detracting from

1. See Appendix VI Notes 5, 11, 13, 15, 21, 28, 30, 31, 38.

2. *Idem.* Notes 7, 12, 18, 33, 34, 36.

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his honour and powers: they had no wish to hinder the plantation of Connaught, and attributed its stay to 'the endeavours of a few members of that province for their own private interests'. He himself believed that if the king should grant the Statute of Limitations and other 'Graces' there would be no widespread objection to the plantation of Connaught, and predicted that:

'in the observance of their present constitution, it is likely there will be a division between the papists and protestants ~~in~~^{of} the House of Commons, the endeavour of the one being to lessen the power of the government and hinder the growth of religion, the others desirous to uphold the power of the state necessary to their security and comfort'.¹

The plight of the government was unfortunate. The old army was unpaid and the new, though successfully disbanded, had not been paid to date. The profits of both the court of wards and the court of Castle Chamber had fallen. The activities of the Commons had interfered with the collection of the customs revenue, and the duty on tobacco was in suspension pending its imposition by a parliamentary bill which had as yet failed to materialize. The Commission for defective titles was at a standstill, and the impeachment proceedings² prevented the law courts from sitting.

The arrival of a messenger from the committee in England

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1. Cal.S.P.Ire., 1633-47, pp.302-3. P.R.O., S.P.Ire., 63/259.33
 2. Cal.S.P.Ire., 1633-47, pp.298-9. Commons'jn. Ire., 7 June 1641, pp.224-6.

was hailed in the Commons on June 25 in extravagant terms - 'He hath brought signs of peace like the dove returned to Noah's Ark, with the olive branch', declared Sir Richard Blake.

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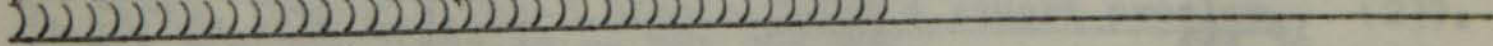
What was in fact brought does not appear, but it is unlikely to have been anything more tangible than a report of favourable progress. The blessing of peace, certainly, was not extended to the enemies of the Commons, and active attacks were made upon many aspects of government in the ensuing weeks. The climax was reached on July 10, when Parsons called the House before him and ordered the suspension of proceedings against the Lord Chancellor and Lowther.

2

Both Houses at once agreed upon an instrument asserting the judicial competence of the Irish parliament, justifying this claim by the analogy of England, which was said to have constituted a valid parallel for purposes of reference since the time of King Henry II, condemning the Irish government's unsatisfactory answers to representations made to it, and asserting that the Houses had decided to make no further approaches to it, but were resolved thereafter to petition the king directly.

3

Shortly afterwards, the 'Queries' were once more brought into play. On July 26, a series of resolutions, one upon each article, was voted nullo contradicente in the Commons, despite the explicit prohibition of the government. The effect of these ordinances, once they had also been passed in the Lords, would be to render illegal all the practices



1. Commons' jn. Ire., 25 June 1641, p.239.
2. Ibid, 10 July 1641, p.253.
3. Cal.S.P.Ire., 1633-47, p.315.

questioned therein.¹

The disbandment of the new army in Ireland had been ordered by the king on May 8, and a proclamation to that effect was issued in Dublin on May 21.² During the course of May and June, permission was given to a number of persons to transport regiments of these men to serve in the army of the king of Spain.³ By June 30, 1,000 men had departed under the captaincy of Christopher Bellings, an attempt, according to the Irish government, having been made by the catholic clergy to prevent their departure.⁴ By early August, letters licencing the transportation of 9,000 men (including those taken by Bellings) had been received.⁵ On July 27, the Irish Commons requested a conference with the House of Lords on the subject of the projected employment of 16,000 men of the army overseas. (Among the catholic majority on the conference committee was Sir Phelim O'Neill).⁶ A Declaration of the reasons inducing the Irish parliament to desire the stay of 16,000 men intended to be levied for the king of Spain was agreed to on July 30. The reasons stated ranged from the danger of the kingdom being deprived of able-bodied men to the danger of their commanders being replaced by some from 'attainted septs'.⁷ but Parsons claimed that they were acting on the wishes of the catholic clergy who wanted to keep as strong a party in Ireland as

1. Cal.S.P.Ire., 1633-47, p. 323. Commons' jn. Ire., 26 July 1641, p. 239.
 2. Carte, Ormond, i. 266-8. Steele, Tudor & Stuart proclam., (239).
 3. Cal.S.P.Ire., 1633-47, pp. 281, 294, 301. (ii. 39).
 4. Ibid, pp. 307-9. (5). B.M., Egerton MS 2533, f. 121.
 5. Commons' jn. Ire., 27 July 1641, pp. 272-3.
 6. Ibid, 30 July 1641, pp. 276-7.

5. Carte, Ormond, i. 272.

possible to guard against the introduction of unwelcome changes in religious policy.¹ According to Edmond Borlase, himself a member, the main movers in this business were Darcy, Plunkett, Marcus Cheevers, and Martin, but since Plunkett was at this time in England, this is certainly not altogether accurate.²

The eight persons who had been authorized to transport soldiers and were now prevented from doing so - James Dillon, Theobald Taaffe, John and Garrett Barry, John Butler, John Birmingham, Richard Plunkett and George Porter (all but the last of whom were 'old English' catholics) - petitioned against their stay, and their request was recommended to the English House of Lords by the king on August 8.³ The English parliament seems to have agreed to the transportation of 4,000 men, and these were assigned to Taaffe, Porter, and the two Barrys.⁴ On August 28, however, even this concession was rescinded and the English parliament prohibited the transport of any men.⁵

Meanwhile in England, the Irish committees had brought * their mission to a triumphant conclusion. On July 16, the king in Council gave detailed answers to the grievances presented during the previous months. Customs rates were reduced, monopolies in general abolished, the High Commission Court suspended, the proclamation restraining passage between ~~xx~~ Ireland and England withdrawn, and the power of Provost

1. Cal.S.P.Ire.,1633-47, pp.328-9.
2. E.Borlase, The history of the execrable rebellion (London, 1680), pp.8-9.
3. Cal.S.P.Ire.,1633-47,p.330.
4. Ibid,p.331. Carte,Ormond,i.271. B.M.,Egerton MS 2533,ff.129, (155,173).
5. Carte, Ormond,i.271.

Marshals curtailed. The preamble to the Act of Subsidies was to be repealed, titular nobles to be required to purchase estates or forfeit their privileges, the abuses of proxyholding in the Lords to be reformed, and the courts of Castle Chamber and of wards to be regulated by the English model. On only one point of importance did the king fail to meet the wishes of the committees: he refused to make any alteration in Poyning~~axs~~' law.¹ On the previous day Charles had required the Commons' committee to inform the Irish parliament that he desired two additional subsidies.² The needs of both parties had thus been catered for, but the committee of the Commons remained in London until at least August 11.³

On July 20, Parsons wrote, 'great division there is now between the papist and the protestant, and they are in danger to break in a short time. I let them alone because I see no great danger.'⁴ By the beginning of August, however, it began to seem expedient to abandon this policy of non-intervention, and rather to exploit the religious division in the interests of the government. It was clear to government observers that the catholics were determined to continue in session until the Statute of Limitation and the Act for Connaught had been passed, and it was convenient to believe, and possibly correct, that once these Acts had been passed the king's business would

1. Cal.S.P.Ire., 1633-47, pp.317-22.
 2. Ibid, p.316.
 3. Grosart (ed.), Lismore Papers, 1st series, v.183.
 4. Ibid, 2nd series, iv.208-9.

be neglected. Consequently, it was necessary that 'those things which concern his Majesty must first be agitated'¹. The government, then, 'to intervne their purposes discerned by us, and to accommodate our apprehensions in his Majesty's behalf', decided upon an adjournment:

'The rather because we found that if the Acts desired by them and (as we humbly conceive) tending to his Majesty's loss, and (which is of most importance) depriving his Majesty of a great and assured way of settling the certain peace and safety of this kingdom and the advancement of religion, should come, sitting the parliament, they would doubtless suddenly pass, leaving the after Acts of his Majesty's profit (at best) to a doubtful success'².

According to an anonymous author, the method employed by the government was to wait until the House was empty, when they 'caused a halting barrister, by name Patrick Darcy, but more truly Dorchy, to move this proroguing'³. This author's detail, however, particularly in his account of the year 1641, is unreliable, and it is probable that his rooted aversion to Darcy, whom he regarded as one of Ormond's spies, led him to misinterpret the facts. A request for adjournment was made to the Lords Justices on August 4: their agreement to it was reported to the House by Darcy⁴. Subsequent events make it improbable that he acted any other part in this 'unnatural and

1. Cal.S.P.Ire.,1633-47,pp.324-5,328-9.P.R.O.,S.P.Ire.,63/260.2.
 2. Cal.S.P.Ire.,1633-47,p.339. P.R.O.,S.P.Ire.,63/260.12.
 3. Gilbert, ~~xxx~~ Aph. disc.,i.12.
 4. Commons' jn. Ire., 4 Aug. 1641, p.281.

unconsonable motion' than that of a messenger. On August 6 the Commons received a message from the Lords by Lord Dillon to the effect that the parliamentary committees were at the waterside in England, and the Act of Limitation and the Act for Connaught were also on their way. Darcy was at once sent to request the Lords in the new circumstances to agree to support an approach to the Lords Justices to postpone the adjournment.¹ The Lords, however refused. In all probability, the original request for an adjournment had been made by the House of Lords.² On August 7, parliament adjourned~~ment~~² to November 9 (the House of Commons) and ~~December~~² November 16 (the House of Lords), 'the said adjournment for so long a time being with the assent of the right honourable the Lords Justices'. The Commons appointed a vacation committee to prepare bills based on the king's favours of July 16, which had been sent by the committee in England. This committee contained a substantial protestant majority.³

There is no doubt whatsoever that the general suspicion that parliament had been adjourned deliberately in order to prevent the enactment of the bills of grace, and to anticipate the arrival of the parliamentary committees, was abundantly justified.

Nor was the Irish government disposed to fulfill the

1. Commons' jn. Ire., 5 Aug. 1641, p. 283.
 2. Remonstrance at Trim, Carte, Ormond, v. 408-24.
 3. Commons' jn. Ire., 7 Aug. 1641, pp. 285-9.

conditions which it claimed were the essential prerequisites to the passage of the bills of grace. In the following October, the lords of the English Privy Council advised that the Irish parliament should be prorogued till February, for not only was the king too busy in Scotland to engage in the necessary preparations, but the Irish government had not yet transmitted the required bills for settling the king's revenue.¹ The time for procrastination of this kind, however, was almost over. Ten days later, rebellion broke out in Ireland.

The Prorogation

While in Dublin in the latter part of 1641, waiting for some definite decision as to whether the parliament, which 'did not sit to adjourn', was to be continued, Connor, Lord Maguire, received a letter from Roger Moore (or Rory O'More), an Irish landholder in County Wick, inviting him to his house to discuss the present situation. The arrival of John Peller from England with an authorization for parliament to continue prevented Maguire from accepting this

1. Cal. S.P.Ire., 1633-47, p.341.

2. This paragraph, and those following, are based on Maguire's narration, Richard, Ireland in the Seventeenth Century, 11, 341-54.

XVI

THE REBELLION OF 1641

'be sensible of your wrongs;
 the infamous disgrace without respect
 of birth or person, how odious the name
 of Catholique, hath ever been unto them?
 a hatred's there's by inheritance, the losse
 of your estates by a thousand damn'd inventions;
 beside innumerable edicts against religion:
 These torments were not held sufficient
 in respect we somewhat yet possesse of this
 our native soile; wherefore they have contriv'd
 the last and worst of evils; to raze us from
 the world, No, nor leave so much as one alive,
 to encrease the memory of us hereafter;
 (a grudge suitable to hell's blacke purposes)
 Reflect, I pray, how near it doth concerne
 us then, to venture our lives and fortunes
 in a noble vertuous way; that truly tends,
 to the safety of your wives, children and friends.'¹

The preliminaries.

While in Dublin in the early February of 1641, waiting for some definite decision as to whether the parliament, which 'did but sit to adjourn', was to be continued, Connor, Lord Maguire, received a letter from Roger Moore (or Rory O'More), an Irish landholder in County Kildare, inviting him to his house to discuss the present situation. The arrival of John Bellew from England with an authorization for parliament to continue prevented Maguire from accepting this

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1. Henry Burkhead, A tragedy of Cola's furie, or Lirenda's Miserie (Kilkenny, 1645), quoted by La Tourette Stockwell in 'Lirenda's Miserie', The Dublin Magazine, July-September 1930, p.23
 2. This paragraph, and those following, are based on Maguire's Narration, Hickson, Ireland in the seventeenth century, ii.341-54.

invitation. Shortly afterwards, Moore came to Dublin, and approached Maguire, discoursing to him in general upon the sufferings of the natives, by which term he meant 'the old and new Irish', particularly under Strafford, laying special stress on the plantations. He went on to point out how opportune the time was for an attempt on the part of the Irish gentry to free themselves 'and get good conditions for themselves for regaining their ancestors' estates'. Having extracted an oath of secrecy, Moore declared that to a very considerable extent those of Leinster and Connaught were amenable to such an attempt, but were unwilling to make any move without support from Ulster. He appealed to Maguire to assist him in procuring that support, pointing out that his debts, his attenuated estates, and the catholic religion which stood in danger from the English parliament, would all be benefited by such a course. Maguire agreed to participate, and on the following day a number of influential Ulstermen, Phillip O'Reilly, M.P., Turlogh O'Neill and Costelloe MacMahon, were approached and Moore obtained their adherence to his project. It was argued at the meeting with these men that the enlisting of aid from the Irish abroad was a prerequisite to any kind of organized action other than that of sounding the country to ascertain what support could be counted upon.

'Then Mr Moore told them that it was to no purpose to spend much time in speaking to the gentry. For there was no doubt to be made of the Irish, that they would be ready at any time. But that all the doubt was in the gentry of the Pale, but he said that he was well assured

that when they had risen out, the gentry of the Pale would not stay long after, at least that they would not oppose the Irish in any thing, but be neuters, and if in case they did, that the Irish had men enough in the kingdom without them.'

After the meeting had limited itself to one concrete decision, that Moore should come to the north during Lent to hear a report of progress, Moore revealed, with many protestations of unwillingness to violate a bond of secrecy, that the earl of Mayo had undertaken to engage in any action that might take place. (Though the earl of Mayo did afterwards join in the rebellion, there is no reason to suppose that this statement was true. On the other hand, the earl had been on bad terms with the earl of Strafford so that, despite his professed protestantism, his implication in the conspiracy need not have seemed incredible to Moore's audience.)

Moore's trip to the north proved unprofitable, for no progress had in fact been made, so the matter was postponed until May, when the conjuncture of parliament and term-time would bring all those involved to Dublin. In the interval, a messenger arrived from the earl of Tyrone with an assurance of support from Richelieu. At a meeting in Dublin, it was resolved that he should be sent back with the message that they would rise about All Hallowstide. Tyrone died about this time, however, and an attempt was therefore made to get in touch with Colonel Eoin O'Neill in Flanders.

No progress was made in the conspiracy during the summer session of parliament, but circumstances proved favourable,

for accounts of anti-catholic activities in England and Scotland alarmed the gentry of the Pale and they resolved not to allow the disbanded soldiers of the Irish army to leave the country, but rather to detain them in case of a Scottish invasion or of any attempt against religion.

After the adjournment of parliament in August, Maguire was informed by O'Reilly that Colonel Hugh Byrne and Captain Brian O'Neill from Flanders had offered to assist in the rising by raising men (under cover of taking them to Spain) and seizing Dublin Castle, together with other officers. Nothing definite had been concluded about this plan for want of knowledge of the disposition of the Ulstermen. A consultation at Maguire's house was at once held, and Maguire was dispatched to Dublin to assure the officers of Ulster support. There he met Sir James Dillon, who informed him of anti-catholic resolutions in England and Scotland, and proposed the seizure of Dublin Castle. Maguire approved, and a meeting was held with Colonels Byrne and Richard Plunkett. It was decided that money could be procured by seizing the king's rents, and from the pope. Byrne gave an assurance of arms from Eoin O'Neill, and of Spain's readiness to assist, which he claimed to have received from the Spanish ambassador in London. Plunkett declared his certainty that the Pale would assist in the rising, which he derived not only from conversations since his arrival in Ireland, but also from having spoken of the business with some members of the parliamentary committees in England, particularly Lord Gormanstown, who had approved it.

As a result of several meetings it was finally decided that Plunkett and Byrne should seize Dublin Castle: that all forts and garrisons containing arms should be seized at the same time: and that the date should be October 5. Plunkett and Byrne intended to use only 100 men, relying on the artillery in the Castle to enable them to master the town. Relief to the city was to be brought by Sir James Dillon with 1,000 men within three or four days, and an equal number were to come from the north. A final meeting was arranged for September 20.

Maguire and O'Reilly then went to the north where they met Sir Phelim O'Neill, who undertook to be responsible for the surprise of Londonderry, but concluded that his preparations could not be completed by October 5.

When Maguire returned to Dublin with intelligence of this new postponement, he found that the officers had also decided on postponement as a result of lack of support in the Pale, despite the continued assurances of Plunkett. On September 26, Maguire, Moore, Sir Phelim and Brian O'Neill, and Colonel Byrne met together and determined to adhere to their plan, despite the ~~and~~ withdrawal of the others.

According to the earl of Antrim¹, sometime before the adjournment of parliament in August 1641, Thomas Burke, a member of the Commons' committee in England, arrived in Ireland with a message from the king to the earl of Ormond and himself

1. R.Cox, Hibernia Anglicana, ii. Appendix 49, pp.206 et seq.

to the effect that the 8,000 men of the new army, should be maintained and increased to 20,000, to be armed out of the stores in Dublin, and held in readiness to be employed against the English parliament 'if occasion should be for so doing', at which time Dublin Castle should be seized. The message was by word of mouth, Burke being furnished with a letter of credence. The earls, after some delay, decided to send dispatches on the subject to the king, to be carried by Lord Muskerry (for Ormond) and Lord Maguire (for Antrim). While these dispatches were in preparation, however, Captain John Barry came to Antrim from Ormond, saying that the matter was one of too great importance to be trusted to messengers, and urging Antrim, who was well known at Court, to go himself. Antrim refused to do so unaccompanied by Ormond, but sent Digby, Constable of his castle at Dunluce, to inform the king that the army was already disbanded. Digby overtook the king at York on his way to Scotland. (This must have been in mid-August.) The king sent a reply by one William Hamerston directing that the 8,000 men should be assembled together again, and an army raised which would declare for him against the parliament of England. Upon receipt of this message, Antrim told Gormanstown and Slane, and afterwards many others in Leinster, and many in Ulster, of this project: but the 'fools', liking the idea, went on their own way 'without us and sooner and otherwise than we would have done ... and so spoiled it'. The design so spoiled had envisaged the surprise of Dublin Castle, a declaration by the Irish parliament for the king against the English parli-

ament, the raising of the kingdom in the king's service, and the securing of the Lords Justices. The veracity of this account has been impugned on several grounds. Cox states that the king must have been aware of the disbandment of the army before June 19, when he issued a commission for transporting the soldiers thereof, and that the account must therefore be mendacious in this respect.¹ This is not a valid criticism, for in fact Charles also issued commissions of the same kind in May, at a time when he was aware that the disbandment of the army had not even begun.² It seems probable, however, that the message has in this respect been misunderstood, and that its gravamen was that those soldiers gathered together for transportation, and forbidden to depart, should not be dispersed. This interpretation has the advantage of resolving an inconsistency - that the captains should have petitioned to be allowed to depart, and that Charles should have endorsed that petition. This episode would seem then to have been either an attempt to delay dispersal while awaiting the result of the petition, an attempt to obviate suspicion, or an attempt to create the conditions under which men already dispersed could be re-assembled again.

1. Cox, *Hibernia Anglicana*, ii. Appendix 49, pp. 206 et seq.

2. See above, page 402.

The customary objection to Antrim's account, that Ormond's protestantism would prevent him from engaging in such a design, seems to be based on the misapprehension that the object of the plot was the free exercise of the catholic religion. In fact, its object was to assist the king against the English parliament, and there can have been little reason to suppose that the reward of the catholics for their assistance would be greater than the 'Graces' so long pursued and so lately granted. In these circumstances it seems improbable that Ormond should have refused to assist his king.¹

Authors sympathetic to the rebellion had no doubts as to Ormond's complicity in a plot during the summer and autumn of 1641:

'The king understanding, though too late, the designs of his rebellious parliament in England, sent instructions by the Marquis of Antrim to the earl of Ormond the Lieutenant General of his army in Ireland, to contrive there with some others of his loyal subjects, the best methods they could, for seizing upon the parliamentary Justices; and for declaring in favour of his Majesty against the proceedings of the English parliament. Ormond communicated the message to some choice catholics and protestants: and after several conferences the business was at last settled: and the 16 of November in

1. cf. R. Dunlop, 'The forged Commission of 1641', in English Historical Review, ii. 527 *et seq.*

this same year 1641, when the Irish parliament was to meet at Dublin was appointed for putting it in execution.

'But the design coming beforehand to some of those they call the Old Irish, from whom the earl of Ormond would have kept it concealed', some Ulstermen, resenting the implicit reflection upon their loyalty, 'formed a conspiracy for the same end: flattering themselves that, if they had success, they should not only be favoured in the liberty of religion: but also be restored to their ancient estates'. The date October 23 was decided upon 'that they might get the start of Ormond and his party.'

This account has the advantage of providing an explanation of the withdrawal of the officers from their association with the northern conspirators in September 1641: that they were acting upon the directions of the earl of Ormond.

As has been seen, however, this did not result, as Ormond must have presumed would happen, in the abandonment of conspiracy by the northerners. It resulted instead in their resolving to continue as they had begun, on the basis of the plot already concerted with Moore. This decision was confirmed at a meeting at Loughross, County Armagh, on October 5, when October 23 was fixed upon as the date for the rising. The plan did not vary from that agreed to with

1.(Hugh Reilly), Ireland's case briefly stated (n.p.1695), pp.26-7.

the officers, except in the additional decision that the gentry should be made prisoners, and none killed except of absolute necessity. It was resolved also that the Scots should not be meddled with, since they were very numerous and powerful, and, if not molested, might refrain from intervention.¹

Henry Jones, Dean of Kilmore, later deposed to having been informed of a meeting at the Franciscan abbey of Multyfarnham, in Westmeath, on St Francis' day (Sunday, October 3), at which a mixed assembly of clergy and laymen discussed in detail the two problems of the way in which the protestants should be treated during the rebellion, and the nature of government to be established after victory, but without arriving at any generally agreed conclusions.² The fact that a meeting of some kind was held at that time and place was confirmed by another informant³, but Jones' details are

1. Hickson, Ireland in the seventeenth century, ii. 341-54.
2. Cox, Hibernia Anglicana, ii. Appendix 9, pp. 38-44.
3. Hickson, Ireland in the seventeenth century, i. 361. Thus Fr. T. O'Donnell (The Franciscan abbey of Multyfarnham, Multyfarnham, 1951, pp. 62-4) is wrong in stating that Jones' account is unsupported, though one would hesitate to pronounce him therefore wrong in dismissing Jones' account on grounds of Jones' character. Apart from the possibility of Jones' story having been suggested by the deposition of Edgeworth, it may be noted that the original of Edgeworth's examination is not extant, but only a copy of 1652. It contains, too, an inconsistency, Edgeworth being described as sheriff of County Longford, an office in fact held by an Irish catholic who played an active part in the rebellion (H.M.C. Ormond MSS, n.s. ii. 8). Jones seems to have dearly loved a clerical plot, and it is by no means certain that he was above inventing one. Some kind of celebration might reasonably be expected to have taken place at Multyfarnham on St Francis' day, so that even if it is authentic, Edgeworth's deposition has very little real evidential value in relation to Jones' account.

wholly uncorroborated, and Maguire's Narration, which records in some detail his itinery, and the itineries of others, during this first week of October, seems to preclude the possibility of the principal conspirators being present.

On October 18, Maguire returned to Dublin, and at a meeting of the principals on the evening of October 22 the forces for the attack were found to be incomplete, Sir Phelim O'Neill, Costelloe MacMahon, and Sir Morgan Cavanagh having defaulted of their numbers. It was accordingly decided to defer the attempt to the following afternoon, a final meeting being appointed for the morning.¹

The outbreak.

On the night of October 22, one Owen Connolly came to Lord Justice Parsons and informed him of a plan to capture Dublin Castle on the following morning, and, simultaneously, all the forts and towns in the kingdom, by a general insurrection of the Irish. He claimed to have received this information from Hugh Oge MacMahon, one of the chief conspirators. Parsons sent him back to MacMahon to elicit further information, increased the gaurds, and informed Borlase. When Connolly returned (after some difficulty, for MacMahon seems to have suspected the reason for his absence), he incriminated the Lord Maguire and acquainted the emergency Council meeting which had been called with the lodgings of those involved. Watch was kept on these places, and

1. Hickson, Ireland in the seventeenth century, ii. 341-54.

in the morning MacMahon, Maguire and about thirty others were captured. All strangers who had come into town on the previous evening were then arrested and gaoled on suspicion of complicity. On the morning of Saturday, October 23, a large number of strangers approached Dublin, but failing to gain admittance to the city, remained in the suburbs. A proclamation was issued commanding them to disperse, on pain of death, within an hour.¹

The deposition made by Connolly has been subjected to intensive analysis, and serious discrepancies and improbabilities have been revealed. On these grounds, it has been claimed that he himself fabricated the plot which he purported to expose.² This conclusion is untenable in the light of confirmatory evidence. The shortcomings of Connolly's account can best be explained on the assumption that he endeavoured to minimize his own degree of guilt by inventing a fictitious set of circumstances to account for his knowledge of the plot.

Meanwhile, on the night of October 22/3, Sir Phelim O'Neill surprised and captured, by a stratagem, Charlemont, which commanded a pass over the Blackwater on the main route to the north. He then marched on and seized Dungannon. The O'Quins seized the castle of Mountjoy in County Tyrone: the O'Hanlons surprised and put to flight Lord Grandison at Tanderage in County Armagh, capturing most of his troop: the Magennises and MacCartans surprised the Newry, with the assistance of the

1. H.M.C. Ormond MSS n.s.ii.1-3. Bodl. Carte MSS ii. f.1.
 2. M. Carey, Vindiciae Hibernicae (2nd edit., Philadelphia, 1823), pp. 313-45.

townsmen, capturing Sir Arthur Tyringham's troop and a quantity of arms and powder. Throughout the day of October 23, the rebellion spread widely in the north, being led in County Cavan by Phillip O'Reilly.¹

Both Lord Maguire² and Colonel Plunkett³ were agreed in claiming that so far as possible military action was to be unaccompanied by violence, and that the rebellion was planned as a tactical preliminary to the presentation of a petition to parliament demanding redress of various grievances. The object was a sudden coup resulting in the immediate acquisition of a sufficiently strong military position to allow of an effective military intimidation of the English parliament.

Despite the lack of that immediate success which was the essential condition of such a policy, O'Neill did not at once abandon the limitations within which the use of arms had been intended. On October 24, he issued a proclamation from Dungannon announcing that the present actions were in no way directed against the king, nor was it intended to hurt any of his subjects, either Scottish or English, but only to⁴ defend the liberties of the natives of the Irish nation.

In the few days after the outbreak of the rebellion, the Lords Justices acted promptly. A proclamation announcing the

1. H.M.C.Ormond MSS n.s.ii.1-7. Cal.S.P.Ire.,1633-47, pp.341-2, 342. Carte, Ormond, i.346-50.
2. Not only in his Narration, but particularly in a later examination, Prynne, Hidden Works, p.237.
3. Hickson, Ireland in the seventeenth century, ii.388-9.
4. Cal.S.P.Ire.,1633-47, p.342. P.R.O., S.P.Ire., 63/260. 27,28.

the rebellion was issued and distributed throughout the country. Parliament was prorogued to 24 February 1642, and the legal term adjourned to Hilary Term, to ¹guard against the dangers of a large concourse of people to Dublin. A messenger was dispatched to require the immediate presence of Ormond in ²Dublin.

On October 24 and 25, most of the lords of the Pale (Gormanstown, Nettirvill, Fitzwilliam, Howth, Kildare, Fingall, Dunsany and Slane) approached the Lords Justices and, professing their loyalty to the king and 'concurrence with the state', asked to be provided with arms for their defence. They were informed in reply that the government was uncertain whether there were sufficient arms even 'to arm our strength for the gaurd of the city and Council'. However, a small proportion of arms, with which to defend their houses, was supplied to those who lay in most danger, 'lest they should conceive we apprehended any jealousy of them'.³ In fact, the army at this time was estimated at 2,297 foot, and 943 horse, including officers, widely dispersed in garrisons, while there were arms and ammunition for almost 10,000 men in Dublin Castle.⁴ The decision not to releasex these arms was an interim one: 'if it fall out that the Irish generally rise (which we have cause to expect)', the Lord Lieutenant was informed, 'then we must of necessity

1. H.M.C.Ormond MSS n.s.ii.1-6.
 2. Gilbert, Ir. confed.,i.227.
 3. H.M.C.Ormond MSS n.s.ii.1-6.
 4. Sir John Temple, The Irish rebellion (London,1646), pp.32-4.

put arms into the hands of the English Pale at present, and to others as fast as we can, to fight for the defence of the Pale and themselves'. Letters were at this time sent to the sheriffs of the counties of the Pale ordering them 'to consult¹ of the best way and means of their own preservation'.

The wording in which the rebellion was proclaimed, as a 'conspiracy, intended, by some evil affected Irish papists',² was immoderate, and its wisdom was questioned not only by the catholic earl of Clanricarde,³ but also by the Lord President of Munster.⁴ The lords of the Pale submitted a petition in which they protested that the words used were capable of being interpreted as incriminating the 'old English'. In order that 'it might appear unto the world that we entertained not the least jealous thoughts of them', the Council issued an explanatory proclamation on October 29 emphasizing 'that we did not in any way intend or mean thereby, any of the old English of the Pale, nor of any other parts of this kingdom, we being well assured of their fidelity to the crown ... and we further require all his Majesty's loving subjects, whether protestants or papists, to forbear upbraiding matter of religion one against the other.'⁵

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1. H.M.C.Ormond MSS n.s.ii.1-6.
 2. E.Borlase, The history of the execrable rebellion (London, 1680), p.22.
 3. Carte, Ormond, ii.51.
 4. H.M.C.Egmont MSS i.,pt.ii. 144.
 5. Temple, Ir. reb., pp.36,40-1.

A proclamation excluding all non-residents from Dublin, so that the country might not be deprived of its natural protectors, was issued on October 28.¹ On October 30, a further proclamation was issued, in vindication of the government, denying rumours which had traduced the crown and the state by suggesting that the rebels had authority for their actions, and exhorting all those who had been deluded by 'false, seditious and scandalous'² reports of this nature to return to their allegiance. On November 1 it was proclaimed

'that all in the counties of Meath, Westmeath, Louth and Longford, being no freeholders, nor now in prison, who had taken any goods from his Majesty's subjects, not having shed blood in the action, and came in within ten days after this proclamation, should be received into his Majesty's mercy, and no further prosecuted'.³

This proclamation has been adversely criticized as wholly inadequate to effect the suppression of the rebellion.⁴ In fact, this does not appear to have been its object. The counties in question, except perhaps for Longford, were not at that stage in rebellion. The proclamation, which seems to have been drawn up by Nicholas Plunkett and other members of parliament,⁵ was directed against attempts to exploit the proximity of the rebels to pillage.

1. Bodl. Carte MSS ii.f.7. Borlase, Hist. of the reb., p.28.
 2. Ibid, p.30. Appendix III, pp.21-2.
 3. Ibid, p.30.
 4. E.g. Remonstrance of Trim, Art.10, Carte, Ormond, v.408-24.
 5. Cox, Hibernia Anglicana, ii. Appendix 6, pp.20-21.

On November 2, no response to the first message having been received, another attempt was made to get in touch with the earl of Ormond.¹ The rebels, after initial successes in Ulster, had advanced south to Dundalk. This town was defended by one foot company, lacking not only arms and ammunition, but also, apparently, any degree of preparation or efficient command. In these circumstances, the rebellious sympathies of the townspeople quickly prevailed, and the town was delivered up to the rebels with virtually no resistance on October 31. The rebels then advanced further, into the Pale, and possessed themselves of Ardee.² On November 3 and 4, Sir Henry Tichborne marched from Dublin with a regiment of hastily levied foot, many of them Irish of whose loyalty the government was uncertain, and two troops of horse, to augment the garrison of Drogheda which was now threatened; the loyalties of the townspeople there being also suspect.³

On November 4, by which date the rebels were in control of Armagh, Tyrone, Donegal, Fermanagh, Monaghan, Cavan, Longford,⁴ Leitrim, and part of Down, Phelim O'Neill and Rory Maguire published at Newry a commission from Charles authorizing arms to be taken in his defence. With this was issued a statement that arms had been taken for the regaining of the king's prerogative and for the defence of Irish catholics,

1. Bodl. Carte MSS ii.f.16.

2. Temple, Ir. reb., p.47. Bellings, Ir. confed., i.23. H.M.C. Ormond MSS n.s.ii.8.

3. Ibid, p.9. Cal.S.P.Ire., 1633-47, p.345.

4. H.M.C.Ormond MSS n.s.ii.7.

and that they would be laid down whenever the king should be pleased to so command and should take measures for the defence of both catholics and protestants against the puritans. The royal commission was dated 1 October 1641 at Edinborough, and sealed with the great seal of Scotland.¹

Those who maintain that this commission was genuine point out that the great seal was technically in a state of transit on October 1, Loudon having been appointed Chancellor on September 30, the seal to be handed over on October 2. It had previously been in the custody of Hamilton, and often in the possession of Endymion Porter, and the king could have worked on the loyalties of these people to obtain its use. Between October 1 and October 8, Lord Dillon of Costello-Gallen was sent to take his seat on the Irish Council, a coincidence which, it is claimed, suggests the probability of his having been employed with a message, that is, with the commission, to the conspirators.² Any evidence thus adduced is, of course, wholly presumptive. In fact, Hamilton had gone over to Argyle some weeks before the beginning of October, a circumstance which led to the euphemistic 'incident', and it is therefore highly improbable that the king should have had access to the seal while it was in transition between the successive custodianships of two of his opponents.³ In addition, even granting

1. Hickson, Ireland in the seventeenth century, i.113-5.
 2. Ibid, pp.113-21. Reid, The history of the presbyterian church in Ireland, i.304-8. Brodie, History of the British Empire, ii.378n.
 3. Carte, Collection of original letters, i.1-5. Dunlop, 'The forged commission of 1641', in E.H.R.ii.527 et seq.

that Charles could have made use of the seal, it is extremely unlikely that he should have sent the commission to O'Neill¹ rather than to the earl of Antrim. According to a deposition of Dean Ker, O'Neill at his trial confessed that, having found at Charlemont a patent belonging to the ~~xxx~~ Lord Caulfield, he had the seal detached from it and affixed to a commission which he had ordered to be drawn up. A Mr Harrison then admitted that he had transposed the seal. Despite offers of life and estate, O'Neill persisted to the last in his denial of the king's complicity.² It was claimed by Carte that the patent from which the seal had been taken was later produced in a law case³, but the fact of its existence was subsequently denied⁴ by a later earl of Charlemont. It does seem unlikely that Caulfield should have had a patent sealed with the great seal of Scotland. Dunlop insisted that as a catholic, O'Neill would have been unlikely to have lied about such a matter on the point of death, but nonetheless his reconstruction of the course of events (which will be outlined below) involved the acceptance of the fact that O'Neill did make a false statement at his trial about the source of the seal, in order to protect the king.⁵ Speculation on the precise delimitations of when, and in what circumstances, and to what degree, the religious beliefs of a catholic entitle him to be presumed veracious is,

1. Dunlop, loc. cit.

2. Hickson, Ireland in the seventeenth century, ii.370-72.

3. Carte, Ormond, i.365.

4. Brodie, loc. cit.

5. Dunlop, loc.cit.

however, of little evidential value. Brodie believed that Ker's deposition was mendacious¹, and certainly it is not confirmed by the surviving notes of the trial. On the basis of these latter, Hickson concluded that O'Neill's judges believed him to have received a commission from the king to raise the Irish against the parliament, and to have altered it to justify crimes and outrages for which he had no licence.² Since the extant /commission does not in fact justify those crimes and outrages, it is by no means clear what the particular point at issue is supposed to be. Dunlop, having rejected the authenticity of the commission, reconstructed the sequence of events on the presumption that the message sent to the earl of Antrim from York³ gave the conspirators the courage to rise, and deduced that the message carried by Lord Dillon, though certainly not the commission, was just as certainly not a countermanding order, and that whatever its content, it probably provided O'Neill with the materials for his forgery.⁴ Two weakpoints are at once apparent in this chain of reasoning: in the first place, there is no reason other than the conjectures of those who believe the commission to be genuine to suppose that Dillon carried any message at all to the conspirators; in the second place, having just demonstrated with meticulous and convincing detail that the king could not have had access to the seal on October

1. Brodie, loc. cit.

2. Hickson, op. cit., ii.173,188.

3. See above, page 413.

4. Dunlop, loc. cit.

1 while it was in transit, he contradicted himself implicitly by propounding without examination a theory which accounted for the physical mechanics of the forgery on the assumption that the king must have had access to the great seal to authenticate a message to the conspirators after October 1.

If Dillon did bear a message relating to a conspiracy, the probability is that it was addressed to the earl of Ormond rather than to any of the northerners, and it is a verifiable fact, an unusual phenomenon in this controversy, that Dillon, who took his seat on the Irish Council on October 15, did carry letters to Ormond from Scotland.¹

The most convincing argument against the authenticity of the commission seems to be the rarity with which it was used. It is inconceivable, for instance, that it should not have been displayed at the meeting between the northerners and the Pale.² The extremely cogent argument of Gardiner, who rejected the commission on the grounds that Charles would never have described presbyterians as protestants, as occurs in it, has yet to be met.³ Certainly while both viewpoints depend on hypotheses rather than evidence, the weight of the probabilities seems to be on the side of those who claim that the commission was not genuine. The precise manner in which the forgery was contrived has, however, yet to be demonstrated.

1. N.L.I., Ormond MSS vii.f.125.

2. See below, pages 455-6.

3. Gardiner, History of England, x. 92n.

In early November, an attempt was made to organize the defence of the Pale, the government wishing to display 'the great confidence they had in the Lords and chief gentlemen of the Pale' and 'persuade them of the great trust they really reposed in them'. Commissions of martial law for the summary execution of rebels and traitors were issued to Henry Bellings (County Dublin), John Bellew (County Louth), Richard Dalton and Thomas or James Tuite (County Westmeath), Valerian Wesley (County Meath), and James Talbot (County Cavan). Other commissions authorizing persons to levy forces, either horse or foot, within a specified county, and to wage war against the rebels, were issued to Ormond and Mountgarrett (County Kilkenny), Walter Bagenel (County Carlow), Sir James Dillon the elder and Sir James Dillon the younger (County Longford), Lord Dillon of Costello-Gallen (County Mayo), Sir Robert Talbot and Garrett Byrne (County Wicklow), Sir Christopher Bellew (County Louth), the earl of Kildare (County Kildare), Sir Thomas Nugent (County Westmeath), Nicholas Barnewall (County Dublin) and Lord Gormanstown (County Meath). In order to facilitate these persons in their endeavours, arms were allocated for the equipping of 500 men in County Meath, and for 300 men in each of the counties of Kildare, Louth, Dublin, and Westmeath.¹ On November 11, another proclamation was issued for the immediate removal from Dublin of all persons

1. Temple, Ir. reb., pp.55-8. Bellings, Ir. confed., i.21.
 Russell and Prendergast, The Carte MSS, Appendix A, p.195.

who had no necessary cause of residence there, in order that the country might not be left defenceless.¹

In early November also, the rebels in Cavan, headed by Phillip O'Reilly, sent a remonstrance to the Lords Justices and Council claiming to have been threatened 'either with captivity of our consciences, of losing of our lawful liberties, or utter expulsion from our native seats', and to have taken arms for the king's use and service.² It has been claimed that this remonstrance was drawn up, out of matter presented to him, by Bishop Bedall.³ The Lords Justices, however, received information that it had been drawn up in the Pale and brought to Cavan by Colonel Plunkett.⁴ Thus in their reply, on November 10, requiring the dispersal of the petitioners, they stressed that the loyal subjects of the Pale had petitioned against the rebellion.⁵ The rebels of Longford, all Farrells, also petitioned, through Dillon of Costello-Gallen, laying particular emphasis on their religious motive.⁶

Before coming to Dublin in response to the series of messages sent to him by the government, the earl of Ormond assisted in the organization of the defence of County Kilkenny. A meeting of the nobility and gentry of the county was convened, and it was agreed to raise 240 foot and 50 horse.

1. Borlase, Hist. of the reb., p.32; Appendix IV, pp.23-4.

2. Cal.S.P.Ire., 1633-47, pp.347-8.

3. Carte, Ormond, i.351.

4. Temple, Ir. reb., p.70

5. Cal.S.P.Ire., 1633-47, p.348.

6. Ibid, pp.345-6. P.R.O., S.P.Ire., 63/256.37. Borlase, Hist. of the reb., Appendix V, p.25.

The inhabitants of the town of Callan offered to muster and maintain 100 men, and other corporations in the county did likewise. They wanted, however, arms and ammunition, for which they were willing to pay. The Lords Justices refused to supply arms from the stores, but on November 9 they gave Ormond permission to buy and import arms from England and Holland.¹

On November 10, Sir Patrick Weames arrived from the king with a signification of the appointment of Ormond as Lieutenant General of the army in Ireland.²

By the time of Ormond's assumption of command of the army, three new regiments, each of 1,000 foot, had been raised in Dublin, mainly from among the refugees from the areas in rebellion. One of these regiments had already been sent to the relief of Drogheda. In addition, about 1,500 foot of the standing army, the entire complement^e of which had been summoned, were in Dublin. Ormond at once commissioned Coote, Lord Lambert and Crosby to raise three additional regiments, and thirteen others to raise companies of 100 men each. These new forces were all raised within a very short time, and by mid-November, the total number of men in arms in Dublin was close on 8,000.³

Ormond wished to attack the rebels at once with six troops of horse, 2,500 foot, and as many volunteers as cared

1. Carte, Ormond, ii.3-4.
 2. Ibid, p.4.
 3. Ibid, p.5.

to join him, and was confident of triumphing within three weeks. The Lords Justices, however, refused to entertain this proposal, advancing as their reason the familiar falsehood that there were not sufficient arms.¹

As soon as the rebellion had broken out in Ulster, Sir Robert Talbot had proposed to the government that he should be commissioned to secure the chiefs of the Byrnes and O'Tooles to hold as hostages for the fidelity of their followers. His offer was refused.² On November 12, the Irish in Wicklow, mainly Byrnes, did rise in rebellion, and laid siege to Carysfort.³ Despite the strategic importance of the area, no attempt was made to send assistance to its protestant inhabitants, on the grounds that the forces available were adequate only for the defence of Dublin.⁴

By November 13, the disturbances in the north had spread to Londonderry, Roscommon and Sligo.⁵ In the case of the latter two counties this seems to have been the result of incursions by the rebels in Leitrim, rather than of outbreaks within the counties themselves. The Lord President of Connaught, whose forces were limited to a troop of horse and 300 foot, found ready co-operation from the 'gentlemen' in dealing with these incursions.⁶ In Galway, Clanricarde, who had lately

1. Carte, Ormond, ii.4,6.
2. Ibid, pp.55-6.
3. H.M.C.Ormond MSS n.s.ii.17. Temple, Ir. reb.,p.58.
4. Temple, Ir. reb.,p.58
5. H.M.C.Ormond MSS n.s.ii.14.
6. Carte, Ormond, ii.41-2. Wood-Martin, History of County Sligo, p.36.

taken up his residence in Ireland, did his best to allay the fears aroused by the intemperate proclamation of October 23, and endeavoured to reassure those who feared that the rebellion would be exploited to withhold the 'Graces'. On November 14, he wrote to England requesting an authoritative declaration on this matter. His only standing force was 50 foot stationed at Loughrea.¹ On November 11, the citizens of Galway assembled at the tholsel and pledged themselves for his Majesty's service. Richard Martin wrote to Ormond on their behalf to procure arms, but the Lords Justices refused to accede to Ormond's request in the matter.²

Munster was as yet untouched by rebellion, though denuded of troops.³

When the news of the rebellion in Ireland was announced to the English House of Commons on November 1, a sum of £50,000 was at once voted for its suppression, the new Lieutenant was ordered to go to Ireland as quickly as possible, and it was directed that 8,000 men to assist the colonists should be raised immediately. On November 4, the House agreed to finance an expedition of 1,000 Scots troops to Ulster. On November 8, however, the exigencies of English politics began to intrude themselves in the matter. On the proposal of Pym, it was agreed that in view of the fear that evil ministers of state might divert money voted for the suppression of the rebellion

1. Carte, Ormond, ii.45-6, 51; v.261-2.
 2. O'Sullivan, Old Galway, pp.233-4. Memoirs and letters of Ulick, Marquis of Clanricarde (London, 1757), p.16
 3. H.M.C.Egmont MSS i. xxix.

to its encouragement (in England as well as in Ireland), the king should be required to name only ministers approved by parliament: otherwise the Commons would provide for Ireland without the king. This revolutionary move to arrogate to parliament an aspect of the executive power, which would preclude the possibility of the king at a later date finding himself at the head of a trained, experienced and victorious army to the extreme discomfiture of parliament, was the headline for future ~~xxxxxxxx~~ attitudes towards the suppression of the rebellion.¹

On November 11, fresh news from Ireland led to the immediate formation of a committee of supply. It was decided that 10,000 foot and 2,000 horse should be sent from England, and that the Scots should be asked to provide 10,000 foot also. This was assented to by the House of Lords. The city of London was reported to be ready to finance the immediate departure of 2,000 foot under Sir Simon Harcourt.²

In fact, however, the dispatch of men from England was held up by political considerations. The Commons was not prepared to send troops until it was sure that they would not be under the control of the king, and it was prepared to solve the immediate problem of relief for the Irish government by sending Scots soldiers to act for it until the question of the control of the English troops had been satisfactorily settled. The House of Lords, on the other hand, opposed as it

1. Gardiner, History of England, x.54-5, 56-7
 2. Ibid, pp.69-70.

THE DEFECTION OF THE PALEParliament.

The legality of the prorogation of parliament proclaimed by the Lords Justices was called in question. It was urged, in particular by Browne and Darcy, that failure to meet on the day appointed would involve automatic dissolution, and it was suggested that the Commons should meet on November 9, as arranged, adjourn to November 16, the date on which the Lords had arranged to meet, and that both Houses should then adjourn to the date appointed by the proclamation. The judges agreeing that this course would be safest, the government concurred.¹ The intention was for a very small number of members to perform the requisite formalities. Before the date of meeting, however, it being 'generally noised abroad, that the putting off the parliament was extremely ill-taken by the popish members of both Houses', Thomas Burke approached Lord Dillon of Kilkenny-West and complained that the prorogation hindered the whole nation 'from expressing their loyal affections to his Majesty, and showing their desires to quell this dangerous rebellion; and that they had reason to resent it so far, as to complain to the king thereof, as a point of high injustice'. Dillon having conveyed this opinion to the Council Board, Burke was sent for.

1. H.M.C.Ormond MSS ns.ii.18-9. Carte, Ormond, ii.62.

He expressed himself to the same effect, though in more restrained terms.¹ There followed a conciliar debate on the subject. Opinion was sharply divided. One school of thought, led by Ormond, Dillon of Costello-Gallen, and the re-instated Sir Piers Crosby, held that the prorogation should not be put into effect, since it might so irritate the Pale and other unaffected areas 'as might raise them to arms, and so put the whole kingdom into a general combustion.'² The Justices alleged as reasons why the prorogation should be upheld, that it 'would ~~be~~ highly trench upon the gravity and wisdom of the Board to alter a resolution so solemnly taken up'; that it would bring a dangerous multitude of people to the city; and that protestant attendance would suffer from the rebellion, leaving the catholics in a majority. In the conclusion it was decided that the prorogation should be maintained, but that some attempt should be made to conciliate those who opposed this course. Conciliation was to take the form of a reduction of the length of the prorogation, and permission for the parliament to sit for one day to enable it to make a protestation against the rebels, and to choose some members to negotiate with them 'about laying down of arms'. Ormond, Temple and Crosby were delegated to meet Burke, Darcy, 'and some others of the most active and powerful members of the House of Commons' to convey this decision to them.³

1. Temple, Ir. reb., pp.127-8.

2. Ibid, pp.127-9. Bellings, Ir. confed., i.24.

3. Temple, Ir. reb., pp.128-9.

This meeting took place at Cork House, and the members of the Commons were greatly disquieted when they discovered the impossibility of altering the prorogation. They pointed out that the last adjournment, anticipating as it did the return of the agents with concessions from the king, had perhaps removed the means of preventing the rebellion. To prorogue the parliament at this point was to make the same mistake on an even larger scale - 'we fear they but abridge the parliament and enlarge our troubles'. They undertook, however, to make the desired ¹ protestation.

The Commons met on November 9, and at once adjourned to November 16, 'in regard the House was but thin'.² It seems probable that the events narrated above in fact took place between these dates.

When parliament met on November 16:

'for the better security of the place, as well as of the persons of those that were to meet, there was a guard of musketeers appointed to attend during the time of their meeting; but care was taken, that they should carry themselves so free from giving any offence, that no manner of umbrage might be taken at their ~~presence~~³ attendance there.'

The House of Commons at once concerned itself with the preparation of the protestation which its representatives had earlier agreed to pass.

1. Temple, Ir. reb., p.129. Bellings, Ir. confed., i.27-8
 2. Commons' Jn. Ire., 9 Nov. 1641, p.289.
 3. Temple, Ir. reb., p.129.

The catholics in the House laboured 'earnestly to express the actions of the rebels in a language far below the heinousness of their crimes, standing earnestly not to have them called rebels or traitors, or using terms of aggravation against them'. Indeed, 'the appellation of discontented gentlemen was the worst that could be wrung from them'.² The catholics were initially successful: 'a very meagre, cold, protestation' was sent up to the Lords. The membership of the latter House comprised three or four lords of the Pale, two or three bishops, and 'some few English lords'. The protestants insisted that the protestation was wholly inadequate and that those in arms should be declared to be rebels. This being opposed by the catholics, a compromise was finally decided upon, and the legal phraseology employed in indictments for treason was adopted. That is to say, those in arms were not described as rebels, but they were described as having traitorously and rebelliously^u taken arms. It was a distinction with very little difference: the catholics, in fact, had lost the point at issue. The protestation drawn up in that form was returned to the House of Commons.³ Though the catholics⁴ in that House were by no means satisfied with the compromise, the amended protestation was accepted;⁵ according to later claims, only because the opposition were credibly informed that if they rejected it they would be shot on their way out of the

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1. H.M.C.Ormond MSS n.s.ii.23.
 2. Borlase, Hist. of the reb., p.33.
 3. Temple, Ir. reb., pp.129-30.
 4. Bellings, Ir. confed., i.30-1.
 5. Commons' jn. Ire., 17 Nov.1641, pp.293-4.

parliament House.¹

The government professed an inability to understand the reasons which determined the attitude of the catholics in the matter, 'but some who know them well would make us believe that their unwillingness to call them rebels proceeded out of some fear and apprehension lest the rebels should thereby be invited to a recrimination of some who though perhaps involved in the guilt of the rebels' conspiracy are not yet discovered as parties to their treason'.² The catholics themselves claimed to act as they did because of the danger to themselves and their estates, their desire being 'not too much to irritate those in action, until they were better armed to resist and suppress them'.³ The context within which the debate took place was the government's evident determination to wage, for the time being at least, a purely defensive war concentrated upon the maintenance of Dublin and Drogheda. This was a strategy which abandoned not only the estates but, in view of the proclamations enforcing residence upon those estates, also the persons of the 'old English' to the rebels. To avoid gratuitously offending those at whose mercy they might soon be placed was in the circumstances by no means an unwise policy. Further, it was the intention of parliament to enter into immediate negotiations with the northerners, and this constituted a frame of reference within

1. Remonstrance at Trim, Article 9, Carte, (Ormond, v.408-24.
 2. H.M.C.Ormond MSS n.s.ii.23.
 3. Idem. Clanricarde, Memoirs, p.25. (Gilbert, Ir.confed., i.
 (237-40

which an extreme denunciation might with some force be regarded as politically inexpedient and detrimental to the main object. An 'old English' author described the opposition to an extreme protestation as proceeding not merely from catholics, but also from those protestants 'who could not expect to better their condition by the ruin of the native'.¹

Both Houses of parliament, in a joint order, empowered a committee to approach the rebels and enter into conference with them to discover 'wherefore they have presumed to take up arms', and to treat with them according to such instructions as they should receive from the Lords Justices. The northerners were charged to abstain from all hostilities while the conference was taking place, and safe conduct was guaranteed. This committee consisted of the earls of Fingall and Antrim, Lords Gormanstown, Moore, Baltinglass, Dunsany, Lambert and Blaney, Bedall, bishop of Kilmore, Sir Charles Coote, Sir Piers Crosby, Sir Richard Barnewall, Sir Luke Fitzgerald, Sir Lucas Dillon, Sir James Dillon the elder, Sir Christopher Bellew, John Bellew, Nicholas Plunkett, Richard Bellings, Patrick Barnewall of Kilbrew, Hugh Rochfort, Brian O'Neill, Theobald Taaffe, Thomas Burke, Sir Robert Forth, Captain John Piggot and Sir John Dungan.² Only nine of the twenty-seven members of the committee were protestants, and of these one, Sir Piers Crosby,

1. Bellings, Ir. confed., i.30-1.

2. Commons' jn. Ire., 17 Nov.1641, pp.294-5.

seems later to have collaborated with the Confederation.¹

Father Hugh Bourke in Germany, prefaced an account of the setting up of this committee with the comment: 'The parliament of Ireland and the insurgents, as I understand, are in collusion to compass their end betwixt peace and war.'²

Certainly, the parliamentary opposition was not prepared to allow itself to be coerced by a sense of emergency into approbation of the government, or into neglect of its own interests. Lord Dillon of Costello-Gallen was appointed to approach the king with a document, signed by both lords and commoners, containing proposals for the suppression of the rebellion without assistance from England.³ It animadverted in particular upon 'the late frequent miscarraiges of your Justices and state here, towards the old English, and others of your subjects of this kingdom, since the present distempers of this land.'⁴ The most important practical contribution towards the formulation of an effective policy for dealing with the situation was a recommendation that the government of Ireland should be entrusted to the earl of Ormond.⁵ The general tenor of the address was that the establishment of reforms already promised would be a more effective method of dealing with the outbreak than reliance upon military force.⁶

Both Houses requested a longer sitting, but this was

1. Ware, 'Diary of Events ... 1623-47', June 1643. Gilbert collection, Pearse St Library.
2. H.M.C. Franciscan MSS p.111.
3. H.M.C. Ormond MSS n.s.ii.24-7.
4. Gilbert, Ir. confed., i.246-53.
5. Carte, Ormond, v. 315-7.
6. Temple Ir. reb. p.75.

preremptorily denied.¹ The request that the period of prorogation should be shortened was ostensibly granted when on November 17, having sat for more than the single day agreed upon, parliament was prorogued to January 11.² The Lords Justices, however, had every intention of evading this obligation if it should prove possible to do so.³ The government insisted that it would be impossible to allow a longer session of parliament 'without a great inconvenience in these times to his Majesty's affairs every way', and belittled the usefulness of what parliament had already done:

'albeit it is conceived by some that the protestation and the order for descending to conference with the rebels may pacify them for a time, yet we for our parts have no confidence in any such effects to be wrought by either.'⁴

This lack of confidence proved in the event to be not unrealistic. The conference committee, having been given a commission under the great seal by the Lords Justices, sent a letter to the northerners with the relevant order of parliament enclosed, 'but the rebels, finding their/^{own} strength (increase), and our succours not come, tore the order and letter in pieces and rejected the treaty' as⁵ the government reported. The rejection of the treaty may, however, more cogently be

1. Commons' jn. Ire., 17 Nov. 1641, pp. 293-5. H.M.C. Ormond MSS n.s. ii.19.
 2. Commons' jn. Ire., 17 Nov. 1641, p. 295.
 3. H.M.C. Ormond MSS n.s. ii.19.
 4. Idem.
 5. Ibid, p. 34. Temple, Ir. reb., pp. 130-1.

attributed to the fact that the discontinuance of parliament resulted in a withdrawal of any confidence which might have been placed in the effectuality or usefulness of such a treaty; and was, indeed, generally interpreted ^{to mean} that the government was averse to allowing the outbreak to terminate ¹ in the inconclusion of a negotiated settlement.

On November 26, a letter was dispatched by a select group of Councillors who asserted that 'we cannot (even at the Council Board) open ourselves' freely. The matters about which it was thought necessary to approach the Lord Lieutenant privately were the description of catholic opposition to the protestation, and the employment of Lord Dillon. The signatories of the address with which he had been entrusted were accused of misunderstanding 'the nature and height of the rebellion', and it was urged that such representations should not be allowed to interfere in any way with the sending of forces from England. Not only were such forces absolutely necessary, but the expense involved would be repaid by forfeitures. A number of 'old English' might fittingly be employed against the rebels, but it would be unsafe to make any decision about whom to trust until the government was in control of sufficient strength to indemnify it against the consequences of a mistake. Among those who appear to have been deliberately excluded from knowledge of this letter were the earl of Ormond and Lord Dillon of ² Kilkenny-West.

1. Bellings, Ir. confed., i.31-2.
 2. H.M.C.Ormond MSS n.s.ii.24-7.

3. Gardiner, History of Ireland, 2.96-7.

Dillon, together with his kinsman Lord Taaffe (both married sisters of Sir Nicholas White of Leixlip), left for England in early December. Between December 20 and 25, both were apprehended at Ware (Hertfordshire) by order of the English parliament. They were committed into custody and their papers were seized.¹

'Mr Thomas Burke went over much about the same time, and certainly upon the same errand'.²

On December 8 in the English House of Commons, mainly it seems as a reply to the petition of the rebels of County Longford, it was directed that the king be asked to declare that he would never consent to grant a toleration of religion to the rebels. On the motion of Holles, this was extended to entail an undertaking not to tolerate catholicism in any of the king's dominions, and in this form it was carried.³

The progress of the rebellion.

The arms supplied for the defence of County Louth, together with some equipment belatedly provided for the garrison of Dundalk, were never delivered, being stopped in passage by Lord Moore upon suspicion of the treachery of the intended recipients. At the same time, about November 16, the arms provided for the defence of County Meath, which were at Lord

1. Cal.S.P.Ire.,1633-47,p.353. Temple,ir. reb.,p.131. Borlase, Hist.of the reb.,p.35. Diurnal Occurences touching the daily proceedings in parliament, 20 December - 25 December, 1641 in Loughfea Pamphlets I, N.L.I.
2. Temple, Ir.reb.,p.131.
3. Gardiner, History of England,x.96-7.

Gormanstown's house, some five miles from Drogheda, were collected by a military detachment under Captain Wenman and conveyed to that town, upon 'intimation of some plot of the rebels to surprise them'¹.

The government reported on the situation in County Louth on November 22, claiming that:

'the rebels are harboured and lodged in the gentlemen's houses as freely as if they were good subjects, and no good or certain intelligence given by the gentry to the state or garrison at Drogheda of the rebels' proceedings, insomuch as the arms sent by us for the defence of that county we were necessitated to recall lest they should be given up to the rebels'².

The implications of this report seem not altogether honest, for it is clear that whatever their inclinations in the matter, the inhabitants of the county of Louth were neither sufficiently numerous, sufficiently well equipped, nor sufficiently organized, to be able to offer any form of effective resistance to the northerners.

On November 21, Lord Moore's residence at Mellifont, three miles from Drogheda, was invested, taken and plundered. It was clear that a full scale attack on Drogheda would not be long delayed.³ The loyalty of the catholic townsmen, who

1. N. Bernard, The whole proceedings of the siege of Drogheda in Ireland, (London, 1642), pp. 10-11.
2. H.M.C. Ormond MSS n.s. ii. 20.
3. Bernard, Siege of Drogheda, pp. 11-2. Borlase, Hist. of the reb., p. 37. Temple, Ir. reb., p. 135.

outnumbered the protestants by at least five to one, was highly suspect, and a repetition of the capitulation of Dundalk was not impossible. Reinforcements were accordingly prepared.¹

By November 25, the government claimed that Moore and Tichborne in Drogheda had reported that:

'the whole county of Louth, both gentry and others, are joined with the rebels and that the sheriff of that county, one John Bellew, esq. is likewise with them: and we find that in the county of Meath all the common people and most of the younger sons of the gentry beyond the river of Boyne, twenty miles from Dublin, do either join with the rebels or, taking advantage of the present troubles, do rob and spoil all the English and protestants'.²

Meanwhile, the rebel Byrnes in Wicklow had been joined by the O'Tooles. Carysfort and Wicklow Castle were besieged and forays were made not only into Carlow and Kilkenny, but almost up to the walls of Dublin.³ A rising also took place in County Wexford, and Arklow, Fort Chichester and Limerick (residence of Lord Esmond)⁴ were quickly seized.

Though the midlands were as yet unaffected, Dublin was threatened from both north and south, and the government defined its 'main endeavour' as being 'to preserve if it be

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1. Bernard, Siege of Drogheda, pp.7-9. Temple, Ir.reb., pp.47,135. Cal.S.P.Ire.,1633-47,p.345. P.R.O.,S.P.Ire., 63/260. 35.
 2. H.M.C.Ormond MSS n.s.ii.23.
 3. Ibid, pp.19-20. Carte, Ormond,ii.38-9.
 4. H.M.C.Ormond MSS n.s.ii.21-2.

possible this city and castle to his Majesty!¹ This aim involved some attempt to establish a perimeter of defence by containing the rebels at Drogheda and in Wicklow. On November 27, two expeditions were dispatched, one consisting of reinforcements and arms for Drogheda, and one for the relief of Wicklow.²

The expedition to Drogheda comprised 600 foot soldiers under the command of Sergeant-Major Roper, brother of Lord Baltinglass, whose first command it was, and 50 horse of Ormond's troop under Sir Patrick Weames. The soldiers were 'raw men newly taken up, not trained nor exercised'³, and the inexperienced Roper seems to have been utterly unable to control them. On the first day's march, the contingent succeeded in reaching no further than Swords, some five miles from Dublin. During the following day's march, intelligence was received from the earl of Ormond that a force of rebels was in readiness to intercept them. Tichborne, also apprised of the rebels' design, marched out from Drogheda to cover the last miles of the reinforcements' approach to the town. The latter, however, failed to appear, having succeeded in marching only as far as Balrothery, about eight miles from Drogheda.

On the following day, Roper was warned by Gormanstown that a rebel army was awaiting the reinforcements. Nonetheless, no effective precautions were taken, and the force blundered into an ambush at Julianstown Bridge. Confusion followed the

1. H.M.C.Ormond MSS n.s.ii.24.
2. Ibid, p.30.
3. Ibid, p.23.

discovery of the Irish. Ineffectual attempts were made to put the troops into order of battle, but a loud cry from the Irish completed their demoralization and they 'betook themselves to their heels'. Roper and two of his five captains escaped to Drogheda with about 100 foot, the rest being either killed or captured. All the horse reached Drogheda safely; in all probability by the effective expedient of almost immediate desertion. The rebels, who numbered about 3,000, were led by Roger Moore, Hugh Byrne, and Phillip O'Reilly, and Weames insisted they were 'not to be undervalued, and are no ~~XXXXXXXXXXXX~~ contemptible men'. He also maintained 'that there marched on every division of the rebels foot a friar or a priest', but there exists some considerable doubt as to whether he remained at the scene of conflict sufficiently long to allow of any such systematic observation.¹

This overwhelming victory of the rebels in their first engagement with the government forces gained them very considerable material advantages in terms of arms, ammunition and money which were being brought to Drogheda. It gained them also the tactical advantage of permitting uninterrupted disposition of forces for the investment of Drogheda. Its most important advantage, however, was in terms of prestige. That the government, which had made no attempt to defend the country against the rebels, and had been, at the least, irresolute in assisting

1. H.M.C.Ormond MSS n.s.ii.31-2. Cal.S.P.Ire.,1633-47,pp.352-3.
 XY Temple, Ir.reb.,pp.135-7. Borlase, Hist.of the reb.,pp.37-8.
Bellings, Ir.confed.,i.33-4. Comment. Rinucc,i.269-70

2. Gilbert, Ir.confed.,i.xxii-xxiii, Temple, Ir.reb.,p.138.

the country to defend itself, should have been defeated in its first encounter contributed substantially to a withdrawal of confidence in it. If its intentions were formerly in doubt, so now also were its abilities.¹

Sir Charles Coote left Dublin on the same day as the Drogheda contingent with 500 foot and 80 horse. On the following day, November 28, he garrisoned Newcastle and hanged two suspected spies. On November 29, he relieved Wicklow Castle, the besiegers withdrawing at his approach, and executed a number of persons, both men and women. On November 30, more people were executed in Wicklow town 'for receiving their neighbours' goods from ~~the~~ rebels'. At this point the government, fearing that the rebels might follow up their victory at Julianstown by marching on Dublin, ordered Coote to return. On his march back, he encountered about 1,000 Irish under Luke O'Toole at Kilcoole on December 1. After a brief skirmish in which the government forces claimed to have slain 27 Irish without loss, the Irish withdrew, taking refuge in a bog. After ~~xxxxxxxx~~ marching throughout the night on the orders of the Lord Justices, Coote reached Dublin on the morning of December 2, and was at once appointed Governor of the town.² In its own way Coote's expedition had as much influence on the climate of opinion as the defeat at Julianstown, for the lasting reaction to his indiscriminate violence seems to have been one of genuine horror.

1. Bellings, Ir.confed., i.34.
2. Gilbert, Ir.confed., i.xxxii-xxxiii. Temple, Ir.reb., p.138.

The 'old English' and the government, December 1641.

On December 3, letters of summons to a conference on the present state of the kingdom, to be held at Dublin on December 8, were sent to the earls of Kildare, Antrim, Ormond and Fingall, and Lords Gormanstown, Nettirvill, Trimleston, Dunsany, Slane, Louth, Fitzwilliam, Howth and Lambert.¹

Before this date the rebels, having fully invested Drogheda, had seized and manned boats along the coast between Dublin and Drogheda, and killed Derek Huyberts, a Dutchman, Keeper of Lambey Island.² A certain amount of pillaging on the coast north of Dublin also took place, whether by rebels or by persons exploiting their proximity was disputed.³ A small force of two officers and forty soldiers was sent out to deal with this situation:

'they went directly to Santry: and there finding some strangers with weapons, lodged in suspicious places, they slew four of them, who, as was conceived, were criminal offenders'.⁴

The reaction was immediate. Luke Nettirvill caused a proclamation to be issued requiring all the chief gentry and other inhabitants of the area to assemble at Swords. A large number of people met at that venue on December 7 or 8 and placed themselves in a posture of defence, arms being distrib-

1. H.M.C.Ormond MSS n.s.ii.36-7. Temple, Ir.reb.,pp.141-21
2. H:M.C.Ormond MSS n.s.ii.33.
3. Temple, Ir.reb.,p.148. Bellings, Ir.confed.,i.42-3.
4. Temple, Ir.reb.,p.148.

2. Bellings, Ir.confed., i.34-5.

uted, captains appointed, and preparations made to establish a settled camp.¹

Meanwhile, the inhabitants of Meath, who had been placed by force of circumstances in a close association with the northerners, had begun to consider the advisability of 'contracting friendship with them at whose mercy their persons, their estates and fortunes then lay'. Approaches seem to have been made to the 'old English' at an early date by Roger Moore, himself a landholder in the Pale, whose influence was augmented by the fact that he was married to a daughter of Patrick Barnewall of Kilbrew. He assured ~~them~~ the 'old English' that the northerners had neither the intention nor the desire to repudiate their obedience to the king, but were, on the contrary, fighting for his rights and prerogatives, 'adding many bitter complaints against the government as it stood in the hands of these ministers, from whom the lords were sufficiently alienated'.²

Such representations were wholly in accord with the facts of the rebellion. From the very outset, the rebels had been careful to establish two main points: that they were in no way disloyal to the king, and that they were primarily concerned with the defence of catholicism. These points had been a constant theme: they were introduced in the first proclamation of rebellion on October 24, re-emphasized in the explanatory proclamation issued with the king's commission on November 4 (which was addressed 'To all catholics of the Roman party, both

1. Temple, Ir. reb., p.148. Borlase, Hist. of the reb., p.40. Bellings, Ir. confed., i.42-3. Gilbert, Ir. confed., i.229. H.M.C. Ormond MSS n.s.ii.38-9.
2. Bellings, Ir. confed., i.34-5.

English and Irish, we wish all happiness, freedom of conscience!¹ and were the main gravamen of the petitions from Longford and Cavan. The latter in particular, which the remonstrants were assiduous in dispersing as widely as possible, was a source of great anxiety to the government, which feared that if the rebels could induce a general belief in their having been actuated by religious motives, they would thereby be able to seduce many to their cause.² The government was warned by the Lord Lieutenant against 'giving any apprehension to the Irish that (England) doth intend to make it a war of religion!³ In about the middle of November, the northerners adopted an oath which summarized the motives already articulated and made of them the foundation for their association in arms.⁴ This oath of association, taken upon the sacrament, bound its subscribers to defend the public and free exercise of the catholic faith against its enemies: to bear faith and allegiance to King Charles, and to defend him against those who attempted anything against his person or his prerogative: and to defend also the rights and privileges of parliament.

The propagandic value of so moderate a declaration must have been great, particularly among those who had not long before been authoritatively encouraged to participate in a conspiracy with not dissimilar objects. In contrast to the

1. Hickson, Ireland in the seventeenth century, i.113-5.

2. H.M.C.Ormond MSS n.s.ii.15.

3. Ibid,pp.29-30.

4. Ibid,p.24.

black and white vision of the government in general, the earl of Ormond was acutely aware, and not without reason, that more subtle shadings were involved. On December 1, he communicated to the king his fear that:

'religion has engaged many that do not yet appear: so that it is hard to say who are enemies, who are friends: and even amongst those that take arms in this unfortunate business, I doubt not but there are some that bear the hearts of men and aim not at shaking of your Majesty's government, but are seduced into a rebellious way of remonstrating and seeking redress for pretended grievances and fears.'

To his unexceptionable, and by no means incredible, claims, Moore added the implied threat that if those of the Pale would not join in friendship with the northerners, they would be treated as enemies.² In the aftermath of Julianstown, this was not a threat that could safely be ignored. It seems probable that an agreement at union was privately made between Moore and the lords of the Pale. At all events, the public meeting at which union was agreed upon bears all the marks of having been carefully staged.

Some days after Julianstown, Lord Gormanstown, in his capacity as officially appointed Governor of County Meath, sent a warrent to the sheriff of the county, Nicholas Dowdall, requiring him to summon the nobility and gentry to meet at

1. Gilbert, Ir.confed., i.232-4.
2. Bellings, Ir.confed., i.34-5.

Duleek 'to confer concerning the safety of the said county'. The place of meeting was afterwards changed to the Hill of Crofty. The lords of the Pale themselves, however, on the appointed day first met at the Hill of Bellewstown, where they consulted together before riding on to Crofty. At Crofty, the lords (Fingall, Gormanstown, Nettirvill, Slane, Louth and Trimleston) were met by a large assembly, which included persons from Louth as well as Meath. After some hours had elapsed in conference, a body of northerners, Colonel Mahon, Phillip O'Reilly, Roger Moore, Hugh Byrne, Arthur Fox, and a guard of musketeers, approached, and the assembly moved to meet them. Gormanstown demanded of them 'wherefore they came armed into the Pale', and Moore replied on their behalf.

In what appears to have been a prepared speech, Moore pointed out that the Irish nobility and gentry were unique in Europe in being unable to improve their fortunes by serving their king in places of honour, trust and profit. They were allowed neither the benefits of education nor of employment without first forfeiting their souls. The northerners, he claimed, would have been satisfied with the redress advised by the Irish parliament, but 'finding our grievances could not be distinguished (from yours, the state) chose rather to involve you in the same distrust with us, than free us from any part of the burden we bore in common with you'. The state, he

1. The following account is based upon Bellings, Ir.confed., i. 35-40, and upon the depositions of Edward and Nicholas Dowdall in Gilbert, Ir.confed., i. 268-78, 278-85.

assured the Palesmen, planned the introduction of a Scottish army, and the extirpation of catholicism - 'you are marked forth for destruction as well as we'. He asserted that the northerners were not merely obedient to the king, but that one of their greatest motives in taking arms was his deliverance from both the Scots and the English parliament. He concluded by emphasizing the interdependence and friendship of the 'old English' and the Ulster Irish:

'whereof there can be no more evident proof than that there needs no command from us to compell our men to leave your tenants in the free and undisturbed possession of their goods, or to restrain the liberty which soldiers do assume after a victory in arms regulated under the severest discipline'.

When the applause which followed this speech had ended, Gormanstown asked for, and received, a re-affirmation of the northerners' loyalty to the king. He then declared:

'Seeing those be your true ends, we will join with you therein.'

All present having assented, the two parties 'shook hands together'. It was declared that 'whosoever should deny to join with them, or refuse to assist them therein', should be treated as an enemy. A subsequent meeting at Tara having been arranged, the assembly broke up.

This second meeting took place on December 7. A draft answer to the government's summons to a conference on December 8 was produced by Lord Gormanstown, and, having been submitted

for consideration to the lawyers present, including Nicholas Plunkett, Sir Garrett Aylemer, and Richard Birford, was agreed to and signed, not only by the lords formerly present at Crofty, but also by Dunsany,¹ whose absence from that occasion had not been well received. In this reply, the lords stated that they had already attended the Council Board, that the advice which they had then offered had been ignored, and that they had been led to suppose that their loyalty was suspected. They understood that at the Council Board Sir Charles Coote had 'uttered some speeches tending to a purpose and resolution, to execute upon those of our religion a general massacre' and consequently judged it unsafe to obey the summons, until some security for their lives was offered. They concluded by expressing their continued concern for the furtherance of the king's service.² This business having been attended to, the meeting went on to arrange provision for the army besieging Drogheda. The sheriff was directed to apportion the contributions necessary, and to dispatch warrants for levying them to those formerly appointed government collectors at the quarter sessions.³

On the following day in Dublin, there appeared for the conference only the earl of Kildare, Lord Howth and, the single catholic, Lord Fitzwilliam. As yet unprovided with any explanation of the absence of the lords of the Pale, the

1. Gilbert, Ir.confed., i.300.
 2. Bellings, Ir.confed., i.39-40.
 3. Gilbert, Ir.confed., i.268-85.

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government postponed the conference.

On December 9, the state issued a warrant ordering that the assembly at Swords, gathered 'for what intent we know not, but apperantly to the terror of his Majesty's good subjects', and of the proceedings of which the government was 'willing to make an indulgent interpretation ... in regard of the good opinion we have of the loyalty of those gentlemen', should disperse on sight of this warrant. The leaders, Luke Nettirvill, George Blackney, George King, and others, were ordered to attend the Council Board on the following morning to give an explanation of their conduct. ² The assembly did not disperse, nor did those summoned attend the Council Board, but on the required day, December 10, a written explanation was sent. They were constrained to assemble, they claimed, for the safety of their lives, and had been inspired to do so by the murder of four catholics by soldiers at Santry for what were believed to have been religious motives - 'an act ... apt to strike fear and terror into all of that profession, a treaty being then entertained by the army beneath, which we expected might have produced a happy conclusion! ³

The treaty referred to was that undertaken by some catholic priests, led by Dr Cahill, with the permission of the Lords Justices who hoped 'to gain some time until our supplies might

1. H.M.C.Ormond MSS n.s.ii,37.
 2. Temple, Ir.reb.,pp.145-6. Borlase,Hist.of the reb.,pp.40-1.
 3. Gilbert, Ir.confed.,i.229.

come'.¹ O'Neill insisted upon the release of Lord Maguire, MacMahon, and others, as a preliminary to any treaty, and 'the state refusing with indignation, that design ended.'²

The ill-faith displayed by the state in continuing hostilities while a treaty was in progress, it was implied by the Swords leaders, made it necessary for them to insist upon an assurance of their safety as a condition of their obedience to the warrant.³

The reply of the lords of the Pale to the conference summons was received on December 11.⁴ Ancillary information was also filtering through, and on December 12 Ormond once more wrote to the king to say that his fears had been borne out in the event, 'almost all the lords within that they call the English Pale, having treated if not joined with that part of the enemy which lies before Drogheda'. Though no remonstrance had yet been presented, 'by such as I converse with of their religion I am told that the demands and outrage of those that first took arms will be moderated by the access of these noble-men unto them'. He understood that their main requirements would be the repeal of anti-catholic statutes, the establishment of free worship by Act of parliament, and that the profession of catholicism should not be a disqualification for office - but he pointed out that their demands would probably be

1. H.M.C.Ormond MSS n.s.ii.41.
2. Borlase, Hist.of the reb.,pp.46-8.
3. Gilbert, Ir.confed.,i.229.
4. H.M.C.Ormond MSS n.s.ii.37.

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proportionate to their success.

In the knowledge that 'those noblemen~~x~~ so far sided with the rebels, as they stood upon their guard', the state, in order to vindicate itself from public aspersions², published a proclamation denying any knowledge of the speech attributed by the lords to Coote, and repudiating any agreement with the sentiments ascribed to him. The summon^s₄es before issued were renewed, this time to a conference on December 17, and the word of the state was pledged for the safety of the lords.³ On the same day, December 13, a proclamation was also issued in reply to the communication received from the gathering at Swords. In this it was asserted that the four persons killed 'were such as were found faulty in rebellious actions', and that, so far from the cause being religious, one of the four was in fact a protestant. Once more, immediate dispersal on sight of this instrument was required, and Luke Nettirvill and others were ordered to appear before the Council Board on December 18 to justify their conduct. The Lords Justices and Council 'gave them, and every of them, the word of the state that they might then securely and safely ^{repair} ~~appear~~ thither, without danger of any trouble or stay whatsoever'.⁴

By December 14, the complete defection of the lords of the Pale was being presumed. In a dispatch of that date, of which once again Ormond and Dillon of Kilkenny-West were kept

1. Gilbert, Ir.confed., i.232-3.
 2. H.M.C.Ormond MSS n.s.ii.37.
 3. Temple, Ir.reb., pp.143-4. Borlase, Hist.of the reb., pp.41-2.
 4. Temple, Ir.reb., pp.146-7. Borlase, Hist.of the reb., p.41.

in ignorance, this defection was extensively belittled:

'we that know these lords and the power they are able to make, and their abilities in the conduct of important affairs, do well know that it adds no more strength in truth to the rebels than what they had before, for all the tenants and followers of those lords that could be seduced were before either declared for the rebels or secretly joined with them, so as the strength gained to the rebels by the defection of those lords is now in truth no more than the addition of those seven men to their number.'

In a dispatch of the same date (which Ormond and Dillon did sign) the opinion was expressed, concerning those assembled at Swords, that 'those gentlemen had a mind to join with the rebels, and do now take up pretences to cover their disloyalty and cast scandal upon the government.'

On December 14 also, the government received information of the pillaging ^{of} a barque near Clontarf by inhabitants of Raheny on December 11, and of the robbing of a house in Clontarf on December 12. A warrant, directed to the earl of Ormond as Lieutenant General, was at once issued, reciting that:

'Forasmuch as divers inhabitants of Clontarf, Raheny and Kilbarrock, have declared themselves rebels, and having robbed and spoiled ^{some of} his Majesty's good subjects,

1. H.M.C.Ormond MSS n.s.ii.42-3.
2. Ibid, pp.38-9.
3. Hickson, Ireland in the seventeenth century,ii,25-6.

are ~~there~~ ^{now} assembled thereabouts in arms in great numbers, mustering and training of their rebellious multitudes', therefore Ormond was to send a party to fall upon the rebels' at Clontarf and thereabouts and to burn and spoil all the rebels houses and goods'.¹

The government was fully alive to the possible consequences of the execution of this warrant:

'if to revenge this villany on the fishermen at Clontarf we send forth a party of soldiers to burn and spoil those rebels houses and corn, the gentlemen of the Pale will immediately take new offence, but that we will adventure upon, for now there is no dalliance with them who so far declare themselves against the state, not caring what scorns are put upon the government, wherein it is observable that the landlord of Clontarf is one of the gentlemen risen in arms at Swords'.²

In execution of the warrant, Sir Charles Coote marched to Clontarf on December 15, with 400 foot and 100 horse. Meeting with no resistance whatever, this force destroyed all available boats, burned a considerable part of Clontarf, including the house of its landlord George King, 'and took divers prisoners; but the young "villane", King's son, escaped at first'.³

The straightforward question as to whether this counter-action was not excessive, or even misdirected, was overshadowed

1. Temple, Ir. reb., p. 147. Borlase, Hist. of the reb., p. 42.
2. H.M.C. Ormond MSS n.s. ii. 39.
3. Gilbert, Ir. confed., i. xxxiii-xxxiv.

by a question more profound in its implications, for George King was included by name in the assurance of safety proclaimed by the government on December 13. Though the government claimed that that assurance extended no further than King's person¹, the episode was generally interpreted as a violation of the government's pledge.²

Ormond sent a messenger to the lords - 'a trustworthy person related to most of them' - to urge them to attend the conference arranged for December 17, and pledged his own word for their safety. They replied, however, that their fears were too justly grounded to be removed, and reminded Ormond that when he had offered at the outset to suppress the rebellion with the aid of volunteers, his offer had been refused by the Lords Justices. This refusal, the lords assured Ormond, proceeded from fears lest his success should endanger designs to bring over a Scots^x army later.³

Neither the nobility of the Pale nor the gentlemen of County Dublin attended the respective conferences to which they had been summoned.

On December 19, a small group of 'Anglo-Irish', as they described themselves, met at the house of Nicholas Darcy, Platten, in County Meath, and occupied themselves with the task of preparing an explanation of their conduct for submission to the king. They drew up a petition in which they denied

1. H.M.C.Ormond MSS n.s.ii.47.
 2. Bellings, Ir.confed.,i.44-5.
 3. Ibid, pp.41-2.

that they had withdrawn from their duty and allegiance to their king, and affirmed the motives 'that constrained us to take arms and join with the forces of Ulster' to be their desires to defend the royal prerogative, to secure the free exercise of religion, and to enforce the reformation of abuses and grievances. They requested that redress should be conferred upon them, as it had been upon the Scots, by a free parliament, and that until it should meet a cessation of hostile acts should be agreed upon.¹

To this petition they appended a detailed statement of the circumstances and influences which had finally led to their taking arms. They had, they narrated, at the very outset offered 'to appease the present troubles' if provided ^{with} arms: not only had these been denied to them, but the catholics in the city of Dublin had been disarmed. Both arms and commands had been given to English and protestants, but not to the 'old English', 'though they were earnest suitors for it, not knowing then the justness of the quarrel of the said Irish forces'. Unregulated and irresponsible hangings and murders were committed by martial law upon paper warrants, which were wholly against the fundamental laws of the kingdom. The country around Dublin, though not in rebellion, had been wasted in pursuance of a proclamation requiring all corn within ten miles of the city to be brought in within ten days on pain of burning: not only was the time too short, but those

1. Gilbert, Ir.confed., i.236-7.

who did manage to obey the proclamation received no payment for their corn. These proceedings having driven a number of subjects to arms in self-defence, some of them were given security of persons and goods in order to attend a conference in Dublin, but this pledge was violated by Sir Charles Coote, who attacked towns near Dublin where the said gentlemen then lay in garrison with their forces. The Lords Justices had procured the passage of an odious protestation in parliament with the specific purpose of incensing the northerners against the 'old English', who would have been massacred if they had opposed it. The northern forces had entered the Pale and endeavoured to compel the 'old English' to take arms: the 'old English, nonetheless, would never have done so were they not fully assured of the justice of the cause of the northerners, who had themselves taken arms for the defence and advancement of the just rights and prerogatives of the crown, and for the liberties, religion, possessions, estates and persons of all catholics in Ireland. This 'Apology' concluded by imploring the king not to take offence, but rather to vouchsafe the petitioners just cause for laying down their arms by remedying their grievances and giving them that security which would enable them to perform the services due to their king.

At the same time, a letter to the queen was drawn up, requesting her to mediate with the king. The only one of these three documents to be signed, it was subscribed by Fingall,

1. Gilbert, Ir.confed., i.237-40.

Gormanstown, Nettirvill, Slane, Sir Richard Barnewall, Nicholas Darcy and James Bath.¹

Sir John Reade, a Gentleman of the Privy Chamber, who had been sent to Ireland in 1639 to assist the earl of Antrim in the diversion which he had undertaken to make against Scotland; and who had, being at Platten on the onset of the siege of Drogheda (in which he resided with his family), been forced to associate with the leaders of the northern army, accepted the petitioners' request that he should carry these communications to the king and queen. He was in addition entrusted with a word of mouth message from the lords and gentry offering to serve the king with their persons, at their own expense, whenever and wherever he should command them.²

It was not until December 22 that the lords of the Pale dispatched an answer to the summons of December 13. They professed that their intense fear of the severity of Sir Charles Coote prevented them from entering his reach. They animadverted upon his 'inhuman acts' in County Wicklow, the massacre at Santry and the burning of King's house and substance at Clontarf. The latter they impugned as a breach of public faith, but ascribed responsibility to Coote, whose power and independence they emphasized. They requested that commissioners might be appointed to confer with them, and, as before, professed their loyalty and readiness to give advice for the

1. Gilbert, *Ir.confed.*, i. 240-1.
2. *Ibid.*, pp. 285-8, 288, 298-9.

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advancement of the king's service and the common peace.¹

In the preceding few days, the gathering at Swords had become openly rebellious, and Luke Nettirvill had advanced with a body of men to Santry, where they 'cast by some trenches, and made very good provision of victuals, intending to have spent their Christmas there', while Finglas close by was also garrisoned. On Wednesday, December 22, Coote marched from Dublin to Santry with 1,000 foot and two troops of horse. The opposing forces, however, 'consulted with their heels for the security of the rest of their bodies', and Coote occupied himself in burning the principal houses in the town, particularly that of Mr Arthur Hill, 'where the rebels kept their rendezvous'. Colonel Crafford, however, who had marched out in support of Coote, was engaged at Finglas by the rebels. Crafford's foot, a quarter of the 500 of which were probably catholics, were very hard pressed until, the sounds of battle having reached Santry, they were relieved by Coote and the rebels withdrew.²

After this defeat, Nettirvill and his forces re-assembled once more near Swords, having taken Artane and some other towns. Roger Moore, Eustace of Castlemartin, and others, were in command of a group of rebels lying close to Dublin at Rathcoole on the west. To the south, the Byrne's and O'Tooles from Wicklow were at some points only three or four miles from the city in considerable force. Not only was the city thus surrounded on

1. Gilbert, Ir.confed., i. 242-3.

2. Ibid, pp. xxxiii-xxxiv, 230-2. H.M.C.Ormond MSS n.s.ii.48.

land, but the rebels were also in control of the sea, and there existed for a time some danger lest a concerted move by the forces at Drogheda with those in Arklow and Wexford should enable the rebels to blockade the harbour of Dublin.¹

The government calculated that Drogheda was invested by as many as 20,000 men who 'now go so far as to call themselves the Catholic Army, a title which hath drawn many thousands to their party'.² On the grounds that many who were ignorant rather than malicious were seduced into joining the rebellion 'under countenance of his Majesty's name', the government recommended that the king should personally issue a proclamation calling upon the rebels to lay down their arms.³ Despite the precarious military position, however, and despite reason to fear that defection was spreading widely, the government thought it beneath the king's dignity to send commissioners to confer with the lords of the Pale, and declined to do so until specific instructions to that effect should be received from the king.⁴

In the meantime, the Pale was being organized in support of the army besieging Drogheda. The supply of provisions was attended to at the meeting at Tara on December 7, as recorded, and the sheriff of County Meath was issuing warrants for contributions, apportioned in accordance with the arrangements

1. H.M.C.Ormond MSS n.s.ii.39. Temple, Ir.reb.,pp.146-7,156.
Borlase, Hist.of the reb.,p.43.
2. H.M.C.Ormond MSS n.s.ii.35.
3. Ibid, pp.42-3.
4. Ibid, p.48.

there agreed upon, by December 16.¹ In connection with the supply of provisions, a number of persons were appointed to supervise the compulsory threshing of corn belonging to protestants.² This arrangement was being put into effect in County Meath, on the warrant of the earl of Fingall, by December 9;³ and in County Louth, on the warrant of Lord Louth, by December 10.⁴

On a local and personal basis, steps were taken to organize military support for the army besieging Drogheda almost immediately upon the union with the northerners. Thus, on 5 December 1641, Christopher Barnewall of Rathasket wrote to Sir Christopher Bellew:

'I pray you be here tomorrow with such forces of horse and foot as you can possibly make, whereof if you will fail there is a course to be taken for the ruin of yourself and your estate, which I advise you to prevent.'⁵

A thorough organization was not attempted until after the business of provisioning had been attended to. Whether military arrangements were made at the Tara meeting or on a subsequent occasion is not clear. At all events, early in December, Gormanstown, Slane, Trimleston, Dunsany, Sir Luke Fitzgerald, Valerian Wesley, Sir Richard Barnewall and Patrick Barnewall of Kilbrew, were entrusted with the military adminis-

1. Gilbert, Ir. xix confed., i. 280n.
 2. Ibid, pp. 268-78.
 3. Russell and Prendergast, The Carte MSS, Appendix A, pp. 196-7 (30, 41, 42).
 4. Ibid, App. A, (71).
 5. Ibid, App. A, (67).

tration of specific baronies and empowered to appoint captains and to raise soldiers within them, 'after the number of 8 soldiers out of a ploughland', who were to be maintained by the inhabitants of the ploughland concerned. A number of persons were nominated to act as a form of committee or tribunal to prevent disorders. Patrick Barnewall was instructed to compile a list of persons who might fittingly be required to act as horse troops, or to procure others to do so. The numbers aimed at were 1,000 foot and 120 horse. In order to procure the money necessary for the maintenance of the former, Gormanstown and Nettirvill wrote to two selected persons in each barony requiring them to lend a proportionate sum, engaging that it would be repaid when it could be gathered up from the country. They also issued Patrick Barnewall with a warrant empowering him to exact the sum required by force from these persons if they should refuse to lend it. Finally, Gormanstown was appointed General of foot and Fingall was appointed General of horse.¹ On about December 16, Sir John Reade was offered a payment of £600 per annum if he would accept the Lieutenant-Generalship of Gormanstown's command. He refused, however.² Gormanstown's appointment seems to have been of considerable political significance, for Phelim O'Neill had not merely been accepted already as General of the forces besieging Drogheda, but had also been entrusted with the government of the county of Meath during that service.³

1. Gilbert, Ir.confed., i. 268-78, 278-85, 299-300.
 2. Ibid, pp. 285-8.
 3. Bellings, Ir.confed., i. 46. Hickson, Ireland in the seventeenth century, ii. 190-1.

In County Kildare, the defection of the counties of Meath, Louth, Dublin, and of the lords of the Pale, resulted almost at once in a similar defection. Those process was led by the MacDaniels, but those who had been appointed captains in the county, and given arms to assist in its defence, joined the rebels soon after. Their decision once taken, these troops marched to the siege of Drogheda.¹ In County Westmeath, on the other hand, while the process was very similar, and those entrusted with the defence of the county went over to the rebels very early, the refusals of the earl of Westmeath and of Sir James Dillon to do likewise led to a failure to make an effective contribution to the rebellion.²

By about Christmas 1641, County Westmeath, together with County Longford, was found to have defaulted of the contingents of men required from it for the siege of Drogheda. The lords of the Pale wrote to the earl of Westmeath complaining of this defaultation, and employed a Franciscan, uncle to Dillon of Costello-Gallen, to approach him on the matter. The earl, however, refused to co-operate.³ His personal aversion to the rebellion was fortified by that of Dease, bishop of Meath, who was his permanent guest.⁴ Lord Dunsany was accordingly sent to the area 'to reconcile the factions'. He took the opportunity to intimate to those who were in rebellion in Westmeath that Gormanstown was fittest to have command of them, and then approached

1. Gilbert, Aph. disc., i. 18.

2. Ibid, pp. 19-20.

3. Gilbert, Ir. confed., i. 257-8. The friar was Fr. George Dillon.

4. Gilbert, Aph. disc., i. 34-5.

the rebels in County Longford and attempted to prevail with them to march where Lord Gormanstown wished. He was, however, unsure of the result, for he found that they had already been approached by Roger Moore.¹ This rivalry between the Irish and 'old English' leaders continued during January. On 9 January 1642, the gentry of Meath signed a commission appointing Gormanstown Commander in Chief.² Nonetheless, on January 15 Pheлим O'Neill commissioned Captain Arthur Fox as Sergeant-Major of Meath, and third in command of the Catholic Army.³ On January 25, the chief rebels in County Dublin, led by Luke Nettirvill, assembled at Lusk and signed a 'Desire ... that Lord Gormanstown should continue in command'.⁴ This seems to have been effective, for on February 12 Gormanstown commissioned Phillip Hore as treasurer of the Catholic Army in the county of Dublin.⁵

A copy of the oath of association which came to hand in Dublin before December 19 was somewhat modified from the original in containing a vow 'to make no difference of disparity betwixt mere Irish and those of the Pale so they be professors of the holy church and maintainers of the country's liberties'.⁶ It is evident, however, that concord was not so easily established, and that even the leaders of the movement were not enabled in virtue of their common purpose to transcend jealousies and factions.

1. Russell and Prendergast, The Carte MSS, App., A. (1).
2. Ibid, App. A, (12).
3. Ibid, App. A, (87).
4. Ibid, App. A, (8).
5. Ibid, App. A, (83).
6. The last news from Ireland (London, 1641), Loughfea Pamphlets I, N.L.I.

XVIII

THE REBELLION IN 1642

The spread of the rebellion.

In the province of Connaught, as has been seen, the Irish in the county of Leitrim were in revolt from the outset of the rebellion: in Roscommon and Sligo, on the other hand, the co-operation of the 'Gentry' had enabled the Lord President to control the first disturbances. The townsmen of Galway had declared their loyalty on November 11: on November 18, the inhabitants of the county in general agreed to maintain a force of 400 foot (commanded by eight captains, four of them 'old English') and 100 horse (commanded by two captains, both of them 'old English') for a period of forty days. These men were mustered by the end of the month.¹ Though their arms were wholly inadequate, they were unable to persuade the government to assign any for their use.² A similar meeting to that in Galway took place in County Sligo towards the end of November. Presided over by O'Connor Sligo, the principal landholders of the county unanimously resolved to keep the peace unbroken and to repress both the incursions of rebels from other counties and the 'violent courses of idle persons within the county'.³ In the last week of this month, the earl of Clanricarde went on a lengthy progress round the borders of Galway and found that

1. Clanricarde, Memoirs, pp.18-9,26.

2. Ibid, pp.22,26.

3. Wood Martin, History of County Sligo, pp.36-8.

all was quiet.¹

The growth of the rebellion in other areas, however, affected the situation in Connaught. On December 12, the Lord President expressed his fear that he would not be able to prevent a general revolt, so strongly had the declaration of the Pale against the government animated all within the area of his administration.² On the same day, Patrick Darcy (who had been in touch with Clanricarde since the outbreak of the rebellion, and had plied him not merely with asservations of loyalty, but also with advice on how to preserve his government from contagion)³ wrote to inform the earl that Meath, Louth, Kildare and Fingall (a barony in north County Dublin) had declared themselves in arms - 'by the manner of his expressions', Clanricarde later commented, 'I did then conjecture that his own inclinations were wavering and leading that way'.⁴

By the middle of December, the counties of Mayo, Sligo and Roscommon, true to the Lord President's forecast, had joined actively in the rebellion, and neither the Lord President himself nor the earl of Mayo, who had been appointed to the government of County Mayo, was in a position to take any effective⁵ action: nor was Clanricarde in a position to assist either. Just after Christmas, the rebellion reached Galway, the O'Flahertys rising in Iar Connaught; early in the new year

1. Clanricarde, Memoirs, pp. 36.

2. Idem.

3. Ibid, pp. 5, 17.

4. Ibid, p. 38.

5. Ibid, pp. 38, 44, 59. Carte, Ormond, ii. 261-2.

their example was followed by the O'Malleys in Innishboffin.¹

Though only these two areas in the county of Galway were in open rebellion, petty disorders in the remainder of the county became overly frequent, and the likelihood was that they were being encouraged by a number of the persons who had been appointed captains of the forces raised. This circumstance greatly reduced the effectuality of the systematic policing activity which Clanricarde did his best to organize. Disaffection was spreading throughout the county, and the oath of association was being widely taken at the instigation of the clergy.² Whether this was in fact the root cause of the dispute which shortly arose between the town and the fort of Galway (the latter commanded by Captain Anthony Willoughby) is not clear, but the proximate cause was perhaps a sufficient one: the inhabitants of the town, who had been supplying the fort with provisions since the beginning of the outbreak, refused in January to do so any further without payment.³ The dispute, punctuated by reconciliations negotiated by Clanricarde, went on intermittingly for some months, and constituted, on a superficial view, the earl's main problem. His most important problem in fact was the intangible one of the spread of a more or less organized disaffection in the county, though as yet there was no open break with authority.

According to his own statement, it was his insecurity and

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1. Clanricarde, *Memoirs*, pp. 41, 53.
 2. *Ibid*, pp. 46, 65, 75, 81.
 3. *Ibid*, pp. 65, 71, 81-2, 85-94, 96.

lack of military force which led him to entertain overtures from the rebels. His relations with those of the Pale will be dealt with later.¹ He also entered into negotiations with the rebels in County Roscommon. In early February, he was approached on their behalf by Sir Lucas Dillon and Hugh O'Connor with a proposition that he should take over the leadership of the rebellion in that area. Clanricarde sent to the rebels a copy of the letter which he had received from the king in reply to his request, giving an assurance that those who remained true to their allegiance would not lose the benefit of the king's 'Graces'.² He also made implicit overtures towards a pacification.² Somewhat later, the rebels of that area, admitting that they were in some difficulty, appealed to the earl to negotiate a cessation on their behalf.³

By constant watchfulness and exertion, by conciliating those openly in arms, and by the two important but imponderable influences of the king's letter and his own example, the earl of Clanricarde succeeded in keeping most of Galway from open revolt.

A meeting of the gentry and freeholders of County Clare was convened by the earl of Thomond on November 24: captains invested with martial law powers were appointed, companies were ordered to be raised, and a levy of one shilling on each ploughland to purchase arms was made. The rebellious activity in the

1. See below, pages 489-92.
 2. Clanricarde, Memoirs, pp.47,66-9.
 3. Ibid, pp.94-5.

area in the year 1641 was confined to cattle raids and other small disturbances. John and Oliver Delahoyd were in rebellion as early as December 9. Oliver was captured, ~~xx~~ released, given a commission of martial law, and was shortly afterwards in rebellion once more.^x This was not an isolated instance: there are a number of other examples of Thomond's lenity, and he did not escape a charge of encouraging the rebels. In the beginning of January, the earl held a Quarter Sessions at which he entreated the 'gentry and commonalty' of the county to remain loyal. Nonetheless, the later part of the same month saw the spread of the rebellion generally throughout the county, assisted in great part by the forces which Thomond had raised for its defence, so that the earl was unable to take action of any kind.¹

The entire province of Munster remained quiet for some time after the outbreak of the rebellion. The Lord President, who seems to have had at his disposal no more than two troops of horse, employed his time in writing impatient criticisms of government policy. The attitude of mind which he displayed boded ill for the future. Having early assured Ormond that 'in these days my Lord, Magna Charta must not be wholly insisted upon'², he went on to criticise bitterly the government's action in giving arms to the catholics: 'and now (the Lords Justices) may pray that (the 'old English') stand right

1. Frost, History and topography of County Clare, pp. 340-8, 366.
 2. Carte, Ormond, v. 256-7.

1. Carte, Ormond, v. 256-1, 257-4.

2. H.M.C. Ormond MSS v. 2, p. 11, 27.

(3). Ibid, p. 40.

to them against their own side, for they are merely at their devotions'.¹

The position in Munster was complicated by the presence near Kinsale of a regiment of 1,000 men who had been assembled together in readiness to sail to Spain by Colonel Garrett Barry. When ordered by St Leger to disperse these men, Barry failed to comply, and though the force remained inactive, it constituted a potential threat with which the provincial government had not sufficient force to contend.² The Lord President was authorized to raise a regiment of 1,000 men, and 120 horse, but neither arms nor money were provided.³

The first disturbance in Munster was the theft of some cattle from St Leger's brother-in-law at Ballyowen in County Tipperary. Released from his galling inactivity, St Leger marched swiftly to the area and gave expression to his contempt for Magna Charta in a brief campaign of devastating indiscriminate vengeance. He received an opportunity to display his distrust of catholics some days later. On about December 1, he was approached at Clonmel by many of the nobility and gentry of County Tipperary, who had observed ~~XXXXXX~~ how 'he had exasperated the people generally to run from house and home, and that they were gathering in great numbers together, not knowing what to trust to'. They offered him their assistance in preserving the peace, if he would 'qualify them with authority and arms'. However, 'he in a furious manner answered them that they were all rebels, and that he would not trust one soul of them but thought it more prudent

1. Carte, Ormond, v. ~~258-77~~ 260-1, 263-4.
2. H.M.C. Ormond MSS n.s. ii. 27. (3). Ibid, p. 40.

to hang the best of them'.¹ On December 3, hearing that rebels from Leinster had made a sortie into Waterford, St Leger marched to that county, where he took similar action to that which he had taken in Tipperary, with very similar results.² A movement of the 'common sort' in Tipperary to attack Cashel on about December 6 was averted by the representations of the gentry and clergy, and the county relapsed into quiet.³

In Kilkenny, where the 'common sort' were in revolt by the beginning of December, Lord Mountgarrett, seeing, as he himself explained, other innocent persons treated as traitors,⁴ and having no reason to expect more just treatment for himself, and influenced, too, by 'the apprehensions he had of the height to which the meaner sort of people might grow up against the nobility and gentry', as his son-in-law explained,⁵ assumed control of the rebellion in Kilkenny towards the end of December. Having taken possession of Kilkenny town, he dispatched parties to secure the other towns in the county, and sent his son, Edmond Butler, to reduce County Waterford. In County ~~xx~~ Tipperary, Purcell, titular Baron of Loghmoe, Phillip O'Dwyer, and branches of the Butler family including Lord Dunboyne and Richard Butler of Kilcash, brother of the earl of Ormond, gathered 'the common sort' together on December 31 and January 1, and took possession of Gowran, Fethard, Callan, Cashel and

1. Hickson, Ireland in the seventeenth century, ii.241-8.
 2. Idem. Fitzpatrick (ed.), Waterford during the civil war, p.115.
 3. Hickson, Ireland in the seventeenth century, ii.241-8.
 4. Gilbert, Ir.confed., ii.1-2.
 5. Bellings, Ir.confed., i.66.

Carrick. Within one week after the defection of Mountgarrett (who was not inexperienced in rebellion, for he had joined O'Neill against Queen Elizabeth), virtually all the towns and castles in Kilkenny, Tipperary and Waterford were in the hands of the rebels.¹ By January 6, a large number of the inhabitants of County Limerick, led by the two Burkes, Lords Brittas and Castleconnell, had 'declared themselves in open action'.²

The rebels in County Tipperary having invited Mountgarrett to be their General in Chief, with Lord Ikerryn as Lieutenant General, he raised the Kilkenny forces, joined those of Tipperary at Cashel, and marched into Limerick where, gaining further strength by the adherence of Brittas and Castleconnell with their followers, he took Kilmallock. Early in February 1642, this army turned southwards and marched towards Mallow and Doneraile in County Cork, apparently on the invitation of Lord Roch and others in that county. At Ballyhowry, it was intercepted by St Leger with a small force. The events which followed are confused. St Leger seems to have sued for peace, and the gentry 'who had by reason of their want of experience after forty years' peace; fancied the war a pleasant progress, and but a change of exercise; and were now disillusioned, concurred in his request. The Lord President at once retreated to Cork. The rebels, however, went on to take Mallow, the castle of which yielded upon quarter. Mountgarrett insisted upon honouring the quarter; Roch opposed

1. Bellings, *Ir. confed.*, i.66. Gilbert, *Ir. confed.*, i. xxi-xxii. Hickson, *Ireland in the seventeenth century*, ii. 241-8, 248-50. H.M.C. Ormond MSS n.s. ii. 48-9. Carte, *Ormond*, ii. 152-8; v. 279.

2. Morrice, *Memoirs of Orrery*, f. 113 : B.M., Add. MS 4227.

him, and a brief fight took place between their forces. Roch was supported in his denial of Mountgarrett's authority by the Cork rebels who insisted on the right to elect a general which had been exercised in other counties. Reconciliation proving impossible, Mountgarrett withdrew with his forces and returned to Kilkenny.

St Leger was thus given a respite, and occupied himself with preparing to recapture Dungarvan. On February 24, he stressed the importance of the fact that Muskerry remained firm, which made him 'value the defection of the rest at a less rate'. The rebels who had been left to their own devices by Mountgarrett also bethought themselves of Lord Muskerry, an exception, Bellings believed, to 'the great scarcity and fatal barrenness of ability among the then set of noblemen', and invited him to join them. Muskerry himself traced the development of his outlook towards the rebellion in a letter to the earl of Barrymore:

'Upon the first rising in arms of the Ulstermen, and after of Leinster and Connaughtmen, against the king and commonwealth, as I then conceived, I did as much abhor and detest their insurrection, and wished as evil success to that their desperate attempt, as I took it, as either English or Irish could wish, until at length

1. Bellings, Ir.confed.,i.66-7. Fitzpatrick, Waterford during the civil war, pp.117-20,132. Carte, Ormond,ii.158-61.
2. Fitzpatrick, Waterford during the civil war, pp.125-6.
3. Carte, Ormond,v.295.
4. Bellings, Ir.confed.,i.68-70.
5. Fitzpatrick, Waterford during the civil war, p.130.

upon better consideration, having examined all the ways I could for finding out the true grounds for that insurrection, I found out the cause of their discontent and rising in arms was the apparent ruin and destruction threatened to Catholic religion, king and country, which I did not altogether believe to be the grounds of their quarrel till I saw all Munster/ ^{either} rise or ready to rise out, whereat I was much amazed, that I did more seriously expostulate with all, or the most part of the province of Munster, than with the rest, to dive into the true cause of their discontent, who all protested that they wished no harm to the king of England, nor any English whatsoever, but that apprehending a general fear of prosecution, ruin and destruction to religion, king and country, they were fearful and sensible thereof, that they held it more safe and honourable for them to expose their lives and fortunes to all hazards for justification of those three, than to be of the happiest condition without assurance of enjoying them'.

Believing them to be sincere in these motives, and correct in the course of action which they had taken, Muskerry joined the rebels. ¹ On March 2, at his instigation, dissensions were resolved, and Colonel Garrett Barry was appointed General of the forces in Cork. On the news of Muskerry's defection, St Leger,

1. Fitzpatrick, Waterford during the civil war, pp.130-1. Bellings, Ir.confed., 1, 68-70.
 2. Ibid, pp.73-5. Cal.S.P.Ire., 1633-47, p.357. Fitzpatrick, Waterford during the civil war, pp.127-6, 131. J.Hogan (ed.), Letters and Papers relating to the Irish rebellion between 1642-46 (Ir.MSS Comm., Dublin, 1936), pp.14-16.

who had recaptured Dungarvan on March 4 and 5, returned to Cork, where, having been joined by re-inforcements of 1,000 foot, with neither money nor arms, from England, he was besieged by Barry.¹

The rebellion had become general in County Kerry by the middle of February. Lord Kerry, who had been appointed Governor of the county, and who had, in accordance with the general trend, been betrayed by those to whom he had delegated authority, including his half-brothers and Piers Ferriter, abandoned his trust and fled to Cork en route for England. The rebels settled down to besiege Tralee, and sent a contingent to join the Munster army before Cork.²

The city of Waterford, having remained neutral for some time, submitted to the rebels, who seem to have had a virtual standing committee representing the counties of Waterford, Wexford, Tipperary and Kilkenny to conduct negotiations with the townsmen, in late February or early March.³ Dungarvan was recaptured by the rebels on about 15 March 1642.⁴ By this date, all Munster, apart from isolated towns and castles (Cork, Limerick, Kinsale, Youghal and Bandonbridge among others), was in rebellion.⁵

~~1. Fitzpatrick, Waterford during the civil war, pp. 9-12.~~

2. Hogan and Fitzpatrick as cited in last note.
2. Hickson, Ireland in the seventeenth century, ii. 385-7. Comment. Rinucc., i. 310-11, 313. M.F. Cusack, A history of the kingdom of Kerry, pp. 244 et seq.
3. Fitzpatrick, Waterford during the civil war, pp. 9-12.
4. Ibid., p. 49.
5. Cal. S.P. Ire., 1633-47, p. 357. Comment. Rinucc. i. 307-9.

The war in Leinster.

Though the town of Drogheda was entirely surrounded by the beginning of December, there was in fact no regular sieging operation, partly as a result of the unsuitability of the season, partly because the rebels lacked the proper instruments of war; the rebel army, which was estimated to number about 20,000 (but numerical estimates of the period are extremely unreliable), and which was augmented by levies of men in the Pale, was loosely quartered in the villages near Drogheda. Shortly after the investment, the rebels sent Fr. Darcy, formerly Prior of the Dominicans in Drogheda, to demand surrender. He exhibited the oath of association, saying that it had been generally taken by the lords of the Pale. No sooner had his demand been rejected, than an equivalent oath for the defence of the town was framed. It was taken by catholic soldiers, but the Mayor and Aldermen 'returned a flat refusal, only coloured with the pretence of endangering a fair quarter'. Prominent in the approaches made by the rebels to the town were John Stanley, one of its members of parliament, and John Bellew, member of parliament for County Louth: 'the subject of much of their discourse was a desire to do the town good service which might be the more credible in regard they had some estates in it'. Quite apart from the questionable loyalties of the townsmen, the catholic soldiers, notwithstanding their reaction to the oath, were by no means reliable, and Sir John Nettirvill's company in particular (he himself being

absent) distinguished itself by periodic mutiny and piecemeal desertion.¹

After a general assault had been repulsed on December 20, the rebels concentrated on reducing the town by starvation. To prevent its relief by sea, a chain was stretched across the channel of the Boyne, and a barque sunk in the middle of it. By coincidence (or divine intervention, as the protestants believed) this barque was swept out to sea immediately before the arrival of a relief ship from Dublin on January 11. It was successful in sailing over the chain and reaching the town. The besieging army profited by the resultant celebrations to make a surprise attack, apparently by collusion from within, through an entrance in the walls, and was only with difficulty repelled. The siege was maintained without major incident, but with considerable effect, and the besieged were in very great distress when, near the end of February, another relief ship, bearing not only provisions, but also military reinforcements, succeeded in reaching the town. At once, O'Neill made a full scale scalado attack, but was unsuccessful. The catholic townsmen of Drogheda were now expelled, and Tichborne adopted a policy of daily sallies against the besiegers with considerable success. On March 5, the rebels raised the siege and withdrew northwards. This withdrawal was caused not only by Tichborne's activities, but also by events in Dublin.²

1. Bernard, Siege of Drogheda, pp. 21-4, 34. Comment. Rinucc., i. 270-2. N.L.I., Ormond MSS vii. ff. 151-2. Carte, Ormond, ii. 164-5.
2. Bernard, Siege of Drogheda, passim. H.M.C. Ormond MSS n.s. ii. 64-5, 79, 93, 201. Comment. Rinucc., i. 275-80, 281-2, 287-9. Carte, Ormond, ii. 166-79; v. 296-7.

The parliament, which had been prorogued to January 11, was again prorogued by proclamation, on the grounds that many members of both Houses were involved in the guilt of the rebellion. Once again, however, the questionable legality of this proceeding led to a brief meeting of parliament for the single purpose of regularizing the position. The government took the opportunity to emphasize, through the Speaker of the House of Lords, that the king would not depart from any of his promises regarding the settling of estates and other 'Graces'. The parliament was then prorogued to June 21 following.¹

Sir Simon Harcourt had arrived in Dublin from England with a regiment of 1,100 foot on ~~JUNE 30~~² December 30. The government derived some confidence from this first tangible evidence of English solicitude, and on January 11, Sir Charles Coote, with 2,000 foot and 200 horse, routed the rebels of north County Dublin at Swords, taking and burning both the town and adjacent villages.³ At the beginning of February, the force of rebels at Rathcoole were driven off by Captain Armstrong with 200 horse.⁴

The government's first major campaign began on Monday, January 31, when the earl of Ormond, attended by Coote, Lambert and Harcourt, marched from Dublin to Newcastle with 2,000 foot, 300 horse and 5 small field pieces. Having burned the town

1. Commons' jn. Ire., 11 Jan. 1642, pp. 295-7. H.M.C. Ormond MSS n.s. li. 55-6, 62, 64.

2. Ibid, p. 56.

3. Ibid, p. 63.

4. Ibid, p. 70.

~~xxxx~~ and the adjoining castle and village of Lyons on February 1, the force marched on to its main objective, Naas, which seems to have served as the administrative centre of the rebels in Kildare. The latter, with the townsmen, abandoned the town on Ormond's approach. Ormond remained at Naas for several days, sending out parties to burn the neighbouring villages. To punish the inhabitants of the town for their forwardness in relieving the rebels and despoiling protestants, it was given up to the soldiers for plunder; its strategic importance, however saved it from burning. On February 3, still totally unopposed, Ormond returned to Dublin.¹

The reaction of the rebels to this campaign was summarized in a message sent to Ormond by Lord Gormanstown, who asserted 'that it was very ill taken by the country, and the Irish army, that the earl of Ormond did make inroads into that country', and threatened that his wife and children, who were in the hands of the rebels, would answer for any further exploits.²

On February 8, the government issued a proclamation offering substantial rewards for the heads of the leading rebels (the lords of the Pale excluded) to be brought in by March 25.³ On February 12, Lord Lambert routed the Wicklow rebels about five miles south of Dublin.⁴ The government was steadily regaining ground.

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1. H.M.C.Ormond MSS n.s.ii.70-1. Carte, Ormond,ii.174-5.
 2. Ibid,v.291-3.
 3. H.M.C.Ormond MSS n.s.ii.201.
 4. Ibid, p.82.

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On February 20, there arrived in Dublin, after being delayed for a long time by unfavourable winds, twenty signed copies of the king's proclamation earlier desired by the government, declaring that those in arms were rebels and traitors, and commanding them on their allegiance to lay down their arms, it affirmed that the government was authorized to prosecute war against those who refused to obey this summons. It was dated January 1.¹

Together with this proclamation, there arrived Sir Richard Grenville with 400 horse, and Lieutenant-Colonel Monck, with the Lord Lieutenant's regiment of 1,500 foot. These reinforcements were accompanied by neither money nor provisions, and the government began to feel the effects of its scorched earth policy, for supplies were wholly insufficient. Many of the soldiers already in Dublin were diseased, unpaid and discontented. It became imperative that employment for them should be found outside Dublin. A temporary outlet was found in the taking of Kilsalgan Castle commanded by Hugh Byrne about seven miles from Dublin.² A more prolonged and productive campaign however was necessary and, partly 'to keep them in action and partly to hold them in heart with pillage amongst the rebels', orders were given to Ormond to march with 3,000 foot and 500 horse towards the Boyne, prosecuting with fire and sword all rebels and their adherents, and burning and destroying all towns and houses where they resided, or were harboured. He was not to be

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1. H.M.C.Ormond MSS n.s.ii.81. Gilbert, Ir.confed.,i.253-4. Comment.Rinucc.,i.283-4.
 2. H.M.C.Ormond MSS n.s.ii.82,86-7.

absent more than eight days, and he was on no account to cross the Boyne.¹ After Ormond had thwarted an attempt to have the the command of this predatory rather than military expedition entrusted to Harcourt, he marched out of Dublin on March 5. On March 7, he began according to his instructions to lay waste plunder and burn the Pale, meeting with no resistance whatever.² News of his coming seems to have been one of the factors leading to the abandonment of the siege of Drogheda.³

Ormond's expedition interrupted also another chain of events. On January 20, the earl of Clanricarde, in a statement so balanced as to be almost sympathetic, informed the king:

'that either fear, affection, or want of timely relief and employment, hath in a manner joined the whole kingdom into one body of discontent and taking arms: the suspicion they hold of the state at Dublin, the rumours of the great persecution in England, the designs laid (as they give out) to put the same laws in execution here, and themselves by general ways into desperation, both of lives and fortune, together with their plausible⁴ declarations, working upon the minds of most men'.

On the following day, Lord Gormanstown wrote to Clanricarde recapitulating the motives of those in arms - 'to vindicate the honour of our sovereign, assure the liberty of our conscie-

1. H.M.C.Ormond MSS n.s.ii.86-7. Carte, Ormond,ii.189.
 2. Ibid, pp.189-90.
 3. Comment.Rinucc.,i.293-4.
 4. Carte,Ormond,v.283.

nces, and preserve the freedom of this kingdom under the sole obedience of his sacred Majesty' ¹ - drawing attention to the equivocal behaviour of the Lords Justices, in view of which 'it was a blessing of God that the Irish had proposed to themselves fair ends', and requesting his adherence to those in arms against those who would abridge the king's power 'and limit him how far he shall be just and merciful'. ²

On February 23, Clanricarde ^{replied} He declared himself unable to deceive the trust which the king had reposed in him, and explained that his accession to the rebels would be at all events of no importance, for he had neither men nor arms. He could, he believed, be of greater assistance if he were to preserve his credit with the state and king, and he guaranteed his best endeavours in helping those in arms to gain access to the king. In conclusion, he recommended the bearer, and asked that credence ³ should be given to what he should make known.

This bearer was Clanricarde's chaplain, Father Oliver Burke, a Dominican friar. On Thursday, March 3, a meeting took place at Athlumney, County Meath, between Burke, Sir William Hill, Nicholas Plunkett and Edward Dowdall. ⁴ The Dominican produced for consideration a number of papers. The first seems to have been an address in three parts, reciting the reasons for taking arms, the reasons for the rapid spread of the reb-

1. Carte, Ormond, v. 280-1.
 2. Ibid, pp. 285-6. Clanricarde, Memoirs, p. 70.
 3. Gilbert, Ir. confed., i. 267-8, 268-78.
 4. Gilbert, Ir. confed., i. 268-78. This and the following two paragraphs are based on this deposition.

ellion, and the means of appeasement which might prove effective. The second paper was a draft proposal for a form of government, based on a hierarchical system of Councils, for the administration of the area under the control of the rebels. The third paper consisted of a number of demands and propositions to be presented to the king: Burke explained that these should be sent over the head of the state in Ireland, 'for the earl of Clanricarde would use means¹ that they should come into the the king's immediate view'.

On the following day, Friday, March 4, the four went to the house of James Bath at Athcairne, where they met Gormanstown and Nettirvill. Burke delivered Clanricarde's letter to Gormanstown, and Bath and the two lords read the papers which he had brought. Burke asserted that these had already been approved in Connaught, and solicited the opinion of those in Leinster upon them. In the ensuing debate, those concerned made it clear that the proposals would be approved also in the Pale. Burke made an ancillary stipulation to the effect that in return for the earl's assistance in negotiations with the

1. cf. Clanricarde, Memoirs, pp.78-80, where it is stated that an assembly in County Galway having agreed that the earl should enter into a form of compliance with the lords of the Pale in order to keep off the expected storm, Burke was sent with a number of propositions to the lords with instructions not to reveal Clanricarde's knowledge of them. Either the earl did not give all the propositions in his Memoirs, or Burke exceeded his instructions. The former is by no means impossible. There is an air of special pleading about the earl's explanation of this episode (Ibid,pp.69-70,75.): it is observable that he did not give in these Memoirs Burke's letter of credence to Gormanstown which would seem to contradict the assertion that Burke was to suppress the earl's knowledge of the matter. It seems likely that Clanricarde was more sincere in his relations with those of the Pale than he was afterwards prepared to admit.

king, the area of his government should be exempt from encroachments or violence by the rebels.

On March 5, Plunkett and Hill went to Navan to meet and consult with Richard Birford, while Burke remained with Lord Gormanstown, who replied to Clanricarde's letter. He expressed his full understanding of the earl's position, and his inability to violate the unique trust reposed in him by the king, and assured him that those in arms had no desire to diminish the king's powers and prerogatives. He thought the propositions brought by Burke fit to be made into a remonstrance to the king, and emphasized the importance of acquainting the other provinces with them. Finally, he asked Clanricarde to attempt to secure a suspension of hostilities in order that this remonstrance could be prepared and presented.¹

On Sunday, March 6, Burke was present at a conference between Gormanstown and Roger Moore at Monckstown, County Meath, when, presumably, some attempt was made to interest the northerners in the subject of Burke's mission.² Though the needs to secure a cessation, to prepare a remonstrance, and to establish some form of government, were of vital importance in themselves, even greater urgency was imparted by the raising of the siege of Drogheda on the previous day, and the imminent arrival of the earl of Ormond and his army.

1. Clanricarde, Memoirs, pp.104-5.
 2. Gilbert, Ir.confed., i.268-78.

As Ormond was laying waste the Pale, he was approached on the evening of March 8 by Richard Birford, who surrendered himself to the king's mercy. On the following morning, Lieutenant-Colonel John Reade and Patrick Barnewall of Kilbrew came to him. Reade carried with him not only the instruments of December 19¹, but also a letter from Lord Nettirvill desiring a safe-conduct for himself and two or three others to come in to see a proclamation, of which they had heard some rumour, which commanded them to lay down their arms and submit to the king's mercy; that, if true, they might render obedience to it.²

His captives were able to inform Ormond of the raising of the siege of Drogheda. Accordingly, he suggested to the Lords Justices that he should be allowed to prosecute the rebels as far as Newry, and, sending Reade and Birford in custody to Dublin he requested instructions as to how he should proceed with those lords or gentlemen of the Pale who should come to him.³ The Council replied on the same evening, denying his first request but allowing him to remain some days more than the stipulated eight, and ordering:

'that those that offer to come in be in no other manner taken in than as prisoners taken by the power and strength of his Majesty's army, as in truth it is'.

1. See above, pages 468-6.
 2. Carte, Ormond, ii. 212; v. 296-7. Bellings, Ir. confed., i. 78-9.
 3. Carte, Ormond, v. 296-7.

They were not to be allowed access to Ormond.¹ This reply was received by the earl on the night of March 11, when he had already joined Moore and Tichborne in Drogheda and concerted plans for the pursuit of the rebels.²

By this time, Nettirvill and some of the gentry of Meath and Louth had been in touch with Tichborne seeking protections: others had offered to submit themselves, their lives and fortunes to the king's mercy, among them James Bath, who had actually come into Drogheda for that purpose. The others were referred by Tichborne to Ormond whose presence 'hath wrought this great change amongst them'.³ The Pale was 'now all in fire and smoke like the city of Sodom and Gomorrah, as if God did rain down vengeance upon them', and the 'old English' protestant Maurice Eustace, Speaker of the Commons, believed that if there were a hope of mercy or of redeeming their offences, thousands more would surrender themselves, and the rebellion would come to a sudden end.⁴

Ormond described his treatment of those who surrendered to him:

'the course I hold with them is, to put them in safe keeping, either to send them afore me to Dublin, or to bring them along with me, without any manner of promise or condition, but that they submit to his Majesty's

1. Carte, *Ormond*, v. 298-9.

2. *Ibid.*, ii. 192-3.

3. *Ibid.*, v. 300. Bernard, *Siege of Drogheda*, pp. 70-1.

4. B.M., Sloan MS 1519, f. 20.

~~xxxx~~ justice. Nor do I dispute by what power they come in, leaving that to your lordships to judge, when they are in your hands'.¹

Edward, Laurence, Stephen and Nicholas Dowdall, William Malone, Garrett Aylemer and Sir John Nettirvill were sent in custody to Dublin, having submitted to the king's mercy. Ormond did not treat those who surrendered as captives, nor did he affect to do so. Thus he wrote to the Lords Justices of Patrick Barnewall: 'he is now gone to his house, but will doubtless go with me to Dublin'.²

His request to be allowed to pursue the rebels was refused: he was ordered to complete the devastation of Meath and Dublin, and return.³ He did so on March 17.⁴

In addition to those who had submitted to Ormond, a number of persons had also come to Dublin to surrender themselves, Sir Andrew Aylemer, John Talbot, George Devenish and Lord Dunsany.⁵ All these persons were committed to Dublin Castle without being admitted to the presence of the Lords Justices. The government, informing the Lord Lieutenant of these submissions, and of the fact that very many others had offered to do likewise, argued strongly against accepting them, because such a course would prevent a full reformation of the kingdom and because the forgiving of such heinous crimes would encour-

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1. Carte, Ormond, v. 304-6.
 2. Ibid, pp. 301-3, 304-6.
 3. Ibid, pp. 306-7.
 4. Ibid, ii. 198.
 5. News out of Ireland (London, 1642), Loughfea Pamphlets IV, N.L.I. H.M.C.Ormond MSS n.s.ii.95-7,98.

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age subsequent rebellions. Reade, having been examined on March 19, was put to the torture on March 23, the questions which he was required to answer being designed to discover whether the king was incriminated in the rebellion. On the previous day Hugh MacMahon had been tortured into some scattered recollections of a commission from the king of which he had been informed by Phillip O'Reilly, but had never seen. The documents carried by Reade were not transmitted to the king. Shortly afterwards, the sixty-six year old Patrick Barnewall was subjected also to torture.

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On March 16, Lords Gormanstown, Nettirvill and Slane wrote to the earl of Castlehaven who, though an Englishman, had as a catholic been refused admission to Dublin, and was living on his estate in Kildare:

'Understanding of a proclamation (which we could never come to sight of) set forth by his Majesty, commanding us to lay down our arms, in obedience thereto we performed accordingly; and thereupon employed Lieutenant-Colonel Reade unto the Lords Justices, that cessation of arms might be of all sides, until we were informed upon what grounds and conditions we should be received'.

No answer having been received, Castlehaven was requested to move on their behalf that they should be given licence:

- 1. H.M.C.Ormond MSS n.s.ii.95-7.
- 2. Gilbert, Ir. confed., i.285-8, 288, 298-9. Castlehaven, Memoirs of the Irish wars (London, 1684), p.22.
- 3. Carte, Ormond, ii.210-11.
- 4. Castlehaven, Memoirs of the Irish wars, pp.21-2.

'to meet by a certain time in a convenient place, where we may draw up our grievances to be presented to his Majesty, and in the meantime a cessation of arms to be continued, and no hostilities perpetrated.' They undertook that 'the United lords will approve the same!'¹

On March 22, Castlehaven dispatched this letter to the Lords Justices, promising to observe punctiliously any instructions which they should think fit to entrust to him on the matter.² In reward for this attempt to act as intermediary, he was sharply reprimanded. The term 'rebels', he was ~~was~~ informed, would have been a great deal more appropriate than that of the 'Irish army' which he had employed in his covering letter. He had said that the Lords expected an answer presently; since this was not in their letter, the government presumed that he must have heard it from the messenger who brought it; if he had spoken to the latter, he must have had an opportunity to capture him as a rebel and traitor, and it seemed strange that he had not done so. He was warned against any correspondence with the rebels, or any participation in their counsels or actions. The lords' offer itself was wholly disregarded.³ Two months later, Castlehaven was indicted for high treason on absurd grounds: in reality, it was believed, 'for no other crime . . . but because he endeavoured to do (the lords) good offices'.⁴

The treatment accorded to Reade and Castlehaven, it can

1. Gilbert, Ir.confed., i.302.
2. Ibid, pp.302-3.
3. Ibid, pp.303-4.
4. Castlehaven, Memoirs of the Irish wars, pp.24-8. Bellings, Ir.confed., i.82. Carte, Ormond, ii.218-9.

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scarcely be doubted, proceeded from a set policy to avoid the termination of the war by a negotiated treaty. General imprisonment and the racking of Barnewall effectively negated the intention of the king's proclamation, or any possibility of general conformance with it, for if this was to be the manner in which his promised mercy was to be administered, only disadvantage could result from submission to it. Where redemption was impossible, expiation was pointless. The exigencies of political realism demanded a continuance in arms. While loyalty to a king who was impotent to forgive or to protect might seem on a superficial view to be a mere self-destroying luxury, on another level it might be interpreted as best expressed by ignoring his immediate demands and attending instead to his immediate interests, which he himself was powerless to advance.¹

A second consideration shortly entered. A bill had already been brought into the English parliament for raising one million pounds for the suppression of the rebellion on the security of two and a half million acres of land to be forfeited in Ireland. This land was to be enjoyed by subscribers as soon as the rebellion in Ireland was declared to be ended, and the right to make this declaration was reserved to the two Houses of the English parliament. The king, in whom forfeited lands were legally vested, was specifically inhibited from disposing of any: and all grants of such land made by him since 23

1. cf. Gilbert, Ir.confed., i.265-7.

October 1641 were declared null and void. Pardons granted to any rebels before attainder (which involved forfeiture) without parliament's consent were similarly nullified. Virtually all the details of survey, allotment and other arrangements for the disposition of forfeited land were vested in the control of parliament. The king had signified his agreement with this act by February 24. It received the royal assent¹ formally on March 19. Though the legality of the Act was not above question, since it might not improperly be regarded as infringing Ireland's controversial legislative independence², the likelihood of its implementation was not thereby reduced. Its effect, together with the failure to grant the king's promised mercy, was to make surrender or submission unthinkable: to deprive the rebels of any course of action save that of striving for victory. Writing later in the same year, an 'old English' pamphleteer commented that:

'the selling of their lands by Act of Parliament hath since bound them in a firm union to stand out to the last man which (if I may presume to judge the actions of so great a Senate) was one of the greatest solecisms of state policy that was ever committed.'³

1. Gilbert, Ir.confed., i.259-65. Comment.Rinucc. i.284-7.
 2. cf. Remonstrance of Trim, Article 12, Carte, Ormond, v.408-24.
 3. B.M., Egerton MS 917.

The war to the end of 1642.

The necessity for establishing some form of government in the area under the control of the rebels was being canvassed by an agent from Connaught, probably at the instigation of Clanricarde, in early March. Whether independantly, or as a result of these representations, a further advance in this direction was made when the Synod of the province of Armagh met at Kells on March 22 under the presidency of Hugh O'Reilly, archbishop of Armagh. This assembly decreed that the exhausted and disordered state of the country made it necessary to establish a Council with authority to rule and govern. Such a Council was to be at once established, and was to consist of both laymen and ecclesiastics, who were to swear to maintain concord. It was ordered that catholics should not be disturbed in their enjoyment of former ecclesiastical possessions, such as lands and tithes. Close co-operation between clergy and laity was demanded, and the bishop of Meath, Thomas Dease, whose opposition to the rebellion had influenced many important persons in his diocese ^{against} ~~from~~ joining the catholic ranks, was given three weeks to recant, a substitute being provisionally appointed in his place. Finally, it was ordered that these decrees were to be promulgated verbatim by all ordinaries and parish priests at the first opportunity.

1. Gilbert, Ir.confed., i. 290-8.

2. Gilbert, Ir.confed., i. 290-8.

3. H. B. C. O'Connell Ir.confed., i. 290-8.

The military position of the catholic army deteriorated after the raising of the siege of Drogheda. Tichborne, following up its retreat, took Ardee on March 23, and Dundalk on March 26.¹ Scots forces, numbering 2,500, landed in Ulster in early April under Munroe.² In early May, in association with Lord Conway and Chichester, they took Newry. At the same time, Carlingford was taken by Tichborne. Lack of co-operation, however, prevented these troops from pursuing their advantage any further, and O'Neill, who was almost devoid of ammunition, and whose army was widely dispersed, was allowed a respite.³

In Leinster, in late March, Moore harrassed that part of the Irish army which had remained in Meath,⁴ and which was augmented by a further levy ordered by Lord Gormanstown.⁵ To the south, Carrickmines Castle, one of the outposts of the Wicklow rebels since they had been driven from their quarters in the immediate vicinity of Dublin, was taken and destroyed on March 26 and 27, Sir Simon Harcourt losing his life in the attack.⁶ The Lords Justices determined to pursue their advantage by extending to County Kildare the policy of devastation which had been employed in Dublin and Meath. Accordingly, the earl of Ormond left Dublin on April 2 with 3,000 foot and 500 horse, together with 5 field pieces. Having garrisoned Naas,

1. H.M.C.Ormond MSS n.s.ii.100. Comment.Rinucc.i.294-5.
 2. H.Hazlett, 'The recruitment and organization of the Scots army in Ulster, 1642-9' in Cronne, Moody, Quinn (ed.), Essays in British and Irish history (London, 1949), p.109.
 3. H.M.C.Ormond MSS n.s.ii.124. Carte, Ormond, ii.238-9.
 4. Bernard, Siege of Drogheda, p.84.
 5. Gilbert, Ir.confed., i.278-85.
 6. H.M.C.Ormond MSS n.s.ii.99-100.

and placed a new Sovereign, with eight burgesses, and fifty families of distressed protestants in the town, he marched on to Kilcullen and Athy, systematically burning the country on the way. From Athy, parties relieved the besieged castles of Cloghrenan and Carlow. The force then continued to Stradbally and Maryborough, having relieved Ballynikill and other castles en route. From Maryborough, a party successfully relieved Borris, Birr and Knockmenease. On April 13, Ormond returned to Athy. As yet he had met with scarcely any resistance, but an Irish army now prepared to meet him when he left the town. This army consisted of about 6,000 foot 'of whom the most part had never before that time faced an enemy, and who not ten days before (had) repaired to their landlords, or the chief of the sept to which they had relation and were bound to follow'. They were gathered from Kilkenny, Queen's County, Wexford, Wicklow, Carlow and Kildare, and this scattered recruitment was reflected in a disunity of command. Among the many leaders of the army were Mountgarrett, Iker^ryn, Dunboyne, Richard Butler, Tibbot Purcell and Walter Bagenel, all close kinsmen of Ormond, Hugh Byrne, Roger Moore and Sir Morgan Cavanagh. When Ormond left Athy on April 15, the catholic army forced an engagement at Kilrush, on the way to Connell, and were decisively defeated. Ormond marched on to Dublin, which he reached on April 17. Coote and his regiment had been left at Naas.¹

In late April, an expedition from Naas took Phillipstown

1. Bellings, Ir.confed., i.79-80. Gilbert, Anh.disc., i.36-7. Carte, Ormond, ii.246-53.

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and relieved Castlegeasal and Castlejordan: on its return, it flushed four of the lords of the Pale, Gormanstown, Nettirvill, Slane and Trimleston, out of Trim, and garrisoned the town.¹ On May ~~XX~~ 7, an attempt was made to recover it. Though the attack was ~~xx~~ repulsed, it was by no means unsuccessful, for Sir Charles Coote, to the exultation of the catholics, 'received his ticket' for hell, possibly at the hands of one of his own men.² Throughout May, despite rumours of the regathering of the army defeated at Kilrush, the army based on Dublin was inactive, for the soldiers, unpaid and poorly shod, refused to move.³

In Munster, the army besieging Cork was forced to withdraw during April, partly^c by the efforts of the garrison, and partly⁴ from some disorganization resulting from the defeat at Kilrush. St Leger's resources, however, were too inadequate to permit him to improve his advantage, and he continued in distress until June. He claimed that many of those in arms had indicated their willingness to submit to the king's mercy, but he was unwilling to accept these submissions without specific instructions from the government.⁵ He did not receive it. He received reinforcements of two regiments from England by the end of May, together with a certain amount of money.⁶ Meanwhile, the Munster rebels were besieging the castle at Limer-

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- H.M.C.
1. Ormond MSS n.s.ii.121. (Gilbert, Apk. Disc., i. 32.
 2. Ibid, pp.124-5. Comment. Rinucc., i. 305-6. Carte, Ormond, ii.
 3. H.M.C. Ormond MSS n.s.ii.122-3. (255-8.
 4. Carte, Ormond, ii. 300-3. M. Dwyer, The O'Dwyers of Kilnamanagh, (London, 1933), p.173.
 5. L. & P. Ir. reb., 1642-6, p.29.
 6. Ibid, pp. 25-33, 42-3.

ick, led by Barry and Muskerry.

In Connaught, County Galway remained relatively undisturbed until March. The return of a ship which the townsmen of Galway had dispatched to the continent for arms precipitated the opening of hostilities. On instructions from Clanricarde and the Lord Justices, Captain Willoughby and the Surveyor of the customs laid claim to the arms which had been brought. The two were called before the town executive, the Council of eight, where they were informed publicly by Richard Martin and Patrick Darcy 'that they were guilty of treason in thus attempting to withhold vital supplies from his Majesty's loyal subjects of Galway'. They were then committed to gaol for some days. Clanricarde secured their release and ordered that the arms should go to the fort. On the night of March 19, however, the ship was raided and the arms brought into the town, where the English were disarmed and the gates shut. It was generally decided to take sides with the rebels, and an oath of union and mutual defence was agreed upon, protesting determination to fight for king, religion and liberty, and vowing faith and allegiance to the corporation of the town. Shortly afterwards, the Mayor and sheriffs issued a declaration to the king, assuring him that like the rest of those in arms, they had risen only through apprehension of their ruin.

Siege was now laid to Galway fort, with the assistance of large numbers from Iar Connaught. Having appealed to the

1. Begley, Diocese of Limerick, p.221.
 2. Clanricarde, Memoirs, pp.100-3. O'Sullivan, Old Galway, pp.235-41.

townsmen to withhold their judgement until the king had examined their grievances, Clanricarde provisioned Willoughby and harrassed the besiegers by interrupting their supplies. Though admonished by the clergy, mainly through Sir Lucas Dillon and the archbishop of Tuam, not to weaken the catholic cause, ~~and~~ tempted by an offer to secure an agreement between him and the town at the next provincial congregation, and threatened with ecclesiastical censures if he should take it by force, Clanricarde did not deviate from his purpose. On 11/13 May 1642, against the violent opposition of the clergy, the Mayor of Galway submitted to Clanricarde, articles of pacification being upon¹. The politic leniency by which the earl had pacified the town was strongly disapproved of, not only by the Lords Justices², but also by Willoughby, and his contemptuous disregard for the terms of submission led to sustained uneasiness in this nominally pacified area.

In County Mayo, the rebels were to some extent contained by the earl of Mayo, and by Sir Thomas Burke of Loughmask. The County of Sligo, on the other hand was wholly, and that of Roscommon almost wholly in the possession of the rebels, the Lord President being, throughout the spring and early summer of 1642, besieged in Athlone.³

The deterioration of the military situation added greater

1. O'Sullivan, Old Galway, pp.246-9. Clanricarde, Memoirs, pp. 109-13, 115, 116, 118-20, 124-6, 131-42. Comment. Rinucc. i. 327-8. Carte, Ormond, ii, 265-8.
 2. H.M.C. Ormond MSS n.s. ii. 148-51.
 3. Ibid, p.146.

urgency to the negotiations towards a cessation of hostilities in which Gormanstown and Clanricarde were involved. Clanricarde advised that Nicholas Plunkett and Sir William Hill should be employed to treat and settle the conditions of a ~~negotiation~~ cessation.¹ Gormanstown disagreed with this on April 14, remarking tartly that there was no doubt that they would be very suitable agents, since they had both hitherto been more cautious of their own than of the public safety.² Two days later, Slane wrote to Gormanstown from the north impressing upon him the urgent necessity for arranging a cessation speedily, for which 'all those that are engaged in this unfortunate business', including Phelim O'Neill, would be very glad:

'if you omit this opportunity, I doubt not of sudden ruin, which I hope may be prevented by taking this course. It is fitter to employ (Hill and Plunkett) than those that declared themselves; for if others be employed it will be known it is our request by reason of our weakness; whereas it will be supposed these men were sent without our privity'.³

There is no record of any approach~~ment~~ ^{to} the ^{state} ~~king~~ being made by Plunkett and Hill. This may be due not only to the opposition of Gormanstown, but also to the intention of the king, expressed in a letter to the Lords Justices on April 13

1. Clanricarde, Memoirs, p.105.
 2. Ibid, p.123.
 3. Russell and Prendergast, The Carte MSS, App., A, (14), p.196;

of coming to Ireland shortly.¹ In fact this visit, which was strenuously opposed by the Lords Justices,² never took place, but it seems probable that its imminence prompted the deferring of approaches to the Irish administration. In May, Clanricarde wrote to Ormond suggesting that a cessation should be agreed upon pending the arrival of Charles, urging in justification that many of those in arms were misinformed rather than malicious, and believed 'that they walked in loyal and warrantable ways'.³ Ormond in his reply expressed agreement with this assessment, but explained that the king's coming was indefinitely deferred.⁴

Meanwhile, the measures decreed by the Synod at Kells were being put into effect. A national congregation of the Irish catholic clergy met at Kilkenny on May 11, 12 and 13, once again presided over by Hugh O'Reilly. This assembly agreed upon a declaration that the war was being fought for the defence of the catholic religion and the maintenance of the royal prerogative, and was, therefore, lawful and just. Condemnatory proclamations purporting to emanate from the king were not to be credited. It was necessary for union and concord to prevail, and an oath of agreement should be framed, and both a general and provincial Councils established. Those who opposed or forsook the union, and those who exploited the war

1. Cal.S.P.Ire., 1633-47, p.357.

2. H.M.C.Ormond MSS n.s.ii.116-20

3. Carte, Ormond, v.313-5.

4. Ibid, pp.322-3. Clanricarde, Memoirs, pp.143-4.

for the purposes of unlawful pillaging, were ordered to be ipso facto excommunicated. The decrees of the congregation were signed by three archbishops (O'Reilly, Walsh and O'Quelly), six bishops (including Roche, Comerford and de Burgo), three vicar generals (including Devereux and Roch from Ferns and Ossory respectively), proctors from four dioceses (including Dublin and Limerick), and various abbots, deans, priors and guardians to the number of twelve, of whom half were 'old English'.¹

Apparently at the invitation of these clerics, a meeting of the 'lords and gentry of the Confederate Catholics' took place at Kilkenny on June 7. It was there ordered that an oath of association, which those present had taken, was to be administered throughout the country by the clergy. The raising of a running army of 4,000 foot and 500 horse under the command of Hugh Byrne was decided upon.² Finally, 'they concluded that since the catholics were unanimous in their desires to compass the same end, it was evidently necessary the whole design should be directed by a few choice hands'. Accordingly, a Supreme Council, with equal representation from each province, was chosen, with Mountgarrett as president. Having arranged for the convening of an assembly to be elected, by virtue of writs issued by the Supreme Council, on the normal parliamentary basis, the assembly then dissolved.³

1. Gilbert, Ir.confed., ii.34-43.

2. Cal.S.P.Ire., 1633-47, pp.361-2.

3. Bellings, Ir.confed., i.86-8. Gilbert, Aph.disc., i.39-41.

The Supreme Council began to function on June 11, when it made arrangements for collectors to collect the rents, compositions and customs normally payable to the king. By this stage it was already presuming the existance of county and provincial Councils. Thereafter, the Supreme Council was mainly concerned with administrative and disciplinary problems, and to some extent with landlord and tenant relationships.¹ A member of the Council related that, since its election had been unpremeditated and not specifically authorized, and since precedents both to guide it and to ensure the acceptance of its decisions were lacking, its members deemed it inexpedient and imprudent to take any controversial action, and attempted so far as possible to affect a display of power without unduly exercising it.²

A letter was addressed to the earl of Clanricarde on behalf of the assembly by representatives of the provinces of Ulster, Munster and Leinster. This communication, which he received in June, drew his attention to the fact that the English parliament had not only asserted its legislative supremacy over Ireland, but had also made the king subject to it: informed him that the sincerity of his allegiance to the king was suspected, and urged him to join them at once 'that the merit of the cause be rather thought to have invited you, than the strength of the prevailing party'.³

The Supreme Council tried to solve the familiar problem of

1. Cal. S.P. Ire., 1633-47, pp. 361-2. P.R.O., S.P. Ire., 63/260. 67.
 2. Bellings, Ir. confed., i. 86-8.
 3. Gilbert, Ir. confed., i. li-lii.

gaining access to the king. To this end, a letter was sent to the earl of Ormond, enclosing a petition which he was requested to transmit to the king. This petition was largely concerned with the catholics' inability to obtain audience from the king, and beseeched Charles to make this possible, assuring him that they had taken arms in defence of his prerogatives.¹ Ormond referred the request to the Lords Justices, and the petition was in fact forwarded to Charles towards the end of August. It was accompanied by a detailed criticism in which the petitioners were characterized as persons incapable of understanding their complete unworthiness for the high favour of attendance upon the king, and of which the conclusion was that 'it is utterly unsafe for his Majesty to grant their request, highly dangerous to his honour and service, and destructive to his kingdom'.²

In the beginning of June, the arrival of money and men from England prompted an attempt to relieve the Lord President of Connaught in Athlone.³ Ormond marched to his succour on June 14. Both Mullingar and Ballimore (the seat of Lord Nettirvill) were abandoned and deliberately burned at his approach. Similarly, Sir James Dillon abandoned the siege of Athlone on intelligence of the earl's coming, and Ranalagh was able to march out to meet Ormond at Kilkenny. Having handed over to the Lord President 2,000 foot and two troops of horse, Ormond

1. Gilbert, Ir.confed., ii.48-50.
 2. H.M.C.Ormond n.s. ii.179-82, 208-9.
 3. Ibid, p.135.

returned, still without opposition, to Dublin.¹ Ranelagh's new troops were without money or victuals, and he was in no position to supply them. Mutiny was averted by the assistance of Clanricarde, and Ranelagh was for a time successful in opposing the rebels, re-taking a number of castles and winning a number of minor battles against the forces of O'Connor Roe and Sir Lucas Dillon. His sustenance used, however, distress was greater than before, and many soldiers died of starvation. He succeeded in negotiating a three month cessation with the rebels in Westmeath and Longford, but failed to do likewise with those in County Roscommon, and was again besieged in Athlone until January 1643.² Despite the aggressions of Captain Willoughby and the parliamentary privateer, Lord Forbes, Galway, both town and county (apart from Iar Connaught), remained in peace and obedience to Clanricarde, and on his instructions provisioned the fort, throughout the remainder of the year 1642.³

In Ulster, while the Stewarts, Lord Mountgomery, and other commanders of privately raised forces, pursued the war against the rebels as energetically as ill provisions allowed them,⁴ the Scots forces remained almost wholly inactive and unco-operative. The arrival of Lesley in August, with troops augmenting the Scots forces to 10,000 men, produced no change in policy.⁵

As a result, Colonel Eoin O'Neill, who arrived in Donegal

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1. H.M.C. Ormond MSS n.s.ii.160-1. Carte, Ormond, ii.272-3.
 2. Sir Michael Erneley, A brief relation, B.M., Add MS 4786, ff. 325 et seq. Clanricarde, Memoirs, pp.281,287.
 3. Ibid, p.289. O'Sullivan, Old Galway, pp.249-58. Carte, Ormond, ii
 4. L.&P. Ir. reb., 1642-6, pp.45-8, 48-51. (312-7, 386-7.)
 5. Carte, Ormond, ii.239-43.

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from the continent in July, and was elected Commander in Chief of the forces in Ulster, was given adequate time to form his forces.¹

In Munster, the death of St Leger in early July placed command in the hands of O'Brien, earl of Inchiquin.² Though immobilized by lack of supplies, the young earl, when the rebels had taken almost all Limerick,^(X) and were preparing to invade Cork, determined to venture control of the province upon a battle. The rebels advanced into Cork, led by Barry, with Muskerry, Roch, Ikerryn, Dunboyne, Castleconnell and Brittas, about 6,000 foot, and 500 horse. On September 2, this army took Liscarrol Castle. On the following day, Inchiquin, with about 1,800 foot and 360 horse, joined issue with Barry's army and defeated it decisively.³ An Irish author commented:

'General Barry was never after in request, but very ill spoken by all men that he betrayed the army the same day: however he continued after in Limerick, more like a country boor than martial general'.⁴

Despite Barry's defeat and subsequent inactivity, Inchiquin was prevented by his lack of resources from following up his victory, and he too remained inactive for the remainder of the year.⁵

An expedition to take the chief rebel strongholds in

1. Comment. Rinucc. i. 331, 336-7. H.M.C. Ormond MSS n.s. ii. 186.

2. Ibid., p. 176.

(X) 3. Ibid., pp. 184-5.

4. Ibid., pp. 203-6. Bellings, Ir. confed., i. 92-3. Comment. Rinucc. i. 338.

5. Gilbert, Aph. disc., i. 39.

6. L. & P. Ir. reb., 1642-6, pp. 124-5, 156-8, 158-61, 172-3.

Leinster, proposed by Ormond, was opposed by the Lords Justices on the grounds of insufficient provisions. When Ormond fell ill, however, resources were found for an expedition, and Lord Lisle left Dublin for Trim with 1,500 men on September 20, his instructions being 'to leave all that country in such a condition as the rebels shall have neither houses to lodge, nor food, nor fire'. Pursuing this policy of devastation, Lisle marched without opposition to Trim, Athboy, Clonin, Kells and Virginia, where Fingall and Gormanstown had resided since they had been driven out of the Pale. Having finally reached, and garrisoned Carrickmacross in County Monaghan, the expedition¹ returned to Dublin, having met with no opposition whatever.

In the middle of September, there arrived at Wexford Colonel Thomas Preston of one of the Irish regiments in Flanders, uncle to Lord Gormanstown. With him were five ships containing a large quantity of arms (some of which may have been sent on behalf of Eoin O'Neill) and many officers from continental armies, including Colonels Cullen, Plunkett, Burke and Synnott.² Almost at once, the Supreme Council appointed Preston General of the forces in Leinster, Mountgarrett waiving his prior claim, while Cullen was appointed his Lieutenant-General, and Burke Lieutenant-General of Connaught,

1. H.M.C. Ormond MSS n.s.ii.200, 203-6, 211. L. & P. Ir. reb., 1642-6, p.121. Comment. Rinucc. i. 337-8. Carte, Ormond, ii. 350-2.
 2. H.M.C. Ormond MSS n.s.ii.197, 210. L. & P. Ir. reb., 1642-6, pp. 146-8. Comment. Rinucc., i. 337-8.

1. H.M.C. Ormond MSS n.s.ii.206-7. Bellings, Ir. confed., i. 89-90.
 2. Gilbert, Ir. Arch. disc., i. 46-7.
 3. Ibid, pp. 47-8. Bellings, Ir. confed., i. 90-1.

the Generalship of that province being left open pending the accession of Clanricarde to the catholic cause.¹

Preston's first undertaking was to improve the communications between Kilkenny and the rest of the country, to facilitate the imminent meeting of the General Assembly in that town, by taking isolated castles in its vicinity, in particular in Queen's County, which was impassable. In this he was successful, taking in particular Borris, Birr and Falklandsfort.² Much of his success, however, was negatived by an expedition made under Colonel Monck, who not only recaptured a number of castles, and relieved others, but encountered and defeated Preston in a minor engagement.³

The Confederation of Kilkenny.

The position in Ireland in the mid-autumn of 1642 was one of relative quiet, except for minor activities in Leinster, while the outbreak of civil war in England in August restricted severely for some time the part which it was possible for English influences to play directly in Ireland. In the favourable circumstances arising from the military stalemate, the quasi-parliamentary^{assembly} which the Supreme Council had been authorized to call met at Kilkenny on October 24. In the course of the following weeks, until November 21, it adopted a series of orders establishing a regular governing machinery composed of a hierarchic system of Councils - County, Provincial and Supreme -

1. H.M.C.Ormond MSS n.s.ii.206-7. Bellings, Ir.confed.,i.89-90.
2. Gilbert, XX Aph.disc.,i.46-7.
3. Ibid, pp.47-8. Bellings, Ir confed.,i.90-1.

thus formalizing the organization which had already been agreed upon, and which had to a large extent already been established. Continued recognition of the common law, and statutes declaratory of it, was decreed, in so far as this was consonant both with catholicism and with the conditions of war. The primary organ of government established, the Supreme Council, was an elected ministry composed of twenty-four members chosen in equal proportions from the four provinces. The actions and decisions of this Council, which functioned only while the assembly itself was not in session, were subject to review by the assembly, and the Council itself was subject to re-constitution by fresh election by each subsequent assembly. As a result of the state of emergency, the Supreme Council was invested with extraordinary powers, and was in effect not only an executive, but also a legislative and judicial body, but notwithstanding its extensive power, it was strictly subordinate to the assembly. Despite this subordination, however, the power to determine the right and title to land was withheld from it.¹

The lawyers in the assembly, who had been entrusted in the main with the framing of this government, had been instructed to conform as closely to the old government as altered circumstances would permit.² The attention paid to matters of legality

1. Gilbert, Ir.confed., ii.73-84,85-6. Bellings, Ir.confed., i. 111-5. Castlehaven, Memoirs of the Irish wars, p.59. Cregan, The Confederation of Kilkenny (unpublished), pp.80-3.
 2. Castlehaven, Memoirs of the Irish wars, p.59. Clanricarde, Memoirs, pp.296-7.

and constitutional form indicate a continuity existing between the members of this assembly and the former parliamentary opposition. Despite the institution of a parliamentary form of government, and the arrogation to that government of practically all aspects of sovereignty, great care was taken that the king's position should not appear to be impugned thereby. Thus the first order of the assembly was a declaration that the assembly was not in any sense a parliament, since the summoning of parliament was the unique prerogative of the king¹, and the establishment of a mint was opposed by members on the grounds that it was 'an unnecessary invasion upon the prerogative royal'.² On the other hand, the main external difference between the assembly and parliament, that the former was a unicameral legislature in which the temporal and spiritual peers (the latter, of course, now catholic) voted by head, and were differentiated from commoners only by certain ceremonial marks of precedence, was probably dictated by convenience and the need for expedition rather than by a desire to avoid the exact replication of parliamentary forms.

The Supreme Council appointed by the assembly contained a two-thirds majority of 'old English' members, and this was a not unfair reflection of the attitude of the assembly in general.³ The insistent, and indeed almost incessant, emphasis upon loyalty to the English king was a feature of the 'old

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1. Gilbert, *Ir.confed.*, ii.73-4.
 2. Clanricarde, *Memoirs*, pp.296-7.
 3. See below, *Appendix III*, (vii).

English' rather than the Irish outlook. The assembly imposed a moratorium upon land disputes, and the position of landholding in the country was stabilized at the position obtaining on 1 October 1641, protestant land being appropriated to the government to be used to finance the war, not re-possessed by other claimants; religious orders were not exempted from this rule. This was a temporary triumph of the 'old English' conservative, rather than of the Irish reactionary, approach to this matter.

The position of those in arms in Ireland had been to a considerable extent rationalized by the outbreak of the civil war in England, and the new Supreme Council exploited that fact in a letter to Clanricarde, which was not the less sincere because it was rhetorical:

'Was it not threatened and designed that the Scots should plant their Gospel among us with their swords? Has not the Majesty of the best of princes, our Sacred Sovereign, been clipped by the vote, and defiled by the applauded invectives of the Malignant party of the parliament of England? Do not they wage war against their annointed king and liege lord under the command of a nobleman, whom we fear to be too near in blood to your lordship? Is it not the approved doctrine of the times, that the laws of England, if they mention Ireland,

1. Gilbert, Ir.confed., ii.73-84. Bellings, Ir.confed., i.113. Clanricarde, Memoirs, pp.296-7.
 2. Clanricarde was half-brother to Essex.

are binding here?¹

If the new situation in England added force to the familiar approach to Clanricarde, so too did it invest fresh, but not new, approaches to the king with increased cogency and relevance. At an early opportunity, the Supreme Council addressed a petition to Charles, imploring him, among his other diversions, to find time to take order for the relief of Ireland, and to look upon its sufferings with 'those eyes of mercy which bring you nearer to the Divinity you represent than all the laurels that Mars can heap upon your head, and which, gained with the expense of your subjects' blood, may make you more feared than beloved'. For their own protection, they continued, they had met in a national assembly at Kilkenny, and would continue to remain thus organized until he should take some course for their preservation. They asked that they should be left free in the profession of their faith, secured in their estates and liberties according to law, and no distinction made between them and the king's other subjects. These requests granted, they were willing to place their armed forces at the disposal of Charles.²

This attempt to exploit the new situation by taking advantage of the king's weakness and need for military support was clearly conceived from an 'old English' viewpoint,

1. Gilbert, Ir.confed., ii.90-2.
 2. Carte, Ormond, v.368-70.

for from the granting of the demands stated in the petition the northerners had little to gain. To end the war upon those terms would simply have been to restore the position of 1641. Not only would the land which the northerners hoped to gain by force of arms not be their's under such an agreement, but neither was any arrangement which might be arrived at in regard to religion likely to be to their satisfaction, for 'old English' requirements in this sphere were more moderate than those of the Irish. When cautioned to 'have a care of holy religion', Sir Robert Talbot, a member of the provisional Supreme Council of the summer of 1641 (elder brother of Peter, later catholic archbishop of Dublin, and of Richard, later Duke of Tyrconnell), is reputed to have sworn 'a great oath that he would neither contest with his prince, or lose himself a foot of his estate for all the mitres in Ireland; that it was indifferent for him to have mass with solemnity in Christ or S Patrick's church, as privately at his bedside'¹. In such an outlook, as in the acceptance of the distribution of land as it stood in 1641, the Irish could never concur, so that the union established between Irish and 'old English' in the first year of the rebellion, though based upon a common danger, was not cemented by agreement on any level more fundamental than that of military necessity.

1. Gilbert, Aph. disc., i.66.

THE INTERPRETATION OF THE REBELLION

The basic problem which arises in connection with the history of the 'old English' during the reign of Charles I is the question of the motives which led them to participate in the rebellion. Was the course of action which they took the product of a fundamental change of outlook which took place during the reign and which was characterized by a rejection of the loyalty traditionally reposed in the king of England, or was that course of action the product of the exigencies of a complicated situation in which behaviour which was on the immediate view wholly incompatible with allegiance to the king was in fact imposed by that very loyalty ? The loyalty of the 'old English' to the crown was never altogether disinterested: they were loyal in part, that is to say, because there was something to be gained by being loyal. But was the reciprocal interdependence of the 'old English' and the king in Ireland, which had been asserted at the beginning of the reign, still a valid postulate, or had subsequent events proved it to be unworkable. The problem is whether the 'old English', seeing that there was no more benefit to be derived from loyalty, actually withdrew it completely, or whether the impotency of the king prompted them to take action which they felt would strengthen him and help to restore him to his original power, upon which

his usefulness to them depended: or whether, again, more complexly, the impotence of the king was adjudged to have released them temporarily from their obligations to him, and to have justified them in pursuing their own devices in their own defence. Was there then a point at which, in view of their own danger and the king's powerlessness, considerations of loyalty to him became for a time irrelevant, and this in particular because the issues involved demanded too immediate a solution to permit of the delay attending the discovery of his wishes?

Before an attempt is made to answer these problems here, it may be of some value to indicate the way in which they were answered by contemporaries. It may be observed that any treatment of the actions of the 'old English' must necessarily be inextricably related to the characterization of the original plot.

The most authoritative version of the Irish rebellion presented to the English public amid the welter of pamphlets and newsletters was that of Henry Jones in A remonstrance of of divers remarkable passages concerning the church and kingdom of Ireland, published at London in 1642, which was prefaced by an endorsement from the Irish government (dated March, 1642). Though this work was but twelve pages long in text, it contained an extensive appendix of depositions etc., to which systematic reference was made. Its appearance of verisimilitude was impressive, and its influence was great. It characterized the rebellion as:

'a most bloody and anti-christian combination and plot

hatched, by well nigh the whole romish sect, by way of combination from parts foreign, with those at home, against this our church and state; thereby intending the utter extirpation of the reformed religion and the professors of it'.

The object was the introduction of 'another form of rule ordered and moderated by themselves without dependence on his highness or the kingdom of England'. This plot, which was one of many years' standing, and in which all the nobility and gentry, without racial distinction, were involved, was complemented by a similiar plot in England. The immediate occasion of the outbreak was reputed by the Irish, Jones claimed, to be the gaining of fore-knowledge of a protestant plot for the extirpation of the catholics, which was to have been put into effect on November 23/4. He did not scruple to print in his appendix allegations that the king was implicated in the rebellion.

Jones was concerned to expose a gigantic papist plot rather than to write a detailed history of events. The best attempt at the latter from a parliamentary-protestant point of view was The Irish Rebellion by Sir John Temple, Master of the Rolls, which was published, in London, in 1646. Temple's theses may be freely abstracted as follows. In the year 1641 Ireland was in a condition of great happiness and prosperity: the ancient animosities of the English and Irish seemed buried in a firm 'conglutination' of affections and national obligations, and the Lords Justices, wholly departing from the rigour of former courses, gently unbended themselves into

a happy and just compliance with the reasonable desires of the people. In this felicitous situation, no immediate occasion of rebellion was present, and the uprising was the direct result of a rooted design of the Irish to shake off the English government. He accepted Maguire's statement of the preliminaries¹, but with an important qualification:

'I take it to be most probable that after the general plot came to be reduced into form, that as the Lord Gormanstown was one of the first and chief movers in it, so he and the chief of the Pale joined together to draw in (as they had done in all former rebellions) the principal septs of the Old Irish to engage themselves, and to appear first in that business.'

From this it followed that the 'old English' joined in the rebellion because they were already deeply engaged in it, but Temple made no attempt to account for the precise timing of their defection.²

While the less informed of the pamphleteers explored extensively and with endless inventiveness the territory charted by Jones, the very few who based their works on a more or less accurate knowledge of events tended to come to the same conclusions as Temple. Thomas Waring may be taken as an example of the latter group. In two pamphlets³, he held

1. See above, pages 408-12, 416-7, 418.
 2. Temple, Ir.reb., pp.12-15, 68-73, 83.
 3. 'The Irish Querres, An answer to a book of that name', B.M., Add. MS 4777. A brief relation of the plotting beginning and carrying on of that execrable rebellion, London, 1650.

that the 'old English' were the principal contrivers of the rebellion, and received encouragement from English catholics which was carried to them by the Irish parliamentary committees 'as Browne and Plunkett have often with ostentation acknowledged': that they were deterred from openly revealing their implication by the discovery of the plot, and awaiting eventualities, gained arms by pretending loyalty: and that, having decided to defect, they invited the northerners into the Pale.

Edmond Borlase, a son of Sir John Borlase, and a member of parliament in 1641, published The history of the execrable rebellion, 1641-1662, in London in 1680. His extremist inclinations were to some extent necessarily moderated by the political situation at that date, but he followed Temple very closely. He too declared that in 1641 the English and the Irish 'could not be esteemed two nations in one kindom, but they did coalescere in unam gentem'. The rebellion was not the result of miscarriages of state, nor of Irish fears of violence to their religion: on the contrary, it was 'the deliberate complotted counsels of many years that anvil'd out the rebellion in detestation of the English'. He accepted not only Maguire's account of the plot, together with Jones account of the meeting at Multyfarnham¹, as accurate detail of the preliminaries, but also Temple's qualification, and wrote:

'that the old English papists were a little backwarder

1. See above, pages 417-8.

than the Irish, was, in that they had something more to lose than the other, and so would put them first upon the work wherein themselves were equally engaged.' He described the 'original' of the rebellion as having been brought over by the Irish parliamentary committees, but did not try to reconcile this in any way with his former acceptance of Maguire. Like Temple, he made no attempt to explain the circumstances of the actual defection of the 'old English'.¹

The only notable deviationist in this approach to the rebellion was Thomas Emitie who, in That great expedition for Ireland ... vindicated (published in 1642), maintained that the 'old English' had been deluded. They believed that the northerners were fighting for religion, and were 'so dull as to be fobbed off by this conceit', when in fact land and material gain 'was the religion which they thirsted after'. And of the 'old English' (whose land was 'the flower of the whole kingdom') he asked, 'what favour could they expect in such a case but that which Polyphemus promised to Ulysses, that he should be the last to be devoured ?'

The royalist interpretation of events in Ireland was inextricably related to English divisions, and was rather a contribution to the war of polemic with the puritans, than a contribution to the history of Ireland. It was best expressed by James Howel in a work, Mercurius Hibernicus, published

1. Borlase, Hist. of the reb., pp.16-18, 23-7, 39-40.

pseudonymously at Bristol in 1644. This author listed a number of incitements to revolt. Firstly, the dismissing of the Irish parliamentary~~xxx~~ committees 'with a short and unsavoury answer': since those in Ireland believed themselves to have more right to redress of grievances than did the Scots. Secondly, 'the taking off the earl of Strafford's head': since he had been able to keep the Irish under an exact obedience. Thirdly, the English parliament's approval of the new Lord Lieutenant, which induced a fear in Ireland of how 'they should be handled in point of conscience' under this rule - this Howel regarded as a particularly shrewd motive. Fourthly, the hindering of the disbanded troops from going to Spain. His conclusion was that those who had been responsible for these four circumstances, that is to say, the English parliament, 'may be justly said to have been the true causes of the Irish rebellion'. The purpose of the rebels was strengthened, and their association cemented, by the design 'to eradicate and extinguish a whole nation to make booty of their lands' in lieu of an attempt to suppress the rebellion.

In the 'King's book', Eikon Basilike, first published in 1648/9, the same thesis was propounded in a generalized form. The author (whether Charles I or Dr Gauden) stressed the importance of the preposterous rigour and unreasonable severity of the puritans in England as incentives to revolt,

1. (Howel), Mercurius Hibernicus, pp.3-5,8.

and condemned roundly the actions, and asserted the great responsibility, of those who hindered the suppression of the revolt by domestic dissensions.¹

A less obviously propagandic treatment of the Irish rebellion from a royalist viewpoint was that contained in two works by Edward Hyde, earl of Clarendon, The history of the rebellion and civil wars in Ireland, and The history of the rebellion and civil wars in England, both of which remained unpublished until 1719/20. Clarendon repeated the familiar view of the wonderful peace and plenty abounding in Ireland in 1641, the free intermingling of English and Irish, and the lack of any real cause of complaint. The Irish parliamentary committees in London, however, discovering the rancour of the English parliament towards catholics, interpreted the doctrine that the English parliament could bind Ireland as constituting a grave danger so far as religion was concerned, and considered how to make use of the troubles which they anticipated would soon take place in England. They regarded the newly appointed Lieutenant as a puritan, and so felt it necessary to exploit fully the period before he arrived. On their return to Ireland, they found much disorder, arising from the inefficiency of the Lords Justices, 'and without doubt the scheme was then laid for the general insurrection over the kingdom'. He assigned no specific occasion for the defection

1. The pourtraicture of his sacred Majestie in his solitude and sufferings. Ed. J.L.Scott, London, 1880.

of the 'old English' in general, whom he believed to have been 'driven to put themselves into the protection of those whose ways and courses they totally disapproved', both 'by the indirect carriage of the Lord Justices and by the violence of the parliament of England'. It is clear that, though less glaring than that of Howel, Clarendon's bias was very similar. He was determined to assign a considerable share of the responsibility to the Lords Justices and the English parliament, and in order to do so he was prepared to exculpate very largely many of those who were in rebellion. In the interests of this thesis he ignored Maguire's Narration, and found the beginnings of the rebellion, by inferential argument, in England. His view in short was that the rebellion was originally planned by individual members of the 'old English' group, in particular those who were in England with the committees, but the generality of that group disapproved of it, and were only forced to participate in it unwillingly.¹

The Irish view of the rebellion was presented vigourously by the anonymous author of 'Aphorismical discovery of treasonable faction'. He described the state of Ireland in 1641 in very much the same terms as the other authors who have been considered - happy and prosperous, and full of people and riches. The country, however, was 'commanded by foreigners and the majesty of religion eclipsed'. The rebellion was

1. Clarendon, Rebellion and civil wars in Ireland, pp.5-7,10. Rebellion and civil wars in England, i,408-13.

caused by the intention of the government to emulate the intolerance of the English parliament and root out Irish catholicism. The originators of the plot were 'certain prime Irish members of the parliament'. 'The matter was resolved to be left in the breast of a select number of men which have been seventy-eight persons', including the earl of Ormond, almost all of whom, except for O'Neill, withdrew upon the discovery of the plot. Though the 'old English' regarded 'the revolution of the northern people, rather inative in them than of any settled ground', the conduct of the Lords Justices forced them to make a choice - they 'must either tender their neck to the meriless doom of the king's enemies, or join with Phelim O'Neill'. They thereupon wrote to O'Neill asking him to come to their rescue, and as a result he sent the O'Reillys and MacMahons to besiege Drogheda. The author conceded, however, that the 'king's enemies' had a certain amount of confidence in the 'old English', and attempted to dissuade them from joining with the Irish by giving them arms. It seems more than likely that he was not himself in Ireland during the first year of the rebellion, and his account of the events of that period was highly inaccurate.¹

The second Irish account, the monumental Commentarius Rinuccinianus, was also considerably less well informed about the first year of the rebellion than about later events. The chief architect of this work, Father Richard O'Ferrall, a

1. Gilbert, Aph.disc., i, pp. 11-14, 17-18.

Capuchin, whose ancestral lands had been planted, was bitterly hostile to the 'old English', to the unsatisfactory loyalties of whom he attributed in great part the defeat of the catholic cause in Ireland. Though his animosity was moderated by his co-author, Father Robert O'Connell, also a Capuchin, nonetheless the treatment of the 'old English' in the Commentarius¹ cannot be considered dispassionate. The emphasis upon their loyalty to the English connection may have proceeded rather from a desire to discredit them by detracting from their ardour for the catholic faith, than from a concern for absolute truth. The authors of the Commentarius alleged that the Lords Justices and the English parliament combined to render the concessions made to the Irish parliamentary committee ineffectual, the basis of this association being the desire of the Justices to avoid any investigation of their government in Ireland, and the desire of the English parliament to use these people against the royalists in Ireland. The northern catholics, having examined the situation carefully and become convinced that the parliamentarians were involved in a plot to extirpate Irish catholicism, in desperation rose in arms in defence of religion, king and country. No account was given of the plot. Different, however, was the attitude of the 'old English':

'in quorum cordibus suae originis Anglicanismus altiss-

1. P.J. Corish, 'Two contemporary historians of the confederation of Kilkenny: John Lynch and Richard O'Ferrall', in I.H.S. viii. (1953), pp. 217-236.

imas semper radices egerat, metuentes ne non alio bellum aliud tenderet quam ut coronae et nationis Anglicanae jugo prorsus excusso aborigines pristina libertate recuperata rerum potirentur, et timentes ne ipsis agris magnam partem Ecclesiasticis haereticorum Angliae Principum tyrannide obtentis aliisque possessionibus ejus Coronae potentia et pravo regimine in Ibernia male partis exuerentur, more majorum omnem sub Anglis quamlibet haereticis servitatem servire ipsisque inter bellum illud adhaerere malebant, rati suam in temporalibus sortem hac ratione futuram non faelicem quidem sed minus infaelicem.'

These people's first reaction to the outbreak was to approach the Lords Justices with offers of assistance in suppressing it, and it was only after this offer had been repulsed that they made common cause with the northerners. The steps by which they did so were illustrated by the quotation of the 'Apology' to the king of December 19.¹

Though the intention underlying this treatment may be open to question, it did in fact approach very closely the 'old English' interpretation of events. The best collective treatment of the subject was that contained in the Remonstrance delivered at Trim in March 1643. Despite a prolix recitation of grievances and of contingent circumstances, the justification

1. Comment. Rinucc., i. 249-260. See above, pages 464-5.

1. Carw. Speed, v. 405-24.

of the rebellion stated by the remonstrants was clear and logical. Toleration of the catholic religion in Ireland, they pointed out, was an act of grace, and rested upon a policy of not implementing the various acts against recusancy. This policy was based upon the prerogative power of the crown. The association of three factors: that the English parliament was actively anti-catholic; that it was steadily encroaching upon the prerogative powers; and that it asserted its legislative supremacy over Ireland, impelled the northern catholics to rise in an 'ardent desire to maintain that just prerogative which might encounter and remove' this threat to their lands, lives and religion. Though the northerners declared that they were prepared to submit themselves and their demands to the audience and determination of parliament, the truncated assembly that actually met could do nothing, and the Lords Justices by guile secured the passage of an Order stating that arms had been taken in a rebellious manner. The subsequent conduct of those of the Pale resulted from their defending themselves against the government, the violation of faith involved in the episode of George King being the final determinant since it was palpably a deliberate attempt to prevent any accommodation. The sequence of events in Munster and Connaught was similar: mistrusted and threatened, with government forces burning and pillaging, the nobility and gentry were forced to stand upon their defence.^{1.}

1. Carte, Ormond, v.408-24.

(This aspect of the subject is his novel, Supplementum (St. Niall, 1667).)

Though the account given of their own actions in this Remonstrance was adequate from an 'old English' point of view, its rationalization of the northern revolt was by no means so acceptable. Thus John Lynch, Archdeacon of Tuam, and for many years chaplain to Sir Richard Blake, in Alithinologia, a reply to O'Ferrall's strictures upon the 'old English', published at St Malo in 1664, maintained that the northern uprising was a war for land, not religion, and that consequently the 'old English' were perfectly right to offer their assistance in suppressing it. The Lords Justices, however, resolved to seize the opportunity to extirpate catholicism, and the 'old English' were forced to take up arms in their own defence.¹

The author of the most detailed history of the rebellion from an 'old English' outlook was Richard Bellings, a member of parliament in 1641, who was himself deeply involved in the events which he described. He, too, held that in 1641 Ireland enjoyed the 'fruits of peace in a very notable increase in plenty': the constituent groups of which the country was composed were united by bonds of marriage, tenure and hospitality, and although grievances did exist, particularly in relation to religion and plantations, 'yet they were far from fixing in the hearts of the nation any thoughts of shaking the public peace, whereof the advantages were so visable and so universally spread'. The northerners rose because of their fear of the English parliament, and as a result of local

1. (Lynch), Alithinologia, pp.47-53. Lynch did not enlarge upon this aspect of his subject in his sequel, Alithinologia Supplementum (St Malo, 1667).

grievances relating to the plantation of Ulster. The immediate occasion thus arose from 'swaying members of state ... laying open a way for the ruin of the natives'. He accepted the normal Maguire version of the plot, but denied utterly the complicity of the 'old English'. He ascribed the defection of the latter (including himself) to a cumulatively developing belief that the Lords Justices were deliberately fostering the spread of the rebellion in order to provide themselves with an excuse to import a Scots army to extirpate catholicism - a conclusion inferred from the offensive nature of the original proclamation, from the inadequacy of the supply of arms given to the 'old English' for their defence, from the prorogation of parliament (in which they had placed their greatest hopes of a speedy end to the rebellion), until finally, 'the Lord Justices acted nothing which was not interpreted to contribute somewhat towards the bringing over of an army of Scots reformers'. Though they were greatly affected by Julianstown, by the activities of Coote in Wicklow, and by the incidents at Clontarf and Santry, the true occasion of their defection was the fact of their becoming convinced that the northerners were in the right. His general thesis was that the 'old English' were skillfully deceived by Moore as to the northerners true aims (exploiting their distrust of the government and their loyalty to the king), and as to the northerners' power and resources, deliberately misled by O'Neill. He nowhere committed himself to an examination of the Lords Justices' conduct to determine whether the suspicions of the 'old English' were in fact

justified.~~xxxxxxx~~ This seems to have been a consequence of the fact that his pro-Ormond inclinations placed him in effect in the difficult position of pleading two contrary causes at the same time.¹

Others suffered from no such inhibitions. Nicholas French, 'old English' catholic bishop of Ferns, in The bleeding Iphigenia, first published at Louvaine in 1674, argued that the rising of a few discontented men in the north, whom he did not seek to excuse, had been deliberately inflated by the Lords Justices: 'the plot of these crooked ministers of state was to involve all the catholics in the business and thereby to find colour of confiscating their estates'. This plot had proved successful, and the main body of catholics had been 'forced to take arms to avoid their own destruction, which could not be otherwise avoided.'² This was the view propounded, as has been noted, by John Lynch, and also by another 'old English' cleric, Peter Walsh.³ It was endorsed by the earl of Castlehaven, an English catholic, in his Memoirs of the Irish wars, published at London in 1680⁴

Although contemporary comment on the rebellion of 1641 was divided into four sharply differentiated viewpoints, corresponding to contemporary divisions in Ireland and England, nonetheless a rare measure of agreement was exhibited in the

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1. Bellings, Ir.confed., 1.2-5, 7-8, 18-38, 45-6.
 2. French, The bleeding Iphigenia. No pagination.
 3. (Walsh), A brief narrative how things were carried at the beginning of the troubles in the year 1641 in Ireland (1660).
 4. Castlehaven, Memoirs, pp.15-16, 21, 26-7.

representation of the condition of Ireland in 1641 to have been one of tranquil serenity. The effect of this was to intensify the baseness of those adjudged responsible for its sudden disruption, whether the culprits were identified as the rebels themselves or as the puritans in an extirpatory plot providentially anticipated. So far as those who were politically articulate were concerned, it is clear that such grievances as did exist at that time were by no means intolerable, and many of them were redressed in the year 1641 itself. On the other hand, the effective power of the king to guarantee this redress, and perhaps even the sincerity of his desire to do so, were problematical. There was without doubt an influential section in Ireland which was determined to oppose the course of action on which the king had embarked, and which had already, so far as popular opinion was able to judge, initiated this opposition successfully by securing the adjournment of parliament and the postponement of the enactment of the concessions made by the king. In this suspicion, popular opinion was unquestionably correct. Though the issue involved in this conflict was that which had dominated the reign, the investment of the 'old English' with unchallengable titles to their land, nonetheless that conflict was not by any means fully resolved, and need not in its ultimate working out have eventuated to the disadvantage of the 'old English'. The situation was unsatisfactory, and even dangerous, but that danger was wholly contingent, and peaceful means of averting it were not exhausted: indeed, it was the Irish protestants rather than the 'old English' who were

1; See above, pages 108-116.

in the weaker position. Their potential strength, however, was considerable, for it lay in the inconstancy of Charles.

The threat which faced the 'old English' in 1641 was a familiar one. They had lived in its shadow, and fought it consistantly, throughout the entire reign, and had seen it become reality in Connaught. Now, in 1641, their position had measurably improved: the plantation was to be overthrown, and the two 'darling articles' so contemptuously denied by Wentworth had once more found ~~xxxxxx~~ acceptance. Despite protestant opposition, there was little cause for despair.

There was, however, in Ireland in 1641 a section of the population which throughout the reign nobody had believed to be other than hostile, embittered, and watchful of its opportunity to subvert the established order. This section was that part of the Irish natives which had either personally or through ancestors been dispossessed by plantation, particularly in Ulster, but also elsewhere. While the material possessions of the 'old English' forced a determined consevatism upon them, the dispossessed Irish, in contrast, were reactionary revolutionaries who had much to gain (or, more properly, regain) which could only be gained by force of arms, had little to lose, and were confident that their efforts would be supported by Irish emigrants returning from the continent, many of them trained and experienced soldiers.

In the facts ascertainable about the plots which immed-¹ately preceded the outbreak of the rebellion, it seems

1. See above, pages 408-18.

possible to distinguish a number of definite stages of development. In the first place, there was a plot involving Moore and the Ulster Irish, relying heavily upon outside aid, of which the objects were the recovery of their estates and the defence of the catholic religion from the potential threat of the puritans. In the second place, there was a plot, instigated by the king, for the mobilization of Ireland against the English parliament, in which the earl of Ormond, a number of army officers, and a proportion of the 'old English', particularly those who had been members of the parliamentary committees in England, were tentatively involved. For some time, in August 1641, these two plans were fused together, probably through the respective agencies of Colonel Byrne and Phillip O'Reilly. In September, the two conspiracies separated again, either because Ormond disapproved of the association with the Ulster Irish, or perhaps because the king's design had been discontinued. When Charles had sent his message from York in August, he was on his way to attempt to induce the Scots to abandon their alliance with the English parliament. Success in this endeavour would have enabled him to manage parliament without recourse to extraordinary proceedings in Ireland, so that the initially favourable reaction which he found in Scotland may have led him to suspend the preparations in Ireland. Although it was decided, despite the defalcation of the officers, to continue the northern conspiracy, the complexion of that conspiracy had altered. In this final stage, the northern plot had replaced its original objects by the objects

of the conspiracy motivated by the king. That is to say, while the fundamental purpose of the northerners remained unchanged, they rose in arms under the immediate stimulus of the belief that the king desired an armed rising, and would presumably be prepared to reward liberally those who assisted him in this design: hence the moderation towards the Scots in Ulster, with whose fellows in Scotland Charles was still negotiating; hence the strict limitation of purpose proclaimed by O'Neill on October 24; hence the reasoning underlying the publication of a supposititious commission from the king; and hence the insistence upon loyalty in the oath of association.

This reconstruction not only explains the ~~the~~ otherwise inexplicable aspects of the rebellion, but also resolves the problem which has bedevilled the investigation of its preliminaries - the problem of the extent to which the 'old English' were implicated. While a number of them were implicated in the king's plot, only Colonel Plunkett was involved in the plot which eventuated in rebellion. Thus both the representative assertions of Borlase, who claimed that the 'original' of the conspiracy was brought over by the parliamentary committees and that the 'old English' were deeply involved, or of Phelim O'Neill, who claimed that the 'old English' had left the northerners 'in the lurch'¹, and the denials of Bellings and others of the 'old English', contain a measure of truth, and an equal measure of untruth.

1. Cox, Hibernia Anglicana, ii. Appendix 10, pp. 45-8.

In considering the reasons for the defection of the 'old English' in the context of this reconstruction, it is first necessary to re-appraise the policy of the Lords Justices. The characters of Parsons ^{and Borlase} have been long and facilely impugned. But it needs only the very reasonable presumptive attribution to them of a certain knowledge of both plots in general, but an insufficient knowledge to enable them to separate the two, to appreciate the difficulty of their position, and the uneasiness which they must have felt in deciding to trust any particular person or persons. That they were irresolute and indecisive is unquestionable, but they may be presumed to have been sufficiently aware of the complexity of the situation to be aware also of the incapacity forced upon them by the deficiencies in their knowledge.

The consequences of this deficiency emerged very clearly in their treatment of the earl of Ormond, which Carte claimed could only be explained in terms of jealousy or of an indisposition to have the rebellion crushed. There is however a third possibility: that they felt themselves unable fully to rely upon his honesty in supporting the Irish state. And if they feared Ormond's desertion, it must be conceded that they had some grounds for so doing: if they were uncertain of the true nature of his loyalty, so too seem to have been their opponents.¹

The probable motivation of their behaviour towards the 'old English' was precisely similar. There was every reason to

1. Gilbert, Aph. disc., 1.21.

believe that at least some of these were implicated in an indeterminate way in a (and thus, presumably, the) rebellious plot. It was not impossible that they were awaiting the opportune moment of the re-assembling of parliament to declare themselves. On the other hand, the conduct of the 'old English' was not such as to give confirmation to these suspicions. If they were in fact implicated, the discovery of the plot and the capture of a number of the conspirators, followed by the issue of a proclamation which could be interpreted to mean that the government had information of their involvement, should logically have caused them, not to submit protestations of loyalty and demands for a retraction of the implied incrimination, but to flee. This was one of the weak-points in the parliamentary interpretation of these events. The policy of dissimulation and temporization attributed to the 'old English' could only have been pursued by the latter deliberately placing themselves in the hands of enemies who had already displayed suspicions, if not indeed positive knowledge, of their guilt. If this interpretation was correct, they must indeed have been, as Castlehaven pointed out, 'the veryest fools on earth'.¹

The improbability of such behaviour, flying as it did in the face of convincing indications of their actual guilt, bemused the Lords Justices. Acquisitive mediocrities Parsons, Borlase and their associates may have been, but to condemn them out of hand for their treatment of the 'old English' is

1. Castlehaven, Memoirs, p.27.

to invest the issues with a clear-cut simplicity which they did not possess. The Lord President of Munster thought that they were frightened, and that may well have been the case, for the forces threatening them were for a time wholly incalculable. Whether they were actuated by a machiavellian design to force the country into rebellion for their own profit, ~~or~~ or by an unreasoning panic arising from their conscious ignorance of the true nature of the country's loyalties which prevented them from deciding upon an informed and consistent policy: these are the alternative explanations of the behaviour of the Lords Justices.

But it is not impossible that both explanations are correct. Thus the latter characterizes their actions during the first months of the rebellion, while the former motive began to operate as soon as the issues became reasonably clear - as soon as the 'old English' declared themselves and removed the unknown quantity, and as soon as it became evident that the initial onslaught of the rebels had been contained, and that there was a definite likelihood of a government victory. This latter consideration emphasizes one of the weak-points in the theory of the 'old English' having been deliberately driven to revolt, for the government was not in fact in a sufficiently secure position at the time in question to justify it in gambling upon so dangerous and unsure a venture.

In their first proclamation of the rebellion, the Lords Justices to some extent incriminated the 'old English' in the plot, or, at least, could reasonably be understood to have

intended doing so. Shortly afterwards, they withheld adequate arms for defence from the lords of the Pale, justifying themselves by a crude and obvious lie about the resources available. Though the aspersions in the proclamation were retracted, and a certain amount of arms made available for the defence of the Pale, the inhabitants of the area were prohibited from coming to Dublin for their protection. Soon the arms were, so far as possible, re-possessed. Parliament, which, through supply and through ameliorative legislation, might be expected to make an important contribution to the suppression of the rebellion, was only held at all with difficulty, and its activities were then too strictly circumscribed to allow its members to achieve anything of positive value. Its almost immediate prorogation removed any hopes which might have existed that the actions of the Lords Justices could be subjected to some degree of control. The sterility imposed upon it suggested that the emergency was being exploited to withhold the concessions of the summer. At this point, the advance of the northerners into the undefended Pale made it imperative for the 'old English' to decide upon a definite course of action.

Alienated by the evident distrust and potential hostility of the government, their suspicions re-enforced by the apparently indiscriminate reprisals at Wicklow and Santry, ~~the~~ the 'old English' of the Pale determined that association with the northerners was preferable to reliance upon the inactive government of Ireland. If this course of action appeared the

less perilous in the circumstances, they may also be presumed to have been influenced in deciding upon it by the consideration that it did not necessarily involve a repudiation of their allegiance to the king. In the first place, the northerners were claiming to act, and to all appearances were acting, within the framework of a plot with which some of the 'old English' were already familiar, and which, far from being directed against the royal government, had actually been initiated by Charles himself. Whether dishonestly, or whether in the genuine belief that the king's design was adequate to their purpose, the northerners did at the outset persistently advance this interpretation of their movement, and though its credibility may not have been high, the 'old English' were in no position to examine so advantageous a consideration too critically. In the second place, enhancing the acceptability of this view of the northern rebellion, there was, at the time at which it became necessary to make a decision, no compelling reason to suppose that the king was unequivocally opposed to it. The Irish government seemed disposed to treat them as rebels: the English parliament, which had been entrusted with the suppression of the rebellion, was in the highest degree unlikely to question this opinion: the king, however, was known to be unfavourably disposed to both. Consequently, to take arms in self-defence against both need not necessarily involve opposing Charles in any way, was, arguably, in accordance with his best interests, and might even by no means improbably be in accordance with his wishes. Thus if it was necessary to

take arms immediately in self-protection, it was equally ~~as~~ essential to establish direct contact, without intermediaries, with Charles to resolve the manifold uncertainties.

It seems clear that the 'old English' regarded recourse to arms in the light of an interim solution to their difficulties, which would enable them to maintain their position until such time as they could work out a permanent solution in direct negotiation with Charles. The first authentic statement of the latter's position was made in the signed proclamation which reached Ireland on February 20. Despite the fact that it was communicated to them indirectly, and was not therefore wholly trustworthy, coinciding as it did with Ormond's expedition in the Pale and the raising of the siege of Drogheda, it seems to have induced in the 'old English' a very general readiness to submit. Its provisions, however, were not honoured by the Lords Justices. It was at this point that the 'old English' realised that they were irrevocably committed to rebellion, for it was at this point that the calculated avarice of the Lords Justices and their adherents became a decisive determinant of the fortunes of the 'old English', compelling them to pursue their temporary expedient to its logical conclusion of total war as the only feasible modus vivendi et modus operandi open to them. Though it was still possible to maintain that the king's attitude was as yet unknown, or that in so far as it had been revealed it was based on inaccurate information, and therefore still possible to maintain loyalty, it was no longer reasonable to maintain that his attitude made

any concrete difference to their position. While they remained anxious to justify their actions to him, he was powerless to provide them with the effective solution for which they had hoped. They were left with no alternative but to organize for total war against the Irish government and the English parliament as efficiently as possible in an uneasy alliance with the Irish, whose ad hoc allegiance to the king was cast off as his ability to yield them their demands disappeared. The loyalty of the 'old English', however, who had more to lose, and desired to gain less, than their Irish fellow-catholics, remained a factor of constant importance in what Carlyle aptly described as the confused and confusing history of the war in Ireland.

APPENDIX I

PROFITABLE LAND IN THE POSSESSION OF THE 'OLD ENGLISH' IN 1700

The manner in which these figures have been arrived at is as follows.

The amount of land which was cultivated in 1700 (Column 1), together with the amount of land which was profitable (Column 2), have been taken from the figures published by H. H. Harcourt in 'The Agricultural Survey of the Kingdom of Ireland as Conducted by a Public Commission, 1700-1710', Vol. I, Civil and Military Surveys, from 1700 to 1710, pp. 10-11.

APPENDICES

1. Table A. Trade, Antiquities, and the like, 1700-1710.

These two figures have been used to express the approximate proportion of profitable land in each county (Column 3). The total number of plantation acres in each county (Column 4) has been taken from A geographical description of the Kingdom of Ireland (2nd edit., London, 1720) which was based upon Petty's work. The figures given in Columns 3 and 4 have been used as the basis for a calculation of the approximate number of profitable plantation acres in each county (Column 5). The total amount of profitable land held by the 'old English' in each county (Column 6) is an aggregate of the holdings of the 'old English' as recorded in the Books of Survey and Distribution (P.R.O., Ire.). The proportion of the profitable land in each county which was held by the 'old English' has been calculated (Column 7) from the figures in Columns 5 and 6.

APPENDIX I

PROFITABLE LAND IN THE POSSESSION OF THE 'OLD ENGLISH' IN 1641

The manner in which these figures have been arrived at is as follows.

The amount of land which was forfeited in each county (Column 1), together with the amount of that land which was profitable (Column 2), have been taken from the figures published by W.H.Hardinge ('On Manuscript Mapped and other Townland Surveys in Ireland of a public character, embracing the Gross, Civil and Down Surveys, from 1640 to 1688', Appendix (E), R.I.A. Trans., Antiquities, vol XXIV (1873), pp.100-104.). These two figures have been used to assess the approximate proportion of profitable land in each county (Column 3). The total number of plantation acres in each county (Column 4) has been taken from A geographical description of the kingdom of Ireland (2nd edit., London, 1720) which was based upon Petty's maps. The figures given in Columns 3 and 4 have been used as the basis for a calculation of the approximate number of profitable plantation acres in each county (Column 5). The total amount of profitable land held by the 'old English' in each county (Column 6) is an aggregate of the holdings of individuals ~~proprietors~~ as recorded in the Books of Survey and Distribution (P.R.O., Ire.). The proportion of the profitable land in each county which was held by the 'old English' has been calculated (Column 7) from the figures in Columns ~~XXXXXX~~ 5 and 6.

The figures given for the five counties of the Pale (Dublin, Kildare, Kilkenny, Louth and Meath) have been arrived at rather differently. In these counties, the total amount of profitable land, as well as the total amount of profitable land held by the 'old English', have been calculated directly from the figures given in the Books of Survey and Distribution.

It is clear that while the figures relating to the Pale are as nearly exact as occasional errors of identification allow, proportionate the/figures for the other counties are only a very rough approximation.

	834345 (1)	357330	42.8	222814	204945	204945	43.6
	422973	399506	89.8	635900	573900	308100	17.9
					241100 (2)	173500 (2)	61.7
	139052	97714	70.3	257520	183000	80750	22.2
	88399	40048	45.4	226870	140400	60000	4.2
	239842	196288	82.2	375300	313000	189400	42.2
	96084	68943	71.8	314700	96445	175000	38.3
					85777	69000	81.6

County	Forfeited land	Amount prof.	%age prof.	Total acres	Estimated total prof.	O.E. prof.	O.E. %age
Carlow	97935	88597	90.4	116900	105678	33950	32.0
Cavan	116513	89470	76.8	274800	211000	33000	15.6
Clare	373694	164093	43.8	428187	187500	13000	6.9
Cork	736557	666413	90.5	991000	896800	213770	23.9
Down	98730	71116	72.0	344658	248200	7820	3.2
Dublin					126691	85209	67.0
Galway	834345 ⁽¹⁾	357390	41.6	332600 775525	204945 322600	204945	63.6
Kerry	422593	379506	89.8	636900	571900	102100	17.9
Kildare					140022	106397	76.0
Kilkenny					241100 ⁽²⁾	153500 ⁽²⁾	63.7
King's County	139052	97714	70.3	257510	181000	20250	11.2
Leitrim	88399	60048	67.9	206830	140400	6000	4.2
Limerick	235842	196886	83.4	375320	313000	129493	41.1
Longford	96084	68842	71.6	134700	96445	17700	18.3
Louth					85777	69801	81.4

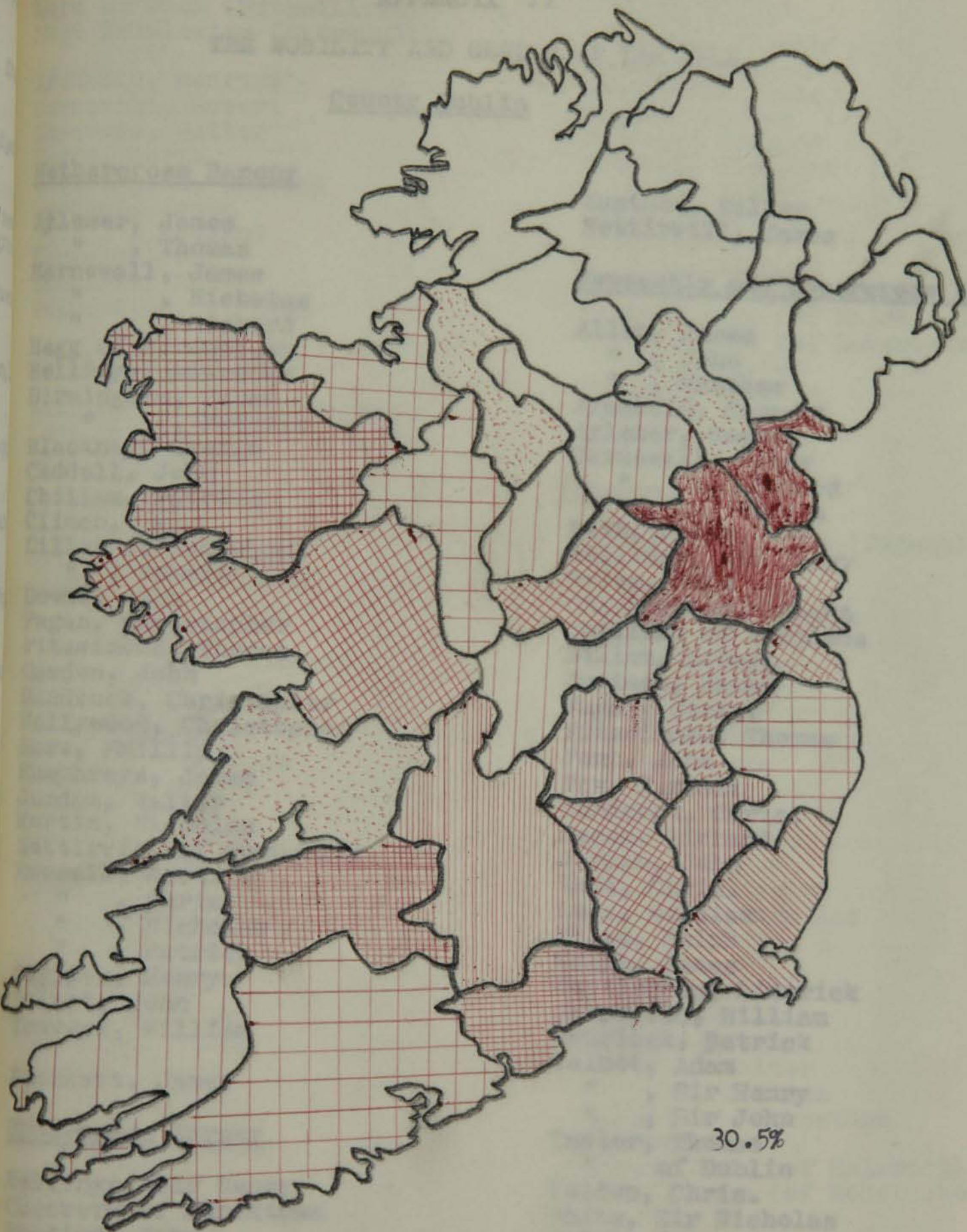
This figure is given by R.C. Statistics, Distribution, County Resources (Ir. Stat. Comm., Dublin, 1977), p. xxvi, n.2.

	0-3	4-9	10-19	20-9	30-9	40-9	50-9	60-9	70-9	80-9	
Mayo	650977	193712	29.8	724640	215900	104300					48.4
Meath					289813	248310					85.6
Monaghan	73306	61368	83.7	170090	142290	6380					4.5
Queen's County	113996	96001	84.3	238415	200970	61350					30.5
Roscommon					198393	39370	(3)				20.0
Sligo	159417	99702	62.1	241550	150000	31900					21.3
Tipperary	499565	375639	75.2	599500	450800	169360					37.6
Waterford	146847	119155	81.1	259000	210000	92000					43.8
Westmeath	200556	156020	77.8	249943	194500	134947					69.4
Wexford	211585	204645	96.7	315400	305000	154400					50.6
Wicklow	107906	90437	83.8	253410	212350	47100					22.2

NOTES

1. The total amount of land stated by Hardinge to have been forfeited in this county is greater than the total area of the county as given in A geog. desc. This discrepancy may be related in some way to the fact that the survey did not give particulars of landholding in the baronies of Tyaquin, Bellamoe, and part of Killyan.
2. These figures exclude the barony of Kells, for which returns were incomplete. 'Old English land' in the barony aggregated 12,203 profitable plantation acres.
3. This figure is given by R.C. Simington, Book of Survey and Distribution, County Roscommon (Ir. MSS Comm, Dublin, 1949), p. xxxvi, n.2.

% 0-3 4-9 10-19 20-9 30-9 40-9 50-9 60-9 70-9 80-9



30.5%

Proportion of profitable land held by the 'old English' in Ireland in 1641.

THE NOBILITY AND GENTRY OF THE PALE

County Dublin

Baldon Half Barony
Lord Morrison (Fitzwill)
Lord Trimleston

Archbold, Maurice
Barnwall, Robert
Cheevers, Walter

Nethercross Barony

Aylemer, James
" , Thomas
Barnwall, James
" , Nicholas
" , Richard
Begg of Boranstown
Bellings, Lawrence
Birmingham, James
" , Patrick
Blackney, George
Caddell, John
Chillam, Patrick
Clinch, -
Dillon of Huntstown
" , Robert
Dowde, John
Fagan, Christopher
Fitzsimons, Thomas
Gawden, John
Handcock, Christopher
Hollywood, Christopher
Hore, Phillip
Humphreys, James
Jordan, Walter
Martin, Nicholas
Nettirvill of Corballis
Russell, Bart.
" , Chris.
" , Nicholas
" , Patrick
Segrave, Henry
Talbot, John
Travers, William

Plunkett, James

Uppercross Barony

Bellings, Sir Henry
Cheevers of Moncktown
Dowding, John
Eustace, Alex.
" , Nicholas
" , Oliver
" , Thomas

Nassey, Luke
" , Peter
" , Thomas
" , Nicholas
Nettirvill, Luke
Nugent, Andrew
Pentony, Richard
Preston, Nicholas

Eustace, Walter
Nettirvill, James

Newcastle and Uppercross Barony

Allen, James (of Malahide)
" , John (of Robertstown)
" , Matthew
Archbold, Garrett
Aylemer, George
Barnwall, Peter
" , Richard
" , Robert
Bath, Peter
Bellings, Sir Henry
Brice, John
Chamberlain, Robert
Chilliam of Drogheda
Dillon, Robert
Eustace, James
Fagan, Chris.
Fitzsimons, Thomas
Font, John
Fox, Garrett
Handcock, Chris.
Jacob, Richard
Jordan, John
Kent, Chris.
Lock, William
Mills, Ralph
Meagh, James
Nottingham, Limerick
Sarsfield, William
Scurlock, Patrick
Talbot, Adam
" , Sir Henry
" , Sir John
Taylor, Thomas
" of Dublin (Malahide)
Veldon, Chris. (of Robertstown)
White, Sir Nicholas
Walsh, James

Rathdown Half Barony

Lord Merrion (Fitzwilliam)
Lord Trimleston (Barnewall)

Archbold, Maurice
Barnewall, Robert
Cheevers, Walter
Fagan, Chris.
Fitzwilliam, Colonel
Goodman, James
" , Rowland
Harrold, John
Rochfort, Henry
Wolverston, William

Balrothery Barony

Earl of Fingall (Plunkett)
Lord Gormanstown (Preston)
Lord Nettirvill

Allen, John
Arthur, Robert
Barnewall, Matthew
" , Nicholas
" , Patrick
" , Peter
" , Sir Richard
Bath, James
Begg, Matthew
" , Nathaniel
Bellings, Lawrence
Blackney, George
Caddell, John
Carbury, Richard
Chilliam, Chris.
Conran, Patrick
" , Thomas
" , Walter
Crdice, Chris.
Cusack, Adam
" , Patrick
Delahide, Thomas
Dongan, Edward
Dillon, Martin
Delahide, Anthony
Eustace, Nicholas
Fagan, Chris.
Finglas, John
Gough, Patrick
Goulding, Richard
Hollywood, Nicholas
Humphreys, James

Hussey, Luke
" , Peter
Luttrell, Thomas
Moore, Nicholas
Nettirvill, Luke
Nugent, Andrew
Pentony, Richard
Preston, Nicholas
" , Robert
Russell, Patrick
Segrave, Henry
" , Richard
Stokes, George
Talbot, John (of Malahide)
" , John (of Robertstown)
" , William
Travers, William
~~XXXX~~
Usher, Robert

Coolock Barony

Earl of Westmeath (Nugent)

Barnewall, James
" , Nicholas
Bath, James
Bellings, Lawrence
Barry, William
Birmingham, Patrick
Chamberlain, Robert
Dillon, James
" , Luke
Fagan, Chris.
Fleming, Thomas
Gough, William
Goulding, Richard
Hollywood, Nicholas
Hore, Phillip
King, George
Luttrell, Simon
Nugent, Andrew
Plunkett, James
" , Walter
" , William
Russell of Brownstown
Segrave, Henry
Talbot, John (of Malahide)
" , John (of Robertstown)

County Kildare

Castleknock Barony

Lord Dunsany (Plunkett)

- Barnewall, Chris.
- " , Matthew
- " , Nicholas
- Bellings, Sir Henry
- " , Lawrence
- Chamberlain, Robert
- Delahide, John
- Dillon, Martin
- Dowd, Edward
- Eustace, Nicholas
- " , Thomas
- " , James
- Freene, William
- Hackett, George
- Hore, Phillip
- Luttrell, Simon
- " , Thomas
- Mapus, Ignatius
- Nottingham, Limerick
- Plunkett, James
- " , Nathaniel
- Segrave, Henry
- Talbot, William
- Warren, William

Plunkett, Patrick

Great Connell Barony

- Dungan, Sir John
- Eustace, Chris.
- Fitzgerald, Gerald
- " , Maurice
- Laffan, John
- Sarsfield, Patrick
- Wesley, Garrett
- " , Valerian
- " , Walter
- White, Sir Nicholas

Ennaly Barony

- Dungan, Sir John
- Fitzgerald, Gerald
- " , James
- " , Maurice
- " , Pierre
- " , Thomas
- Hayes, Geoffrey
- Leigh, John
- Wesley, Matthew
- Sarsfield, Peter
- Wesley, Valerian

County Kildare

Allen Hall Barony

Salt Barony

- Allen, Lady
- " , Robert
- Aylemer, George
- Burnell, Chris.
- Dungan, Sir John
- " , Lady
- " , Dame Mary
- " , Sir Walter
- Eustace, James
- Geydon, John
- Nottingham, Limerick
- Rochfort, Robert
- Sutton, Nicholas
- Talbot, John
- Taylor, Thomas
- Tipper, William
- Walsh, Chris.
- " , Nicholas
- Wesley, Chris.
- " , Joseph

- White, Sir Nicholas
- Wogan, Nicholas

Ikeathy Barony

- Aylemer, Andrew
- " , George
- Butler, Ellen
- Eustace, James
- " , Maurice
- Fitzgerald, Maurice
- " , William
- Hussey, Peter
- Rochfort, Oliver
- Sutton, Garrett
- Wogan, Nicholas

Ennaly Barony

- Arenbald, Chris.
- Aylemer, Sir Andrew
- Eustace, Maurice

Naas Barony

Allen, John
 " , Edward
 Bath, John
 Bellings, Richard
 Cardiff, James
 Cheevers, John
 Dungan, Sir Walter
 Eustace, Chris
 " , James
 " , Maurice
 " , Rowland
 " , William
 Fitzgerald, Maurice
 " , William
 Lattin, John
 Luttrell, Simon
 Rochfort, Robert
 Sarsfield, Patrick
 " , William
 Sedgrave of Cabragh
 Sutton, Nicholas
 Shurlock, Chris.
 Wesley, Valerian

Claine Barony

Aylemer, Sir Andrew
 Dungan, Sir John
 " , Edward
 Eustace, Chris.
 " , James
 Fitzgerald, Maurice
 " , Phillip
 " , Thomas
 " , William
 Luttrell, Simon
 Missett, Adam
 Rochfort, James
 " , Robert
 Sarsfield, William
 Sutton, Garrett
 Wogan, Nicholas
 " , William

Carbury Barony

Ash, Thomas
 Birmingham, John (bis)
 " , Pierce
 " , Richard
 " , William
 Leigh, John

Plunkett, Patrick

Great Connell Barony

Dungan, Sir John
 Eustace, Chris.
 Fitzgerald, Gerald
 " , Maurice
 Laffan, John
 Sarsfield, Patrick
 Wesley, Garrett
 " , Valerian
 " , Walter
 White, Sir Nicholas

Ophaly Barony

Dungan, Sir John
 Fitzgerald, Gerald
 " , James
 " , Maurice
 " , Pierce
 " , Thomas
 Hayes, Geoffrey
 Leigh, John
 Nangle, Matthew
 Sarsfield, Peter
 Wesley, Valerian

Kilcullen Half Barony

Dungan, Edward
 Eustace, Maurice
 Fitzgerald, Pierce
 Sarsfield, William

Narrogh and Reban Barony

Archbold, Chris.
 Eustace, Maurice
 " , Richard
 Fitzgerald, Phillip
 " , William
 Savage, Francis
 Wesley, Garrett
 " , James
 Wolfe, Nicholas

Kilkath and Moone Barony

Archbold, Chris.
 Aylemer, Sir Andrew
 Eustace, Maurice

Eustace, Thomas
 " , Walter
 Fitzgerald, Bryan
 " , James
 " , Nicholas
 " , Pierce
 " , Thomas
 " , William
 Wall, Garrett

County Kilkenny

Callan Liberties

Comerford, Edward
 Everarde, Richard
 Roch, Robert

Knocktopher Barony

Lord Mountgarrett (Butler)
 Anthony, Peter
 Butler, Edmond
 Comerford, Thomas
 Cranisborough, Marcus
 Denne, Patrick
 Fanning James
 Grace, William
 Howling, Edmond
 Hoyle, Edmond
 Roche, David
 Walsh, Adam
 " , Edmond
 " , James
 " , Peter
 " , Phillip
 " , Robert (bis)
 " , Thomas
 Walton, William
 Watson, William
 White, Sir Nicholas

Idagh, Igrin and Ibercon Barony

Lord Mountgarrett

Ayleward, John
 " , Nicholas
 Butler, Piers
 " , Richard
 Cottle, Walter
 Denne, Patrick
 " , Thomas
 Dobbin, James

Dormer, Nicholas
 Fitzgerald, Edmond
 " , John
 " , Toby
 Forstall, Edmond
 " , James
 " , Peter
 " , Redmond
 " , William
 Frenny, Thomas
 Gaule, Robert
 " , William
 Grace, Edmond
 Grant, Matthew
 Strange, Peter
 " , Richard
 Sweetman, James

Sheelelogher Barony

Comerford, James
 " , John
 " , William
 Fitzgerald, Pierce
 " , Richard
 " , William
 Forstall, Robert
 Leigh, Thomas
 Rothe, Sir Robert
 St Leger, George
 " , Patrick
 Shee, Marcus
 " , Pierce
 Sweetman, William

Iverke Barony

Lord Mountgarrett
 Butler, James
 Dalton, Peter

Dalton, Edmond
 " , Walter
 Denne, ffoulk
 Grant, David
 " , Edmond
 " , Richard
 " , Thomas
 Leonard, John
 Rothe, Sir Robert
 Strange, Peter
 Walsh, James
 " , Pierce
 " , Richard
 " , Robert
 " , Thomas

Kells Barony

Lord Mountgarrett

Archer, Thomas
 Butler, David
 " , Edmond
 " , Pierce
 " , Richard
 " , Tibbot
 Comerford, Thomas
 Rothe, Sir Robert
 Shee, Robert
 Sweetman, John
 Tobbin, James
 Walsh, James
 " , Richard
 " , Robert

Golmoy Barony

Lord Mountgarrett

Archdeacon, Peter
 " , Richard
 Archer, Henry
 Brian, John
 Butler, Sir Edward
 Grace, John
 " , Walter
 Rothe, Sir Robert
 Shee, Edmond
 Shortall, Thomas

Fagsadining Barony

Lord Mountgarrett

~~xxxxxxxxxxxx~~

Archer, Henry
 " , Walter
 Blanchvill, Garrett
 Roche, David
 Rothe, David
 Shee, Peter
 " , Robert
 Shortall, Thomas

Purcell, Edmond
 " , Phillip
 " , Richard

Crannagh Barony

Lord Ikerryn (Butler)
 Lord Mountgarrett

Butler, Pierce
 Drilling , William
 Forstall, Robert
 Grace, John
 " , Patrick
 " , Richard
 Rochfort, John
 Rothe, Edward
 " , Patrick
 " , Thomas
 Shee, Richard
 " , Robert
 Shortall, James
 " , Lenoard
 " , Nicholas
 " , Robert
 " , Thomas

Kilkenny Liberties

Archdeacon, James
 Archer, Henry
 " , Nicholas
 " , Peter
 Blanchfield, Edward
 Badgott, Michael
 Cowley, Nicholas
 Dowlan, John
 Fitzgerald, Peter
 Leigh, Thomas
 Nash, John
 Rochfort, John
 Rothe, David
 " , Oliver

County Leitrim

st Leger, James
 Savage, Thomas
 Shee, Chris.
 " , George
 " , Marcus
 " , Pater
 " , Robert
 Shortall, Thomas
 Sweetman, William
 Watson, Oliver

Gowran Barony

Lord Mountgarrett
 Archdeacon, Redmond
 Archer, Henry
 Blanchfield, Sir Edmond
 " , James
 Butler, Edward
 " , Pierce
 " , Richard
 " , Walter
 Cantwell, John
 Comerford, John
 Cooley, James
 Cowley, Nicholas
 Denne, Henry (of Malahide)
 " , Thomas
 Dobbin, Edward
 " , Nicholas
 Forstall, Robert
 Grace, Gerald
 Nash, Nicholas
 Power, Richard
 Purcell, Phillip
 Shee, Robert
 Shortall, Oliver
 " , Peter
 " , Pierce
 " , Robert
 Strange, Richard
 Watson, Oliver

Balloy, Nicholas
 Cahill, Michael
 " , James
 Cappon, George
 Caspary, Patrick
 Cooley, Robert
 " , Thomas
 " , William
 " , John
 " , Patrick
 " , Charles
 " , James
 " , Thomas
 " , Robert
 " , William
 " , John
 " , Patrick
 " , Charles
 " , James
 " , Thomas
 " , Robert
 " , William
 " , John
 " , Patrick
 " , Charles

County Louth

Ferrard Barony

Lord Louth (Plunkett)
 Lord Taaffe
 Bath, Nicholas
 Bellew, John
 Clinton, Stephan
 Dardis, Chris.

Dowdall, Patrick
 " , Stephan
 Gough of Dublin
 Kennedy, Walter (of Dublin)
 Lawrence, Chris.
 Moore, Adam
 " , William
 Nettirvill, Patrick
 Peppard, Robert

Plunkett, George
 " , James
 " , Nicholas
 " , William
 Stanley, John
 " , Rowland
 Taaffe, Stephen
 Verdon, Edward
 " , John

Louth Barony

Lord Louth

Babe, John
 Barnewall, Patrick (of Mardstown)
 Bellew, Sir Chris.
 Cashell, Patrick
 Clinton, Peter
 Gernon, Henry
 " , Patrick
 " , Roger
 Grenan, Thomas
 Plunkett, John
 Taaffe, John
 Talbot, James (of Malahide)

Dundalk Barony

Lord Louth

Bellew, Sir Chris.
 " , Patrick
 Cashell, Oliver
 Dowdall, Lawrence
 " , Stephen
 Gernon, Patrick
 Gough, William
 Mapas, Alex.
 Segrave, Patrick
 Taaffe, John
 White, Chris.
 " , John

Ardee Barony

Lord Louth
 Lord Nettirvill
 Lord Slane (Fleming)
 Lord Taaffe

Ardagh, Matthew
 Barnewall, Robert
 Bellew, John

Bellew, Nicholas
 Cashell, Nicholas
 " , Patrick
 Cappock, Stephen
 Chamberlain, Patrick
 Cooley, Garrett
 " , Henry
 Clinton, James
 " , Lawrence
 " , Patrick
 " , Peter
 " , Stephen
 " , Thomas
 Darcy, Nicholas
 Drumgoole, Patrick
 Duffe, Bart.
 Fallon, Thomas
 Fleming, George
 Gernon, Patrick
 " , Richard
 Hodson, John
 Hollywood, Edward
 Levan, Patrick
 Moore, Bart.
 " , William
 Plunkett, Thomas
 Taaffe, Chris.
 " , Robert,
 " , William
 Verdon, John
 Warren, Patrick
 Wooton, Charles
 " , John

Barnes, Richard
 Darcy, Edward
 Denny, James
 Fitzgerald, Sir John
 " , William
 Lynch, Gerald
 " , Robert
 Lynch, Richard
 Plunkett, Nicholas
 Terley, Valerian

Killybegs Barony

Lord Duffery
 Earl of Fingall
 " , Robert
 Barnewall, Nicholas
 " , Garrett

Bath, Richard
 Cruice, Chris.
 " , Walter
 Darcy, Nicholas
 Dowdall of Athlumney
 " , Walter
 Drake, John
 " , Walter
 Dungan, Sir John
 Fleming, Garrett
 " , James
 Hill, Sir William
 Ledwich, Richard
 Mape, Garrett
 Nugent, Sir Thomas
 Plunkett of Armagh
 " , Chris.
 " , Edward
 " , James
 " , Nicholas
 " , Patrick
 " , Robert
 Talbot, Sir Robert
 White, James

Fore Half Barony

Lord Dunsany
 Earl of Fingall

Balfe, Oliver
 Barnewall, Sir Richard
 Dowdall, Walter
 Fleming, Thomas
 Nugent, Chris.
 " , James
 " , Walter
 Plunkett, Chris.
 " , Garrett
 " , Henry
 " , John
 " , Richard
 " , Thomas
 Tuite, Edmond
 " , Theobald

Deece Barony

Lord Dunsany
 Earl of Fingall
 Lord Slane
 Lord Trimleston

Balfe, Richard

Barnewall, Peter
 " , Sir Richard
 Birford, Adam
 Boyce, Chris.
 Britt, Walter
 Crump, Adam
 Cusack, Bart.
 Fleming, Chris.
 Foster, George
 Gernon, George
 Hussey, Chris.
 " , Edward
 " , John
 " , Patrick
 Plunkett, Chris.
 " , Robert
 " , Walter
 Rochfort, Robert
 Syms, Garrett
 Talbot, Richard
 " , Sir Robert
 Warren, Oliver

Skreene Barony

Lord Dunsany
 Earl of Fingall
 Lord Nettirvill

Aylemer, Garrett
 Bagot, William
 Barnewall, Alex
 " , James
 " , Sir Richard
 Bath, Patrick
 Bellew, Sir Chris.
 Bellings of Bellingstown
 Birmingham, Patrick
 Cheevers, Chris.
 Cusack, Patrick
 " , Richard
 Dillon, Francis
 " , Edward
 Dowdall, Edward
 " , Lawrence
 Kent, Nicholas
 Nugent, Sir Thomas
 Pentony, Matthew
 Wafer, Francis

Navan Barony

Earl of Fingall
 Lord Trimleston

Balfe, Richard
 Barnewall, Sir Richard
 Bath, Peter
 Birford, Richard
 Blake, Sir Richard
 Cusack, Chris.
 " , Patrick
 Darcy, Nicholas
 Dowdall, Lawrence
 Everarde of Ardeath
 Evers, Alex.
 " , Edward
 " , Patrick
 Hill, James
 " , Sir William
 Hussey, Hugh
 Ledwich, Richard
 Missitt, Adam
 Moore, Mellcher
 Nangle, George
 " , Thomas
 Plunkett, Oliver
 Rochfort, Robert
 Sarsfield, Michael
 Scurlock, Edward
 Talbot, Sir Robert
 Terling, Thomas
 Wafer, Francis
 Warren, John

Luttrell, Oliver

Lune Barony

Lord Gormanstown
 Lord Trimleston

Aylemer, Sir Andrew
 Blake, Sir Richard
 Browne, Richard
 " , Thomas
 Dillon, James
 " , Lucas
 Fitzgerald, Sir Luke
 Lynch, Garrett (of Knock)
 " , Garrett (of Dunowre)
 Moore, Mellcher
 Nugent, Sir Thomas
 Plunkett, Robert
 Rochfort, Michael
 " , Robert
 Scurlock, Edward

Moygallion Barony

Lord Gormanstown
 Lord Nettirvill

Balfe, John
 Ball, James
 Barnewall, Sir Richard
 Bath, James
 " , Peter
 Begg, George
 Cruice, ~~Patrick~~ Patrick
 Darcy, Sir Thomas
 Drake, John
 Everarde, John
 Fagan, Chris.
 Fleming, George
 " , James
 Nettirvill, Lawrence
 Plunkett, Alex.
 " , Chris.
 " , Robert
 " , Thomas
 Proudfoot, John
 Stokes, George
 Teeling, Andrew
 Velden, Thomas
 Wafer, Francis
 White, James

Slane Barony

Lord Louth
 Lord Nettirvill
 Lord Slane
 Lord Taaffe

Baggot, Robert
 Barnewall, John
 " , Richard
 " , Robert
 Bath, Peter
 " , Thomas
 Cheevers, Robert
 Dillon, John
 Dowdall, James
 " , Patrick
 Evers, Edward
 " , Walter
 Fleming, George
 " , James
 " , Richard
 " , William
 FitzJones, James

- Gernon, Patrick
- Jones, Garrett
- May, Matthew
- Nettirvill, James
- Stokes, John
- Taaffe, Chris.
- " , John

APPENDIX III.

The 'Graces'

1

The foregoing list of the principal landholders in each of the baronies of the five counties of the Pale has been compiled from the Books of Survey and Distribution (P.R.O., Ire.). The sequence in which the baronies were dealt with in those Books has been preserved.

... called in and limited to the most serviceable garrisons, and that they be not called from thence upon any pretence but against the enemy, or rebel that might be.

2

For the collection of our rents in case of default, that first a summoning process shall issue; secondly, that a peremptory writ be sent; and lastly, if this be not sufficient, in case the sum be of value, that then our Vice-Treasurer by warrant from our Deputy and Council shall appoint a competent number of soldiers of the next adjoining garrison to collect our said rents at the charge of the parties complained of, having care that any man be not burthened with a greater number of soldiers than the service shall necessarily require.

Rawlinson (ed.), Irish Grants, pp. 312-317.

APPENDIX III.

The 'Graces'

1

At the humble requests presented unto us on the behalf of our subjects of Ireland, upon mature consideration had therefore, and by the advice of our Privy Council, we are graciously pleased, in the first place, to order and direct for the better preservation and ease of our said subjects, that our soldiers there be called in and limited to the most serviceable garrisons, and that they be not called from thence upon any pretence but against the enemy, or rebel that makes head.

2

For the collection of our rents in case of default, that first a summoning process shall issue; secondly, that a pursuivant be sent; and lastly, if this be not sufficient, in case the sum be of value, that then our Vice-Treasurer by warrant from our Deputy and Council shall appoint a competent number of soldiers of the next adjoining garrison to collect our said rents at the charges of the parties complained of, having care that any man be not burthened with a greater number of soldiers than the service shall necessarily require.

3

And when necessity requires the marching of our said soldiers against the enemy or rebel, that the officers employed shall give ready money or ticket, to be defalked out of their entertainments, and duly paid unto the country upon demand, without taking money, pawns, or distresses, but such meat and drink as the people can afford.

4

That the laying of any burthen upon our subjects for payment of soldiers be forboren, except in cases of inevitable necessity.

5

Concerning the grant for selling aquavita^e and wine, in regard it is complained of as a great burthen to the country without any profit to us, we are pleased that the patentee or his assigns shall be restrained from all proceedings whatsoever, to the charge or vexation of any of our subjects for or concerning that grant, until the assembling of the next parliament; and that it be taken into consideration by the Houses of Parliament, and regulated as may best agree with the ease and conveniency of the commonwealth, and the advancing of our profit in the subsidies.

6

For the licensing to sell ale and beer, forasmuch as it appears that the same hath no ground of laws, that the grant thereof shall be presently resumed into our hands, and that all proceedings thereupon shall cease until the next parliament; and that in the parliament such course be laid down for licensing and

selling of ale and beer from that time forwards, as shall be most convenient, wherein consideration must be taken, that our profit in the subsidies may thereby be advanced; and in the mean time no process or warrant to issue to the charge or trouble of any our subjects touching that grant.

7

That the late proclamation of the 5th of February last concerning the fees of the Clerk of the Market, and all other fees mentioned in the said proclamation shall be suspended until further order; and because there appears nothing here, but that the grant of the Clerk of the Market and Gauger complained of is lawful, only there is question of the fees, that our Chancellor, two Chief Justices, Master of the Rolls and Chief Baron there (taking to their assistance two or more of the principal gentlemen of the country) shall regulate the fees to be taken by those officers, according to the law; and for the measure of the cask to be exported into foreign parts, you, our Deputy and Council are to take it into your consideration, and upon conference with the officers of our customs and the merchants, such as you think fit to call before you, to limit them to such a certain gauge for the same, as shall be most advantageous to the merchants in their traffick without prejudice to us in our customs, leaving the gauge of cask that shall be vented within the land to be ruled by the standard there. And in regard it is alledged, that the packer's office is not ancient, nor grounded upon law, we require you and our Council to take consideration thereof, and

~~and~~ to set down such orders as may take away abuses.

8

For reforming of the barbarous abuse of the short ploughs, we are pleased that the penalty now imposed thereon shall be presently taken away, and that hereafter an Act of Parliament shall pass for the restraining of the said abuse upon such a penalty as shall be thought fit.

9

And that all grants for places assigned for tanning of leather by Sir Henry Sidney, according to the Statute of 11th Eliz. enacted in Ireland, shall stand good, and also all other grants or licences pass'd in fee simple, or fee farm under our great seal for tanning of leather in cities, corporations, towns, manors, or other particular places, shall likewise stand good: But that all grants or licences concerning tanning of leather throughout counties, baronies or hundreds, passed or to be passed to any particular person for life, years or otherwise, by pretence whereof any licence or toleration is or may be made by the said particular person or persons, to any of the inhabitants of the said counties, baronies, or hundreds, shall be called in and suppressed; and to supply any defect that may be for want of liberty to tan leather in convenient places, we require and authorise you our Deputy and Council, or other chief Governor or Governors and Council for the time being to pass letters patents under our great seal there for tanning of leather in places where

you shall think convenient, without payment of any fine, with a clause of Non obstante of the Statute aforesaid. And in the next parliament we are pleased that a further course shall be taken therein; and likewise for the inhibiting of barking of trees.

10

And for the furtherance of traffick and bringing in of coin into that our kingdom, we are graciously pleased that corn may be transported without licence into any of our dominions and other countries in amity with us, when wheat shall not exceed the price of ten shillings English, a Bristol band barrel; and likewise that living cattle may be brought into our dominions without restraint or licence; and that wool also may be transported, provided that it be into our kingdom of England only, and paying the ordinary customs and duties, in which three last particulars we require you to take order by Act of State, or otherwise as shall be most expedient.

11

The patent for linen yarn shall be resumed, to the end the whole profit may come to us and our crown, as well that which the patentee doth receive, as that which we now have; and the patentee shall receive such recompense as we shall think fit; and our subjects also shall be secured for so much as concerneth the transportation of the said linen yarn, and consequently not to be compelled to take licences. Nevertheless it is our pleasure that the patentee continue his grant, and receive the profit as hitherto he hath done, until he be compounded with, and receive recom-

pense for it.

12

We are graciously pleased that tallow, and hides and fish, and beef and pork in cask, may be freely transported into our dominions and all other states in amity with us; and that all such pipe-staves as are already made may be transported into any of our dominions paying the customs and duties.

13

The bishops and patentees of dissolved abbeys and other religious houses in or near cities or towns of Ireland, pretending liberties and freedoms are to contribute towards the lodging of soldiers, and to bear such other publick charges according to indifferent assessments to be made and laid upon them by the sheriffs and other magistrates of counties and cities, and the proper officers of those places; and to that purpose you are to publish a general order to avoid any dissension, that may arise thereout. And for other matters, they are left to the law, and if any unjust charge in what kind soever shall be laid on any of our subjects of that our kingdom they shall have access unto us, and a gracious hearing.

14

Creation money for the nobility is to continue according to the letters-patents thereof, and the impost wines likewise to be continued to such of the nobility and Council as shall reside or bear principal offices in that kingdom, and the two Presidents of Munster and Connaught are to enjoy the same, although they be

absent, because they keep tables for their several Councils.

The subjects of that our realm are to be admitted to sue their liveries, ouster-le-maines, and other grants depending on our Court of Wards, taking only the oath hereunder expressed, and any other oath to be forborn in that case; and the natives of that kingdom being lawyers, and who were heretofore practised there, shall be admitted to practise again, and all other natives of that nation, that have been or shall be students at the Inns of Court in England for the space of five years, and shall bring any attestation sufficient to prove the same, are also to be freely admitted by the judges there to practise the laws, taking the said oath, viz.

I A.B. do truly acknowledge, profess, testify and declare in my conscience, before God and the world, that our sovereign lord King Charles is lawful and rightful king of this realm, and of other his Majesty's dominions and countries. And I will bear faithful and true allegiance to his Majesty, his heirs and successors, and him and them will defend to the uttermost of my power against all conspiracies and attempts whatsoever, which shall be made against his or their crown ^{and} ~~and~~ dignity, and do my best endeavour to disclose and make known unto his Majesty, his heirs or successors, or to the Lord Deputy or other Governors for the time being, all treasons and traiterous conspiracies, which I shall know or hear to be intended

against his Majesty, or any of them. And I do make this recognition and acknowledgment heartily, willingly and truly, upon the true faith of a Christian. So help me God.

16

All compositions in the Court of Wards, alienations made bona fide for valuable considerations, intrusions, premier seisins, ouster-le-maines and liveries are to be reduced and limited to the eight part of the true value of the lands and hereditaments so to be compounded for; and all wardships and custodies of lands, during the minority of our wards are to be moderately valued according to the discretion of the Judges of that Court.— Provided that if any alienations shall be made, whereby we shall be prevented of premier seisin, and relief and of wardship, and that sufficiently proved, in all such cases our said Court of Wards is not to be restrained to the limitation of the rates of the alienations, as aforesaid, but our officers of the same are to impose such reasonable rates and values as may recompense us in some measure of those duties and profits, which otherwise should have accrued unto us, if no alienation to uses had been made.

17

Our Court of Wards is not to make any enquiry further than to the last deceased ancestor, except it be by special direction from us.

All escheators and feodaries are to be specially directed, where any freeholder's estate in land doth not exceed the worth of five pounds English yearly in the true improved value, to return the offices taken of such lands into the proper Courts without charge to the subject, or other fees to any Court or officer, save only ten shillings to the officer that shall take and return the office, but no charge is to be set upon the said lands, nor any orices to issue upon the said inquisition, but only for our reliefs due upon their tenures. Provided, that if any such freeholder have the value of one hundred marks English, in chattels real, or offices, than this Grace is not to be extended to him, although his estate in lands be under five pounds per annum.

In general leading cases that Court is to be regulated according to the laws and courses practised here in England, whereof our Judges here shall deliver their opinions, if it shall be desired. And our Judges of that Court there are to nominate some of the best quality of the several counties to be joined in commission with the feodary or escheator to take inquisitions.

None of the clerks, or inferior ministers of that Court, or servant to any of the said Court is to be a commissioner for taking offices, not intending thereby to exclude the officers of the said Court, and others, who are by their places to be commissioners.

21

No grants of intrusions or alienations, or leases of mens lands are to be made out of that Court to any before the party interested shall have personal warning, and affidavit returned thereof, who is to be preferred before any other, if he come in the next term after the office is returned, and will accept it at the rates thought fit by the Court.

22

Upon a contempt in that or any other Court, the first attachment is to be directed to the sheriff; and if he make not a good return, and the party come not in during that term to purge his contempt, then the further process is to be directed to the pursivant, and no further in our Court of Wards. Our exchequer, in this point, is to proceed according to the law and ancient custom of that Court; and our other ancient Courts are to hold their ancient course, and not to permit any innovations of sending messengers, or other officers.

23

For reducing and moderating of fees taken by officers and clerks in our Courts there, whereof great complaint is made, it is our pleasure, that a commission be directed under our great seal of that our realm to the persons nominated in a list signed by us, and herewith sent unto you, for the regulating of fees of all Courts, spiritual and temporal, according to the form of a like commission granted here in England to some of our Council here and others, whereof a copy is transmitted unto you, upon

return whereof an Act of State to pass for establishing the same accordingly, until there may be an Act of Parliament.

For the better settling of our subjects estates in that kingdom, we are pleased that the like Act of Grace shall pass in the next parliament there touching the limitation of our titles not to extend above threescore years, as did pass here the 21 Jacobi, wherein are to be excepted the lands whereunto we are intituled by offices already taken, and those already disposed of by our directions. And we are further graciously pleased for a more ample testimony of our goodness to our subjects of that kingdom to direct hereby, that from henceforth no advantage be taken for any title accrued to us threescore years past, and above, except only such lands in the King's County and Queen's County, whereunto we are intituled by offices already taken within the said term of threescore years, and which are not yet granted, nor lawfully conveyed conveyed from us and our crown.

And we are also graciously pleased, and accordingly do hereby require you, that you give present order for the inhabitants of Connaght, and County of Thomond, and County of Clare, to have their surrenders made in the time of our late most dear father, inrolled in our Chancery there, as of the time of our said father, according to the date of the said surrenders, allowing what fees were formerly paid for the same: and that such of them, as please to make new surrenders of their lands and hereditaments, may have the same

accepted of them, and inrolled in the said Court, and thereupon new Letters Patents passed unto them and their heirs according to the true intent of our father's letters in that behalf, paying half fees; and that they and every of them may have such further assurances for securing of their several estates from all ancient titles accrued unto our crown before threescore years last past, as shall be requisite, and reasonably devised by their Counsel. And we are pleased, for their further security, that their several estates shall be confirmed unto them and their heirs against us, our heirs and successors, etc., by an Act to be passed in the next parliament to be holden in Ireland, to the end the same may never hereafter be brought into any further question by us, our heirs and successors. In which Act of Parliament and Letters Patents so to be passed, you are to take care, that all tenures in capite, and all rents and services as are now due, or which ought to be answered unto us out of the said lands and premisses by any Letters Patents passed thereof since the first year of Henry VIII. or found by any office taken from the said first year of Henry VIII. unto the 21st July 1615, whereby our late dearest father, or any his predecessors actually received any profit by wardship, liveries, premier seisins, mean rates, ouster-le-maines, or fines for alienations without licence, be again reserved unto us, our heirs and successors: And all the rest of the premisses to be holden of our Castle of Athlone by Knight's Service, according to our said late father's letters, notwithstanding any tenures in capite, found for us by office since the said 21st of

July 1615, and not appearing in any such Letters Patents or offices
 And you are likewise to set down Order, that all seizures and in-
 junctions issued, and all compositions, leases, and custodiams
 made and passed of or for any of the said lands, not grounded upon
 the tenures appearing in the said Letters Patents or offices be-
 tween the said first year of Henry VIII. and the 21st of July 1615,
 shall be called in, and to all purposes made void, so far forth
 as we are advantaged by the tenure found in capite; and that no
 further proceedings hereafter we had upon any other offices taken
 since the 21st July 1615, nor upon any offices taken before the
 21st of July 1615, unless we or our predecessors received profit
 by the said offices taken before the said 21st of July 1615. In
 which Act of Parliament and grants, care is to be taken, that our
 royal composition due for all the lands and hereditaments in the
 aforesaid Province of Connaght, County of Thomond, and County of
 Clare, may be saved; and it is our pleasure likewise, that the
 benefit of our said father's letters, and the Act of State dated
 14 May 1618. touching the instructions, alienations, mean profits,
 etc. of lands in that Province, be in all points allowed to our
 said subjects.

The undertakers of Ulster are to have their estates confirmed
 upon the payment of a fine of thirty pounds sterling upon every
 thousand acres in two half year's time by equal portions, and
 upon doubling of their rents to be charged only from the date of
 their patents. And for your further direction and more ample

authority therein, a commission shall be directed to you and others, together with instructions for passing patents unto them accordingly, and for declaring our royal intention and purpose in the same.

The plantators of Leitrim, Longford, and Offory, the King's County, the Queen's County and the County of West Meath are to have two years time for performing their conditions of plantation; and if by that time they perform them not, they are to forfeit their recognizances; In the mean time no process to issue from their recognizances or bonds.

The town of Athlone is to have three years time allowed from Allhallontide next, for performing all conditions and covenants for buildings or otherwise, and no advantages are to be taken against them for breach of conditions and covenants, or forfeiture of recognizances already incurred concerning the same.

No general summons of grand inquest are to issue out of our Bench, or of any Our Courts, but a convenient number of able free-holders is to be summoned by the sheriff for the grand inquest, and no man to be fined for that inquest, unless the bayliff, who had order to warn him, declare upon his oath, that he warned him personally, or left sufficient warning at his house. And the fines and ameraciements to be imposed on them are to be according to our late dear father's printed instructions.

And when the grand inq uest is filled, the rest of that inq uest are to have leave to depart, unless there be other special service. And this rule is to extend to the Assizes and gaol deliveries, and commissions of Oyer and Terminer.

30

The taking of the accusations and testimonies of persons notoriously infamous, convicted of treason, or other capital offences for any convincing evidence to condemn any subject, is to be regulated according to the said printed instructions.

31

No judges or commissioners shall bind over any jurors to any court whatsoever, unless it be for very apparent suspicion of corruption or partiality.

32

Our judges in every court are to be very careful, especially in the causes of poor men, that there is a speedy and direct course of justice with as little charges as may be, and that with due observation of the said printed instructions.

33

But one Provost Marshal is to be in a Province, because he hath a sufficient number of horse in our pay for the execution of that place; and the said Provost Marshal is to take no money for booking, nor cess his horse or foot without paying for it in such sort as is ordered for our soldiers; and such as may be brought to trial of law are not to be executed by the Marshal, except in time of war or rebellion.

We are pleased for securing of our subjects estates at the next parliament to be holden there to grant a general pardon; and then such other things are to be provided for as shall be found necessary for our service and the good of that common-wealth. And our pleasure is, that the rate of the subsidies of the laity and clergy, and other profits to be raised by the said parliament, be such, as may bear the charge of our army, with the assistance of our revenue to be spared for that purpose. The said parliament is to begin the third day of November next, and all fitting preparations are to be made accordingly.

The bestowing of plurality of benefices upon unqualified persons, who are unable or unworthy ministers, is to be forboren in time coming, and such as are invested therein are to be compelled to keep preaching and sufficient qualified curates, whereby both God's glory may be advanced, poor scholars provided for, and encouragement given to students to enable themselves for that high function.

~~xxxxxx~~ No assessment of money for robberies is to be allowed but upon order of the judges of assize in open court, calling to their assistance at least four of the Justices of the Peace, and that only in cases where all the points and circumstances limited by the Statute in that behalf shall be proved, the same to be presented by the jury, so as none of the jurors be of the hundred where the fact was done.

All the nobility, undertakers and others, who hold estates or offices in that kingdom, are to make their personal residence there, and not to leave it without licence, such persons only excepted as are employed in our service in England, or attend here by our special command; and in the subsidies and all other payments towards the charge of our army there, all those who hold titles of honour, and no estates in that kingdom, are to be rated, and to contribute and pay equally, as the rest of the nobility of the like degrees, that have estates and reside in Ireland; for which we will give further order, upon an assessment to be made and transmitted from us to you.

No judges nor commissioners shall grant reprisals to notorious malefactors, but with the advice of the Justices of the Peace of the County them assisting, or a competent number of them.

Where undertakers have built upon glebe-lands, they are to sue for commissions out of the Chancery or Exchequer to select commissioners to be named by the undertaker, and the incumbent; or if the incumbent will not agree, then the Court to make choice of indifferent commissioners, who are to set an indifferent yearly value of the said parcel of glebe land, and return the same to the Court, who are to order the incumbent successively to accept of the same from the undertakers as a yearly rent for the said parcel. And for other lands recovered against the undertakers, as Church

lands, the parties grieved are to sue in the Exchequer for abatement of their rents proportionably.

All Scottish men undertakers in Ulster, and in other places there, are to be made free denizens of that our kingdom, and no advantage for want of denization to be taken against the heirs or assigns of those that be dead.

For examining what rectories and impropriations are now in laymens hands, out of which there have been anciently vicarages endowed with competent maintenance for the vicars, which now are by laymen possessed, whereby the service of God is neglected. And for reformation of that great abuse, you are forthwith to issue commissions to some persons of worth and integrity, free from that imputation to examine and reform the said abuse. And such persons as have great rectories, whereunto there are chapels of ease belonging some where six or seven miles distant from the Mother Church, are to be enjoined to keep preaching ministers in those parts having competent allowance to defray the same.

No person, against whom any judgment and execution hath passed in course of Common Law, or decree in Chancery, upon matter of equity, is from henceforth to have any protection granted to him; nor any flying out of England into Ireland to defraud or shun the prosecution of his creditors, is to be sheltered or protected from the justice of the law, under colour of being a soldier in

any of our companies in that our kingdom.

No witness between party and party at sessions or assizes, or before any commissioners whatsoever are to be bound over to the Castle Chamber; and if information be put in against any such, then a relator to be named, who shall be thought sufficient to answer a recompence to the party informed against according to the award of the Court, if sufficient ground shall not appear of the information.

Soldiers accused of capital crimes are to be left to be proceeded withal according to the law. And the commissions for reforming and restraining the abuses and oppressions of soldiers (such as have lately issued under our great seal there) are to be directed especially to persons of quality, having freehold and residence in the country, and such matters as cannot be ordered by them to be especially determined by a committee of the judges and others of our counsel to be nominated by you, of which none are to be captains of horse or foot.

The new corporations, as well as the ancient, are to be assessed towards all general county charges, and all impropriations and temporal lands of ecclesiastical persons shall bear equal contributions in publick charges in the country and the towns.

Such of the barony of Carberry in the County of Cork as have assignments from Sir James Symple, Kt. and have not as yet passed their patents accordingly, are to be admitted to take out their grants, notwithstanding our late dear father's restriction of grants, and in their tenures they are not to be prejudiced by any office taken since the said assignments from Sir James Symple; unless the said office be grounded upon some ancient patent or office upon record before the date of the said assignments. Nevertheless you are to provide, that by pretext of this our grace, no new grants be made of any lands within that barony that are already past by Letters Patents to any person whatsoever.

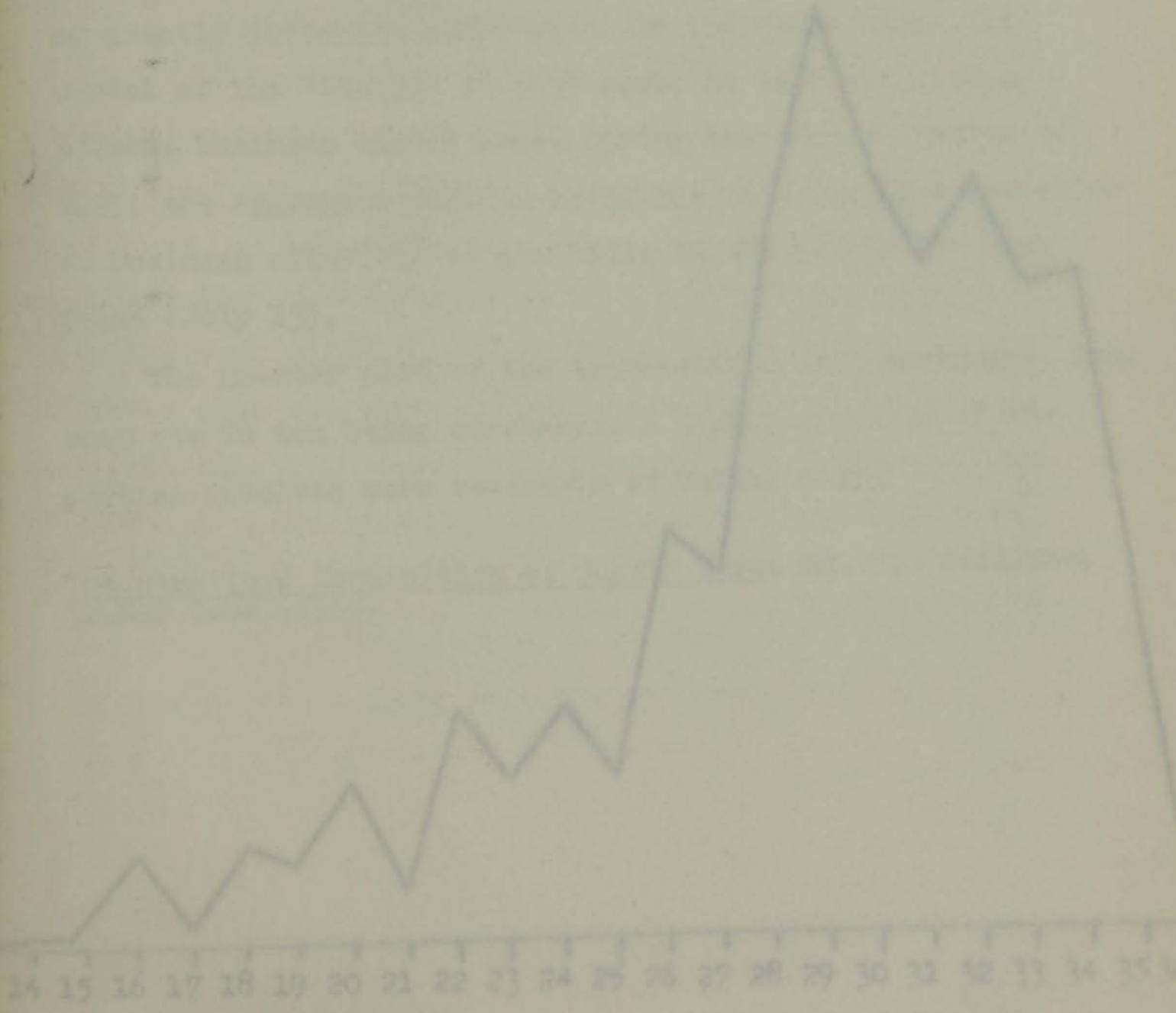
Sheriffs are not to take above three pence fine upon any person for not appearing at their leets, and if they appear, then to take nothing at all; and to such as are once sworn to the allegiance they are to give a ticket, and of those no fees to be demanded afterwards for swearing of them; and for such as have been heretofore, or shall hereafter be sworn, and cannot produce ~~their~~ their ticket, if they take oath, that they have been once sworn, then they are not to be sworn again, nor pay any more fees. And the Justices of Peace are not henceforth to give any warrant for the collecting or levying of any fines whatsoever but in publick sessions, and by estreat of the Quarter Sessions.

For delivering of possessions upon judgment at Common Law, Decree in Chancery, or other legal injunctions, the sheriffs are not to exact nor take any other fee than is limited by the Statutes in England for like causes, and that to be Irish money, and if any sheriff shall demand or take more, he is to be proceeded against and censured for extortion.

No extraordinary warrants of assistance touching clandestine marriages, christenings or burials, or any contumacies pretended against ecclesiastical jurisdiction, are to be issued by the Lord Deputy, or any other Governors, nor executed; nor are the clergy to be permitted to keep any private prisons of their own for those causes; but the delinquents in that kind are henceforth to be committed to our publick gaols, and that by our officers, according to the ordinary proceedings of the law; and all unlawful exactions taken by the clergy, are to be reformed and regulated by the commission there, beforementioned.

If any person shall be outlawed upon an action of debt, and thereupon a seizure issued, or a custodiam of his lands granted to any other, the barons of the Exchequer are to discharge the same upon the sight of a certificate that the outlawry is revers'd, without any further plea, paying only five shillings sterling for entering the certificate and discharge.

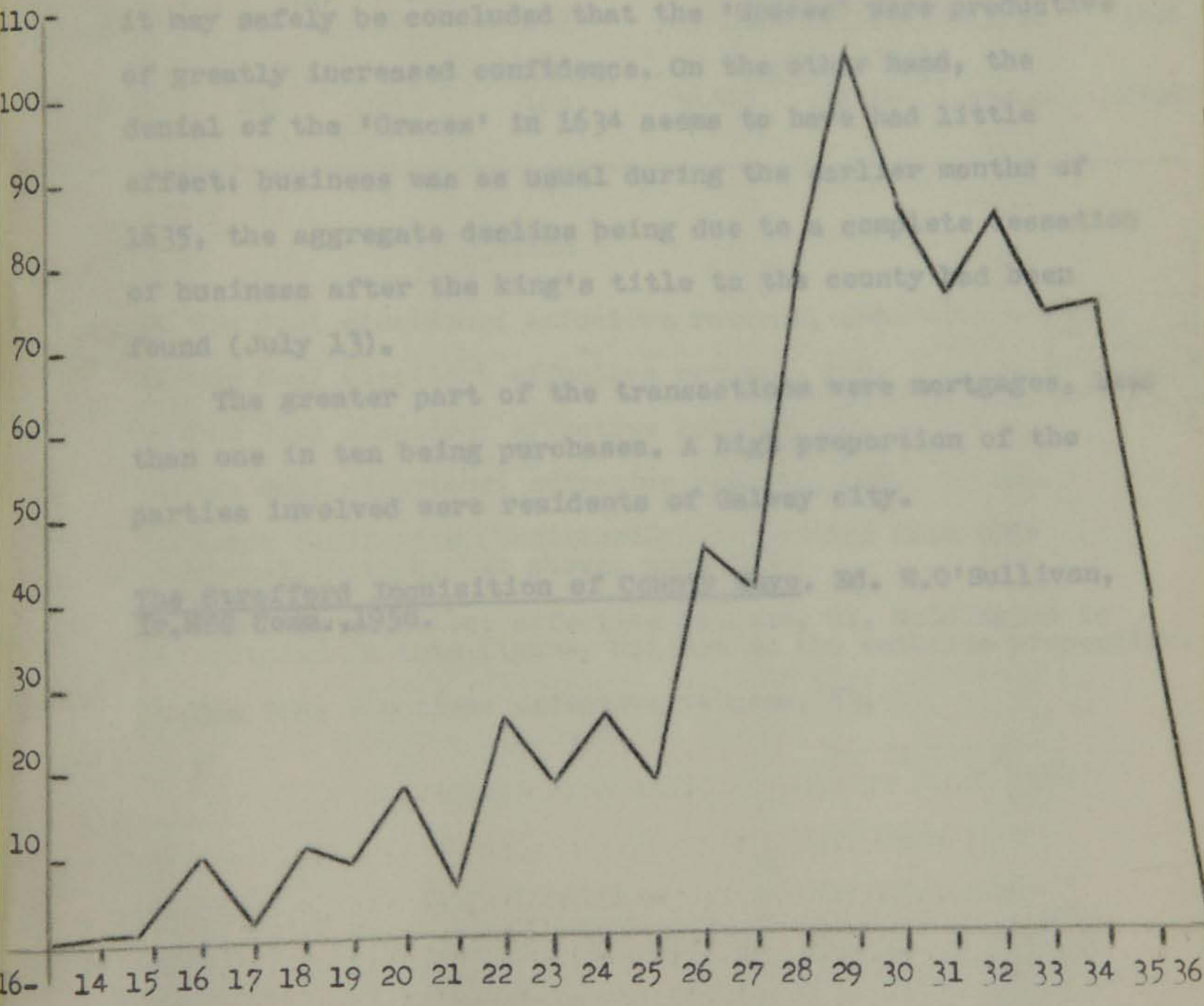
No person is to be compelled to plead to any new charge upon the lands in his possession, unless an inquisition or other matter of record besides the new patent appear to charge the land therewith. And the new charge to be in super upon the new patentee, and process to issue against him and his lands and not against the other.



APPENDIX IV

LAND TRANSACTIONS IN COUNTY MAYO, 1614-35

In the Strafford Survey of County Mayo, 858 of the transactions recorded in land are dated, either approximately or exactly: they comprise by far the majority of transactions recorded. A rough indication of the stability of fluctuation



The greater part of the transactions were mortgages, more than one in ten being purchases. A high proportion of the parties involved were residents of Galway city.

The Strafford Acquisition of County Mayo, Ed. H.O'Sullivan, 1938, p. 12.

of interest in land in the area may be derived from the examination of these transactions. Transactions are recorded for 1602, 1609 and 1611 (one each): the consecutive series begins in 1614.

It is evident that the more recent transactions being the more easily recollected, a steady upward trend might be expected. Notwithstanding the shortcomings of the figures, it may safely be concluded that the 'Graces' were productive of greatly increased confidence. On the other hand, the denial of the 'Graces' in 1634 seems to have had little effect: business was as usual during the earlier months of 1635, the aggregate decline being due to a complete cessation of business after the king's title to the county had been found (July 13).

The greater part of the transactions were mortgages, less than one in ten being purchases. A high proportion of the parties involved were residents of Galway city.

The Strafford Inquisition of County Mayo. Ed. W.O'Sullivan, Ir.MSS Comm.,1958.

APPENDIX Y

CATHOLIC PARLIAMENTARY REPRESENTATION

<u>Parliament</u>	<u>Membership</u>			<u>Catholic proportions</u>			
	<u>Total</u>	<u>Catholic</u>	<u>Protestant</u>	<u>Leinster</u>	<u>Munster</u>	<u>Connaught</u>	<u>Ulster</u>
1613	232	100	132	53/88	34/45	12/26	1/64
1634	256 ⁽¹⁾	112	142	65/106 ⁽²⁾	33/56	11/28 ⁽³⁾	3/66
1640	240 ⁽⁴⁾	74 ⁽⁵⁾	163 ⁽⁵⁾	38/92 ⁽⁶⁾	21/54 ⁽⁷⁾	11/28	4/66

NOTES

1. Two dual elections: effective returns, 254.
2. One dual election: effective returns, 105.
3. One dual election: effective returns, 27.
4. Two dual elections; effective returns, 238.
5. Ralph Waddington (Enniscorthy) is omitted from this classification. See above, page 331.
6. One dual election: effective returns, 91. Waddington is included in this figure, but not in the catholic proportion.
7. One dual election: effective returns, 53.

Patrick O'Rourke
 Lucas Pettitwill
 Sir Richard Barsewell
 Sir Henry Lynch(8)
 Sir Roger O'Donoghue
 Sir Valentine Blake(9)
 Nicholas Lynch
 Richard Martin
 Donalck Brown
 Sir Valentine Blake(10)

John Taylor(11)
 George Blackley(12)
 Henry Murray(13)
 Sir Wlick Burke
 Sir Richard Blake
 Sir Robert Lynch
 Sir Valentine Blake(14)
 Geoffrey Brown
 John Blake

APPENDIX VI

CATHOLIC MEMBERS OF PARLIAMENT

Constituency	1634	1640
	Number of members.	Number of members.
ANTRIM	6	6
ARMAGH	6	6
CARLOW	6	6
County	James Butler Sir Morgan Cavanagh(1) Pierce Fitzgerald	Oliver Eustace
Old Leighlin		James Cusack(2)(x) Robert Hartpool(x)
CAVAN	6	6
County	Lucas Dillon Esq.	Phillip O'Reilly(x) Richard Ash(x)
Belturbet		
CLARE	4	4
County	Sir Daniel O'Brien Boetius Clancy	Dermot O'Brien
CORK	16	16
County	Sir Donough MacCarthy Sir William Sarsfield Dominick Coppinger	Sir Donough MacCarthy(3) Dominick Roch
Cork		
Kinsale	William Galway James Roch	Patrick Roch Phillip Roch
Youghal	Edward Gough Theobald Ronane	Edward Gough Theobald Ronane
DONEGAL	10	10
Ballyshannon	(4)	James Cusack(x)
DOWN	12	12
Newry		(5)
DUBLIN	10	8
County	Sir Nicholas Barnewall Thomas Luttrell(6)	Sir Nicholas Barnewall Peter Barnewall(z)
Newcastle	Sir John Dongan Patrick Sherlock	(7)
Swords	Lucas Nettirvill Sir Richard Barnewall	John Taylor(x) George Blackney(x)
FERMANAGH	4	4
County		Rory Maguire(x)
GALWAY	18	18
County	Sir Henry Lynch(8) Sir Roger O'Shaughnessy Sir Valentine Blake(9) Nicholas Lynch	Sir Ulick Burke Sir Richard Blake Sir Robert Lynch Sir Valentine Blake(x)
Galway		
Athenry	Richard Martin Dominick Browne	Geoffrey Browne John Blake
Tuam	Sir Valentine Blake(9)	

KERRY	8		8
County		Sir Valentine Browne (10)	Sir Valentine Browne Maurice Fitzgerald
Ardfert		Pierce FitzJames Pierce	
Dingle		Dominick Rice	
		James Rice	
KILDARE	8		6
Kildare			(11)
County		Sir Nicholas White	Maurice Fitzgerald(x)
		Maurice Fitzgerald	
Naas		Christopher Sherlock	(12)
		William Archbold	
KILKENNY	12		12
County		Edmond Butler	Walter Walsh
		Robert Grace	Peter Butler(x)
Callan		Edward Comerford	Edward Comerford(13)
Gowran		John Hackett	Peter Butler(14)
		James Kelly	
Inistiogue		Griffen Murphy	(15)
		James Dulan	
Kilkenny		Robert Shee	Henry Archer
		David Rothe	Peter Rothe
Thomastown		Patrick Sherlock	
		James Walsh	
KING'S COUNTY	6		6
County		Terence Coghlan	John Coghlan(x)
LEITRIM	6		6
LIMERICK	8		8
County		Sir Edward Fitzharris	Sir Edward Fitzharris(16)
		Richard Stephenson	
Kilmallock		John Fox	John Power(17)
		Simon Haley	
Limerick		Sir Geoffrey Galway	Pierce Creagh
		Dominick White	Dominick White
LONDONDERRY	8		8
LONGFORD	4		4
County		Faigney Farrell	Faigney Farrell
		Roger Farrell	
LOUTH	10		8
County		Sir Christopher Bellew	Sir Christopher Bellew(x)
		Christopher Dowdall	John Bellew(x)
Ardee		Thomas Cappock	(18)
		John Dowdall	
Drogheda		Thomas Peppard	Thomas Peppard(19)
Dundalk		Oliver Cashell	Oliver Cashell(x)
		Peter Clinton	
MAYO	4		4
County		David Burke	Sir Theobald Burke
		Sir Thomas Burke	Thomas Burke
MEATH	10		10
County		Nicholas Plunkett	Nicholas Plunkett(x)
		Patrick Hussey(20)	Sir Richard Barnewall(x)
Athboy		Richard Browne	Richard Browne
		Peter Tyrrell	Walter Dowdall

Kells		Walter Evers		Robert Cusack(x)
		Adam Cusack		Oliver Plunkett(21)
Navan		Lawrence Dowdall		Thomas Nangle(x)(22)
		Patrick Darcy		Patrick Manning(z)
Trim		Valerian Wesley		Patrick Barnewall(x)
MONAGHAN	4		4	
County		Art Oge MacMahon(23)		
		Coll Brian MacMahon		
QUEEN'S COUNTY	6		6	
ROSCOMMON	6		6	
County		Sir Lucas Dillon		Sir Lucas Dillon
				Henry Dillon(24)
SLIGO	4		4	
County		Tadgh O'Connor		Theobald Taaffe
TIPPERARY	10		8	
County		Thomas Butler		James Butler(25)
		Theobald Purcell(26)		Thomas Butler
County of the		Sir Thomas Gough		(27)
Cross of Tipp.		Geoffrey Mockler		
Cashel		John Haley		Patrick Boyton(28)
Clonmel		Henry White		
		Geoffrey Baron(29)		
Fethard		Thomas Everarde		Patrick Vynes
		Thomas Heynes		Thomas Heynes
TYRONE	10		10	
Agher				(30)
Dungannon				(31)
WATERFORD	10		10	
County		James Walsh		John Power(32)
		John Power		
Dungarvan		John Hore FitzMatthew		John Hore FitzMatthew
Waterford		William Dobbins		Richard Butler
		Richard Strange xx		John Walsh
WESTMEATH	10		8	
County		Sir James Dillon		Sir James Dillon(x)
		Sir Luke Fitzgerald		Sir Luke Fitzgerald(x)
Athlone		John Comyn		
Fore		John Nugent		(33)
		Thomas Nugent		
Mullingar		James Christall		Alexander Hope
		Edward Pettit		Edward Pettit
WEXFORD	18		12	
County		Marcus Cheevers		
		William Esmond		
Bannow		Pierce Nevill		(34)
		Walter Furlong		
Clonmines		James Brien		(35)
		John Cullen		
Ross		Nicholas Dormer		Nicholas Dormer(x)
		Peter Rothe		Christopher Brook(x)
Taghmon		Thomas Roche		(36)
		David Hore		
Wexford		Patrick Turner		John Furlong(x)
		Richard Cheevers(37)		Patrick French(x)

Fethard		Hugo Rochfort(x)
Enniscorthy		Nicholas Stafford(x)
WICKLOW	6	(Ralph Waddington)(38)
County		
Wicklow		
	Sir Robert Talbot(39)	
	Brian Byrne	
	James Byrne	

NOTES

- (x) Indicted for rebellion, and expelled on that count, in 1642.
- (z) Expelled for non-attendance in 1642. (Richard Bryce (Drogheda), a protestant, was also expelled for non-attendance, 9 August 1642.)

1. Election voided, 3 Dec. 1634. Replaced by Sir Thomas Butler, a protestant.
2. Also returned for Ballyshannon, Co. Donegal, for which he elected to sit. Replaced by Thomas Davills(x), a catholic.
3. Replaced on his succession to the title Lord Muskerry, in February 1641, by Redmond Roch(x), a catholic.
4. James Dillon, Esq., religion uncertain, returned for Ballyshannon, 27 Dec. 1634, in place of Thomas Leake.
5. Thomas Stanihurst(z), a catholic, returned for Newry in July 1641.
6. Replaced on his death in November 1634 by Peter Barnewall, a catholic.
7. Though this borough was disfranchised, the return of two catholics, Sir John Dongan and Sir Henry Talbot, is recorded.
8. Withdrew because of illness and was replaced by the catholic Sir Richard Blake in December 1634.
9. No new election is recorded for either of the boroughs for which Blake was returned.
10. The election of Sir Thomas Harris for County Kerry was disallowed, and he was replaced by a catholic, John

Fitzgerald, 22 Dec. 1634.

- 11. The members for the borough of Kildare in 1640, Christopher Wandesford and Sir George Wentworth, were replaced in 1641 by two catholics, Sir Nicholas White(x) and Patrick Sarsfield(x).
- 12. Though this borough was disfranchised, the return of two catholics, Christopher Sherlock(z) and Nicholas Sutton(x), is recorded.
- 13. The protestant member for this borough was replaced in March 1641 by the catholic Richard Bellings(x).
- 14. Butler withdrew to go 'beyond the seas', and was replaced, on 15 Nov. 1641, by the protestant Sir Piers Crosby.
- 15. The protestant members for this borough were replaced in November 1640 by two catholics, Walter Dennis(x) and John Fitzgerald.
- 16. Died in April 1641: no new election recorded.
- 17. Of Kilmeadan, Co. Waterford, for which county he was also returned: no new election is recorded for either seat.
- 18. Though this borough was disfranchised, the return of Henry (later Viscount) Moore is recorded.
- 19. Died in October 1640. Replaced by John Stanley(x), a catholic.
- 20. Titular Baron of Galtrim.
- 21. Replaced on his death by the catholic Patrick Barnewall(x), in June 1641.
- 22. Titular Baron of the Navan.
- 23. Replaced on his death by the protestant Richard Blaney, February 1635.
- 24. Unseated in March 1640, and replaced by the catholic Geoffrey Dillon.
- 25. Succeeded to the title Lord Dunboyne, 13 July 1641. No new election is recorded.
- 26. Titular Baron of Loghmoe.
- 27. United with Tipperary County by letters patent in 1637.
- 28. The protestant member was replaced in March 1641 by the Recorder, Richard Haley, a catholic.
- 29. Expelled, 8 Dec. 1634. No new election recorded.

30. One of the protestant members for this borough was replaced by the catholic Richard Martin in the summer of 1641.
31. One of the protestant members for this borough was replaced by the catholic Phelim O'Neill(x) in the summer of 1641.
32. See note 17.
33. Though this borough was disfranchised, the return of John Nugent, a catholic, is recorded.
34. Though this borough was disfranchised, the return of two catholics, Christopher Hollywood(x) and Gerald Cheevers(x), is recorded.
35. This borough was disfranchised, There is no record of any return in 1640.
36. Though this borough was disfranchised, the return of ~~the catholic~~ Richard Barnewall(z) is recorded,
37. Replaced on his death by John Furlong, ^{a catholic,} February 1635.
38. Described in the Book of survey and distribution for Queen's County as an 'English papist'. He was unseated at his own request in June 1641, and replaced by the catholic Sir Thomas Esmond(x).
39. Expelled, 1 August 1634. Replaced in October 1634 by Brien Byrne of Ballinacorr, who was required, on 10 December 1634, to justify his election, being under indictment for high treason.

John Pettit
Thomas Alyn

(11)

Signatories of the agents' remonstrance, July - November, 1641.
List of the Privy Council of England, August 1641 to June 1642, ed. J.V. Lyle (London, 1907, pp. 10-11.)

English

Christopher Plunkett	x	Patrick Harwood
William Cooley	x	Edward Browne
Thady Duff	x	John Blaney
Luke Fitzgerald		John Nugent
Nicholas Darcy		Peter Hill
Nicholas Barnewall	x	Robert Leonard
George Fitzgerald		Peter Tyrrell
Richard Gerson		Peter Clinton
Edward Jones	x	Samuel Collins
John Byrne		Edward Alyn
James Walsh	x	

APPENDIX VII

Gormanstown
Nettirvill

(i)

Signatories of the Pale 'Benevolence', November 1625.
(P.R.O., S.P. Ire., 63/241.184, 185)

- | | |
|--------------------|----------------------|
| Trimleston | Thomas St Lawrence |
| Roscommon | James Fleming |
| Nettirvill | Nicholas Barnewall |
| Gormanstown | John Delahoyd |
| Howth | Matthew Fox |
| Westmeath | William Taaffe |
| Dillon | Richard Barnewall |
| Killeen | Luke Fitzgerald |
| Louth | William Talbot |
| Dunsany | Christopher Plunkett |
| | William Hill |
| John Bath | H. White |
| Edward Tuite | Maurice Fitzgerald |
| Richard Talbot | William Sarsfield |
| James Bath | Christopher Burnell |
| Robert Dillon | James Walsh |
| J. Finglas | Phillip Hore |
| John Talbot | Valerian Wesley |
| Thomas Hussey | Nicholas Eustace |
| Robert Talbot | Patrick Shirley |
| Thomas Talbot | Gerald Reignes |
| Walter Dungan | William Eustace |
| Nicholas Darcy | John Proudfoot |
| Patrick Barnewall | |
| Patrick Birmingham | |
| Lucas Dillon | |
| John Nettirvill | |
| Thomas Aleyn | |

(ii)

Signatories of the agents' commissions, July - November, 1627.
(Acts of the Privy Council of England, September 1627 to June 1628. Ed. J.V.Lyle (London, 1940), pp.398-401.)

Leinster

- | | | |
|----------------------|---|-------------------|
| Christopher Plunkett | x | Patrick Barnewall |
| William Cooley | x | Edward Brandon |
| Thady Duff | x | John Blackney |
| Luke Fitzgerald | | Walter Nugent |
| Nicholas Darcy | | Peter White |
| Nicholas Barnewall | x | Robert Everard |
| Maurice Fitzgerald | | Peter Tyrrell |
| Richard Gernon | | Peter Clinton |
| Edward Janes | x | Barneby Bellings |
| John Byrne | | Edward Dixon |
| James Walsh | x | |

(The committee appointed to instruct the agents consisted of those marked 'x', together with:

Gormanstown
Nettirvill
Louth

Dunsany
Patrick Hussey (titular Baron of Galtrim)
Nicholas White)

Munster

William Sarsfield
Daniel O'Brien
John MacNamara
Walter Coppinger
Edmond Southwell
Thomas Fitzgerald

David Tirry
Edmond Hussey
Phillip McCreagh
William Haley
Andrew Comyn

Connaught

Dillon
John Taaffe
Malby Brabazon
Charles Coote
Charles O'Connor
Miles Bourke
George Crofton
Theobald Bourke
Henry Bingham
Robert Cressy

Edmond Halon
Robert King
Walter Bourke
John Kelly
Christopher Garney
Anthony Garney
John Browne
Edmond O'Maly
Ferrall O'Daly

Galway

Athenry (Lord Birmingham)
Valentine Blake
Thomas Bourke
Roger O'Shaughnessy
Ulick Bourke
Nicholas Browne

Thomas Bourke
John Donnellan
William McHerbert
Teige O'Daly
David O'Shaughnessy
William O'Shaughnessy

Ulster

Henry O'Neill
Henry Blaney
Art MacMahon
Nicholas Warde
Thomas Fleming

John Hamilton
William Bromley
Charles Poynes
Stephen Allen
- (sic)

(iii)

Signatories of the Pale petition against the Exchequer Order,
June 1629.

(P.R.O., S.P. Ire., 63/249.6)

(About 12 signatures are indecipherable)

→ Roche
 James Butler
 Thomas Nugent
 W. Brandon
 Roger Moore
 Nicholas White
 Robert Plunkett
 Bart. Dillon
 Patrick Barnewall
 James Warren
 - Hamilton
 Belisha Baily
 Thomas Butler
 Phillip Hore
 Patrick Brady
 Michael Cusack
 F. Brandon
 Richard Taaffe
 Robert Dillon
 J. Coghlan
 James Porter
 Martin Long
 William Talbot
 James Moore
 John Sheehy
 James Fleming
 William Hill
 Thomas Nugent
 Gerald Reignes
 Patrick Barnewall

Westmeath
 Howth
 Fingall
 Nettirvill
 William Eustace
 Richard Fleming
 - Bellings
 Thomas Lynch
 John Fitzgerald
 Richard Hamilton
 Oliver Baily
 Gerald Plunkett
 Thomas Sherlock
 - Farrell
 Thomas Reynolds
 Richard Delahoyd
 Nicholas Dowdall
 Nicholas Darcy
 John Talbot
 Peter Wycomb
 - MacMahon
 Robert Burnell
 William Sarsfield
 Richard Talbot
 Michael Moore
 - Fagan
 Oliver Eustace
 Robert Bysse
 James Fitzgerald
 Walter Nangle
 George Aylemer
 Richard Osborne

(iv)

Signatories of the contribution renewal offer, November 1632.
(H.M.C. Cowper MSS i. 480-2. Strafford Letter Books, i. 'The names of the lords and other recusants who signed the proposition to the Lord Deputy'. Bodl. Chatsworth MS 78, pp. 617-8)

Westmeath
 Louth
 Fingall
 Nettirvill
 Taaffe
 Fitzwilliam
 Slane
 Dunsany
 Gormanstown

John Nettirvill
 Luke Nettirvill
 James Fleming
 Thomas Nugent
 James Dillon
 Luke Fitzgerald
 Richard Blake
 Richard Barnewall
 Nicholas Darcy

Valerian Wesley
 Luke Delahoyd
 James Bath
 John Talbot
 John Shee
 Marcus Cheevers
 Henry Crompe
 Hugh O'Connor
 Thadeus O'Rourke
 Morgan Farrell
 Gerald MacNamara (his x mark)
 Dominick Lynch
 Anthony Kirwan
 Charles Dowd
 James Plunkett
 Robert Talbot

William O'Shaughnessy
 Oliver Fitzgerald
 John Reilly
 J.Hore
 Brian Birre (King)
 Connor Connor
 Cahill McDonnaghy
 Farrell MacManus
 William O'Dowd
 Erigna O'Hara
 John Gara
 Roger Gara
 Shane Oge O'Rourke
 Da. Guarane
 Cormicus McGhary
 Henry MacDonagh
 Thomas Fleming

(v)

Signatories of the petition of members of the Irish House of Commons to the king, November 1640.
 (B.M., Add Charter 9324)

Thomas Bourke	x	Nicholas Stafford	x
Oliver Jones		Valentine Blake	x
Luke Fitzgerald	x	John Moore	x
Thomas Nangle	x	Walter Walsh	x
Thomas Butler	x	Hardress Waller	x
Edward Dennys	x	Faigney Farrell	x
W. Bromlow	x	Henry Plunkett	x
Nicholas Barnewall	x	Geoffrey Browne	x
Peter Barnewall	x	Robert Lynch	x
Ralph Gore	x	Robert Travers	x
Edward Rowley	x	Patrick Barnewall	x
Andrew Wilson	x	John Stanley	x
John Coghlan	x	Oliver Cashell	x
Walter Dowdall	x	Maurice Fitzgerald	x
Oliver Plunkett	x	Simon Digby	x
Richard Browne		Alex. Hope	x
John Blake		Arthur Champion	x
Robert Cusack	x	- Reynolds	x
John Caddell	x	Edward Pettit	x
Edward Fitzharris	x	Nicholas Smith	x
Thomas Hill	x	John Walsh	x
Richard Osborne, jr.	x	Richard Blake	
John Dungan	x	Richard Bryce	x
Henry Talbot		Richard Fitzgerald	x
Chris. Bellew	x	John Power	x
Richard Barnewall	x	Peter Rothe	x
Maurice Fitzgerald	x	George Mountgomery	x
Chris. Sherlock	x	Stephen Stephens	x
John Bellew	x	William Plunkett	x
John Bysse	x	Oliver Eustace	x
William Cole	x	John Edgeworth	x

Nicholas Sutton	x	William Parsons	x
Andrew Barrett	x	Christopher Brook	x
Piers Creagh	x	Theobald Bourke	x
J. Mountgomery	x	Richard Osborne	x
John Hore	x	J. Warren	
Patrick Boyton	x	James Butler	
Edward Fitzharris ?		Henry Crosby	
Piers Butler	x	Arch. Hamilton	x
Ulick Bourke	x	John Furlong	x
Richard Ash	x	Patrick French	x
Ralph Leventhorpe	x	Henry Moore	x
William Somers	x	R. Wingfield	x
Richard Butler	x	Donough MacCarthy	x
		Donough O'Briem	x

Note: The two 'Edward Fitzharris' signatures are similar, if not identical.

(vi)

Signatories of the petition of members of the House of Commons of Ireland to the House of Commons of England, November, 1640. (B.M., Egerton MS 1048)

Those marked 'x' in (v) above, together with:

- | | |
|----------------|------------|
| Hugo Rochfort | Pa. Crosby |
| Dominick White | R. Maguire |

(vii)

The Supreme Council of the Confederation of Kilkenny, November 1642. (Gilbert, Ir.conf., ii.85-6.)

Leinster

- Gormanstown
- Mountgarrett
- Archbishop of Dublin
- Nicholas Plunkett
- Richard Bellings
- James Cusack

Munster

- Lord Roche
- Sir Daniel O'Brien
- Edmond Fitzmaurice
- Dr Gerard Fennell
- Robert Lombard
- George Comyn

Connaught

- Archbishop of Tuam
- Lord Mayo
- Bishop of Clonfert
- Sir Lucas Dillon
- Patrick Darcy
- Geoffrey Browne

Ulster

- Archbishop of Armagh
- Bishop of Down and Connor
- Phillip MacHugh O'Reilly
- Coll MacBrien MacMahon
- Emer Magennis
- Tirlagh O'Neill

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6. Public Record Office of England, London.
7. Public Record Office of Ireland, Dublin.
8. Sheffield Public Library, Yorkshire.
9. Trinity College, Dublin.

II. Printed material

B

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I. Manuscript

1. British Museum, London.
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3. Pearse Street Public Library, Dublin.

II. Printed

C

LATER WORKS

I. General works

II. Ecclesiastical histories

III. Local histories

IV. Other special studies

ADDENDA

A

1640 (Add. Charter)

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2. British Museum, London.

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