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**Confederate Ireland 1642-1649;
A Constitutional and Political Analysis**

Ph.D. thesis, 1997

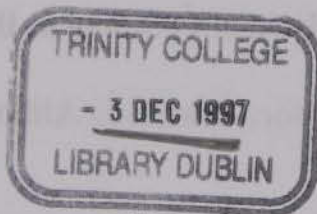
Micheál Ó Siochrú, B.A.

(supervisor, Professor Aidan Clarke)

University of Dublin
Trinity College

Constitutional and Political Analysis
Ireland 1691-1997

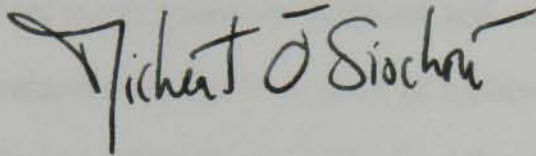
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Micheál Ó Siochrú

Confederate Ireland 1642-1649: A Constitutional and Political Analysis

Summary:

This thesis examines political and constitutional developments in confederate Ireland from the formation of embryonic governmental institutions in 1642, until the signing of the 'Second Ormond Peace' in January 1649. The format as such is chronological, while incorporating a number of thematic chapters. Despite the destruction of official confederate records in 1711, an abundance of source material has survived, particularly in the Bodleian Library and the Public Records Office in London. The discovery of hitherto unexamined documents in both places provides vital statistical evidence to support a radical reappraisal of the confederate association.

The study of confederate Ireland (the only example of sustained self-government by the Irish on a national level before 1919) has suffered from a somewhat negative bias, due in part to the shadow cast by the Ulster massacres of 1641. In contrast to that cataclysmic event, the following decade was seemingly characterised by nothing more than confusion and chaos, as a multiplicity of factions battled inconclusively for control of the kingdom. Even the war appeared remarkable for its lack of major engagements, overshadowed by endless negotiations between Irish Catholics and Charles I. Finally, any confederate achievements in the political arena (and there were many) collapsed in the wake of the Cromwellian invasion.

The primary goal of this thesis has been to resurrect these political achievements (a task greatly facilitated by the work of Dónal Cregan and more recently Jane Ohlmeyer), and to challenge certain misconceptions common to most previously published research on the nature and operation of the confederate association.

These misconceptions originate in a failure to accurately classify the different social and cultural groups who formed that alliance, leading to a misunderstanding of the relationship between the confederates and more importantly, of what originally united, and ultimately divided them.

The over-simplified, bi-polar classification of the confederate allies into ethnic groups (Old English and native Irish), has diverted attention from how the political process within the association actually operated. In particular, the evolution of a sophisticated parliamentary system, based on the General Assembly in Kilkenny, has been largely ignored. Moreover, the emergence of a highly influential group of moderates, led by Nicholas Plunkett, which sought to plot a political course between the two main factions (peace and clerical), has not hitherto been recognised.

This thesis charts the development of the political middle ground within the confederate association, which eventually marginalised the extremes. The moderates promoted a vision of an Irish kingdom, strong, independent and tolerant of diversity, in which loyalty to the Stuart monarchy, rather than ethnicity or religious affiliation, was the primary political consideration. As such they were not revolutionary separatists but reforming nationalists, anticipating the tradition of Grattan and Parnell. Unlike their eighteenth and nineteenth-century counterparts, however, the confederates actually governed the country (or at least most of it) for over six years, and for this reason alone, their efforts warrant a more detailed scrutiny and a more sympathetic assessment than they have so far received.

Micheál Ó Siochrú, 1997

TABLE OF CONTENTS:

List of Tables/Maps	page	vi
Acknowledgements		vii
List of Abbreviations		viii
Introduction		1
Chapter 1: Jan. 1642-Oct. 1642		20
Chapter 2: Oct. 1642- May 1645		54
Chapter 3: May 1645- Sept. 1646		87
Chapter 4: Sept. 1646- April 1647		121
Chapter 5: April 1647- May 1648		153
Chapter 6: May 1648- Jan. 1649		195
Chapter 7: Confederate Administration- Assemblies, Councils, Committees		228
Chapter 8: Reform or Revolution? The Constitutional Issues		264
Conclusion		293
Appendix 1: General Assembly Attendance Lists		305
Appendix 2: Supreme Council Membership 1642-1649		314
Appendix 3: Plunkett & French Memoirs		322
Bibliography		325

TABLES/MAPS

Tables:

1. General Assembly Meetings 1642-1649	229
2. General Assembly- Provincial Representation	234
3. General Assembly- Representatives' Profile	237
4. Supreme Council- Provincial Representation	246
5. Committee Membership 1642-1649	253
6. Committees- Provincial Representation	262
7. Regular General Assembly Members	311
8. Assembly Members with Parliamentary Experience	312
9. Assembly Members with Legal Training	313
10. Continuity of Membership	313
11. Supreme Council Membership 1642-1649	316

Maps:

1. The Confederate Wars, 1641-53	23
2. General Assembly Representation	232

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This project began back in October 1991 in less than auspicious circumstances. I am extremely grateful to my supervisor, Professor Aidan Clarke, for showing faith in me then, and for supporting my endeavours ever since. His vast knowledge of early seventeenth-century Irish history (apart from particular insights into my own topic) has been of inestimable value to me. I hit mid-thesis crisis around late 1994, at which time I had the good fortune to meet Dr. Jane Ohlmeyer, whose infectious energy and enthusiasm sustained me through this difficult period and beyond. Staying in the history field, I would also like to thank Dr. Tadhg Ó hAnnracháin for his help with the *Commentarius* (and many stimulating chats), Dr. Matthew Stout for preparing both the maps, Bríd McGrath for the biographical information on the members of the 1640 Parliament, and Dr. Pádraig Lenihan for tackling the military issues in his own thesis, all of which saved me a lot of trouble!

Having spent most of the last five years in libraries, both here and in England, I am grateful for the patience of all the staff who helped me during this time, especially Ann Walsh and Mary Higgins, while not forgetting Donncha, Iris and the rest of the gang in the Berkeley Library, Trinity College. Family and friends have been tremendously supportive as they watched me stumble along from crisis to crisis, while the editorial comments of my father and Jane Ohlmeyer (again!) were invaluable in preparing the final drafts. Thanks in particular are due to my mother for retyping an errant chapter at short notice, to Joyce for the translation of French documents, to Mollie for helping print out the final draft, and to Karan for helping me shift through the interminable lists of confederate names. She more than anybody else will always be associated with this period of my life, having shared most of the experiences of the last five years.

Finally, I would like to acknowledge my debt to the late Dr. Dónal Cregan, as this thesis is very much a continuation of research he began over fifty years ago. He may not have agreed with a number of my conclusions, but he was always delighted to argue the point. As for the dates in the text, I have in all instances adhered to the convention of dating according to the Old Style (Julian) calendar for the day and month, and the New Style (Gregorian) calendar for the year.

Micheál Ó Siochrú
May 1997

BL	British Library, London
Add. Mss	Additional Manuscripts
Bodl.	Bodleian Library, Oxford
HMC	Historical Manuscripts Commission
IHS	Irish Historical Studies
IMC	Irish Manuscript Commission
NA	National Archives, Dublin
NHI	Moody T.W., Martin F.X. and Byrne F.J.(eds.) <u>A New History of Ireland</u> vol.iii <u>Early Modern Ireland 1534-1691</u> (Oxford 1991)
NLI	National Library of Ireland, Dublin
NS	New Series
PRO	Public Records Office, London
RIA	Royal Irish Academy, Dublin
SP Ire.	State Papers relating to Ireland
TCD	Trinity College, Dublin
TCP	Transcript of the Carte Papers, National Archives Dublin

INTRODUCTION:

"In the year 1641, on the 22 of October, the conspiracy was discovered which occasioned the war in Ireland, a war of many parts, carried on under the notion of so many interests, perplexed with such diversity of rents and divisions, among those seemed to be of a side, as will transmit to posterity observations perhaps as useful, although not so memorable and full, as a war managed with more noise, greater power and between princes, whose very names may bespeak attention for their actions."

(Richard Bellings- History of the Late War in Ireland, c.1674)¹

The purpose of this thesis is to examine political and constitutional developments in confederate Ireland, from the formation of embryonic political institutions in 1642 until the signing of the second Ormond Peace in January 1649. The format as such will be chronological, but with a number of central themes woven through the text. Choosing a finishing date was a relatively straightforward task, as the confederate association formally ceased to exist early in 1649 with the voluntary dissolution of both the General Assembly and the Supreme Council, the legislative and executive arms of government. The selection of the starting point was influenced by the fact that the early months of the uprising, from October 1641 onwards, were characterised by confusion and chaos, with the collapse of government authority throughout most of the kingdom. Only from early 1642 did the catholic rebels began to direct their energies towards constructing an alternative political structure.

The study of confederate Ireland over the centuries has suffered from a negative bias. Sandwiched between the 1641 Ulster massacres (of both catholics and protestants) and the apocalyptic Cromwellian invasion in 1649, the 1640s were seemingly characterised by nothing more than bloodletting, treachery and internecine factionalism. Even the war appeared an unfruitful area for research, being remarkable for its lack of major engagements, and totally overshadowed by

¹Gilbert, J. T. History of the Irish Confederation and the War in Ireland (Dublin 1882-1891) vol. 1 p. 1. Manuscript forms of Bellings' memoirs survive in Trinity College Dublin and the British Library (TCD Mss 747; BL Add Mss 4763), but references throughout the thesis refer to the published version.

endless dreary negotiations. This image problem was compounded by the destruction of confederate records in two fires. The first blaze in 1711 destroyed all political, administrative and judicial material accumulated by the Cromwellian regime, while all surviving records (mainly financial) perished in the second fire during the Civil War in 1922².

All was not lost, however, due mainly to the efforts of a number of remarkable individuals, particularly James Butler, the first duke of Ormond, who dominated the Irish political landscape in the seventeenth century. During the 1640s, as the king's lord lieutenant in Ireland, he engaged the confederates in protracted peace negotiations, while maintaining contact with both Oxford and Westminster. Fortunately, Ormond preserved most of his correspondence, as well as making copies of official documents. His biographer, Thomas Carte, collected together the vast bulk of this material, which is now preserved in the Bodleian Library in Oxford. The 272 volumes of the Carte collection (each containing hundreds of original documents) are unquestionably the major source for any seventeenth century Irish historian³.

Carte published a fraction of these letters and documents in his biography of Ormond. At the end of the last century, the antiquarian J.T. Gilbert produced an invaluable seven volume history of the confederates, consisting of some of his own documents as well as a significant cross section from the Carte collection⁴. The collection also contained the best known and most important account of the period, written by Richard Bellings in the 1670s. Bellings was the secretary of the confederate Supreme Council from 1642 until 1646, and as such played a vital role in the politics of the period. Returning from exile after the restoration of Charles II,

²The Court of Claims in the 1660s also had access to these records, before they were eventually placed in storage in Lower Essex Street. On 5 April 1711, a great fire destroyed most of the documents, except for the books of public accounts. These survived until the destruction of the Four Courts building in June 1922, during the assault by Free State forces. Public Records in Ireland 20th Report of the Deputy Keeper, Appendix IV (Dublin 1888) pp 24-7 I have heard accounts of how the Anti-Treaty soldiers used bundles of confederate material to block windows!

³Bodl. Carte Mss 1-272

⁴Carte, Thomas History of the Life of James the First Duke of Ormond 6 vols. (Oxford 1851); Gilbert, J.T. History of the Irish Confederation and the War in Ireland 7 vols. (Dublin 1882-91)

Bellings dedicated his history (which is staunchly royalist in tone) to the duke of Ormond.⁵

Gilbert had already published a three volume history of Irish affairs, from 1641-1652, the principal part of which consisted of the anonymous (and highly entertaining) memoirs entitled *Aphorismical Discovery of Treasonable Faction*⁶. A number of other leading confederates produced memoirs which have been published at various times, including the earl of Castlehaven and Nicholas French, the bishop of Ferns⁷.

Another important source are the letters (and some observations) of Ulick Bourke, marquis of Clanricarde, who although not a confederate, was close to the leadership in Kilkenny. Originally contained in four letter-books, they cover the period 1641-1652, and provide the unique insight of a catholic royalist in Ireland. The first and last letter-books were published in the eighteenth-century, the second in 1983 by the Irish Manuscripts Commission⁸. Unfortunately, the third letter-book, covering late 1647 until 1650, a vital period in confederate history, is missing. A number of histories hostile to the confederates also appeared during the course of the seventeenth-century. These contained copies of important documents from the 1640s, and provide invaluable information on the attitudes in Dublin and London to events in Ireland⁹.

A contemporary of Gilbert's, the historian J.P. Prendergast, spent some time working on the confederate records stored in Dublin's Four Courts. He made

⁵Bellings' memoirs are scattered throughout the seven volumes of Gilbert (ed.) *Irish Confederation* (1882-91)

⁶Gilbert, J.T. *A Contemporary History of Affairs in Ireland from 1641-1652*, 3 vols. (Dublin 1879). These memoirs are bitterly critical of the duke of Ormond, and supportive of Owen Roe O'Neill and the Irish catholic clergy.

⁷Tuchet, James *The Earl of Castlehaven's Review or his Memoirs* (London 1684); Bindon, S.H.(ed.) *The Historical Works of the Right Reverend Nicholas French D.D.* 2 vols. (Dublin 1846)

⁸Bourke, Ulick *Clanricarde Memoirs* (London 1747); Lowe, John (ed.) *Clanricarde Letter-Book 1643-1647* (Dublin 1983)

⁹The most famous of these is Temple, John *The Irish Rebellion or an History* (London 1646) which was reprinted on a number of occasions over the next 200 years. See also Borlase, Edmund *The history of the execrable Irish rebellion traced from many preceding acts to the grand eruption the 23 October 1641, and thence pursued to the act of settlement, 1662* (Dublin 1680) and Nalson, John *An Impartial Collection of the Great Affairs of State* 2 vols. (London 1682-3)

extensive notes on their contents, prior to their destruction in 1922, which can be consulted in the King's Inn Library¹⁰. The other major surviving source is the published work entitled *Commentarius Rinuccinianus* based on a contemporary account by two Irish clerics of the mission to Ireland of the papal diplomat, Giovanni Battista Rinuccini, archbishop of Fermo, in 1645. The work contained scores of original documents relating to confederate politics which were translated into Latin. Six volumes, published between 1932-49, are the best surviving copy of the original collection, destroyed during the Second World War¹¹.

Apart from all this material, the historian of confederate Ireland can also consult significant collections of original material in the Bodleian Library (Clarendon and Tanner papers), Public Records Office, London (State Papers relating to Ireland), British Library (Additional Manuscripts), and the National Library, Dublin (Ormond papers)¹². In addition, a surprising number of institutions contain material relating to the confederate period¹³. The destruction of official confederate records means that a detailed study of the General Assembly and Supreme Council, along the lines of those written on the Scottish and English parliaments, might not be possible¹⁴. A surprising amount of information can be retrieved, however, allowing the historian to reconstruct much that was thought to be lost forever.

As for secondary works, only a few general histories were written prior to this century, the most readable being C.P. Meehan's study published in 1882¹⁵. A minor renaissance began, however, in the 1930s with the appearance of a two works on

¹⁰King's Inns, Prendergast Papers vols. 1-14

¹¹O'Ferrall, Richard and O'Connell, Robert *Commentarius Rinuccinianus, de sedis apostolicae legatione ad foederatis Hiberniae catholicos per annos 1645-9* ed. Stanislaus Kavanagh 6 vols. I.M.C. (Dublin 1932-49). Rinuccini's letters and reports to Rome were published in Italian by G. Aiazza, and translated into English by Annie Hutton. See Aiazza, G. *The Embassy in Ireland of Monsignor G.B. Rinuccini, Archbishop of Fermo in the Years 1645-49* translated by Annie Hutton (Dublin 1873)

¹²Bodl. Clarendon Mss 20-36, Tanner Mss 57-60; PRO SP Ire. 260-6; BL Add Mss 4,763 and numerous others; NLI Ormond Papers Mss 2307-15

¹³For example, the Dublin City Library, Franciscan Archives, Marsh's Library, Jesuit Provincial Archives, Royal Irish Academy, Trinity College Dublin,

¹⁴Keeler, M.F. *The Long Parliament, 1640-1641: a biographical study of its members* (Philadelphia 1954) is an exhaustive study of the members of the Long Parliament, while Young, J.R. *The Scottish Parliament 1639-1661: A Political and Constitutional Analysis* (Edinburgh 1996) attempts something similar for the Scottish parliament.

¹⁵Meehan, C.P. *The Confederation of Kilkenny* (Dublin 1882)

confederate Ireland. Michael Hynes published a biography of Rinuccini, while Hugh Hazlett's Ph.D. thesis provided an overview of the military conflict in the 1640s. Unfortunately, neither historian produced any further studies on the period¹⁶. Dónal Cregan's Ph.D. thesis in 1947, almost exactly three hundred years after the dissolution of the confederate association, was the first detailed study of its structure and personnel¹⁷.

Cregan never completed his pioneering research and only segments were ever published, but it is required reading for any student of the confederate period¹⁸. Patrick Corish wrote a number of excellent articles on religious issues during the 1640s, and his two chapters in the third volume of the *New History of Ireland* provide the basic chronological narrative of confederate Ireland. In the 1960s an English student, John Lowe composed a detailed (though ultimately disappointing) account of the negotiations between Charles I and the confederates¹⁹.

In the last four years, however, three major theses have been written on aspects of confederate Ireland. The first to appear was Jane Ohlmeyer's fascinating biography of Randal MacDonnell, earl of Antrim. Although undoubtedly a colourful character and great survivor, Antrim functioned as a peripheral figure in confederate politics for much of the 1640s. Ohlmeyer went on to edit a collection of essays on Ireland covering the period between 1641 and 1660, but only one chapter (her own on

¹⁶Hynes, Michael *The Mission of Rinuccini, nuncio extraordinary to Ireland 1645-1649* (Louvain 1932); Hazlett, Hugh "A History of the Military Forces Operating in Ireland 1641-1649" 2 vols. (Ph. D. thesis, Queens University Belfast 1938)

¹⁷Cregan, Dónal "The Confederation of Kilkenny: Its Organisation, Personnel and History" (Ph.D. thesis, U.C.D. 1947)

¹⁸See bibliography. The last article to appear was Cregan, Dónal "The Confederate Catholics of Ireland: the personnel of the Confederation, 1642-9" *I.H.S.* vol. XXIX no.116 (Nov. 1995) pp 490-512

¹⁹Corish, P.J. "Bishop Nicholas French and the Second Ormond Peace 1648-9" *I.H.S.* vol.6 no.22 (Sept. 1948) pp 83-100; "The crisis in Ireland in 1648: The nuncio and the Supreme Council: Conclusions" *Irish Theological Quarterly* XXII (Jan.55) pp 231-57; Moody, T.W., Martin, F.X. and Byrne F.J. (eds.) *A New History of Ireland* vol.III *Early Modern Ireland 1534-1691* (Oxford 1991) chaps. 11-12 (hereafter referred to as NHI iii); Lowe, John "The Negotiations between Charles I and the Confederation Of Kilkenny 1642-9" (Ph.D. thesis, University of London 1960) is long and detailed, but contains comparatively little analysis of internal confederate politics. The article Lowe, John "The Glamorgan Mission to Ireland 1645-6" *Studia Hibernica* no.4 (1964) pp 155-96 includes the best information from the thesis.

diplomacy) deals directly with the confederates²⁰. Tadhg Ó hAnnracháin's reappraisal of Rinuccini was long overdue, providing a more balanced and sophisticated view of this much maligned cleric. His thesis, however, does not attempt to unravel the inner workings of confederate government, which so preoccupied the papal diplomat. The third Ph.D. by Pádraig Lenihan is an excellent and entertaining study of the confederate military machine, concentrating principally on the army of Leinster. The minutiae of detail is impressive but tends to overshadow broader considerations, particularly the issue of who exactly was determining confederate military strategy²¹.

While these superb new studies have provided fresh impetus for a re-examination of the confederate period, they do not seriously challenge the traditional assumptions about confederate politics. The standard interpretation is something along the following lines; the Old English and native Irish were forced together in an uneasy alliance which began to unravel over the crucial issue of religious concessions. The catalyst for this collapse was the arrival of the papal nuncio Rinuccini, with his unrealistic demands for full recognition of the Roman Catholic Church. Rinuccini's hard-line alienated the Old English, for whom reconciliation with the king was the primary goal, forcing the nuncio into the arms of Owen Roe O'Neill. The native Irish, resentful from the beginning of their Old English allies, readily embraced the clerical position, thus precipitating the outbreak of civil war in May 1648.

The collapse of the confederate association, in this scenario, is blamed almost exclusively on internal pressures, with Rinuccini and the native Irish portrayed as the principal culprits. The Old English, on the other hand, are credited with a misguided rather than malevolent influence, caught between the unreasonable demands of their confederate allies and the extreme policies of their English

²⁰Ohlmeyer, Jane "A Seventeenth Century Survivor: The Political Career of Randal MacDonnell, first marquis and second earl of Antrim, 1609-83" (Ph.D. thesis T.C.D.1990), later published as Civil war and restoration in the three Stuart kingdoms: the career of Randal MacDonnell, marquis of Antrim 1609-1683 (Cambridge 1993). See also Ohlmeyer, J. (ed.) Ireland from Independence to Occupation 1641-1660 (Cambridge 1996)

²¹Ó hAnnracháin, Tadhg "Far from Terra Firma: The Mission of Gian Battista Rinuccini to Ireland 1645-1649" 2 vols. (Ph.D. thesis European Univ. Inst.1995); Most of Rinuccini's contemporaries were sharply divided over his intervention in Irish affairs, while Hynes' biography was largely based on an uncritical reading of the *Commentarius*. Hynes Mission of Rinuccini (1932). Lenihan, Pádraig "The Catholic Confederacy 1642-49: An Irish State at War" 2 vols. (Ph.D. thesis, U.C.G. 1995)

parliamentary enemies²². Such an analysis is attractive in its simplicity but is fundamentally flawed on two levels; the unduly negative approach of historians, concentrating almost exclusively on confederate weaknesses, obscures the many achievements of the association between 1642 and 1649, while a political model based on ethnicity does not appear to stand up to serious scrutiny.

In the first instance, the ultimate destruction of Irish catholic ambitions by 1653 undoubtedly influenced subsequent interpretations of events since the initial uprising. Nonetheless, that the confederate government functioned for such a long period constitutes a major achievement, given that its enemies (except for one brief period in 1647) enjoyed a significant military advantage in numbers at least²³. The confederate association was established in 1642 to provide effective civil government on a national level, to counter the immediate military threat posed by the royalists and the Scots in Ulster, and to negotiate a settlement with the king. Insufficient credit is given to the fact that by the time of Cromwell's arrival in Ireland in August 1649, the association had already achieved these primary objectives and voluntarily disbanded.

On the negative side, confederate factionalism did delay a peace settlement with the king, but the blame for this may well lie elsewhere. Despite the anxiety of the confederate leadership for an early settlement, a treaty eluded them for over three years, a delay which allowed the opponents of peace in Kilkenny time to organise effective resistance. In this regard, the role of Ormond needs to be seriously re-examined. Charged by the king with the responsibility of negotiating a deal with the confederates, the lord lieutenant appeared unwilling to grant even the most basic of concessions on the issue of religion, despite receiving sufficient authority from the king²⁴. This reluctance placed Ormond's allies in Kilkenny in an impossible position, and contributed greatly to the difficulties experienced by the confederates from 1645 onwards. This thesis will examine, therefore, the extent to which confederate factionalism was in fact provoked by outside influences, principally the machinations of the marquis of Ormond.

²²This analysis first appeared in the Restoration period, as a number of leading Old English confederates tried to justify their participation in the rebellion. Principal among these was Richard Bellings, whose memoirs had an enormous impact on subsequent historical writings.

²³Lenihan "The Catholic Confederacy" p.170 illustrates the relative strengths of the various standing armies in Ireland during the 1640s.

²⁴The negotiations on the religious issues are discussed in detail in chapter 2

The question of factionalism brings me back to the second major problem with the traditional interpretation of confederate Ireland, namely the alleged ethnic basis for political divisions in Kilkenny, between the Old English and native Irish²⁵. During the early part of the seventeenth century, ethnic boundaries between the catholics of Ireland were becoming increasingly blurred, particularly among the upper classes, through intermarriage and a common interest in land and political power²⁶. By the 1640s, ethnicity appears to be less important than social standing, as the Old English aristocracy displayed no hostility towards their native Irish counterparts, working in close co-operation with them throughout the period.

Animosity towards the native Irish in confederate ranks was directed almost exclusively at the lower social orders, principally those of Ulster. The demands of land-less peasants of Ulster, led by dispossessed exiles, for the overturning of the plantation process posed a serious threat to the existing order, and were opposed by the catholic landed elite across the ethnic boundaries. The destruction caused by the Ulster army also aroused much opposition²⁷. By 1648, Owen Roe O'Neill, the great hero of Gaelic Ireland, was opposed by most of the native Irish land holders of Ulster, class taking precedence over sentiment and tradition²⁸.

A cursory examination of confederate divisions appears to confirm this fact. Large numbers of the native Irish political class, Donough MacCarthy, Viscount Muskerry, Barnaby Fitzpatrick, the lord of Upper Ossory, Dermot O'Shaughnessy, and Donough O'Callaghan among others, sided with the so-called 'Old English' party. On the other side, this party was opposed at various times by leading Old English figures, such as Pierce Butler, Viscount Ikerrin, Maurice Roche, Viscount Fermoy, Patrick Darcy and Roebuck Lynch. Religious devotion and local political

²⁵Even the most recent accounts persist with such an interpretation. Corish *NHI* iii p.331; Ohlmeyer *Civil War and Restoration* pp 164-5 etc.

²⁶As Clarke has written, all men of sufficient property and station were within the pale of the gentry. Clarke, Aidan "Ireland and the General Crisis" *Past and Present* No.48 (Aug. 1970) p.90. See also Jackson, Donald *Intermarriage in Ireland 1550-1650* (Montreal and Minnesota 1970) for a discussion on the extent of intermarriage between the various ethnic groups in Ireland.

²⁷Hostility towards the Ulster army was expressed in numerous letters of that period. For example, PRO SP Ire. 263/105 f.176, 263/108 f.180, 263/119 f.200 etc.

²⁸Phelim O'Neill, Myles O'Reilly, Alexander MacDonnell and others who already held estates in Ulster, supported the attempts to negotiate a second peace treaty with Ormond, despite the violent opposition of Owen Roe O'Neill. [Lodge, John (ed.)] *Desiderata Curiosa Hibernica* (London 1772) vol.2 p.511.

rivalries account for some of this, but clearly the ethnic model is not entirely satisfactory in explaining political affiliation²⁹.

The simple two party model (Old English and native Irish) comes under particular strain in an examination of the period from 1646 onwards. Moves in August and September of that year to reject the peace settlement with the marquis of Ormond received support across ethnic boundaries, while the following General Assembly, in January 1647, supposedly dominated by the clerics and their native Irish allies, confirmed the rejection of the peace treaty, but exonerated its authors from any blame³⁰. The penultimate assembly in November 1647 was described by the nuncio as wholly dominated by his opponents, but once again its actions were characterised by compromise³¹.

Finally, by the time the last assembly met in September 1648 civil war had erupted in confederate ranks. With Rinuccini and Owen Roe O'Neill in close alliance, none of their supporters attended this meeting. Despite this, the assembly did not rush into an agreement with the marquis of Ormond. For almost four months the confederates insisted on the full religious concessions sought by the nuncio. A breakdown of the talks was only averted when news of the king's impending trial reached Kilkenny in December, and the assembly in a dramatic gesture of loyalty agreed to a compromise settlement³². It is impossible to properly explain these developments using only the traditional two party model.

This thesis will argue that instead of two factions (Old English and native Irish) there were in fact three- a peace party, a clerical party and a loose grouping of non-aligned moderates. Social standing, rather than ethnicity, was the determining factors in the formation of the first two factions. The peace party consisted of existing catholic land owners, both Old English and native Irish, whose primary interest was preserving the existing social and economic order, and obtaining political influence commensurate with their wealth and standing. In the interests of self-preservation, as much as anything else, they were anxious for an early

²⁹Chapter 7 examines in detail the political allegiances of leading individuals.

³⁰The new government formed by the clerical faction in September 1646 contained names such as O'Neill, Plunkett, O'Sullivan Beare, Roche, O'Shaughnessy, Butler. Gilbert (ed.) *Irish Confederation* vi pp144-6; The assembly's declaration against the peace in February 1647 is in Bodl. Carte Mss 65 f.364

³¹Aiazza (ed.) *Embassy* pp 343-6

³²Richard Blake (chairman of the General Assembly) to Ormond, 28 Dec. 1648. Bodl. Carte Mss 23 f.123; These negotiations are examined in chapter 6

reconciliation with the king. The clerical party consisted primarily of the catholic bishops, returning exiles and those gentry and nobility excluded from power in Kilkenny by the dominant clique. They also wished to come to terms with the king but only after obtaining major concessions on religious issues and a significant redistribution of land. The leading figures in both the peace and clerical parties are well known³³.

Evidence of a third grouping of non-aligned moderates only begins to emerge from 1644 onwards. These moderates also sought a peace settlement with the king, but on better terms than were offered by the marquis of Ormond. They used the power of the General Assembly to articulate and promote their views. The split in confederate ranks over the 1646 peace treaty allowed the moderates the opportunity to exploit the balance of power, enabling them to preserve confederate unity and seek a compromise between the irreconcilable extremes of peace and war. Although numerically insignificant, the moderates were able to gain crucial support across the political spectrum, and dictated confederate policy until the end of 1647. A series of military defeats followed by the outbreak of civil war temporarily undermined their influence, but the resurgent peace faction was forced to adopt the political middle ground created by the moderates during the subsequent negotiations with the marquis of Ormond.

Identifying these moderates, apart from the leaders, is not easy an easy task. As in England, political 'parties' in seventeenth century Ireland bear little resemblance to their modern equivalents. They consisted of loose groups of individuals, dominated by one or two personalities, sharing a common goal. The vast majority of active confederates were uncommitted, ready to be swayed by the arguments of the day and generally more concerned with local rather than national issues³⁴. The moderates exercised their influence by exploiting the balance of power, siding with one group, then switching to the other. The expert at this strategy was perhaps the most influential and popular confederate of them all, Nicholas Plunkett of Meath.

³³Peace faction leaders- Viscount Muskerry, Richard Bellings, Viscount Mountgarret, Gerald Fennell, Geoffrey Browne etc.; Clerical faction leaders- Rinuccini, Piers Butler, Lord Louth, Thomas Fleming, most of the bishops etc.

³⁴For a discussion on the nature of political parties in England at this time see Underdown, David *Pride's Purge* (London 1985) p.46, Hexter, J.H. *The Reign of King Pym* (Cambridge 1941) pp 63-7 and Pearl, Valerie "Oliver St. John and the 'Middle Group' in the Long Parliament: August 1643-May 1644" *English Historical Review* LXXX (1966) pp 492-6

Nicholas Plunkett was born in 1602, the third son of Christopher Plunkett, Lord Killeen (one of the most important Old English families of the Pale) and Jane Dillon, sister of the earl of Roscommon. A graduate of Gray's Inn, and a member of the Irish parliament in 1634-5 and 1640-1, Plunkett's family, legal and parliamentary background provided him with an extensive network of contacts which he exploited with consummate skill³⁵. From 1634 (when first elected to parliament) until the 1670s Plunkett participated in all the major political events in Ireland. A reluctant rebel at first, he quickly assumed a central role at Kilkenny, where his tactics were invariably those of compromise and moderation³⁶. Plunkett's political strategy as it evolved during the 1640s consisted of a settlement with the king which would satisfy the aspirations of both moderate catholic land-owners and churchmen. It is principally his manoeuvrings which led to the emergence of a political middle ground in the confederate association

This thesis is not a biography of Plunkett, but rather will concentrate on the inner workings of confederate politics, and the political alliances formed during this period. By examining, where possible, the composition of the various committees, councils and indeed assemblies, the intention is to create a profile of confederate politics, and of the most active, dominant personalities. The enormous gaps in confederate records, as already outlined, present a formidable obstacle in this regard. Nonetheless, having identified two further attendance rolls for the General Assembly (giving a total of four out of nine) and completing the Supreme Council lists begun by Dónal Cregan, a more detailed analysis is now possible³⁷. The systematic examination of this new information (personnel, provinces and political affiliation) should hopefully provide a better understanding of the workings of confederate government.

The thesis will also focus on aspects of continuity, both of personnel and political demands, before and after the 1641 uprising. The majority of confederate leaders

³⁵In 1622 Plunkett was sent to Gray's Inn. Cregan, D. "Irish Catholic Admissions to the English Inns of Court 1558-1625" *Irish Jurist* v (summer 1970) p.109

³⁶Plunkett was elected as chairman of the first and all subsequent General Assemblies, except the final one in 1648, and sat on every Supreme Council and most of the negotiating committees.

³⁷The assembly lists for July 1644 and March 1647 are already published. The two new lists are for 1642/3 and 1645. The lists are discussed in detail in appendix 1. A full membership list for the Supreme Council appears in appendix 2, while committee membership is outlined in chapter 7. See also Cregan, D.F. "The Confederate Catholics of Ireland" *L.H.S.* pp 510-12

were active in the Irish parliaments of 1634 and 1640-1, while the terms of the Ormond peace treaties (except for the crucial religious and constitutional clauses) were closely linked with the Graces of 1628³⁸. This continuity, however, should not obscure the more radical policies pursued by the confederates, particularly concerning the operation of central government. From 1644 onwards, the General Assembly passed a number of reform initiatives to ensure the greater efficiency and effectiveness of confederate governmental institutions. These reforms tackled the fundamental issues of collective responsibility, the accountability of the executive Supreme Council and the primacy of the legislature (i.e. the General Assembly)³⁹.

All these issues were the subject of intense debate before the uprising in 1641, and continued to occupy the attention of confederate reformers during the 1640s. The battle between the General Assembly and the Supreme Council is of particular interest, not only from a constitutional point of view, but also because the struggle became most acute with the confederates' collapse into factionalism. This thesis will examine the possibility of a connection between the radicalisation of the General Assembly and the emergence of a group of moderates, led by Nicholas Plunkett, chairman of that assembly.

While the main events of the 1640s have been well chronicled by a number of historians, who have provided the basic narrative structure of the thesis, an intensive examination of the source material has revealed a number of hitherto undetected developments⁴⁰. Moreover, I hope that by approaching confederate Ireland with a positive agenda, and moving away from the concept of ethnically based politics, this study will help provide a better understanding of a fascinating, if extremely complex period.

As the main thrust of this work concerns the confederate government, it is not necessary to dwell on the causes of the uprising itself, except where they have a direct bearing on events after 1642. It would be inadvisable, however, to launch into a discussion of confederate Ireland without providing at least a basic synopsis

³⁸Statistical continuity is examined in appendix 1. The Graces of 1628 are published in Clarke, Aidan The Old English in Ireland 1625-1642 (London 1966) pp 238-54

³⁹Three confederate reform documents still survive. (1644) Marsh's Library Mss z 3.1.3; (1646) Bodl. Carte Mss 16 ff 470-80; (1647) Gilbert (ed.) Irish Confederation vi pp 208-23

⁴⁰Once again, the works of Patrick Corish and Dónal Cregan are an invaluable source of reference for any historian of the 1640s. See bibliography.

of the early decades of the seventeenth century. The outbreak of the rising has been the subject of numerous studies over the years, and Perceval-Maxwell's latest book is close to being the definitive work on the period 1640-1⁴¹. Clarke and Kearney have also produced invaluable studies on the decades prior to the uprising⁴².

The following synopsis of events leading up to the uprising in October 1641 is largely an interpretation of conclusions in other secondary works, principally those already mentioned. However, a number of confederates, and their protestant opponents, wrote at length about the causes of the rebellion. Despite the obvious agenda behind most of these memoirs they provide a fascinating contemporary insight into events and should not be ignored⁴³.

The plantation policies of the Stuarts since 1609, combined with religious persecution (however ineffectual), had created a widespread resentment among catholics of all classes in Ireland. The native Irish, with few exceptions, had been almost completely disenfranchised politically, with the confiscation of their lands, their last great stronghold in Ulster overrun with Scottish and English settlers, and their leaders either ineffectual or in exile. Although most adapted as best they could, many hankered for a return of the old order and were encouraged in such aspirations by those living in Flanders, Spain and Rome. The rapidity with which the uprising spread throughout the country in late 1641, suggests an element of planning and organisation, but also that the vast majority of the native Irish remained unreconciled to the new regime⁴⁴.

The Old English, although the largest landholders in the kingdom, also suffered under the Stuarts. Famously described as "half-subjects" by James I, they were politically loyal but religiously suspect⁴⁵. The policy of exclusion from government office, begun under Elizabeth I, was retained by her Stuart successors. Recusancy fines proved a sporadic irritant and the process of plantation left many feeling

⁴¹Perceval-Maxwell, M. The Outbreak of the Irish Rebellion of 1641 (Dublin 1994)

⁴²Clarke Old English (1966) and numerous articles (see bibliography). Kearney, Hugh Strafford in Ireland 1633-41: A Study in Absolutism (Cambridge 1989)

⁴³On the confederate side, the most important published accounts were by Richard Bellings, James Tuchet, the earl of Castlehaven and Nicholas French, bishop of Ferns. On the protestant side, the two most famous books are by John Temple and Edmund Borlase. See notes 4-7

⁴⁴Two maps in Perceval-Maxwell Irish Rebellion p.215, 253 illustrate the speed with which the disturbances spread throughout the kingdom.

⁴⁵Clarke, NHI iii p.217

insecure about their estates. Whereas the native Irish tended to look abroad for leadership, the Old English placed their hopes on the Irish parliament, in which they retained a powerful, if no longer dominant, influence. Through parliament they sought to safeguard their estates, mitigate the worst excesses of religious discrimination and regain some political influence. This policy achieved what appeared to be a major success with the granting of the Graces by the king in 1628, including a crucial statute of limitations on royal claims to lands in Ireland. The failure to implement these concessions was a constant source of catholic grievance, and formed a key confederate demand in the 1640s⁴⁶.

The 1630s were a traumatic time for the catholic elite in Ireland. The increasingly effective use of arbitrary power by the lord-deputy, Thomas Wentworth, negated any residual influence they still enjoyed in parliament, while his plantation policy threatened their estates, principally in Connacht. Denied the protection of the Graces, and with the king whole-heartedly supporting his deputy, their future looked bleak. The outbreak of conflict in Scotland in 1637, however, transformed the situation, as Charles, anxious to utilise the resources of Ireland, was prepared once more to consider concessions to Irish catholics⁴⁷. As opposition to the king escalated in Scotland and England a number of royalist plots were devised to use Irish troops against his enemies.

At the same time, a number of catholic landholders in Ulster, deep in debt and worried by the anti-catholic rhetoric of the Scottish covenanters and English parliament, initiated contacts with a number of influential Irish exiles. The Old English leaders were similarly concerned with developments in the other Stuart kingdoms. They had successfully colluded with their protestant colleagues in the Irish parliament to bring about the execution of the hated Thomas Wentworth (by this time earl of Strafford), but one consequence of this was the renewed interest of the English parliament in legislating for the kingdom of Ireland. With Charles seemingly unwilling or incapable of granting serious concessions, the catholics of the Pale were considering a resort to arms. The catholic troops recruited by Strafford were still in the country, commanded by disgruntled colonels, frustrated by their inability to export this human cargo to the continental battlefields⁴⁸.

⁴⁶Clarke, Aidan The Graces 1625-41 Irish History Series no.8 (Dundalk 1968)

⁴⁷A leading confederate, the earl of Castlehaven, described in his memoirs how fear of the Scots, and admiration for their achievements, motivated the Irish rebels. Tucket Castlehaven Memoirs p.21

⁴⁸Many of these troops were later to become the backbone of the confederate

All these various conspiracies (royalists, Ulster Irish, Pale catholics and army colonels) became briefly entangled during the course of 1641, although no consensus exists among historians as to what exactly took place⁴⁹. One by one, however, most potential conspirators fell away, as Charles' engagement with the Scottish covenanters eliminated (at least for the moment) his need for Irish catholic troops. A number of the army colonels lost interest in plotting, and went in search of fresh export licences. The catholics of the Pale, encouraged by the king's agreement to an act of limitation and by the attitude of the new lord lieutenant, the earl of Leicester, were happy once again to rely on constitutional politics⁵⁰. The Ulster leaders, however, pushed ahead regardless with a pre-emptive strike, intended to gain control of the kingdom, and negotiate a settlement from a position of strength. They failed in their plan to capture the city of Dublin and unleashed instead a nation-wide uprising which, without strong central leadership, threatened to escalate out of control.

The immediate events surrounding the outbreak of the rebellion on 22 October 1641 are familiar to all students of Irish history- Phelim O'Neill taking advantage of a dinner invitation to capture the fortress at Charlemont; Owen O'Connolly in Dublin, slipping away from a group of drunken conspirators to betray their plans to the authorities. These stories, richly embellished over the centuries, are an engaging mix of comedy and tragedy. At the time they simply confirmed for many the racial stereotypes of the Irish, as a deceitful and untrustworthy people, with a propensity for drink. Such tales, along with the lurid and wildly exaggerated accounts of the massacre of Ulster protestants, were exploited by the English parliamentarians and their allies to justify the wholesale disappropriation of Irish catholics and their demotion to the status of second class citizens⁵¹.

armies. Lenihan "Catholic Confederacy" p.36; Hazlett "History of the Military Forces" p.53; On 24 October 1641, Viscount Montgomery wrote to the king that the uprising was "chiefly supported by those, who under the colour of going to serve the king of Spain, had commissions to levy forces". PRO SP Ire. 260/23 f.121

⁴⁹Witness the recent controversy in *The Historical Journal* 35,4 (1992) pp 905-19 and 37,2 (1994) pp 421-37 between Jane Ohlmeyer and Michael Perceval-Maxwell over the possible involvement of the earl of Antrim in a royalist plot.

⁵⁰Leicester's role in diverting the Old English from the path of rebellion is described in Perceval-Maxwell *Irish Rebellion* pp 201-4

⁵¹This is illustrated clearly by the numerous editions of Temple's *Irish Rebellion*, which invariably appeared during times of crisis in Ireland, and the widespread use of the depositions taken from protestant refugees. TCD Mss 809-841

It is necessary, however, to make a clear distinction between the people who initiated the uprising and the forces they mobilised in the process. The conspirators, for the most part, belonged to the landed elite, the so-called 'deserving Irish', and played an active role in state affairs, albeit in permanent opposition to the administration in Dublin. A number of them, like Phelim O'Neill and Philip O'Reilly, were members of Irish parliament while others were active at a county level as sheriffs or justices of the peace. Their actions were motivated by a mixture of fear, grievance and financial worries. The anti-catholic policies of the Westminster parliament, and its attempts to claim jurisdiction over Ireland, gave credence to rumours of a second conquest led by an army of Scots covenanters⁵².

Moreover, they bitterly resented their exclusion from royal service and restrictions on the practice of their religion. Although they had received lands in the plantation process, adapting to the new regime proved difficult, and many were deep in debt. Frustrated by the failure of previous attempts at redress, they claimed to have taken up arms in self-defence and to restore their liberties. They vowed to continue in their actions until "we be at better leisure to make our great grievances known unto his Majesty, and he have more power to relieve us"⁵³. These men did not seek to overthrow the existing system, but merely to secure their place within it. These modest goals were undermined on two fronts- the violent reaction of the administration in Dublin to developments and the gradual collapse in social order.

The administration in Dublin, the Ulster conspirators' principal target, could hardly have been expected to welcome the actions of Phelim O'Neill and his colleagues, but the ferocity and indiscriminate nature of its response, exacerbated an already explosive situation. The lords justices issued a proclamation on October 23 accusing 'evil affected Irish papists' of disloyalty, and displayed a marked reluctance to arm the Pale gentry, or indeed any catholics in the face of encroachments from the

⁵²Early petitions of the rebels in 1641-2 refer to this threat from Westminster and Scotland. For example, 'General Declaration of the Catholics of Ireland, Dec. 1641' (Franciscan Mss D IV f.29); 'Remonstrance of the Irish of Ulster, 1641' in Gilbert (ed.) *Contemporary History* i pp 450-60 etc.;

⁵³'Remonstrance of the Catholics of Ireland, Dec. 1641' in Gilbert (ed.) *Contemporary History* i pp 360-1. Canny, Nicholas "In Defence of the Constitution? The Nature of Irish Revolt in the Seventeenth Century" in *Culture et Pratiques Politiques en France et en Irlande XVI-XVIII Siècle* eds. Louis Cullen et Louis Bergeron (Paris 1990) pp 23-40

Ulster rebels⁵⁴. They also failed to restrain the murderous activities of Charles Coote and William St. Leger, in Leinster and Munster respectively, who seemed intent on provoking a national uprising. By forcing catholic land owners to take up arms, the prospect arose of confiscating their lucrative estates.

Meanwhile, the initial success of the rebels ensured a growing number of people flocked to their banner, drawn "by the common habit of joining the winning side"⁵⁵. Local leaders, having assumed authority in their areas, found it increasingly difficult to control their supporters, who began to unburden themselves of generations of bitterness and resentment. Initially, such actions were confined to theft and destruction of property but after suffering a number of defeats at the hands of government forces, local rebel forces became more murderous⁵⁶. Catholic land-owners were now faced with the prospect of being squeezed on the one side by an increasingly hostile and aggressive administration, and on the other by a populist rising careering out of control.

On November 17, the Irish parliament formed a delegation to approach the Ulster leaders, to discover the causes for their actions. This initiative was led by the earl of Antrim, Viscount Gormanston, Nicholas Plunkett, Roebuck Lynch and Richard Bellings among others. All these men subsequently joined the rebels and became leaders of the confederate association. The decision of the lords justices to prorogue the parliament that same day, however, undermined any efforts at reconciliation, leaving the catholics of the Pale isolated and vulnerable. In the circumstances, they had little alternative but to seek some form of an accommodation with the rebels⁵⁷. The success of the Ulster forces on November 29 against government troops sent to

⁵⁴Nalson Impartial Collection vol.2 p.522. The grudging retraction six days later (Nalson p.631) did little to assuage catholic fears. The catholic earl of Clanricarde, governor of the city and county of Galway, complained bitterly about the actions of the Dublin administration during this period. Bourke, Ulick Clanricarde Memoirs p.22, 25, 33 etc. Leading confederates blamed the lords justices for provoking the revolt. Tuchet Castlehaven Memoirs p.35; 'Roman catholics reply to the answers of the protestant commissioners, 12 March 1662' (BL Add Mss 4781 f.276-300) etc.

⁵⁵The papal nuncio made this comment, in a different context, after his return to Rome in 1649. Aiazza (ed.) Embassy p.499

⁵⁶This development has been examined in some detail in the case of Armagh. See Simms, Hilary "Violence in County Armagh, 1641" in Ulster 1641: Aspects of the Rising edited by Brian MacCuarda (Belfast 1993) pp122-38

⁵⁷Richard Bellings (and others) stressed the importance of the decision to prorogue parliament in denying the catholics a legitimate forum in which to express their grievances. Bellings' History in Gilbert (ed.) Irish Confederation i pp 18-22

relieve the town of Drogheda finally convinced the Pale leaders to enter into negotiations.

A few days later, at a meeting on the Hill of Crofty in County Meath, the two sides came together, proclaiming their loyalty to the king and determination to defend their ancient liberties⁵⁸. A second meeting a week later, on the symbolic Hill of Tara, cemented the new alliance. Bellings later commented that these gatherings represented a coming together of traditional enemies, who forty years earlier had been bitter enemies, and his interpretation has been widely accepted by historians⁵⁹. On the contrary, however, they merely confirmed a process which had been taking place over a number of years.

The leaders on both sides were closely related through marriage, a number of them were parliamentary allies, and they shared the common concerns of landholders⁶⁰. The indiscriminate policies of the lords justices had helped bring them together, as had the fear of a popular uprising. This was not a meeting of Old English and native Irish in a historic new alliance but rather a coming together of a conservative landed interest in the face of pressures from two extremes. Their concern was not to redress historic wrongs or create a new egalitarian society, but rather to preserve (and expand) their role within the existing system. This was nothing more, therefore, than an exercise in damage limitation.

For the next four months rebel energies would be concentrated on the siege of Drogheda, although the real challenge involved creating effective military units. Battlefield engagements with royalist forces were few and far between as men like Viscount Mountgarret and Malachy O'Queely, the archbishop of Tuam instead sought to curb the worst excesses of the populist uprising⁶¹. Whatever about

⁵⁸These meetings are described in some detail by Edward Dowdall in a statement to the authorities, given on 13 March 1642. He also includes a list of the names of those who attended, including Nicholas Plunkett "the lawyer" at Tara, but not apparently at Crofty. TCD Mss 816 f.44. On 22 March 1642 Lord Dunsany similarly identified Plunkett among those present at Tara. TCD MSS 840 f.13

⁵⁹Bellings' History in Gilbert (ed.) *Irish Confederation* i p.38; See also Corish *NHI* iii p.293

⁶⁰The leading rebel Rory O'More for example was married to a daughter of Patrick Barnewall, while Conor, Lord Maguire had married into the Flemings of Slane. Corish *NHI* iii p.290; Jackson *Intermarriage in Ireland* (1970) provides a wealth of information on the various marriage alliances.

⁶¹Bellings claimed that Mountgarret personally intervened to prevent pillaging in Kilkenny city. See Bellings' History in Gilbert (ed.) *Irish Confederation* i p.57.

CHAPTER 1: Jan. 1642- Oct. 1642:

"Our constitution is what the dissensions of our time will permit: not such as were desired, but such as the persistent strife of wicked citizens will suffer it to be."

(John Milton, Defence of the People of England 1651)¹

The initial months of the insurrection were characterised by increasing chaos and disorder as, after the failure to capture Dublin, the uprising spread across the island in a series of uncoordinated local attacks. Royalist forces, isolated and undermanned, could do little more than launch punitive raids, while the northern rebels, with the help of Pale Catholics, concentrated their efforts on capturing the town of Drogheda². That long (and ultimately unsuccessful) siege reflected not only the bankruptcy of ideas among the rebel leadership, but also the limits of their military capabilities. By February 1642 the rebellion had affected most parts of the kingdom, forcing most of the Catholic gentry and nobility to become actively involved. Before long, the necessity of some sort of political organisation began to be felt, as apart from concerns over the collapse of authority, the rebel leadership gradually realised that any peace settlement would require detailed negotiations with the king³.

The first tentative moves in this direction had occurred in the first few weeks of the uprising. The lords justices reported that the rebels had framed an oath modelled very closely on the Scottish covenant, pledging their loyalty to the crown, country and religion, with "copies scattered abroad for all mens' view"⁴. This oath was distributed haphazardly throughout the country, mainly through the network of the parish clergy. To what extent compulsion was used in all of this is unclear, although the earl of Clanricarde bitterly criticised priests in his area for forcing people to take

¹Ashton, Robert The English Civil War: Conservatism and Revolution 1603-1649 (London 1978) p.317

²The gradual spread of the rebellion throughout the kingdom has been described in some detail in Perceval-Maxwell, Irish Rebellion pp 213-60

³Viscount Muskerry's letter to the earl of Barrymore in March 1642 vividly describes the dilemma facing Catholic nobility at this time. BL Add Mss 25,277 f.58. See also Corish NHI iii p.295-7

⁴Lords Justices and Council to the Lord Lieutenant, 25 Nov. 1641 (PRO SP Ire 260/37 f.154a)

the oath. The significant number of gentry in the Pale and Galway who remained neutral suggests that compulsion was by no means always successful⁵.

Whatever the case, by the end of 1641, evidence exists of crude attempts to gather together the disparate groups then in arms into some form of alliance. In December, the Pale lords urged the nobility and gentry of Galway to join their "association", while Clanricarde reported to the king that the entire kingdom was "in a strange combination and confederacy by vows and covenants"⁶. These moves were primarily concerned with military affairs, rather than an attempt to organise a form of civil government. This may have been because the rebel leaders believed that the most pressing task at this time was to control the large number of individuals in arms, and that a settlement with the king would soon follow.

Any such illusions were shattered by the course of events between February and April 1642 as the rebels suffered a series of set-backs. On February 26, a royal proclamation reached Dublin calling on those in arms in Ireland to surrender to the authorities. This was a major blow to the rebels, who had always loudly proclaimed their loyalty to the king⁷. The Pale gentry seem to have been particularly affected by news of this proclamation and a number of prominent individuals, including Lord Dunsany and Patrick Barnewall, surrendered voluntarily to the Dublin administration. They were immediately imprisoned, and in some cases tortured. The vindictive actions of the lords justices shocked Irish catholic opinion and almost certainly prevented large scale surrenders⁸. Indeed, the entire rebellion could well

⁵As late as June 1642, a significant number of leading Pale gentry (including Nicholas Plunkett and James Bathe) were pledging their continued loyalty to Clanricarde, and the same is true in Galway, where the earl listed Patrick Darcy, Roebuck Lynch, Richard Blake and Richard Martin among his supporters in the city. Bourke *Clanricarde Memoirs* p.19, 75, 81, 141, 177. It is undoubtedly significant that Bishop Dease of Meath opposed the rebellion, while in Galway, the collegiate church resisted the authority of Archbishop O'Queely (thanks to Tadhg Ó hAnnracháin for this point).

⁶*Ibid.* p.62, 67

⁷Corish *NHI* iii p.295. All the early declarations, petitions and letters from the rebels stressed their loyalty to Charles. 'Copies of the Proclamation of Phelim O'Neill and others' (PRO SP Ire 260/27 f.135); 'The General Declaration of the Catholics of Ireland' (Franciscan Archives Mss D IV f.29); Phelim Molloy to William Parsons, 17 March 1642 in *H.M.C.* 2nd Report, Appendix (London 1874) p.218 etc.

⁸According to Nicholas Plunkett the actions of the lords justices forced the rebels to "assume a government to preserve themselves". 'Roman Catholics Reply, 12 March 1662' (BL Add Mss 4,781 ff 276-300)

have collapsed at this time if the authorities in Dublin had reacted in a more conciliatory fashion, rather than exploiting events to undermine catholic interests.

This hard-line policy was echoed by developments at Westminster, when on March 19 the English parliament implicitly assumed control of Irish affairs by forcing the king to sign the Adventurers Act. This act used Irish land as security to raise loans to send forces to Ireland, and more importantly prohibited the king from granting pardons to the rebels without the consent of parliament, which alone could now declare an end to the rebellion. The Adventurers Act confirmed all the worst suspicions of catholics about the intentions of the Westminster parliament towards Ireland, and with the king seemingly unable to defend his own prerogatives there seemed little alternative to the present strategy of armed opposition⁹.



On the military front, in February, Colonel Monck arrived in Dublin with 1,500 foot to help suppress the uprising in the Pale, forcing the rebels to abandon the siege of Drogheda the following month. In April, the vanguard of the Scottish army arrived in Antrim, and the rebels suffered two significant military reverses, at Kilrush (April 15) and Lisburn (April 29). It was clear now that the rebels could not gain a quick victory in the war, while the possibility of a negotiated settlement seemed remote¹⁰. In order to prevent a slide into anarchy, it was vital for the catholic leaders to organise some form of government to administer the areas under their control.

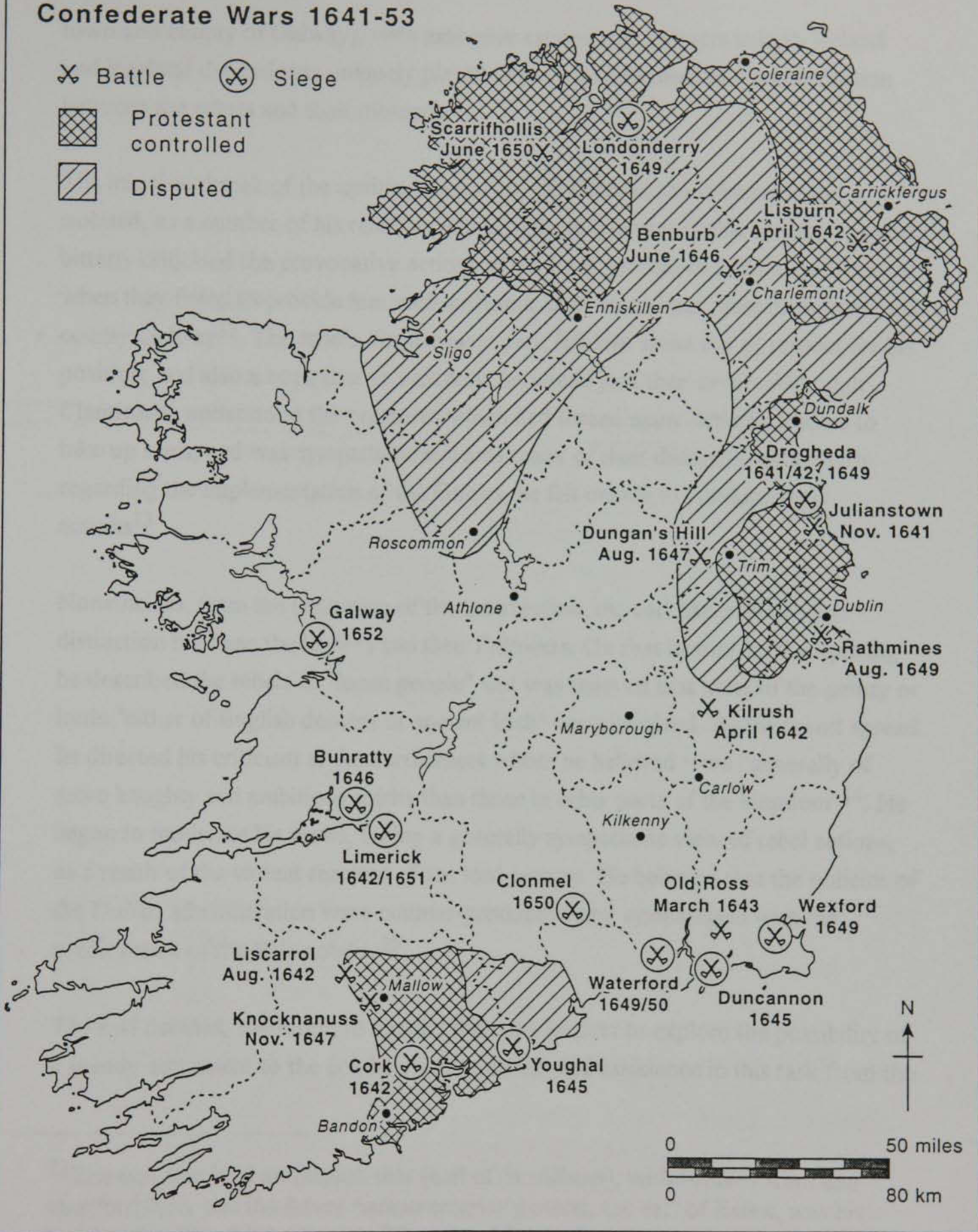
The impetus for this new strategy came from one of the most important catholic figures in Ireland, Ulick Bourke, fifth earl of Clanricarde. Clanricarde was the major landholder in the county of Galway, and although he had only come to Ireland in September 1641, his family name alone ensured an extensive network of friends and allies. The earl had been closely involved with the Irish parliamentary delegation in London, which included such leading catholic figures as Viscount Gormanston and Nicholas Plunkett, during the course of the summer. His arrival in Ireland shortly before the outbreak of the rebellion certainly proved very opportune for the king's fortunes in Ireland. As a catholic royalist, and office holder (as governor of the

⁹Irish catholics frequently referred to the threat posed by English parliament, and the Adventurers Act in particular. 'General Declaration of the Catholics of Ireland, Dec. 1641' (Franciscan Mss D IV f.29); 'Petition of Catholics to Ormond, 31 July 1642' (Bodl., Rawlinson Mss B.507 f.43); Confederate Treaty Commissioners to Ormond, 28 Sept. 1644 in Gilbert (ed.) *Irish Confederation* iii p.311 etc.

¹⁰Bellings stressed this point in his memoirs. Bellings' History in Gilbert (ed.) *Irish Confederation* i p.81

Confederate Wars 1641-53

- ✕ Battle
- ⊗ Siege
-  Protestant controlled
-  Disputed



MAP 1: The Confederate Wars 1641-1653

This map marks the major engagements (sieges and battles) in a war dominated by skirmishes and raiding, which affected all parts of the country.

town and county of Galway), with extensive estates and contacts in both Ireland and England the earl was uniquely placed to provide a channel of communication between the rebels and their monarch¹¹.

The initial outbreak of the uprising, however, left Clanricarde vulnerable and isolated, as a number of his relatives and associates joined the rebel forces. The earl bitterly criticised the provocative actions of the lords justices in Dublin, particularly when they failed to provide him with sufficient arms to counter rebel incursions into county Galway¹². The rebels, for the most part, left him alone out of respect for his position, and also a hope that as a catholic he would join their cause. Although Clanricarde understood the pressures which had forced many catholic leaders to take up arms, and was sympathetic towards many of their demands, particularly regarding the implementation of the Graces, he felt unable to condone their actions¹³.

Nonetheless, from the beginning of the insurrection, the earl had made a clear distinction between the leaders and their followers. On first hearing of the uprising he described the rebels as "loose people" and was relieved that none of the gentry or lords "either of English descent or ancient Irish" were involved. As the revolt spread he directed his criticism at the northerners whom he believed were "generally of more haughty and ambitious spirits than those in other parts of the kingdom"¹⁴. He began to moderate his views, taking a generally sympathetic view of rebel actions, as a result of the violent reaction of the lord justices. He believed that the policies of the Dublin administration were counter-productive and sympathised with the predicament of the Pale nobility¹⁵.

The earl decided, therefore, to contact the rebel leaders to explore the possibility of a speedy settlement to the conflict, and received vital assistance in this task from the

¹¹The earl also held an English title (earl of St. Albans), with lands in Kent and Hertfordshire, and the future parliamentarian general, the earl of Essex, was his half-brother. See Little, Patrick "'Blood and Friendship': The earl of Essex's efforts to protect the earl of Clanricarde's interests, 1641-6" (article pending in *EHR*)

¹²Bourke *Clanricarde Memoirs* p.25, 61 etc.

¹³*Ibid.* p.15. Although loyalty to the king was an important motivation in Clanricarde's stance, he may also have been concerned at losing the income from his English estates. He continued to receive rents until at least late 1646. Little "Blood and Friendship" (article pending *EHR*)

¹⁴Bourke *Clanricarde Memoirs* pp 14-5, 61

¹⁵*Ibid.* p.58, 63

leading citizens of Galway, particularly the lawyers Patrick Darcy and Richard Martin. Darcy and Martin belonged to leading Galway families, were related through marriage, and had been educated in the Middle Temple in London¹⁶. Both men were to the forefront of the legal profession in Ireland (acting for the catholic and protestant nobility), and had participated in the 1640-1 parliament, helping orchestrate the campaign against Thomas Wentworth, earl of Strafford¹⁷.

Darcy and Martin were bitter enemies of Wentworth who imprisoned them for their role, on behalf of the catholic land-owners of Connacht (including Clanricarde), in attempting to prevent the plantation of Connacht in 1635-6. Nonetheless, Wentworth was clearly impressed by their legal talents, describing Darcy as "a lawyer..in as great practise as any other of his profession"¹⁸. After the outbreak of the rebellion in October 1641, the Galway men joined other leading catholic parliamentarians in Dublin for the two-day session in November. Perceval-Maxwell contends that Darcy allied himself with the protestants at this time, but probably more in an attempt to forestall intervention from England or Scotland, than from any particular hostility towards the rebels. Claims in the *Aphorismical Discovery* that Darcy moved the motion to prorogue parliament are contradicted by the lawyer's presence on a committee (with Nicholas Plunkett) calling for a continuation of the session¹⁹.

¹⁶The Darcy and Martin families belonged to the 'Tribes of Galway', and Margaret, sister of Patrick Darcy's wife, Mary French, had married Richard Martin. O'Malley, William "Patrick Darcy, lawyer and politician, 1598-1668" (M.A. thesis, Galway 1973) p.35; Darcy was admitted to Middle Temple in 1617, Martin five years later in 1622. Cregan "Catholic Admissions" pp 112-3.

¹⁷Darcy's legal clients included the earls of Clanricarde, Cork and Ormond. O'Malley "Patrick Darcy" p.28. Both Darcy and Martin were returned to the parliament in 1641 in bye-elections, the former for the Wexford borough of Bannow, the latter for the Tyrone borough of Agher. Kearney *Strafford in Ireland* p.193; Clarke *Old English* p.259; See Perceval-Maxwell *Irish Rebellion* (1994) for the role played by the Galway lawyers in the parliament during 1640-1. It was during this parliament that Darcy wrote his famous 'Argument', dealing with the relationship between the executive, parliament and the king. Darcy, Patrick *An Argument Delivered by Patrick Darcy esquire by the Express Order of the Commons in the Parliament of Ireland, 9 June 1641*(Waterford 1643- reprinted 1764). Constitutional issues are examined in chapter 8

¹⁸Kearney *Strafford in Ireland* p.92-4

¹⁹Perceval-Maxwell *Irish Rebellion* pp 243-5. The author of *Aphorismical Discovery* loathed Darcy (who he described as "a perfidious member to his nation) and blamed him for a variety of bad deeds. Gilbert (ed.) *Contemporary History* vol.1 p.12; *Journal of the House of Commons of the Kingdom of Ireland* vol.1

After the proroguing of parliament the movements of both men become more difficult to track. They maintained regular contact with the earl of Clanricarde, informing him of events in Dublin and of their continued loyalty. On December 12, however, the earl received yet another letter from Darcy confirming the spread of the rebellion, and remarked that "by the manner of his expressions I did then conjecture that his own inclinations were wavering and leaning that way"²⁰. Confusion surrounds the exact timing of Darcy's (and Martin's) return to Galway and their part in subsequent events.

A number of statements in the Depositions outlined developments in Galway city during the early months of the rebellion, and ascribed a central role to both men as members of the new ruling body, the 'Council of Eight'. Later as a prisoner of the Cromwellian regime, however, Darcy denied having taken part in any assembly or council in Galway until the first confederate general Assembly in October 1642, by which time the English Civil War had already broken out. The weight of surviving evidence suggests Darcy's own recollections were faulty, or he was merely attempting to clear himself of any charge of disloyalty towards the king²¹. Whatever the truth, it is clear both men were in Galway city early in 1642, reluctant rebels, and anxious to maintain contact with the earl of Clanricarde

The province of Connacht, due mainly to the earl's influence, remained relatively quiet during the initial months of the uprising. This distance enabled Clanricarde to realise, perhaps earlier than most, the full extent of the dilemma facing the rebel leadership. By failing to capture the administrative centre at Dublin, they found themselves isolated from the king and opposed by a government intent on destroying them by force. A series of uncoordinated local attacks simply

1613-1666 (Dublin 1796) p.293

²⁰Bourke Clanricarde Memoirs p.38

²¹In the Depositions, William Hamond on 14 Aug. 1643 described Darcy and Martin as "the men that first moved the town of Galway to rebellion". TCD Mss 830 f.134b. In May 1643 Joseph Hampton similarly accuses them of leading the rebellion. TCD Mss 830 f.138b. According to the testimony of Margaret Rolwick on 12 March 1643 "the rest of the English were not interrupted in their estates until such time as Mr. Patrick Darcy and Mr. Richard Martin did come to the said town". TCD Mss 830 f.166. On the same day, Oliver Smith swore that Darcy and Martin arrived in Galway in January 1642 and sat on the Council of Eight. TCD Mss 830 f.158. In 1653, however, Darcy stated that he arrived in February, and "was not present in any assembly or council in Galway". TCD Mss 830 f.263

contributed to the general breakdown in authority, and created an increasing power vacuum. Clanricarde, and his Galway allies, now attempted to provide some direction and purpose to the rebellion.

Early in 1642, Valentine Brown, a Franciscan friar, returned to Galway carrying a letter from Viscount Gormanston addressed to Clanricarde. Gormanston complained bitterly about the actions of the justices and the threat from the parliament at Westminster, while explaining that the Irish had not "revived the old quarrel" against the English²². These assurances of the rebels' loyalty to the crown spurred Clanricarde into action. On 4 February 1642, he wrote of his intention to travel to Galway to confer "with persons of ability there". Unfortunately these people are not identified, but subsequent events suggest the involvement of leading lawyers, and by all accounts, Darcy and Martin were active in the city²³.

A few weeks after this meeting, on 21 February 1642, Clanricarde wrote to the earl of Westmeath, who was close to the Pale lords, suggesting that "noblemen and persons of quality" should prepare a remonstrance of their grievances to present to the king²⁴. Clanricarde followed up his suggestion to Westmeath by initiating direct contact with the Pale leaders. In a letter to Viscount Gormanston, Clanricarde argued that the rebellion would only "divert the disposing of places of trust on deserving natives which is justly to be desired and expected". His personal chaplain, the Dominican friar Oliver Bourke, acted as an intermediary underlining the crucial role played by the clergy. Apart from this letter, Bourke also brought with him a number of papers which Clanricarde claimed had been offered for his consideration "by some gentlemen of this province [Connacht]"²⁵.

²²Gormanston to Clanricarde, 21 Jan. 1642 in Carte Ormond v pp 285-6. Another statement on 13 March 1642 by Edward Dowdall, a prisoner in Dublin castle, suggests Browne may have been sent specifically from Galway to contact the rebel leadership. Gilbert (ed.) Irish Confederation i pp 268-78; The "old quarrel" in this instance means the efforts to expel the English out of Ireland.

²³Bourke Clanricarde Memoirs p.69; The proposals agreed at this meeting were described by Edward Dowdall in March 1642 as having been written by those "learned in the laws". TCD Mss 816 f.44. See note 21

²⁴Bourke Clanricarde Memoirs p.76

²⁵Bourke Clanricarde Memoirs pp 78-80. The clergy often acted as personal agents for the nobility. For example, Patrick Crelly, the Cistercian abbot of Newry, played the same role for the earl of Antrim. Ohlmeyer Civil War and Restoration pp 191-2

The first paper described the present condition in the province of Connacht and in particular the abuses committed by the English garrisons. The authors bemoaned the lack of communication between the various counties, and warned of the danger of massive intervention from both England and Scotland. They recommended (as Clanricarde had suggested to the earl of Westmeath just a few days previously) that the rebels send a remonstrance to the king, presented "with such moderation as may not justly endanger a denial". This should be signed by others of 'quality' who had not yet joined the revolt, and Clanricarde used as an intermediary. The document concluded with a plea to the rebels to seek a truce from the king "until his pleasure be declared"²⁶.

Aware that his actions might have been construed as treasonous, Clanricarde later claimed he had undertaken these contacts with the rebels merely to buy time until sufficient help arrived from England. Nonetheless, the earl clearly sympathised with some of the rebel leaders' demands and shared their anxiety that the wilder elements be controlled. There was clearly nothing inconsistent in his initial approach to the rebels and his later policy of attempting to moderate their demands in order to facilitate a reconciliation with the crown²⁷.

His memoirs fail to mention two further crucial papers that Oliver Bourke carried with him. According to Edward Dowdall, who witnessed Bourke presenting the documents to the Pale leadership, one of these contained "a model for a form of government", to be "observed throughout the kingdom during the said troubles"²⁸. This is the first specific mention of an alternative government being created, while the title and form of the document echoes plans implemented by the confederates shortly afterwards. The Connacht proposals involved the establishment of a national supreme council, under which there would be subordinate provincial and county councils. Unfortunately, Dowdall's statement provides no further details. Another contemporaneous document contains what appears to be a summary of these proposals, which apart from the councils, included the creation of a judicature to enforce law and order, as well as an oath of association²⁹.

²⁶Bourke Clanricarde Memoirs pp 78-80

²⁷Ibid. p.81. For later attempts at moderating confederate demands see in particular Clanricarde's approach to the confederate Supreme Council during the assault on Dublin in November 1646. Lowe (ed.) Clanricarde Letter-Book pp 309-15; Bodl. Carte Mss 19 ff 369-70; PRO SP Ire. 262/31 ff 193-4

²⁸Examination of Edward Dowdall, 13 March 1642 (TCD Mss 816 f.44). Dowdall's deposition was also published in Gilbert (ed.) Irish Confederation i pp 268-78

²⁹This document, entitled "Plan for a National Convention in Ireland, 1641-2" is in

The final paper consisted of certain demands to be presented to the king, which were "exorbitant" in Dowdall's view³⁰. Once again he failed to elaborate on this point, but the composite document outlined a number of propositions, quite similar to the future confederate position during their subsequent peace negotiations with the royalists. They included freedom of religion, church livings to be restored to the catholic priests, a free parliament without interference from Westminster, restoration of plantation lands unjustly seized to be decided in such a parliament, all officers in the kingdom to be of the nation and all military installations to be garrisoned by troops of the nation³¹.

Oliver Bourke indicated that Clanricarde would bring the terms to "the king's immediate view". Needless to say, Clanricarde could hardly admit to any role in facilitating the confederates to establish an alternative government but it seems highly unlikely that he was unaware of the contents of the documents conveyed by his personal chaplain. The general tone and content of the propositions, calling for an oath "to settle a perfect union", and implementing measures for "setting the baser sort to look to their business", was consistent with the general thrust of the earl's strategy, using the catholic gentry to control and moderate the uprising³².

Edward Dowdall, who saw all three original documents, reckoned they had been written by somebody "learned in the laws", and the evidence already presented strongly suggests the involvement of Patrick Darcy and Richard Martin. The lawyers were close allies of the earl of Clanricarde, the main sponsor of the initiative, and had recently arrived in Galway from where the document originated. Moreover, both men were subsequently involved in drawing up the confederate model of government along very similar lines³³. Darcy played a leading role in Kilkenny politics as *de facto* lord chancellor, while Martin served on the first

Gilbert (ed.) Irish Confederation i pp 289-90

³⁰Dowdall's condemnation of the proposals is hardly surprising given he was a prisoner of the Dublin administration at this time. TCD Mss 816 f.44

³¹Gilbert (ed.) Irish Confederation i pp 289-90. The list of demands concludes with the statement they were nothing more than Scotland already had, illustrating again the influence of events elsewhere in the Stuart kingdoms.

³²Idem.

³³On November 1, the confederate General Assembly established a committee to "lay down a model of civil government", headed by Patrick Darcy and including Richard Martin among others. Gilbert (ed.) Irish Confederation ii pp 73-90

confederate judicature, established in August 1644³⁴. From the outset, therefore, both lawyers were central to political developments in Ireland during the 1640s.

Instead of going directly to Viscount Gormanston and the other Pale lords, Bourke first visited a number of catholic gentry in Meath who were as yet uncommitted. This group assembled in the house of Lawrence Dowdall, former member of parliament for Navan and their renowned legal and parliamentary colleague Nicholas Plunkett³⁵. Plunkett's link with Connacht stretched back to 1636, when he represented Galway landowners in their dispute with Thomas Wentworth. During a distinguished career in the Irish parliament he established close relations with most catholic leaders including Viscount Gormanston, whom he accompanied to England in 1641 to negotiate with the king for the implementation of the Graces³⁶.

At the outbreak of the rebellion, Plunkett supported the initiative by the Irish parliament to contact the rebels, but once the lords justices prorogued the session he returned to Meath. Plunkett proved reluctant to join the rebellion, despite attending, along with the majority of the Pale nobility and gentry, the second meeting with the Ulster rebels at the Hill of Tara³⁷. This reluctance was based on an assessment of developments in the kingdom, which closely resembled that of Clanricarde and his Galway associates.

Plunkett argued that the initial uprising in 1641 "was only the act of a few persons of broken and desperate fortunes", who were followed by "a rude multitude", and not the work of "the whole nation". Developing this theme, he drew a clear distinction between those "of English extraction, though born in Ireland", who would have opposed the uprising if possible, and the men of Ulster³⁸. He qualified

³⁴Martin reporting on the first General Assembly to the earl of Clanricarde, described how Darcy sat bareheaded on a stool, like those who sat on the woolsack in parliament. Bourke Clanricarde Memoirs pp 296-8; The General Assembly established the judicature at the end of the 1644 session. Gilbert (ed.) Irish Confederation iii pp 266-7

³⁵Once again Edward Dowdall is the source of this information. TCD Mss 816 f.44

³⁶See Clarke Old English (1966), Kearney Strafford in Ireland (1989) and Perceval-Maxwell Irish Rebellion (1994) for information on Plunkett's career pre-1641.

³⁷According to Garret Aylmer, Plunkett attended the meeting, having received a summons from the sheriff of Meath (Nicholas Dowdall) at the direction of Viscount Gormanston. Examination of Garret Aylmer of Balgriffin, 14 March 1642 (TCD Mss 840 f.13). Dowdall confirmed this in a statement given in Dublin on 17 March 1642. Gilbert (ed.) Irish Confederation i p.281

³⁸Plunkett outlined his opinions in a series of papers presented to Charles II in

this ethnic division by explaining how the "English Pale" *and* the rest of the native Irish were forced into taking up arms by the actions of the lords justices. The problem, therefore, was not all native Irish people, but only the Ulster Irish, and their "barbarous" behaviour³⁹. This prejudice against the Ulster Irish emerged as a consistent theme in confederate politics throughout the 1640s, and even Plunkett, the great conciliator, proved susceptible to this bigotry.

Nonetheless, while conceding that the murders of 1641 were inexcusable, Plunkett did offer a defence for those first people to rise in arms. The real culprits, in Plunkett's opinion, were the lords justices, who harboured a "grand plot of extirpation" of all Irish catholics. Indeed, he continued, "the said Ulstermen did not engage in blood 'till the provocation of that kind was first given by executing the said Lords Justices orders". Recent research on the depositions has shown this statement to be largely accurate, and illustrates not only Plunkett's keen analysis but also his strong sense of justice⁴⁰.

Nicholas Plunkett's assessment of events in Ireland became the standard defence of the catholic position over the next three hundred years. The 1641 uprising was the work of a few desperate individuals and "a rude multitude", but the real blame for the escalation of the crises lay with the lords justices, who sanctioned the indiscriminate massacres of Charles Coote and William St. Leger. A clear distinction was drawn between the first people to rise in arms and those whose motive was merely self-preservation. The dividing line was not between the Old English and the native Irish, but between the Ulster Irish and the rest of the catholics in Ireland⁴¹.

The day after the encounter in Dowdall's house, all those who had attended met with Viscount Gormanston, Viscount Netterville and James Bath of Athcarne for further discussions. Later, Rory O'More became involved, while Plunkett went to Naas for a meeting with Richard Berford, another prominent lawyer⁴². Eventually,

1661-2. BL Add Mss 4,781 ff 155-61, ff 276-300

³⁹BL Add Mss 4,781 ff 276-300

⁴⁰*Idem.*; See Simms "Violence in Armagh" in *Ulster 1641* edited by MacCuarta (1993). A much earlier work based on the depositions also illustrates that government forces in Munster initiated much of the bloodshed in that particular province. Fitzpatrick, Thomas *Waterford during the Civil War* (Waterford 1912)

⁴¹This interpretation was popularised by Richard Bellings in his memoirs.

⁴²Examination of Edward Dowdall, 13 March 1642 (TCD Mss 816 f.44). Berford, like Plunkett, attended Gray's Inn and after the establishment of the confederate

in early March, the Pale leadership responded to the initiative accepting the model of government, and Clanricarde's role as mediator. Viscount Gormanston requested that the earl arrange a truce while the rebel leaders in the various provinces discussed his idea of a remonstrance. Letters were then sent to a number of catholic noblemen, including Viscount Mountgarret and the lords Clanmorris and Mayo, presumably to inform them of developments⁴³.

Clanricarde agreed to this request, returning an answer with his cousin, Terence Coghlan, who then proceeded on to Dublin with "dispatches to the state for a cessation of arms, until the king's pleasure were declared upon some humble addresses prepared for his view". In a letter to sir Charles Coote, the earl advocated this cessation of arms, explaining that many rebels "were compelled by the threats and strength of their neighbours, to run to those courses contrary to their own inclination"⁴⁴. Coote, a notorious anti-catholic bigot, is unlikely to have been moved by such pleading! Moreover, time was fast running out for the possibility of a compromise settlement.

In the meantime, Gormanston and his allies in the Pale had contacted another leading catholic nobleman, the earl of Castlehaven, seeking his mediation with the government in Dublin and access to the king. Castlehaven passed the letter onto the lords justices who reproved him for not arresting the original bearer of the letter, and ordered him to hold no further correspondence with the rebels. To his horror, the earl subsequently discovered that he "stood indicted of high treason", and shortly afterwards travelled to Dublin, only to be arrested and thrown into jail⁴⁵. The treatment of Castlehaven, along with the arrest of another intermediary, Colonel John Reade, convinced the rebel leadership of the futility of sending a remonstrance to the king until they were in a position to defend themselves from government aggression⁴⁶.

association was appointed to the judicature along with Richard Martin in 1644.

Cregan "Catholic Admissions" p.108; Gilbert (ed.) Irish Confederation iii pp 266-7

⁴³Bourke Clanricarde Memoirs pp 104-5; Dowdall Examination, TCD Mss 816 f.44

⁴⁴Clanricarde believed that his efforts at mediation were seriously undermined by the seizing of an English ship in Galway harbour in March. Bourke Clanricarde Memoirs p.95, 104-6

⁴⁵Correspondence of the earl of Castlehaven, 1641-2 (TCD Mss 840 f.41, 45); 'A Remonstrance of the Right Honourable James, Earl of Castlehaven, and Lord Audley' in [Lodge, John (ed.)] Desiderata Curiosa Hibernica (London 1772) vol.2 pp 124-7

⁴⁶According to Bellings, the torture of Reade "did complete mens' aversion of the

On April 14 Clanricarde received a letter from Viscount Gormanston declaring an unwillingness to proceed with the original plan, "without the advice of the select of the county". Gormanston also confided his suspicions of those neutrals, like Nicholas Plunkett, who were "more cautious of their own than careful of the common safety"⁴⁷. In this the viscount reflected not only a hardening of the rebels' attitude towards a settlement but also the hostility felt by many catholics towards those co-religionists who refused to associate with their cause. The cleric Hugh Bourke described them as "the pest of a sound commonwealth and as it were its woodlouse", and in the years to come the confederate authorities instigated a number of measures against catholics who refused to join the association⁴⁸.

In his memoirs, the earl wrote that as a result of these developments he decided not to continue with his efforts, but in fact a more pressing crisis had emerged to direct his attentions closer to home. A power struggle within the city of Galway forced Patrick Darcy and other moderates to flee the city, although they returned shortly afterwards at Clanricarde's insistence⁴⁹. The mayor, Walter Lynch informed Clanricarde of a new oath "for our just and natural defence", in effect signalling Galway's intention to join the rebellion. The forces of the town besieged the fort but by May 11 Clanricarde managed to establish an uneasy truce, which was severely criticised by the lords justices. They ordered the earl to receive no further submissions from the rebels, "but that you persecute them with fire and sword"⁵⁰.

Nonetheless, despite these threats, Clanricarde persisted with his efforts to secure a truce, writing to the king in June expressing his doubts about the lords justices policies and requesting that "some other course of moderation or destruction may

state". Bellings' History in Gilbert (ed.) Irish Confederation i p.82; Plunkett agreed that the treatment of Castlehaven showed that the justices would not allow any access to the king. 'Roman Catholics' Reply, 12 March 1662' (BL Add Mss 4781 ff 276-300)

⁴⁷Bourke Clanricarde Memoirs p.123

⁴⁸Hugh Bourke to Luke Wadding, 10 July 1642 in Report on Franciscan Manuscripts (Dublin 1906) p.160; The new Supreme Council, on 11 June 1642, ordered that neutrals refusing to take the oath of association "be dealt with as enemies". PRO SP Ire. 260/67 ff 234-53

⁴⁹Clanricarde sent directions to Patrick Darcy, Richard Martin, Roebuck Lynch and others "to reside there till former bad humours be clearly spent and quieted by their means and good endeavours". Bourke Clanricarde Memoirs pp 138-42

⁵⁰O'Sullivan, M.D. Old Galway (Cambridge 1942) pp 240-4; Bourke Clanricarde Memoirs p.101, 139-40

be directed"⁵¹. In the meantime, the other ideas proposed by Darcy and Martin, and sponsored by Clanricarde (principally that of the catholic elite organising themselves to assume control of the uprising), were eagerly embraced by others. For the next three months the initiative passed to the only national institution supportive of the rebels, the Catholic Church.

* * * * *

The Depositions in Trinity College graphically illustrate the involvement of the clergy from the early days of the insurrection. By most accounts, they appear to have acted as a moderating influence on the rebels, counselling restraint and preventing the massacre of protestant settlers on a number of occasions. In Connacht, the archbishop of Tuam, Malachy O'Queely, went as far as to raise a body of troops to maintain some semblance of order⁵². The uprising presented the catholic hierarchy with something of a dilemma. On the one hand, many bishops belonged to substantial land-owning families, and feared for their property and possessions, while on the other, the Catholic Church as an institution stood to profit substantially should the rebellion prove successful⁵³. The hierarchy, therefore, supported the uprising but abhorred the breakdown in social order which accompanied it. For this reason, the clerics favoured the imposition of oaths, which provided some form of social cohesion as the old order crumbled away.

The clergy's first major contribution to the development of a civil government occurred as the initiative sponsored by the earl of Clanricarde began to flounder. On 22 March 1642 a synod assembled in the town of Kells, presided over by Hugh O'Reilly, archbishop of Armagh. The bishops, although supportive of the rebels, were increasingly concerned that the situation in the country at large was "tending towards anarchy". The synod issued a declaration, urging the creation of a council

⁵¹Bourke Clanricarde Memoirs p.181

⁵²Nicholas Canny has done excellent research on the Depositions, described in numerous articles. See for example Canny, Nicholas "In Defence of the Constitution? The Nature of Irish Revolt in the Seventeenth Century" in Culture et Pratiques Politiques en France et en Irlande XVI-XVIII Siècle eds. Louis Cullen et Louis Bergeron (Paris 1990) pp 23-40; Gillespie, R. "Mayo and the rising of 1641" Cathair na Mart V (1985) pp 38-44

⁵³The approximate holdings of these episcopal families are listed in Cregan, Dónal "The Social and Cultural Background of a Counter-Reformation Episcopate, 1618-60" in Art Cosgrove and Dónal MacCartney (eds.) Studies in Irish History presented to R. Dudley Edwards (Dublin 1979) pp 85-117

of lay people and ecclesiastics to enforce law and order, and passing a sentence of excommunication on those guilty of murder, plundering or trespass⁵⁴. The Catholic hierarchy's support for the establishment of a new civil government, echoed the Connacht initiative. The bishops' motivation was essentially reactionary in nature, despite their desire for radical religious reforms. This conservatism appealed to the catholic gentry, and proved a major factor in the alliance which subsequently developed.

As Scottish and English forces continued to inflict defeats on the rebel forces, the need for some form of central authority to help co-ordinate the war effort became increasingly urgent⁵⁵. A national ecclesiastical congregation, convened in Kilkenny from 10-13 May 1642, provided the forum for such a development. This meeting reaffirmed many of the decisions taken at the Kells synod regarding the maintenance of public order, and the organisation of the rebel forces. The bishops pleaded for co-operation between all the provinces, while the clergy were ordered to fund the war with the proceeds of church livings⁵⁶. The main business of the congregation, however, was to legitimise catholic participation in the war and make recommendations for the establishment of a provisional government.

Any conflict, the bishops declared, fought to defend catholic religion, the royal prerogative and the liberties of the kingdom, was "lawful and just". They outlined the need to frame an oath of union and agreement for all catholics "which they shall devoutly and Christianly take and faithfully observe". To preserve this union they recommended that no distinction should be made between what they termed the "old and ancient Irish", thus denying their enemies an opportunity to exploit ethnic tensions. Provincial councils were to be established, subordinate to a general council for the entire kingdom. This general council was to consist of clergy, nobility and lay people, three from every province, and would be the final court of appeal until a national assembly had an opportunity to meet⁵⁷. With these proposals which bear a remarkable similarity to those sponsored by the earl of Clanricarde, the essential framework of confederate government finally began to emerge.

⁵⁴Gilbert (ed.) *Irish Confederation* i pp 290-2

⁵⁵Following the meeting at Kells the rebels suffered two significant defeats at Kilrush (15 April) and Lisburn (29 April), while the passing of the Adventurers Act by Westminster on March 19 confirmed the worst fears of Irish catholics.

⁵⁶Acts of the Ecclesiastical Congregation, 10-13 May 1642 (BL Stowe Mss 82 ff 271-4)

⁵⁷*Idem.*

After their deliberations, the bishops invited the nobility and gentry to join them in Kilkenny to discuss developments. According to Geoffrey Barron, the 'temporal estates' were represented by the lords in person and "by two out of each county, city and corporate town"⁵⁸. Unfortunately, complete records for the June assembly no longer exist but a document in the Public Records Office in London provides some information⁵⁹. The first act of the assembly ordered a "general oath of association" to be administered by the clergy to all Catholics, in recognition of the existing practice throughout the kingdom⁶⁰. As the only Catholic body with an existing national structure, the Catholic Church proved ideally placed to administer the oath, while the high regard for the clergy among the lower social orders, ensured a high degree of compliance. As a consequence of this decision, however, the Catholic Church became *de facto* arbiters of the oath, a fact the bishops exploited with devastating effect in the dispute over the Ormond peace treaty⁶¹.

On the military front, the assembly hoped to create a national army which would complement the efforts of the various provincial forces. This new army, commanded by Colonel Hugh O'Byrne, would (in theory at least) consist of 4,000 foot and 500 horse, supplied equally by the four provinces⁶². Finally a Supreme

⁵⁸Geoffrey Barron to Luke Wadding, 8 August 1642 in Report on Franciscan Manuscripts (Dublin 1906) p.171. Barron was a nephew of the influential Irish cleric Luke Wadding, and had been sent to France by Viscount Gormanston to recruit the veteran soldier Thomas Preston to the rebel cause. He later acted as treasurer to the confederate regime, before sitting on the last Supreme Council. In a letter written to the earl of Clanricarde, shortly after the meeting in Kilkenny, the new Supreme Council informed the earl that only three provinces sent agents to "this assembly", with representatives from Connacht absent. By tacitly recognising Clanricarde's authority in Connacht, the council hoped he would be tempted to join them in opposing "the puritan anarchical faction". The confederates repeated this strategy later in the year, when the post of general in the western province was left vacant by the General Assembly in anticipation of the earl taking the confederate oath. Bourke Clanricarde Memoirs pp 171-2, 298

⁵⁹The document is entitled 'Acts, Orders and Constitutions made and established by the lords and gentry of the Confederate Catholics within the kingdom, assembled together at the city of Kilkenny, 7 June 1642' (PRO SP Ire. 260/67 ff 234-53)

⁶⁰PRO SP Ire. 260/67 ff 234-53. Early in the year, Clanricarde noticed the increasing role of the clergy in forcing people to subscribe to an oath of association. Bourke Clanricarde Memoirs p.81

⁶¹This dispute is examined in chapter 3

⁶²O'Byrne was one of the colonels attempting to export the remnants of Strafford's army in 1641. Perceval-Maxwell Irish Rebellion p.185

Council was established, consisting of "one general, one bishop, one temporal lord, eight gentlemen whereof one to be professor of the law, out of each province", while future councils would be "chosen or confirmed by the general provinces". To ensure a degree of unanimity in decisions, any "laws" passed by the council were to be binding as long as seven members at least were present⁶³.

In terms of sovereignty, it is interesting to note that even at this early stage the council issued laws rather than orders, conferring a veneer of legitimacy on the new regime. Geoffrey Barron, in a letter written to his uncle, the influential cleric Luke Wadding, confirmed this impression. Barron outlined the role of the new council "by whose wisdom and providence the whole affairs of the kingdom shall in the nature of a free state be governed, till the present tumults be accorded"⁶⁴. With the Dublin administration controlled by 'the malignant party', and all access to the king denied, the rebels had little option but to create an alternative system of government.

Unfortunately, the membership list of the Supreme Council no longer survives, while even its size is disputed in various contemporary accounts, reflecting the confusion surrounding these events. According to the document in the Public Record Office the council should have consisted of 33 members (8 'gentlemen', 1 bishop, 1 general and lord from each of the three provinces represented at the meeting), with viscount Gormanston acting as president. Geoffrey Barron, however, claimed there were in fact 24 people on the council, figures disputed by Richard Bellings who wrote that this first assembly at Kilkenny only nominated two out of every province to a supreme council, with viscount Mountgarret as president⁶⁵.

⁶³PRO SP Ire. 260/67 ff 234-53.

⁶⁴Barron to Wadding, 8 Aug. 1642 in Report on Franciscan Manuscripts (Dublin 1906) p.171.

⁶⁵PRO SP Ire. 260/67 ff 234-53; Barron to Wadding, 8 Aug. 1642 in Report on Franciscan Manuscripts (Dublin 1906) p.171; Bellings' recollections of the summer of 1642 are uncharacteristically vague and imprecise. Bellings' History in Gilbert (ed.) Irish Confederation i p.87. Barron, based in Paris, may simply have been misinformed, while it is possible that Bellings' memory, although usually accurate in such matters betrayed him on this occasion. Regarding the position of president, Mountgarret's signature is the first on the letter to Clanricarde at this time, while Gormanston's name does not appear. But the document in the Public Records Office clearly states that Gormanston was appointed president one week after the first council meeting, possibly replacing Mountgarret. Viscount Mountgarret was unquestionably the most senior confederate statesman, having taken part in Hugh O'Neill's rebellion and sat in the Irish parliament as far back as 1613, but

Whatever the truth about its composition, the new Supreme Council sat from June 11 until July 13, issuing various commands, primarily to raise money for the war and control the movement of people. The council appointed receivers in each barony to collect the rent from the royal estates in Ireland, an important source of income for the rebels. Tenants abandoning their farms had to pay a fine and surrender their leases, while people entering lands without permission were ordered to relinquish possession to the original owner or the Supreme Council. Neutrals were to be compelled to take the oath of association, "those refusing to be dealt with as enemies". The raising of private forces was punishable by death, with courts established to enforce discipline on soldiers, a constant problem during the 1640s. To encourage commerce, the council ordered that markets continued to operate, and introduced the death penalty for theft of goods worth more than two pence⁶⁶.

The tenor of these orders illustrates the conservative outlook of Irish catholic leaders, both lay and clerical. Forced by political circumstances to assume an executive role, their primary concern was to restore some semblance of law and order, protect private property, and control the populist uprising. The collapse of the old regime terrified the land-owning elite, who longed for the security of monarchical government, albeit with slight modifications. The rebel leaders sought as best they could to preserve the existing system of government until a settlement could be reached with the king, establishing the authority of the Supreme Council "as absolute as the full consent of the persons who met could make it"⁶⁷.

Throughout the summer of 1642 the royalist and Scottish offensives in Ireland ground to a halt, due mainly to disease and a lack of supplies as the crisis in England escalated⁶⁸. As the prospect of negotiated settlement re-emerged, the Supreme Council presented a petition of grievances to the lords justices at the end of July seeking above all else, access to the king. The outbreak of the English civil war shortly afterwards appears to have strengthened the position of the moderates in the Dublin administration, as the petition finally reached Charles by the end of

Gormanston was the more active, dynamic figure. Given that Bellings appears to be mistaken on the size of the council, he may also have be wrong regarding the position of president.

⁶⁶PRO SP Ire. 260/67 ff 234-53

⁶⁷Bellings' History in Gilbert (ed.) *Irish Confederation* i pp 87-8

⁶⁸Lenihan "Catholic Confederacy" p.127

October⁶⁹. The king's response to this document led to a truce the following year and the beginning of protracted peace negotiations.

In the meantime, the rebels continued to consolidate their authority throughout the kingdom, with the Supreme Council embarking on a regal-style tour, the purpose of which was "to settle in the minds of the people a veneration for the new magistracy, without venturing to let them feel the affects of their power"⁷⁰. Clearly the provisional government required a broader mandate to underpin its legitimacy, which could only be provided by a full assembly of the kingdom.

Although it has long been accepted that the first General Assembly met on 24 October 1642, the earl of Clanricarde claimed to have seen the writs of summons issued to all counties on July 31 for an assembly meeting at the end of the following month. On September 3, the earl received news of an assembly at Kilkenny from his cousin Terence Coghlan, who informed him that "they intended to sit a fortnight longer". No information survives of what acts, if any, were passed at this meeting, although according to Clanricarde it had broken up by September 18 "without concluding much more than to lay a ground-work for their future intendments, having appointed to meet again the 18th of the next month"⁷¹.

Despite this inaccuracy as to the date of the next meeting, there is no reason to question the rest of Clanricarde's account. Why then do all other records show the October 24 as the opening day of the first General Assembly? The lack of progress, mentioned by Clanricarde, perhaps explains why the earlier meeting appears to have vanished from historical memory. The absence (once again) of Connacht representatives is another possible reason the August-September assembly could not be termed a national one⁷². Moreover, the outbreak of the civil war in England gave a certain credibility to confederate claims to be fighting for the king against his parliamentary enemies. Writs of summons issued in July would not fit such an

⁶⁹The lords justices had rejected any possibility of a truce in June, confirming the policy of the English parliament. Apart from Clanricarde, the earl of Ormond and Lord Ranelagh also opposed this stance. Bourke *Clanricarde Memoirs* pp 168-70; The original petition was sent to the king in letters to Secretary Nicholas, dated 12 October 1642. TCD Mss 840 f.59

⁷⁰Bellings' History in Gilbert (ed.) *Irish Confederation* i pp 87-8

⁷¹Bourke *Clanricarde Memoirs* p.240, 266

⁷²During September, the Connacht provincial assembly was meeting in Ballinrobe, County Mayo. Bourke *Ibid.* p.258

interpretation and later it may have been considered opportune to claim the October meeting as the first General Assembly.

In any case, the session which began on 24 October 1642, and finished four weeks later on November 21, proved the most important of the numerous gatherings that year. Anxious not to appear to be challenging royal authority in Ireland, the confederates insisted that they "intended not this assembly to be a parliament, or to have the power of it"⁷³. As Bellings later explained,

*"for though they endeavoured their Assemblies after the model of the most orderly meetings, yet they avoided, so far as was possible for them, all circumstances that might make it be thought they had usurped a power of convening a Parliament, the calling and dissolving whereof the Supreme Council, by their petition sent to the king, after adjournment of this Assembly, avowed to be a pre-eminence inseparable from his Imperial Crown"*⁷⁴

This subtle distinction was clearly lost on many contemporary commentators, among them Giovanni Giustinian, the Venetian ambassador to London, who in his reports on Ireland to the Doge refers to the assembly as a parliament. Similarly, Clanricarde informed his kinsman Roger Shaughnessy at the end of October 1642 that he was waiting for news of "the proceedings of the great parliament in Kilkenny"⁷⁵. The General Assembly may have been a parliament in all but name, but the confederates were careful never to assume the title. Nonetheless, it is clear that the assembly (whatever title the confederates chose to give it) acted in a sovereign manner over the next six years, passing laws, raising taxes, issuing coinage and sending emissaries abroad. Although not claiming the title of a parliament, the assembly was certainly more representative than the body which retained that title in Dublin⁷⁶.

Despite assuming sovereign power the confederates remained steadfast in their loyalty to the Stuarts. Even in the aftermath of the collapse of the first Ormond

⁷³Petition of the Confederates to the King and Queen, Dec. 1642 in Bourke Clanricarde Memoirs p.299

⁷⁴Bellings' History in Gilbert (ed.) Irish Confederation i pp 111-2

⁷⁵Calendar of State Papers, Venetian vol. xxvi p.168, 238 etc.; Bourke Clanricarde Memoirs p.287

⁷⁶A good example of this is the fact that in June 1642, 42 catholic MPs were expelled from the Irish parliament for joining the rebels by less than 30 remaining members. Ware Manuscript, TCD Mss 6404 f.128

Peace, when the prospect of an agreement with Charles seemed bleak, they were willing to offer the protectorship, but not the crown, of Ireland to a foreign prince⁷⁷. Their objective was to preserve the distinct identity of the Irish kingdom, with a parliament independent from its English counterpart, answerable only to the king. Although, on the fringes people may have dreamed of a return to the old Gaelic order, that option was unpalatable to the vast majority of confederates⁷⁸. In modern parlance, they were constitutional nationalists, anticipating the tradition of both Grattan and Parnell.

For the first time since the rebellion began, representatives from all four provinces attended a national meeting, including members from Connacht despite the earl of Clanricarde's continuing neutrality. After the upheavals of April-May, the moderates had regained the initiative in Galway city, culminating in the election of Richard Martin as mayor at the beginning of August. An uneasy truce existed, however, between the city government and Captain Anthony Willoughby, commander of the fort. The summoning of a national assembly proved an attractive proposition to Martin and Patrick Darcy, both of whom travelled to Kilkenny with a strong Connacht delegation⁷⁹.

Clanricarde noted Darcy's departure on October 20 with the "intention to declare for the other side", indicating that until then he had not joined the rebels. Despite attending the meeting in Kilkenny, Martin refused to take the oath of association, probably in an attempt not to upset the delicate power balance in Galway. Darcy, however, was installed as *de facto* lord chancellor by the assembly, and

⁷⁷See instructions from the Supreme Council to the confederate agents travelling to Rome in January 1648 (BL Stowe Mss 82 ff 155-6)

⁷⁸The most famous advocate of a return to the old Gaelic order was the Jesuit priest Conor O'Mahony who, in his book *Disputatio Apologetica*, called on Irish Catholics to eject all Protestants from Ireland and elect one of their own as king. The loyalty of the Irish to the Stuart dynasty is discussed in Ó Buachalla, Breandán "James our true king: The ideology of Irish Royalism in the seventeenth century" *Political Thought in Ireland since the Seventeenth Century* ed. D. George Boyce, R. Eccleshall, V. Geoghan (London 1993) pp 7-35. The constitutional question is discussed in chapter 8. See also Clarke, Aidan "Colonial Constitutional Attitudes in Ireland 1640-1660" *P.R.I.A.* vol. XC, section C, No. 11 (1990) pp 357-75

⁷⁹Martin's election as mayor is recorded in UCG Galway Corporation Records Book A f. 179. Walter Bourke named the entire Connacht delegation, bar the city of Galway, in a sworn statement to the Dublin administration on 12 December 1642. TCD Mss 831 f. 170

subsequently elected onto the Supreme Council⁸⁰. The General Assembly also made one other crucial decision at this time, appointing Nicholas Plunkett as chairman, a position he retained at every subsequent assembly, except in 1648 when he was absent in Rome⁸¹.

This appointment is particularly interesting, considering Plunkett's clear reluctance to join the rebels. Viscount Gormanston criticised his stubborn neutrality, which had helped undermine the Connacht peace initiative earlier in the year. Once he committed himself to the confederate cause, however, Plunkett enjoyed tremendous support in the General Assembly throughout the 1640s⁸². His record of defending Connacht land-owners in 1636 plantation controversy, and later contributing to the fall of Strafford, would have endeared him to many Irish Catholics. Plunkett's extensive family contacts also proved invaluable in gathering support, particularly in the Pale area⁸³.

After the collapse of the Connacht peace initiative in April 1642, Plunkett kept a low profile, refusing to commit himself to any side, suspicious of the motives of the Ulster Irish. During the summer, along with a number of prominent Pale gentry, he pledged his loyalty to the earl of Clanricarde, whose continuing neutrality afforded them some protection⁸⁴. As the conflict escalated, however, Plunkett came under increasing suspicion from a sceptical administration in Dublin. Viscount Valentia

⁸⁰Bourke Clanricarde Memoirs p.298. Darcy sat on every confederate Supreme Council, except between September 1646 and March 1647, when he headed the judicature. See appendix 2 for the full list of council membership.

⁸¹Bourke Clanricarde Memoirs p.298; During Plunkett's absence in 1648, another Galway lawyer and former parliamentarian, Richard Blake, assumed the position of chairman of the assembly. Blake used the title in all his official correspondence in late 1648. See Bodl. Carte Mss 22 f.325, 389, 453 etc.

⁸²The extent of Plunkett's support can be gauged from the fact that in the elections to the Supreme Council in February 1646, he received 92 votes from the Leinster delegates, out of a total of 106. Aiazza Embassy p.131

⁸³Plunkett's nephew, Christopher Plunkett, was the earl of Fingal. A sister Joan, married Richard Nugent, earl of Westmeath, while another, Eilís, married William Fleming, Lord Slane. There were other family connections with the Dillons of Roscommon and Prestons of Meath. Thanks to Bríd McGrath for much of this information which is contained in her forthcoming doctoral thesis "The membership of the Irish House of Commons, 1640-1". See also Cokayne, G.E. The Complete Peerage 12 vols. revised edition (London 1910-59)

⁸⁴Apart from Plunkett the list included William Hill and James Bathe of Athcarne who had also been prominent in the Connacht peace initiative. Bourke Clanricarde Memoirs p.177

wrote to Maurice Eustace of hearing that the lawyer was "a most dangerous man, and suspected to be one of the first contrivers of the rebellion". Shortly afterwards the burning of his house and crops by government troops convinced Plunkett to throw in his lot with the confederates⁸⁵.

In an account written twenty years later, Plunkett blamed the lords justices for provoking the general crises in the kingdom, and claimed that as the old order crumbled away, the establishment of some form of government was necessary "to avoid confusions and disorders". He conceived the confederate association as reactive rather than a revolutionary organisation, concerned primarily with maintaining law and order. The confederates were not rebels, but had been forced to "assume a government to preserve themselves"⁸⁶. This interpretation of events, helps explain Plunkett's initial hesitation in joining the uprising, and the reason he eventually changed his mind.

On November 1, with Nicholas Plunkett and Patrick Darcy now occupying the two pivotal positions, the assembly established a committee to "lay down a model of civil government". The committee, headed by Darcy consisted of members from each of the four provinces, including Richard Martin, as well as leading figures such as Viscount Gormanston of Leinster, Gerald Fennell of Munster, and Phelim O'Neill of Ulster. All the lawyers in the assembly, which judging by the surviving lists numbered over fifty individuals, were ordered to assist the committee in its work, further evidence of the central role played by the legal profession in the confederate association⁸⁷. Despite the large number of people associated with this project, the leading role assigned to Darcy, indicates a strong link with the earlier initiative from Connacht.

The earl of Castlehaven claimed the model had been prepared in advance of the assembly, and indeed it closely resembled the plans originally proposed in March and developed during the meetings that summer. The model of government survives in the form of 33 points, establishing the principles and methods by which the

⁸⁵Valentia to Maurice Eustace, 20 July 1642 in Carte *Ormond* v pp 338-40; Extract from Carte papers in *H.M.C. Appendix to 2nd Report* (London 1874) pp 227-31

⁸⁶Plunkett's papers presented to Charles II in 1661-2 (BL Add Mss 4,781 ff 155-61. 276-300)

⁸⁷Acts of the General Assembly of the Irish Confederation, 1 Nov. 1642 in Gilbert (ed.) *Irish Confederation* ii pp 73-90. See appendix 1 for the list of those members of the assembly with legal training

confederates were to govern themselves over the next six years⁸⁸. It began with a preamble, praising the glory of the Roman Catholic religion and proclaiming the confederates' determination to defend the royal prerogatives and "our goods, our liberty and our lives". This combination of loyalty and self preservation was a constant refrain in all confederate declarations and appeals, and is echoed in their motto "*Hiberni unanimes pro Deo, rege et patria*"⁸⁹.

The first item called for the restoration of all the privileges and immunities enjoyed by the Catholic Church from the reign of Henry III until the Reformation in the 1530s⁹⁰. This demand, effectively seeking to overturn over a century of anti-catholic measures was the primary objective of the Catholic Church in Ireland which had done so much to bring about the confederate association in the first place. Simple toleration no longer sufficed, as Irish catholics sought full legal recognition of their Church, however unlikely that a protestant monarch had either the inclination or ability to grant such concessions. Nonetheless, this statement acted as a marker for the confederates in the subsequent negotiations with the royalists. Moreover, for Kilkenny to successfully obtain aid from the catholic courts of Europe, it was necessary to portray confederate actions as a religious crusade, rather than a revolt against a legitimate authority⁹¹.

The second item ordered that all persons "bear true allegiance to king Charles", a call consistent with the confederates repeated assertions of loyalty to the Stuart monarchy. The declaration that English Common Law continue to be observed, except of course where it was directed against the catholic religion, underlined confederate determination to preserve the existing political system. They recognised

⁸⁸'Orders of the General Assembly met at Kilkenny 24 Oct. 1642' (BL Add Mss 4,781 ff 4-11) is one of the many copies of this document which survives.

Castlehaven's comment appears in his memoirs, and possibly refers to the previous assembly meeting in September. Tuchet Castlehaven's Review p.55

⁸⁹The confederates oath is strikingly similar to the Scottish covenanters' pledge of loyalty "to God, to our King and country", reflecting once again the influence of Scottish affairs in Ireland. This issue is examined in detail in Stevenson, David Scottish Covenanters and Irish Confederates: Scottish- Irish Relations in the mid-seventeenth century (Belfast 1981). See also Gardiner, S.R. The Constitutional Documents of the Puritan Revolution, 1625-1660 (Oxford 1962) pp 124-34. Different versions of the confederate oath are discussed in chapter 8 p.248.

⁹⁰BL Add Mss 4,781 ff 4-11

⁹¹The Supreme Council practically admitted as much in a letter on 12 Dec. 1644 to Hugh Bourke, a confederate agent travelling to Spain. Gilbert (ed.) Irish Confederation iv pp 90-5

that the pressures of war would necessitate a deviation from certain laws and statutes but they hoped nonetheless to retain "the substance and essence thereof"⁹². The confederates saw themselves as the true guardians of the legal heritage of the Irish kingdom, which they believed had been subverted by a corrupt administration in Dublin⁹³.

To ensure a unity of purpose, confederates were to subscribe to an oath of association, taken after confession and sacraments, in parish churches across the kingdom. Various oaths had been in existence from the beginning of the insurrection, administered mainly by the clergy, to enforce some discipline on the disparate rebel groups⁹⁴. According to the model of government, the primary function of this oath was "to prevent the springing up of all national distinctions", and all catholics who resided in the kingdom, whatever their national origin, were invited to join the association. More importantly, no distinction was to be made between old Irish and old and new English, "upon pain of highest punishment"⁹⁵. The confederates were not about to allow their enemies to exploit any possible ethnic tensions.

The most radical provisions of the model of government concerned the creation of new power structures. Apart from the legislative assembly, an executive Supreme Council was created consisting of 24 chosen from provincial lists (6 from each), 12 of whom at least were to be resident or permanent members. Nicholas Plunkett and Patrick Darcy and Viscount Gormanston were all elected, each of whom had been involved in the initial attempt to establish some form of government at the beginning of the year⁹⁶. A president of the council, "named of the Assembly", had to be appointed from among the residents, as well as a secretary who retained possession of the confederate seal. Viscount Mountgarret acted as president, and Richard Bellings as secretary of every council until the rejection of the first Ormond Peace in August 1646⁹⁷.

⁹²BL Add Mss 4,781 ff 4-11. The retention of English Common Law also ensured the continued importance of the lawyers who had all received their training in England.

⁹³James Cusack's appointment by the assembly "to be his Majesty's attorney-general in this realm" confirms this view. Gilbert (ed.) *Irish Confederation* ii pp 73-90

⁹⁴For examples of the various oaths in circulation during 1641-2 see TCD Mss 812 f.243; PRO SP Ire. 260/92 ff 310-11; BL Stowe Mss 82 f.66 etc.

⁹⁵BL Add Mss 4,781 ff 4-11.

⁹⁶The composition of confederate councils is discussed in detail in chapter 7.

⁹⁷BL Add Mss 4,781 ff 4-11. The positions of president and secretary are also

The Supreme Council combined the administrative, executive and judicial functions of government. It was strictly accountable to the assembly, the confederate legislature. The extent of the council's powers were, from the start, clearly delineated. The model of government explained "that the said council shall have power to order and determine all such matters as by this Assembly shall be left undetermined, and shall be recommended unto them". The orders of the council were "to be of force until the next Assembly and after, until the same be revoked". The council, in its judicial role, had the right to hear all military, capital, criminal and civil cases, except the right or title of land⁹⁸.

The establishment of a powerful executive, though one ultimately accountable to the legislature, was an innovative measure, and foreshadowed developments in England. In February 1644, Westminster established the Committee of Both Kingdoms, comprised of members of parliament and the Scottish commissioners in London. Like the Supreme Council, it was to control all aspects of the war except the declaration of peace or war, which was to remain the sole responsibility of the parliament⁹⁹. In both countries, conflicts soon emerged between the legislative and executive arms of government.

The model of government also established a hierarchy of councils at provincial and county level. Provincial councils consisted of 2 members from each county, and in theory at least sat four times annually, fulfilling the functions as the "Judges of Oyer and Terminer and Gaol Delivery were wont to do". The provincial councils had the power to review the judgements of the county councils. The latter, consisting of 2 members from each barony, had the powers previously assigned to justices of the

discussed in chapter 7

⁹⁸*Idem*. This exemption clause underlines the sensitivity of the land issue, which was to arouse controversy during this first assembly meeting and indeed throughout the 1640s. Richard Martin informed the earl of Clanricarde that, despite the opposition of the clergy, the General Assembly insisted that the return of lands to the Catholic Church could only be done by act of parliament. Bourke Clanricarde Memoirs p.298.

⁹⁹Surprisingly little work has been done on the role and powers of the various parliamentary committees during the 1640s. Roberts, Clayton The Growth of Responsible Government in Stuart England (Cambridge 1966) tackles some of the wider issues raised in the struggle between the executive and legislative arms of government. Morrill, John The Revolt of the Provinces: Conservatives and Radicals in the English Civil War 1630-50 (London 1976) is the best detailed study of the various layers of government at national and local levels.

peace. The entire range of government officers (sheriffs, coroners, constables etc.) was to be appointed in every county. Reflecting the strong element of continuity in some of these proposals, cities and corporate towns retained their former powers¹⁰⁰.

This power structure may seem unduly elaborate for an association in the midst of a bitter war, but the confederates were anxious to retain as much of the old government as possible. Not only were the catholic leaders familiar with the existing system, but unlike the covenanters in Scotland, the confederates never gained control of the administrative centre of the Irish kingdom, thus denying them a certain legitimacy. Nonetheless, they claimed the sole right to establish temporal government or jurisdiction in the kingdom, as long as Dublin remained in the hands of a "malignant party", hostile to the royal interest. Their proceedings, therefore, were "as near and consonant to the laws of the kingdom as the state and condition of the times did or can permit".¹⁰¹

The remaining provisions of the model of government dealt with military, educational, financial and property matters. To consolidate confederate authority on a local level private forces were prohibited, while fugitive soldiers, a constant source of worry, had to be returned to their commanders. Soldiers were also forbidden from meddling with lands or goods, even of neutrals and enemies, unless ordered by the county councils¹⁰². Efforts to control the behaviour of soldiers proved largely ineffective and complaints of abuses abounded throughout the 1640s, mainly associated with the Ulster army. Successive assemblies attempted various remedies but the excesses of the confederate troops (no worse than their European counterparts it must be said) resulted in a growing reluctance to contribute towards the upkeep of the provincial armies¹⁰³.

¹⁰⁰BL Add Mss 4,781 ff 4-11

¹⁰¹Beckett, J. C. "The Confederation of Kilkenny Reviewed" *Historical Studies II* (London 1959) p.35. The outbreak of the civil war in England gave added credibility to confederate claims that they were loyal subjects fighting against a corrupt faction in the Dublin administration.

¹⁰²BL Add Mss 4,781 ff 4-11

¹⁰³Numerous complaints about the Ulster forces survive in the sources. See Bodl. Carte Mss 19 f.302; PRO SP Ire. 263/117 f.196, 263/124 f.209 etc.; The 1644 General Assembly for example introduced a number of measures to contain the violent behaviour of their own soldiers. Marsh' Library Mss z 3.1.3; In late 1646, Rinuccini, an enthusiastic advocate of an aggressive military strategy, was forced to admit of a general war weariness throughout the kingdom. Aiazza *Embassy* p.238

On the issue of military command, provincial generals were appointed in three provinces- Owen Roe O'Neill for Ulster, Thomas Preston for Leinster and Garrett Barry for Munster, all continental veterans. In the case of Connacht, the assembly only appointed a lieutenant-general, John Bourke, in the hope "one day to confer the generalship upon a person more in their eyes and wishes" (meaning the earl of Clanricarde)¹⁰⁴. As a result the confederates never managed to create an effective army in that province, which would greatly hinder their efforts in years to come. The assembly finally confirmed existing arrangements for Hugh O'Byrne's troops, which eventually amalgamated with the Leinster army. As Lenihan outlines in his thesis, the Leinster forces effectively operated as a national army, at least until 1646¹⁰⁵.

On the question of a supreme commander, the intense rivalry between Owen Roe O'Neill and Thomas Preston, based primarily on professional jealousy, flourished on their return to Ireland and proved a constant factor in confederate politics over the next six years. On one occasion during the assembly, only the intercession of bishop-elect MacMahon helped resolve a dispute¹⁰⁶. Earlier in the year, the confederate cleric, Matthew O'Hartegan, wrote to Mountgarret recommending to the viscount, as means of avoiding problems over precedence, "that the state itself, if it be well settled, should keep all the authority"¹⁰⁷.

The assembly favoured this option and indeed at no stage during the 1640s did the confederates appoint a supreme military commander¹⁰⁸. Moreover, on a provincial

¹⁰⁴Bourke Clanricarde Memoirs pp 296-8

¹⁰⁵Lenihan "Catholic Confederacy" p.27. The main reason for this was that after the cessation with Ormond in September 1643 there was no fighting in Leinster until the rejection of the peace treaty in August 1646. This enabled the Leinster forces to take part in offensives in Ulster (1644), Munster (1645) and Connacht (1646); According to Hazlett, the failure of the Supreme Council to provide proper supplies to O'Byrne forced him to become Preston's subordinate in the Leinster army.

Hazlett "Military Forces" p.244

¹⁰⁶Bourke Clanricarde Memoirs pp 296-8

¹⁰⁷On 22 Aug. 1642, O'Hartegan wrote to Luke Wadding, informing him of his recommendations to Mountgarret. Report on Franciscan Manuscripts (Dublin 1906) p.180

¹⁰⁸The appointment of a supreme commander would also have caused problems politically as apart from O'Neill and Preston, the earls of Antrim and Castlehaven coveted the post. The general Assembly appointed Antrim to the post of lieutenant-general of the confederate forces in late 1643, but the position had no real power

level power was similarly restricted, with Preston for example not permitted to arrange truces for longer than 14 days before obtaining the Supreme Council's approval. The council also demanded that Preston keep it informed "of all your enterprises and designs of consequence, and your grounds and reasons for them"¹⁰⁹. The confederate leadership, suspicious of the motives of the returned military exiles, were clearly not prepared to allow the generals to dominate affairs.

Lenihan argues that the failure to create a 'running army' meant confederate military operations were reactive, defensive and localised. On the contrary, the provincial arrangements made perfect sense from a military and administrative standpoint¹¹⁰. People proved less hostile towards troops from their own area, while the soldiers themselves served more effectively in their own provinces, defending their own homes. The military threat facing the confederates remained disparate in nature, divided between the Scots in north-east Ulster, Ormond in Dublin, Inchiquin in Cork and a host of smaller outposts. Whenever necessary, however, provincial forces were used outside of their own areas, often very successfully¹¹¹. The division of confederate forces into four separate armies, therefore, was not only a recognition of the nature of the conflict but was also specifically designed to use their resources to best effect.

Regarding financial matters, the model of government ordered the use of royal rents and those of enemies to finance the war, with collectors and receivers being appointed by the county councils. Rents of absentee landlords were to be used for the general good within the province where the estate lay. Protestant ecclesiastical livings were to become catholic ones. Catholic wives abandoned by their husbands were to receive one third of the estate and crucially, it was decided that church lands and tithes in catholic ownership before the troubles would be left to those who joined the confederate cause. Finally, anybody taking land since the outbreak

attached to it, and fell into abeyance the following year. Ohlmeyer Civil War and Restoration pp 128-49

¹⁰⁹Appointment of Thomas Preston by the Supreme Council, 14 Dec.1642 in Gilbert (ed.) Irish Confederation ii pp 92-6

¹¹⁰Lenihan "Catholic Confederacy" p.139. Such a division of forces was not unique to confederate Ireland. It must be remembered, that until the emergence of the New Model Army in 1645, forces in England were similarly localised, with the various association forces operating in effect as provincial armies.

¹¹¹In 1646, for example, Leinster troops participated in the siege of Bunratty castle in Munster, while the bulk of the army (under Thomas Preston) captured Roscommon in Connacht.

of the troubles had to return it unless the original owner had been declared an enemy. In that case, the Supreme or provincial councils would redistribute the estate¹¹².

Clearly there was to be no large-scale redistribution of land, except that authorised by the confederate government. The issue of clerical land was particularly sensitive. The application by the provincial of the Augustinians to the assembly for the return of church property was coldly received. The clergy were informed that any transfer of land could only be done by act of parliament, and that lay ownership of church lands had been legitimised by Cardinal Pole. The assembly also swore to observe the act dissolving the abbeys¹¹³. This policy appears to contradict earlier assertions that laws inimical to the Catholic Church would no longer be obeyed, but there was a major element of self-interest involved in the assembly's actions. A number of leading confederates, including the new president and secretary of the Supreme Council, held church lands¹¹⁴. This fact helps explain the confederate failure to pursue this point with any great conviction in early negotiations with the royalists.

The same is true of the issue of plantations. Although anxious to halt the plantation of Connacht, where many of them held extensive estates, the confederates were less concerned about the situation in Ulster. Satisfying the claims of the dispossessed of Ulster would call into question many existing land titles. All the confederates were prepared to demand from the king was a promise that the issue of compensation could be raised in a future parliament- a parliament controlled by those already in possession of their estates¹¹⁵. This conservative policy meant that the hopes of the religious orders and dispossessed native Irish, for the recovery of estates, would remain for the moment, frustrated.

Another dispute arose when Rory O'More, and others of Leinster, "supposing themselves despised in the deposition of the public ministry", voiced their

¹¹²BL Add Mss 4,781 ff 4-11

¹¹³One report stated that the provincial of the Augustinians was hissed out of the house. Croker, T.C The Tour of the French Traveller Monsieur de Boullaye le Gouz in Ireland AD 1644 (London 1837) pp 86-9; Richard Martin described this debate in a letter to Clanricarde. Bourke Clanricarde Memoirs pp 296-8

¹¹⁴The list of confederates holding monastic lands include Richard Bellings, Viscount Mountgarret, Geoffrey Browne, Richard Blake and the earl of Westmeath. Ó hAnnracháin "Far from Terra Firma" pp 203-5

¹¹⁵An article to this effect was included in the second peace treaty on 17 January 1649. Gilbert (ed.) Irish Confederation vii pp 184-211

dissatisfaction. Considering the pivotal role of O'More in bringing together the Ulster and Leinster rebels, he had some justification in feeling aggrieved at his exclusion from public office. The Leinster places on the Supreme Council were occupied exclusively by a small clique of Pale lords and their associates, while O'More was not even elected to the Leinster provincial council. Richard Martin claimed the matter was resolved but did not reveal how this was done. Indeed for the remainder of the 1640s Rory O'More was reduced to a peripheral role in confederate politics¹¹⁶.

One of the assembly's final acts was the appointment of agents to reside in the catholic courts of Europe. Here extensive use was made of churchmen, who possessed the necessary educational qualifications (including Latin) and could rely on extensive European contacts for introductions at court¹¹⁷. Their use as ambassadors also reinforced the image abroad of the war in Ireland as a religious conflict, which the confederates hoped would lead to more generous contributions from miserly monarchs. This policy reinforced the central role of the Catholic Church in confederate affairs, although its authority, even in matters of religion, was by no means absolute.

Before dispersing, the confederates concluded their business by dealing with the issue closest to their hearts after their estates, namely official salaries. There was a severe shortage of coin in the country, which led shortly to the establishment of a mint in Waterford although that also involved transgressing on the royal prerogative. Despite the shortage of coin the assembly delegates voted themselves an allowance of 5 shillings a day for burgesses, 10 shillings for knights, for each days attendance at the assembly and for 10 days before and after¹¹⁸. At a

¹¹⁶Bourke Clanricarde Memoirs p.296-8; O'More failed to be elected onto the Supreme Council or any of the confederate negotiating committees (see appendices 2 and 3). In June 1644 he was arrested by the Supreme Council, allegedly for advising the earl of Antrim to divert troops meant for Scotland into Ulster. The council described himself and Philip O'Reilly as "men of their own disposition turbulent and much taken...with the condition of troublesome times". Ohlmeyer Civil War and Restoration p.141

¹¹⁷Clerics functioning as resident confederate agents abroad included Luke Wadding in Rome, Matthew O'Hartegan in Paris and Hugh Bourke in Brussels and then Madrid. See Ohlmeyer, J. "Ireland independent: confederate foreign policy and international relations during the mid-seventeenth century" in Independence to Occupation pp 89-111

¹¹⁸Acts of the General Assembly, 21 Nov.1642 in Gilbert (ed.) Irish Confederation ii pp 73-90

conservative estimate, discounting what the lords and bishops may have received, the wages bill for the first assembly alone would have exceeded £3,500.

When it is considered that papal sources only provided £20,000 in cash to Ireland during the 1640s (the largest single contribution from abroad), the association clearly could not afford such exorbitant wages¹¹⁹. As a multiplicity of officials were appointed by the confederates at local and national, it is hardly surprising that before long criticisms were being made of a ravenous bureaucracy which devoured a major proportion of confederate resources. The author of the *Aphorismical Discovery* complained bitterly that "the most part or rather all was spent in daily wages of the Supreme Council, judges, clerks and other mechanical men, and little or nothing went to the military"¹²⁰.

The General Assembly finally dispersed on the 21 November, arranging the next meeting for the 20 May 1643, although the Supreme Council was given the authority to summon one sooner in case of an emergency. The council also had to arrange the venue, though apart from November 1643 when the assembly convened in the city of Waterford, the meetings always took place in Kilkenny¹²¹. In the meantime, all authority resided in the Supreme Council which was to undertake the task of establishing contact with the royalists in Dublin.

Events during the course of 1642 clearly demonstrate that the motivation to establish an alternative form of government was essentially reactionary rather than revolutionary in character. Fears about social order, combined with the realisation after April 1642 that the conflict in Ireland would not be of short duration, forced the catholic elite into a radical position, although they desperately tried to disguise their actions under a cloak of legitimacy. Excluded from office for decades because of religious discrimination, the confederate leaders were suddenly faced with the daunting responsibility of civil, military and judicial authority. This inevitably created great difficulties and tension, but to their credit, they quickly adapted to the realities of power.

The other main point of interest in 1642 was the emergence of the earl of Clanricarde and Nicholas Plunkett as key players in confederate politics. Although

¹¹⁹Ohlmeyer "Ireland Independent" *Independence to Occupation* p.108

¹²⁰Gilbert (ed.) *Contemporary History* i p.78

¹²¹A full list of assembly meetings is provided in chapter 7 p.229 (table 1)

Clanricarde did not formally join the association, his close ties with the Galway representatives enabled him to influence developments in Kilkenny. His attempts at mediation continued throughout the 1640s with varying degrees of success.

Plunkett, after his initial flirtation with neutrality, became an ardent and active confederate, but he remained committed to the principle of compromise, seeking to preserve unity and extract significant concessions from the king. Indeed, for the next six years, the terms of a peace settlement would dominate confederate politics.

CHAPTER 2: Oct. 1642- May 1645

"The sin of their [confederates] extirpation will be equally shared between the Parliament that covets their land and thirsts for their blood and themselves that will accept of no conditions but such as for no earthly consideration his Majesty can grant nor any honest protestant of his can be an instrument to convey unto them."

(Minute by the marquis of Ormond on the state of the peace negotiations, 1645)¹

The crucial developments during the period from January to October 1642 were the formation of the coalition of the disaffected catholics of Ireland into the confederate association, and the assumption by that association of civil power throughout most of the country. There then followed a period of two and a half years which witnessed several sporadic and ultimately inconclusive military campaigns, and two essentially political processes. The first and most prominent of these consisted of lengthy negotiations with the marquis of Ormond (representing the king), while the second involved the evolution of the political system within the confederate association. The latter resulted in the emergence of demands for reforms to establish the supreme authority of the General Assembly, as a legislative body from which all other institutions (including the executive Supreme Council) would derive their mandate, as envisaged in the original confederate 'model of government'².

Between 1642 and 1646, the confederates were engaged in almost continuous negotiations with the royalists. Initially concerned with securing a cessation of arms (which was achieved in September 1643), the talks subsequently tackled the issue of a final peace settlement. From 1643 until 1646, with military engagements a mere side-show, arguments raged at first in Oxford and later in Dublin and Kilkenny over the nature of this settlement. The intricate nature of the negotiations have discouraged many historians, but the talks (and attendant truces) dominated events in Ireland during the 1640s. Indeed, according to Rinuccini they were "the ruin of

¹Bodl. Carte Mss 16 f.573

²See chapter 1 p.43-50

the whole affair"³. It is crucial, therefore, to examine the principal issues at stake before proceeding with an account of the negotiations themselves.

Confederate negotiators were faced with the formidable task of reaching an agreement with the king that would safeguard their estates and political position on the one hand, while not totally alienating the Catholic Church, political exiles and the majority of their supporters on the other. The talks encompassed all aspects of life in Ireland, including political, religious, administrative, financial, military and educational matters. Negotiations were often delayed for weeks by petty arguments over some particular wording, but the bulk of concessions sought by the confederates, while important, proved not to be contentious⁴. The real difficulties in any prospective deal with the king lay in the extent of religious concessions demanded by the confederates, and the constitutional nature of guarantees to ensure that the peace treaty would be properly ratified and honoured.

Regarding the first issue, all shades of confederate opinion agreed on the unsatisfactory nature of the existing religious settlement in Ireland. Penal laws, directed against the catholic population, had been on the statute books for 80 odd years prior to the outbreak of the revolt in October 1641. These laws, however sporadically implemented, affected all areas of life, religious, political and professional. Catholic clergy, although active throughout the kingdom, remained officially outlawed. Recusancy fines could be imposed on those who failed to attend services of the established church, and the protestant clergy received tithes from all sections of the community, regardless of religious affiliation. On a political level, appointees to government positions were obliged to take the Oath of Supremacy, a stipulation which in effect barred catholics from public office⁵.

The accession of James VI of Scotland to the English throne had been warmly welcomed by Irish catholics, as the new king was considered to be less hostile

³Aiazza (ed.) *Embassy* p.275. The exception here is John Lowe whose Ph.D. thesis was based on the negotiations between the confederates and royalists. See Lowe, John "Negotiations between Charles I and the Confederation of Kilkenny 1642-9" (University of London 1960)

⁴An example of the word games being played by both sides is Ormond's suspicion at the Supreme Council's switch from signing themselves "your lordships humble servants" to "your lordships loving friends". Ormond to Clanricarde, 16 January 1645 in *Carte Ormond* vi pp 231-3

⁵For a discussion of the period prior to 1641 see Clarke *Old English in Ireland* (1966) and Kearney *Strafford in Ireland* (1989)

towards catholicism than his predecessor⁶. Nonetheless, the penal legislation remained on the statute books, implemented sporadically at the instigation of the New English in the Dublin administration. Charles I and his lord-deputy Thomas Wentworth proved particularly conciliatory on the issue of religion, prepared to make concessions (including the lifting of restrictions on catholics practising in the courts), in return for political and financial support. As a result, by the end of the 1630s, the most celebrated and active lawyers in the kingdom were catholic⁷.

The problem persisted, however, that as long as repressive legislation remained in place, a hostile administration in Dublin could make life very uncomfortable for Irish catholics. Moreover, catholics were still barred from public office, and subject to the jurisdiction of the protestant clergy. In this regard, the success of the Scottish covenanters, combined with the aggressive tones of the puritans at Westminster, while increasing the sense of insecurity among Irish catholics, at the same indicated what might be achieved by a policy of confrontation⁸.

In the early days of the insurrection, catholics united in opposition to the perceived Puritan threat, but once organised politically, two distinct strategies began to emerge. Catholic land-owners were content at the prospect of concessions enabling them to partake fully in political and professional life, while at the same time permitting them to worship in private without fear of punishment⁹. The Catholic Church, however, sought a full restoration of its rights and property. This

⁶Ó Buachalla, Breandán "James our true king" p.11

⁷People like Nicholas Plunkett, Patrick Darcy, Richard Martin and James Cusack represented clients from all sides of the political spectrum and were particularly prominent in the Irish parliament. For the role of lawyers in Stuart Ireland see Cregan, D. "Irish Catholic Admission to the English Inns of Court" pp 95-114 and "Irish Recusant Lawyers in Politics in the Reign of James I" *Irish Jurist* v (winter 1970) pp 306-20. The list of catholic 'leaders' in the House of Commons includes seven lawyers. Maxwell *Irish Rebellion* pp 136-7

⁸This point was made by the earl of Castlehaven, among others. Tuchet, *Castlehaven Memoirs* pp 5-21

⁹This opinion was most famously expressed by Robert Talbot, who according to the author of the *Aphorismical Discovery* swore "that he would neither contest with his prince or lose himself a foot of his estate for all the martyrs in Ireland; that it was indifferent to him to have mass with solemnity in Christ or St. Patrick's church, as privately at his bedside". Gilbert (ed.) *Contemporary History* i p.66. Admittedly, this writer was extremely hostile to any compromise on the issue of religion, but the terms of the first Ormond peace treaty in 1646 confirm that the confederate leadership at that time were content with the minimum of religious concessions by the king. Gilbert (ed.) *Irish Confederation* v pp 286-310

fundamental difference could be glossed over while contact with the king was in the form of remonstrances and simple petitions, but once full negotiations began, the rift in confederate thinking became increasingly difficult to ignore¹⁰.

The second issue facing confederate negotiators proved no less important, dealing as it did with the question of trust, or how to guarantee that any concessions granted by the king would in fact be honoured. Having experienced the persistent failure of Charles, and successive administrations in Dublin, to implement the Graces of 1628, leading confederates were well aware of the dangers in accepting a royal pledge at face value¹¹. The increasingly aggressive strategy of the English parliament further threatened to undermine any possible gains. The confederates wished to ensure, therefore, that any deal would be ratified in an Irish parliament without any interference from either the Dublin administration or hostile elements in England.

The favoured strategy involved the suspension or abolition of Poynings' Law, so that prospective bills would not have to be sent to England for certification (where they could possibly be altered), and a declaration of the independence of the Irish parliament¹². Apart from the technical difficulties in implementing these proposals, a major flaw existed concerning the role of the king. Despite the constitutional reforms, any treaty bills would still require royal assent. This in effect meant that the confederate leadership, in order to bring about a reconciliation, would have to concede power to a man they clearly did not trust. The English parliamentarians faced similar difficulties regarding a negotiated settlement, which they finally resolved only by executing the monarch and establishing a republic¹³.

¹⁰As early as 1644, members of the confederate negotiating team were making it clear in a statement to the king that they would be happy with simple freedom of religion. Gilbert (ed.) *Irish Confederation* iv pp 104-7. For the position adopted by the clergy see Ó hAnnracháin, Tadhg "Rebels and Confederates: The Stance of the Irish Clergy in the 1640s" in J.R Young (ed.) *Celtic Dimensions of the British Civil Wars* (Edinburgh 1997) pp 96-115

¹¹Although Charles consented to the Graces in 1628, a number of crucial clauses had still not been implemented by the time the rebellion broke out in October 1641.

¹²Both demands were made by the confederates from the very beginning of negotiations. 'Remonstrance of Grievances in the behalf of the Catholics of Ireland, at Trim, 17 March 1643' Gilbert (ed.) *Irish Confederation* ii pp 226-42

¹³These issues are discussed more fully in chapter 8. Clarke's focus on catholic anxiety to open a direct channel of communication with the king, slightly obscures the extent to which they had a problem trusting the man himself. Clarke "Colonial Constitutional Attitudes" p.368-71

The confederates, comprised mainly of conservative land-owners and clergymen, never seriously contemplated severing links with the Stuart monarchy. Despite official discrimination against catholics, the majority of confederates had a large stake in the existing order, which they sought to enhance. Clerics and soldiers returning from the continent, although they had less to lose than their Irish based counter-parts, generally belonged to the same social class, and abhorred the prospect of a collapse of authority. They also realised that any moves against the Stuarts would irrevocably split the confederate association, with disastrous consequences for all catholics¹⁴. As a result of these self-imposed restrictions, therefore, the confederates struggled for six years to reach an accommodation with the royalists, before agreeing to a largely unsatisfactory compromise.

* * * * *

In early 1643, formal negotiations between the king and the confederates finally began when, in response to a petition from the Supreme Council, Charles authorised Ormond and Clanricarde to accept a remonstrance of grievances from those he termed 'rebels'. Angered by this description, the confederates contemplated ignoring the king's offer, but eventually they agreed to the meeting in the heart of the Pale, at Trim¹⁵. Along with the commission, Charles also sent a memorial to Ormond, outlining in some detail his position on the various crucial concessions likely to be demanded by the confederates¹⁶. The royal council, after the experience of negotiations in London in 1641, were at least familiar with the main grievances of the king's Irish catholic subjects, and what to expect in any remonstrance.

¹⁴There is little evidence of separatist sentiment among the confederates. For example, the book *Disputatio Apologetica* by the Jesuit Conor O'Mahony, calling for the election of an Irish king, was unequivocally condemned by the confederate leadership, and publicly burned in Galway and Kilkenny. UCG Corporation Records, Book A ff.191; Walsh, Peter *The History and Vindication of the Loyal Formulary or Irish Remonstrance* (1674) pp 736-9

¹⁵The petition from the Supreme Council, dated the 31 July 1642 (TCD Mss 840 f.59), was received by the king sometime after October 12. The royal orders to meet the confederates were brought to Ireland by Thomas Bourke. Little "Blood and Friendship" (EHR pending) p.11. The correspondence arranging the meeting is in Carte *Ormond* v pp 401-3; Gilbert (ed.) *Irish Confederation* ii pp 157-9, 163-4, 224-5

¹⁶Charles I to Ormond, 12 January 1643 in Carte *Ormond* v pp 1-3

This document was one of the few occasions that Charles clearly stated his own policy, and formed the basis for the royalist negotiating position over the next three years. On the crucial question of the repeal of the penal laws, Charles believed that toleration of catholicism could not "be granted without apparent danger of ruin to the king's affairs". Irish catholics would have to be content with the lenient application of existing legislation. Concerning a declaration of independence by the Irish parliament from Westminster, the only guideline offered by Charles on this issue instructed Ormond to ensure it was admitted "by way of declaration of what is their right, not as granted *de novo*". Such a strategy would in fact ensure the maintenance of the status quo, as a declaration had no basis in law. On Poyning's Law, Charles specifically prohibited the option of repeal, as "the whole frame of government of that kingdom would be shaken" by such an action¹⁷.

The document also dealt with the issue of the restoration of land, declaring that "no retrospect may be admitted farther than from the beginning of the king's reign". This proved a clever tactic, distinguishing between the more recent plantations undertaken by Wentworth, and the earlier, far more extensive, confiscations of church and native Irish property. Charles calculated (correctly as it transpired), that the majority of confederate leaders, whose families had benefited from earlier confiscations, would be happy to accept this limited deal. Finally, regarding the appointment of ministers, the king insisted that British appointees could not be excluded entirely from positions in Ireland, but he was prepared to be flexible, as he would always have the final choice in the matter¹⁸.

On the basis of this document, more or less restating his position during the 1641 negotiations with the Irish parliamentary delegation, Charles appeared unwilling to sacrifice much to regain the active support of Irish catholics¹⁹. The king would make certain minor concessions, in return for much needed military assistance, but refuse to compromise on the religious or constitutional imperatives, at least for the moment. This conservative approach appealed greatly to Ormond, an extremely cautious politician. As a leading protestant land-owner in Ireland, and also Charles' representative in the subsequent talks with the confederates, he had to maintain a

¹⁷Idem.

¹⁸Idem.

¹⁹The negotiations in 1641, which took place in London, are described in detail in Maxwell Irish Rebellion (1994) pp 162-78

delicate balance between the interests of the king and those of his co-religionists in Ireland²⁰.

On the confederate side, the remonstrance of grievances, delivered on the behalf of the catholics of Ireland to the royalist delegation at Trim on the 17 March 1643, consisted of a list of 14 grievances and made a number of recommendations for their speedy redress. The preamble contained the familiar refrain that the confederates had been driven to arms in self-defence, but always had been and would continue to be "your Majesty's most faithful and loyal subjects"²¹. They were anxious that Charles acknowledge this fact, particularly in light of his recent use of the term rebel.

Confederate grievances centred mainly on the legal disadvantages suffered by catholics in Ireland and the many abuses perpetrated by the administration in Dublin. The exclusion of catholics from public office, the denial of the Graces, the constant searching for defective titles, and the failure to recognise the many generous contributions they had made to the crown over the years, rankled most. The blame, predictably enough, lay not with the king but with his corrupt officials, a line of argument used by most rebels during the early modern period, including the English parliamentarians²².

The lords justices in particular were indicted for a whole series of misdemeanours, which not only forced some catholics to take up arms, but exacerbated the crisis even further. The royal prerogative alone protected catholics from such men, but now seemed under threat from those the confederates termed the "malignant party". The authors of the remonstrance were particularly critical of the Adventurers Act, disputing the claims of the English parliament to be able to legislate for Ireland. The

²⁰In the face of a bewildering stream of confusing and often contradictory letters from the king, Ormond doggedly pursued the agenda set down by Charles in early 1643, unresponsive to subsequent developments. Whether Ormond's stubbornness was due to pressure from Irish protestants, lack of imagination or self-interest will be discussed later in the chapter. Its impact on the negotiating process, however, proved entirely negative.

²¹Gilbert (ed.) *Irish Confederation* ii pp 226-42

²²Roberts describes how the English parliament in 1640 did not take exception to the form of government but to the policies being pursued, and blamed the ministers because of the accepted maxim that the king could do no wrong. Roberts *Responsible Government* pp 70-5

act, they argued, not only contravened the fundamental laws of the kingdom but was also destructive of Charles' rights and prerogatives as king of Ireland²³.

The remonstrance outlined the major benefits to the king of a settlement in Ireland, of which an increase in revenue and the prospect of 10,000 catholic troops to aid his cause in England were two of the most important. The main confederate demand called for a new parliament at an unspecified neutral venue, with no impediment on catholics either voting or sitting in this parliament. This parliament would deal with confederate grievances, but only after the suspension of Poynings' Law, the repeal of which could be considered by the parliament in consultation with the king²⁴.

These initial contacts between the royalists and confederates took place against the backdrop of a power struggle in the Dublin administration. The divisions of the English civil war had not yet affected the protestant community in Ireland. United in their opposition to the confederates, supporters of the king formed an uneasy alliance with parliamentary sympathisers. Whereas the army was controlled by Ormond, the civil administration remained in the hands of individuals extremely hostile towards the catholic interest, none more so than the lord justice, William Parsons. These administrators supported the English parliament's tough policy on the insurrection in Ireland, and constituted a major obstacle to the king's efforts at reaching a settlement with the confederates.

In October 1642, shortly after the outbreak of the English civil war, a delegation from Westminster arrived in Dublin. Despite Ormond's opposition, they sat in on meetings of the Irish Council, and were only expelled following an express order from the king in February 1643²⁵. At the same time, Charles authorised Clanricarde and Ormond, rather than the Dublin administration, to meet with the confederates. Clanricarde's inclusion was undoubtedly designed to encourage moderate demands from Kilkenny, but parliamentary sympathisers still threatened to undermine the whole process.

²³Charles, as king of England, reluctantly assented to the act. By legislating directly for Ireland, Westminster by-passed the need for Charles' assent as king of Ireland. This point had assumed greater significance by March 1643 with the king and English parliament in open conflict. Gilbert (ed.) *Irish Confederation* ii pp 226-42

²⁴*Idem*.

²⁵Corish *NHI* iii p.304

In March, Ormond sacrificed his place at Trim rather than let his rival, Lord Lisle, take command of the army. On March 18, the day after the presentation of the confederate remonstrance the Leinster general, Thomas Preston, intercepted the royalist forces just north of the important port of New Ross. Ormond inflicted the first of many defeats on the hapless Preston, though in strictly military terms the encounter was insignificant²⁶. More importantly, the victory strengthened Ormond's hand in his struggle with Parsons.

Shortly after the meeting at Trim, Charles took another decisive step towards consolidating royal authority in Dublin, confident in the knowledge that his actions would facilitate contacts with the confederates. On April 3, he issued an order dismissing Parsons as lord justice and replacing him with the more compliant Henry Tichborne. Three weeks later the king officially ordered Ormond to treat directly with the confederates for a cessation of military actions to allow negotiations to begin. The royalists now dominated in Dublin and Lord Lisle complained bitterly that they afflicted "by all possible means those that have been in earnest in this war"²⁷.

No doubt heartened by these developments in Dublin, the confederates responded enthusiastically to the royalist overtures. The General Assembly scheduled for May 20 provided a speedy opportunity for the confederates to appoint a negotiating team²⁸. The assembly met once again in Kilkenny, and selected a delegation of eight members, two from each province, led by Viscount Gormanston, who died shortly afterwards, and was replaced by two men, Nicholas Plunkett and Richard Barnewall, both from Leinster. Plunkett, chairman of the assembly throughout the 1640s, would also be active in all future negotiations²⁹.

²⁶Lisle was later appointed as Westminster's lord lieutenant, and played an important role in Irish politics in 1646-7. See Adamson, J. "Strafford's Ghost: The British Context of Viscount Lisle's Lieutenancy of Ireland" Independence to Occupation pp 128-59

²⁷The commission from Charles made no mention of rebels but instead described the confederates as "our subjects, who have taken up arms against us and our authority". Charles I to Ormond, 23 April 1643 in Gilbert (ed.) Irish Confederation ii p.267; Lord Lisle to Countess of Leinster, 16 May 1643 in HMC Manuscripts of the Viscount de L'Isle vol.vi Sidney Papers, 1626-98 77th Report (London 1966) p.431

²⁸Order of the Supreme Council, 20 June 1643 (based on order of the General Assembly, 20 May 1643) to treat for a cessation. BL Stowe Mss 82 f.116

²⁹Will of Nicholas, Viscount Gormanston, 27 July 1643 in Analecta Hibernica no.25 (Gormanston Papers) p.157-8. A Collection of all the Papers which passed

The death of Gormanston marked a significant shift in the balance of power at Kilkenny. The viscount appears to have been the dominant figure politically in the confederate association, underlined by his leadership of the delegation to Trim in March 1643. His death, however, eight months after that of another prominent Pale nobleman, Lord Slane, resulted in the emergence of a new ruling clique led by Donough MacCarthy, Viscount Muskerry³⁰. Muskerry, a brother-in-law of Ormond, sat in the Irish parliaments of 1634-5 and 1640-1 as MP for County Cork, and succeeded to the title in 1641 after the death of his father, the first viscount. Late in the previous year Muskerry had travelled to London as a member of the Irish parliamentary delegation sent to negotiate with the king³¹.

In March 1642, he joined the rebels in Munster for "maintaining the Catholic Roman Religion, his majesty's prerogative and royal attributes to the government and ancient privileges of the poor kingdom of Ireland established and allowed by the dominion law of England". There was also an element of self-preservation involved in this decision, with the viscount fearing for his own safety having witnessed "burnings and killings of men women and children without regard of age or quality"³². No evidence survives to indicate Muskerry's presence at the first General Assembly in October 1642, but he definitely attended the meeting the following May, where assembly members elected him onto the Supreme Council, as well as the delegation to negotiate a truce with the royalists.

upon the late Treaty touching the cessation of arms in Ireland Dublin 1643 (RIA vol.38, box 34, tract 1); The full committee was as follows- Robert Talbot, Richard Barnewall, Nicholas Plunkett (Leinster); Viscount Muskerry, John Walsh (Munster); Lucas Dillon, Geoffrey Browne (Connacht); Turlough O'Neill, Ever Magennis (Ulster). Appointments to the various confederate committees are analysed in detail in chapter 7.

³⁰The death of Lord Slane is recorded by James Ware in November 1642. TCD Mss 6404 (Ware Manuscript) f.130

³¹Muskerry married Ormond's sister Eleanor Butler. Jackson Intermarriage in Ireland p.52. He succeeded his father on 20 February 1641. Cokayne Complete Peerage vol.3 (1913) pp 214-5; Perceval- Maxwell identifies him as one of the catholic leaders in parliament. Perceval-Maxwell Irish Rebellion pp 136-7

³²On 6 March 1642, Captain Henry Stradling reported to Sir John Pennington that Muskerry was one of a number of people in Cork who had "taken an oath and entered into confederacy to extirpate the English". PRO SP Ire. 260/58 f.214; Muskerry explained his motivations in a letter to the earl of Barrymore on 17 March 1642. BL Add Mss 25,277 f.58

For the moment, the Pale nobility and gentry, without Gormanston and Slane, were eclipsed in Kilkenny by a new clique based on the Butler axis in south Leinster and Munster. Apart from Muskerry, Viscount Mountgarret, president of the Supreme Council was Ormond's great-uncle, and his son-in-law, Richard Bellings acted as secretary to the council. Gerald Fennell, Ormond's physician and friend, also sat on the council board and corresponded regularly with Dublin³³. Critics of this ruling group criticised their close links with Ormond, and christened them 'Ormondists', a term still used by modern historians³⁴.

Personal links, whether through marriage, land or patronage, played a central role in Irish (and indeed English) political life. The major nobility established their own personal network of relations and clients, which often cut across religious, national and even political boundaries³⁵. The rebellion disrupted this system, without totally destroying it, and Ormond proved particularly adept at maintaining contacts with elements within the confederate camp. Nonetheless, these links did not prevent people like Muskerry and Mountgarret from joining the rebellion in the first place, and holding out for the best terms available afterwards. Similarly, Ormond was reluctant to make even basic concessions to the confederates, despite his close ties with the leadership in Kilkenny. Both sides simply sought to exploit such contacts to their own advantage. As Nicholas Plunkett explained,

"though some of them [members of the Supreme Council] have reason to wish well to Ormond or Clanricarde, yet when any good redounding to either of them shall come into competition with the public, all private respects are and must be laid

³³Although they did not sit on the Supreme Council Ormond could expect a sympathetic hearing from most of the Butler lords (Galmoy, Dunboyne, Cahir, Ikerrin). Other leading confederates close to Ormond apart from Fennell included Edward Comerford (estate manager), Patrick Archer (business manager). These three men corresponded regularly with Ormond throughout the 1640s, keeping him informed of developments in Kilkenny. NLI Ormonde Mss 2308 f.171, 357; Mss 2309 f.267; Bodl. Carte Mss 14 f.6; Gilbert (ed.) *Irish Confederation* iii pp 116-7, v pp 329-30 etc.

³⁴The author of the *Aphorismical Discovery* talked of the "Ormond faction" as did Rinuccini, who described it as the root of all evil. Gilbert (ed.) *Contemporary History* i p.40; Aiazza (ed.) *Embassy* p.146; For use by modern historian, see for example Ohlmeyer *Civil War and Restoration* pp 164-5

³⁵A good example of this is the extraordinary lengths to which the English protestant parliamentarian Earl of Essex went to protect the interests of the earl of Clanricarde, his Irish catholic royalist half-brother. Little "Blood and Friendship" (EHR pending)

aside, and in such case they are no more thought of then as enemies and men ill affected"³⁶

Although Plunkett's statement reflected the official (somewhat idealised) position, the basic premise was correct. Muskerry and his associates represented those Catholics who had most to lose from a prolonged rebellion, and most to gain from a speedy reconciliation with the king. In return for accepting minimum concessions from Charles, they hoped to consolidate their position politically and enhance their prospects of personal advancement. An advantageous peace settlement was more important than any personal links, and they were prepared to oppose Ormond when necessary³⁷. For this reason, they should be more accurately termed the peace faction. For the next three years, until August 1646, they dominated confederate politics.

Meanwhile, while the confederates prepared for talks, Ormond further consolidated his power in Dublin. In July, Parsons and other parliamentary sympathisers (Adam Loftus, Robert Meredith and John Temple) were dismissed from the council and imprisoned. Their imprisonment removed the final major obstacle on the royalist side to a truce, and negotiations now began in earnest³⁸. In the confederate camp, the only sign of opposition appeared to come from the papal agent Scarampi, recently arrived from Rome. He argued, with some justification, that as the confederates had the upper hand militarily "not to go forward is to go backward". Moreover, Scarampi believed that a royalist victory would simply return the Catholic Church "to the miserable position in which we were before the war"³⁹.

³⁶Plunkett's comments are contained in letter written on 9 January 1645 (on behalf of the Supreme Council) to Matthew O'Hartegan in Paris, after the latter's complaint about confederate factionalism. Gilbert (ed.) *Irish Confederation* iv pp 119-21

³⁷Gerald Fennell was probably the exception in this regard, and the author of the *Aphorismical Discovery* claimed that he had deliberately stayed behind in Kilkenny to provide vital intelligence to Ormond. Gilbert (ed.) *Contemporary History* i p. 22; Indeed, even prior to the truce in September 1643, the two men had engaged in secret correspondence. After the cessation Ormond commented to his friend that "it is long since I durst write to you in this open way". Ormond to Fennell, 30 Sept. 1643 in *Carte Ormond* v p. 468

³⁸French, Nicholas *Narrative of the Earl of Clarendon's Settlement and Sale of Ireland* (Louvain 1668) pp 36-7; James Ware recorded the arrest of Parsons, Loftus, Temple and Meredith in his diaries. TCD Mss 6404 (Ware Mss) f. 134.

³⁹Scarampi's reply to Richard Bellings, Aug. 1643 in Gilbert (ed.) *Irish Confederation* ii pp 319-27. On the military front, Galway fort had finally

For the first time, the nature of the settlement with the king was being questioned, and ominously by a leading member of the Catholic Church which had so enthusiastically backed the confederate association. With the peace faction dominant, Scarampi remained a lone voice, but once negotiations on peace terms began, dissent would not be so easily silenced. On 15 September 1643, after three months of talks, a cessation of arms, valid for one year, was signed (the first of many such arrangements), dividing the country into two spheres of influence, royalist and confederate, with both sides retaining separate governments⁴⁰.

Although the truce relieved the pressure on royalist forces in Ireland, allowing troops to be transferred over to England, it was poorly received by the Irish protestant interest and by the king's supporters in England. Edward Hyde (later earl of Clarendon) believed the cessation "had been the most unpopular act the king had ever done, and had wonderfully contributed to the reputation of the two houses of parliament". A number of leading English royalists defected to the parliament, citing the cessation as the principal cause, although as Lindley points out there were perhaps other more credible reasons for the switch of allegiance⁴¹.

Less than two weeks after the truce, on September 25, the Scots (whose forces in Ulster were not included in the agreement) signed the Solemn League and Covenant

surrendered to the confederates in June 1643, and Owen Roe O'Neill, after an earlier set-back, defeated a royalist force near Trim. Moreover, the arrival of siege guns from the continent that summer greatly increased the confederate military capacity. Lenihan "Catholic Confederacy" p.150. Shortly after the truce Clanricarde confided to Lord Cottington that the cessation was beneficial "considering the present strong power of the Irish, and the infinite wants of his majesty's forces". Lowe (ed.) Clanricarde Letter-Book pp 2-5. Although the advantage was by no means decisive, and Clanricarde was primarily concerned with mollifying sceptical royalists in England, the military initiative unquestionably lay with the confederates.⁴⁰ A Collection of all the Papers which passed upon the late Treaty touching the cessation of arms in Ireland.....Dublin 1643 (RIA vol.38, box 34, tract 1). In November, Charles appointed Ormond as lord lieutenant, in recognition of his achievement in securing a truce.

⁴¹Lindley, K.J. "The Impact of the 1641 Rebellion upon England and Wales 1641-5" IHS xviii no.70 (Sept. 1972) pp 169-73. Joyce Lee Malcolm estimates that Irish royalists conveyed over 22,000 troops (English and Irish) to England Wales and Scotland between October 1643 and June 1644, without which the king would have been unable to continue his war effort. Malcolm, J.L. "All the King's Men: the Impact of the Crown's Irish Soldiers on the English Civil War" IHS XXI No.83 (March 1979) p.251

with the English parliament. The following January, a large Scottish army invaded England, in a dramatic intervention which further increased the pressure on Charles I. Throughout 1644, therefore, confederate military efforts were directed against the Scots in Ulster, while the earl of Antrim organised a small invasion force to the Western Isles, led by Alasdair MacColla. This force teamed up with the marquis of Montrose, and achieved a number of victories during the course of 1644-5⁴².

Despite repeated pleas from the confederates to unite in opposition to the Scots in Ulster, Ormond proved reluctant to take the field against fellow protestants, even after receiving authorisation from Charles for such a move⁴³. Considering the negative reaction to the truce among protestants, a military alliance with Irish catholics, before the signing of any formal peace settlement, would have created serious problems politically for the royalists in both Dublin and England, and perhaps shifted the balance of power in Ireland dramatically in the confederates' favour. Nonetheless, in strictly military terms, an excellent opportunity was lost to root Scottish influence out of Ulster and relieve some of the pressure on Charles in England⁴⁴.

Returning to the Irish political arena, the confederate Supreme Council summoned a General Assembly, the second that year, to meet in Waterford on November 7⁴⁵.

⁴²MacColla's dramatic campaign is analysed in Stevenson, David Alasdair MacColla and the Highland Problem in the Seventeenth Century (Edinburgh 1980); For Antrim's involvement in the Scottish enterprise see Ohlmeyer Civil War and Restoration pp 133-44; Lenihan argues that the confederates' concentration on Ulster and Scotland marked the subordination of a domestic military strategy to a pan-British one. Lenihan "The Catholic Confederacy" p.167. After the confederates signed the truce with Ormond in September 1643, however, the Scots were the only enemy remaining in the kingdom, until Lord Inchiquin and the Munster garrisons defected from the royalist camp in July 1644. For the 1644 campaigning season, therefore, the confederates had no alternative to an Ulster offensive.

⁴³Charles I to Ormond, 27 Feb. 1645 (Bodl. Clarendon Mss 98 ff 63-4); The correspondence between the Supreme Council and Ormond on this issue is contained in Bodl. Carte Mss 14 f.164, 15 f.455, 526; Ormond helped raise the shipping for the expedition to Scotland, but refused to hand over a departure port to the confederates. Stevenson Scottish Covenanters and Irish Confederates p.172

⁴⁴The importance of the Scottish campaign to the king's fortunes in England can be gauged from Digby's letter to Ormond in January 1645. Digby wrote that he found "a greater effect from my lord Montrose's successes in Scotland toward peace here by means of the Scots Commissioners than by any other successes whatsoever". Bodl. Carte Mss 13 f.256

⁴⁵This was the only occasion that the assembly met outside the city of Kilkenny.

Patrick Darcy kept Clanricarde informed of developments, who noted growing disturbances not among the lower social orders, but "from turbulent people of the middle rank". Reports from the assemblies throughout the 1640s were infuriatingly vague, rarely identifying individuals in particular events. Clanricarde's correspondence proved no different, although he did mention that the bishops (and those aspiring to be bishops) constituted the principal trouble-makers⁴⁶.

The clerical involvement in this discontent suggests a connection with Scarampi's opposition to the truce, although on this occasion the bishops apparently could do nothing more than voice their general disquiet at recent events. The assembly voted supplies for the planned offensive in Ulster, and more importantly, appointed a new delegation of seven to travel to Oxford and present a series of demands to the king, led by Viscount Muskerry⁴⁷. Plunkett also travelled to Oxford along with Richard Martin, providing a possible counter-balance to Muskerry's increasing influence. Plunkett was by this time the Pale's most senior political spokesman, which enhanced his standing in the confederate association, as did his continued chairmanship of the assembly. For the moment, however, the overwhelming majority of confederates fully supported the peace initiative.

The cosy relationship between the confederate leadership and the new lord lieutenant was graphically illustrated when Muskerry sought advice from Ormond on how to approach the forthcoming conference in Oxford. Ormond replied that the viscount should behave respectfully at all times towards the king. He asked his brother-in-law to consider the merits of acquiring "the name of a loyal subject for that of a rebel", and to tailor confederate demands accordingly⁴⁸. There was nothing remarkable about this advice, except that (technically at least) a state of war still existed between the confederates and royalists. Such intimate contacts between

See chapter 7 p.229 (table 1)

⁴⁶Clanricarde believed the opposition lacked any influence in the confederate ranks. Lowe (ed.) Clanricarde Letter-Book p.16. He was concerned, however, that the confederates had raised forces that went "beyond their skill to conjure down or keep within the circle of obedience to their authority". Clanricarde to Ormond, 6 Dec.1643 in Carte Ormond v pp 532-5

⁴⁷On 29 Oct.1643 Inchiquin informed Ormond that intelligence he had received indicated that the clergy would insist on retaining churches, a point raised by Scarampi in his objections to the truce. Carte Ormond v pp 498-500; The commission for the delegation to Oxford is printed in Gilbert (ed.) Irish Confederation iii p.65

⁴⁸Ormond to Muskerry, 19 Dec. 1643 in Carte Ormond v pp 540-1

Dublin and Kilkenny invariably raised suspicions of secret deals, and encouraged the emergence of a vocal opposition in confederate ranks.

On 28 March 1644, the confederate delegation in Oxford presented their demands, annexed to the Remonstrance of Grievances of March 1643, to the king's council. These propositions, along with 17 additional points added the following September, formed the core of the negotiations over the next two years, and as such should be examined closely⁴⁹. They began predictably enough with a call for the repeal of all acts against catholics, and complete freedom of religion. A new parliament would confirm the ensuing peace settlement, with Poyning's Law suspended and possibly repealed at a later stage.

In the meantime, the confederates demanded that all acts, ordinances and attainders of the "pretended parliament" in Dublin be declared void, Wentworth's plantations reversed and land-holdings confirmed by a 60 year act of limitation. They further sought the removal of all incapacities against natives purchasing land, and a guarantee that catholics would be appointed to public office with equality and indifference. The confederates demanded permission to establish Inns of Court, universities and free or common schools for catholics, and a royal undertaking to abolish the Court of Wards which would be replaced instead by a fixed revenue for the crown. They further sought residential and property qualifications for both the lords and commons in the Irish parliament, and a restriction on the use of proxy votes⁵⁰.

An act of the Irish parliament, declaring independence from the jurisdiction of Westminster, would counter the Puritan threat, along with the removal of the Adventurers Act from the statute books. In an effort to prevent the emergence of another Wentworth, chief governors were to be restricted to a three year term of office, limitations placed on the power and jurisdiction of the council board, and the standing army replaced by local county levies. Crucially, an act of oblivion would be passed for offences committed since the outbreak of the conflict, and the confederates, mindful of the controversy surrounding the implementation of the

⁴⁹Gilbert (ed.) Irish Confederation iii pp 128-33

⁵⁰The reform of the Court of Wards, an act of limitation and confirmation of Connacht titles were all included in the Graces of 1628. Clarke Old English pp 238-54; In 1640, the Scottish parliament, controlled by the covenanters, abolished proxy votes. Brown, Keith M. Kingdom or Province? Scotland and the Regal Union 1603-1715 (London 1992) pp 119-20

Graces, declared their intention to retain a separate government until all concessions granted by the king had been passed in parliament ⁵¹.

Two protestant delegations from Dublin arrived in Oxford at this time (one from the administration, the other authorised by the Irish parliament) to put the case for Irish protestants. The Irish administration opposed the calling of a new parliament, on the grounds that it would place Irish protestants, most of whom had fled to Dublin or England, at a massive disadvantage. As for Poyning's Law, they described it as "one of the wisest acts that ever was made for the establishment and continuance of the English government in Ireland", the suspension or repeal of which would be "of a most dangerous consequence"⁵².

The delegation from parliament proved even more strident in its opposition to confederate proposals, demanding "the establishment of the true protestant religion in Ireland", and the strict imposition of penal laws against catholics. They informed the king that Irish protestants expected the full restitution of all churches, and that future office holders be required to take both the oath of supremacy. Finally, they wanted the confederates to pay reparations for the destruction of property since the beginning of the uprising, and an extension of the plantation policy throughout the kingdom. Indeed, the proposals of the parliamentary delegation were so extreme that the Irish Committee responded that "it would be impossible for the king to grant the protestant agent desires and grant a peace to the Irish"⁵³.

Nonetheless, the parliamentary delegation illustrated the depth of hostility felt by Irish protestants towards any peace agreement with the confederates, and faced with such opposition the king's answers to confederate propositions proved

⁵¹The confederates did not pursue this point in the negotiations, probably as there was no need to debate the issue with the king. The failure, however, to maintain confederate government until treaty terms had been ratified by the Irish parliament was one of the main charges levelled by the clerical faction against the supporters of peace in August 1646. 'Declaration of the Ecclesiastical Congregation to the Supreme Council, 24 August 1646' (PRO SP Ire. 261/51 ff 207-10)

⁵²Answers to the confederate propositions from the Irish Council delegates in H.M.C. Egmont Papers vol.1 pt.1 (London 1905) pp 212-29

⁵³Rushworth, J. Historical Collections of Private Passages of State, Weighty Matters of Law, Remarkable Proceedings in Five Parliaments (London 1680-1701) vol.5 pp 953-62. The petition "in the name of divers of his majesty's protestant subjects in this kingdom of Ireland" was read and agreed to in the parliament on 17 February 1644. Journal of the House of Commons of the Kingdom of Ireland vol.1 1613-1666 (Dublin 1796) p.317

predictably non-committal and disappointing. On the question of religion, Charles simply offered not to persecute catholics once they returned to obedience. The summoning of a new parliament was conditional on Poyning's Law staying in effect and the confederates agreeing not to pass any bills which had not first been transmitted into England, or that would prejudice Irish protestants⁵⁴.

On all other issues there appeared to be more room for manoeuvre. Charles claimed he did not have the power to declare void all acts of the Dublin parliament since 7 August 1641, once they had already received the royal assent. He believed, however, a full and general pardon would assuage the fears of catholics who had been indicted or attainted by that same body. The king was prepared to reverse Stafford's plantations and to allow for the establishment of a university and free schools, but only if they agreed to be governed by statutes approved by the king, as was the case with the existing institutions⁵⁵.

The king announced that, as before, appointments to public office would be made according to merit, hardly encouraging to Irish catholics who had been ignored for generations. The Court of Wards would not be abolished, and Charles refused to accept limits being placed on the term of office of the chief governor, but in both cases he promised abuses would be prevented. Finally, concerning the issue of lords and commons in the Irish parliament being estated in the kingdom he referred the confederates to concessions agreed to back in 1641, allowing them five years to purchase estates⁵⁶.

These concessions were unacceptable to Muskerry and his colleagues, but faced with conflicting demands from his Irish subjects, the king decided to pass the poisoned chalice of peace negotiations onto his lord lieutenant. The confederate delegation returned to Kilkenny empty handed, but on June 24 Ormond was instructed to continue the talks process⁵⁷. The Supreme Council summoned a new General Assembly to discuss the developments at Oxford, and the forthcoming negotiations with the lord lieutenant. Surviving evidence suggests, however, that all

⁵⁴The answer of Charles I to the confederate propositions in Gilbert (ed.) Irish Confederation iii pp 175-8. Corish NHI iii p.311

⁵⁵Gilbert (ed.) Irish Confederation iii pp 175-8

⁵⁶Idem.

⁵⁷The commission arrived in Ireland on 26 July 1644. TCD Mss 6404 (Ware Manuscript) f.140; The king wrote to Ormond on 17 July 1644 that he was "not ignorant how hard a part I put upon you in transferring to you the treaty and power to conclude a peace with the Irish". Bodl. Clarendon Mss 98 f.36.

was not well in the confederate camp, with increasing divisions over the direction and implementation of political and religious policy.

The concentration of power in the Supreme Council, and the arbitrary, cabalistic and secretive exercise of its authority not surprisingly provoked resentment, aggravated in part by the lack of progress in the negotiations with the king. While the General Assembly of July 1644 did eventually appoint the delegates to continue the talks with Ormond, it also debated demands for reform⁵⁸. A number of important changes were advocated in a detailed document, which signalled the emergence of a political middle ground, with a group of influential moderates acting as a balance between the war and peace factions. The main issues raised in the ensuing debate, and the substance of the document articulating the reform propositions are set out later in this chapter. At this point it is sufficient to state that they probably had only a minor impact on the actual conduct of the negotiations prior to May 1645, but assumed considerable importance thereafter.

The main business of the assembly centred on the election of a delegation to negotiate a treaty with the marquis of Ormond. Expressing complete confidence in their efforts to date, the entire delegation, including Nicholas Plunkett, was reappointed on the 20 July 1644, to what became known as the Committee of Treaty. Three weeks later on the 10 August an additional six people were appointed to this committee⁵⁹. Critics of the peace treaty later claimed the assembly had done this because they were suspicious of the Oxford delegation's close relationship with the royalists, but this is unlikely⁶⁰. The new members included Viscount Mountgarret, John Dillon and Richard Everard, all fervent supporters of an accommodation with Ormond, while the earl of Antrim was probably included to give added prestige to the committee. The most important additions were those of Patrick Darcy and John Dillon, who provided much needed legal expertise.

Despite the dominance of the Supreme Council by a small clique, the assembly still maintained a degree of autonomy from factional control. A majority of members

⁵⁸'Propositions touching the present Government to the General Assembly in June 1644' Marsh's Library Mss z 3.1.3

⁵⁹The original commission no longer exists, but Nicholas Plunkett informed Ormond of the additions to the Committee of Treaty on 11 August 1644. Gilbert (ed.) *Irish Confederation* iii p.252

⁶⁰The Dublin cleric, Walter Enos, made this charge in his lengthy survey of the Ormond peace written at the end of 1646. Enos, Walter "Survey of the Articles of the Late Rejected Peace" in Gilbert (ed.) *Irish Confederation* vi pp 307-433

publicly rejected Ormond's policy of refusing to deal with catholic clergymen, causing great embarrassment to his confederate supporters. The lord lieutenant wrote personally to Muskerry on August 9, pleading that no cleric be appointed, but to no avail⁶¹. The assembly's opposition, however, was largely symbolic as they chose Thomas Fleming, Archbishop of Dublin, to fill this position. The archbishop, according to one account, was "exceedingly corpulent", travelled with difficulty, and does not appear to have been involved actively at any stage of the proceedings⁶².

The commission granted by the assembly to the Committee of Treaty was the source of a bitter controversy following the rejection of the first Ormond peace treaty. Unfortunately, a copy of this commission no longer survives. Indeed, the cleric Walter Enos, examining the assembly record books in 1646, could not find any trace of such a document⁶³. What does survive is the commission granted to the committee by the Supreme Council, after the dispersal of the assembly⁶⁴. Enos claimed that the council exceeded its powers in two crucial areas.

Firstly, according to Enos, the assembly only authorised the council to give a commission to the Committee of Treaty to negotiate, but not to conclude a treaty. The only proof he offered to support this allegation, was the repeated efforts of the committee to extend its powers at subsequent assemblies⁶⁵. Lacking the vital evidence, all that can be said is that signing over all power to a committee to conclude a peace on its behalf was certainly inconsistent with the General Assembly's demands to be kept closely informed of developments⁶⁶.

⁶¹Gilbert (ed.) *Irish Confederation* iii pp 251-2. Bellings claimed that Ormond had objected to any clerical presence on the original delegation to Trim in 1643, and that the Supreme Council at the time decided not to insist upon it. Bellings History in Gilbert (ed.) *Irish Confederation* i p.123

⁶²Aiazza (ed.) *Embassy* pp 105-7. The signature of the archbishop of Dublin does not appear on any documents from the Committee of Treaty and his name is not mentioned during the negotiations. The assembly also established a Committee of Instruction chaired by the leading Leinster confederate, Thomas Tyrrell. The committee was to play a crucial role, instructing the confederate negotiators in their talks with Ormond but references to its activities are sparse and uninformative. The role of this committee is discussed in chapter 7.

⁶³Enos "Survey" in Gilbert (ed.) *Irish Confederation* vi pp 362-3;

⁶⁴Commission for confederate delegates, 31 Aug. 1644 in Gilbert (ed.) *Irish Confederation* iii pp 269-71

⁶⁵Enos "Survey" in Gilbert (ed.) *Irish Confederation* vi p.367

⁶⁶For example, the General Assembly repeatedly pressed (unsuccessfully) for the

The second change by the Supreme Council, according to Enos, concerned the number of committee members that were necessary for an agreement to be valid. Enos claimed the number was reduced from all thirteen members to just five. As he admitted himself, however, this reduction may have been justified by an act of the assembly on the 23 August. This act stated that commissions could be granted to as many committee members "to treat with the lord marquis of Ormond for establishing of a firm peace within this kingdom, or a further cessation, as the Supreme Council and the additional Committee of Instructions shall think fit"⁶⁷. This act may well have been passed to ensure the archbishop of Dublin's presence was not required in order to reach an agreement with Ormond.

In any case, the possibility remains that the Supreme Council exploited this act to alter the commission of the Committee of Treaty in a crucial manner. As so often with such controversies, it is impossible to come to any definite conclusions. All that can be ascertained is that the Supreme Council, by stealth or legitimate means, obtained control of the negotiating process with serious consequences for the confederate association. The ruling clique, led by Viscount Muskerry, Richard Bellings, Gerald Fennell and others, was able to exploit its influence on the council and various committees to pursue a particular agenda, one that almost resulted in a confederate civil war.

In early September, as confederate military affairs ground to a halt after the disastrous failure of the summer offensive against the Scots in Ulster, negotiations with the royalists resumed ⁶⁸. The confederates were represented by their Oxford delegation, except that Patrick Darcy and John Dillon replaced Alexander MacDonnell and Richard Martin. MacDonnell's omission, although he remained a member of the Committee of Treaty meant that for the remainder of the talks process Ulster was not directly represented at the talks. As already outlined, the archbishop of Dublin does not seem to have taken part in the negotiations either,

full disclosure of the treaty terms in February 1646. Lowe (ed.) Clanricarde Letter-Book pp 212-3; The same assembly also introduced reforms to make the Supreme Council more accountable to the legislature. Orders of the General Assembly, Jan. 1646 (Bodl. Carte Mss 16 ff 470-80)

⁶⁷Enos "Survey" in Gilbert (ed.) Irish Confederation vi pp 368-9

⁶⁸Poor weather and a scarcity of supplies, effectively undermined an operation marked by suspicion and hostility between the two confederate commanders, Owen Roe O'Neill and the earl of Castlehaven. Wheeler, S. "Four Armies in Ireland" Independence to Occupation p 51-2

thus the interests of the dispossessed natives and the Catholic Church were effectively side-tracked⁶⁹.

On the royalist side, the defeat of the king's forces at Marston Moor on July 2, followed shortly afterwards by the defection of Lord Inchiquin and the Munster royalists to the parliamentary camp presented Ormond with a serious dilemma⁷⁰. Although Charles urgently needed troops from Ireland (royalist or confederate), Inchiquin's actions threatened to undermine the lord lieutenant's position in Dublin. In order to secure a deal with the confederates concessions would have to be made, but this posed a threat to Irish protestant interests, a fact which could be exploited by the parliamentary faction.

The lord lieutenant's pre-eminence in Irish political circles, and record of loyal service to Charles I, made him the obvious candidate to undertake such a delicate task. Ormond had successfully routed the parliamentary faction in Dublin, proudly proclaimed his English protestant heritage, and presumably could be relied upon to safeguard the king's vital interests in Ireland⁷¹. Moreover, as already outlined, he was on close personal terms with a number of leading confederates, facilitating the prospect of a settlement with Kilkenny. Ormond, however, from the king's perspective at least, proved a disastrous choice.

In many ways, the lord lieutenant faced an impossible task. The conflicting submissions of the confederate and protestant delegations in Oxford earlier in the year, provided little room for manoeuvre⁷². Already disturbed by the cessation agreement, Irish protestants were decidedly hostile to the idea of further

⁶⁹The earl of Antrim was also supposed to have been involved in the talks, but left for England shortly after the assembly dispersed, disappointed over his failure to secure overall command of the confederate military forces. Ohlmeyer *Civil War and Restoration* p.149. See chapter 7 for a discussion of committee appointments.

⁷⁰Inchiquin had travelled to Oxford at the beginning of the year, but was disappointed not to be appointed lord president of Munster. This failure, as much as his distaste for the truce with the confederates, probably prompted his switch in allegiance to the parliamentary side. Corish *NHI* iii p.309; Lindley "Impact of 1641 Rebellion" pp 170-1

⁷¹In 1642 Ormond had explained in a letter to Viscount Valentia that he was "not only by birth, extraction and alliance but likewise in my affections, wholly and entirely an Englishman and as true a lover of the religion and honour of that nation as any that has been born and educated there". Carte *Ormond* v pp 356-7

⁷²*H.M.C. Egmont Papers* vol.1 pt.1 pp 212-29 (Irish council submission); Gilbert (ed.) *Irish Confederation* iii pp 143-8 (Confederate submission)

concessions to catholics. According to Colonel Audley Mervin, a reluctant covenanter, based in Ulster,

*"A peace with the Irish is generally a harsh sound to every ear and the reason of this is diverse. Some in conscience hold no toleration of their religion, some judge the blood of their friends yet unrevenged, some their personal lives not to be repaired, others that it is beyond the reach of state to provide for our security in the future, and not a few because the country is pleasant and held too good for them."*⁷³

On accepting the royal commission to negotiate with the confederates, Ormond was expected to act in the king's interests regardless of the consequences in Ireland. His inability to reconcile this public duty with his own personal interests as a protestant land-owner, resident in Ireland, had disastrous consequences for the prospect of a peace settlement with the confederates. Despite his proud boast of Englishness, Ormond in fact consistently acted in the best interests of Irish protestants. Charles recognised this fact long before the confederate leadership in Kilkenny.

When negotiations began in September 1644, however, rapid progress was made on a number of less contentious issues. Catholics were to regain whatever property they held before the war, with all records of indictments being removed from the courts. The Connacht plantations initiated by Thomas Wentworth would be reversed, and provisions made for an act of limitation. Reforms were promised in the Court of Wards, and restrictions introduced on the jurisdiction of the Council Table. A number of other administrative abuses would be curtailed, including the farming of royal customs to officials and the purchase of land by chief governors⁷⁴. Although these concessions fell far short of the confederates core demands, at least in certain areas, Ormond displayed flexibility.

The two sides remained divided, however, on the more substantive issues, such as the suspension of Poynings' Law. Ormond proved unwilling to enter this constitutional minefield, declaring in a dismissive manner that "his Majesty, for divers weighty considerations, will be further advised before he do consent unto the

⁷³Colonel Audley Mervyn to Ormond, 4 February 1645 in H.M.C. Manuscripts of the Marquess of Ormond vol.1 14th Report, appendix part VII (London 1895) pp 90-5

⁷⁴Ormond's answers to the confederate propositions in Gilbert (ed.) Irish Confederation iii pp 293-7

suspension of Poynings' Act". Although the confederates were not happy with this answer, the earl refused to make any concessions⁷⁵. The main issues raised in the constitutional debate are examined elsewhere, and at this point it is sufficient to state that progress was minimal⁷⁶. By May 1645, after ten months of talks, the confederates appeared worn down by Ormond's stubbornness, and he declared triumphantly that the king would "no longer be troubled with their proposition for the suspension of Poynings' Act"⁷⁷.

Religion emerged as the other main area of contention. The confederates demanded a repeal of all anti-catholic acts and freedom of religion. Ormond was non-committal, stressing that the catholics could expect royal protection and leniency but that there would have to be more consultation before he could agree to repeal any acts. The confederates responded that due to the threat from the English parliament and Scottish presbyterians, a reliance on the king's 'grace and goodness' was wholly inadequate. Clarifying their demands, they insisted that they were not seeking a total repeal of all statutes but simply a removal of penalties⁷⁸.

With the religious negotiations at a critical juncture, Ormond dramatically introduced a number of demands on behalf of the protestant clergy, including the restoration of churches, jurisdictions and possessions. This specific demand for the restoration of property, the first by either side, forced the issue onto the talks agenda and almost resulted in the complete collapse of the negotiations⁷⁹. Ormond's motivation in presenting these demands at this particular stage of the talks is unclear. Although anxious to mollify his supporters in Dublin, concerned at the prospect of a deal with Kilkenny, the lord lieutenant also abhorred, on religious grounds, the very idea of relinquishing churches to the catholics⁸⁰.

⁷⁵*Ibid.* iii p. 294, 313-9

⁷⁶The debate on constitutional issues is dealt with in chapter 8

⁷⁷Ormond to Charles I, 8 May 1645 in Carte *Ormond* vi pp 278-83

⁷⁸Treaty negotiations in Gilbert (ed.) *Irish Confederation* iii pp 289-311

⁷⁹Treaty negotiations, in Gilbert (ed.) *Irish Confederation* iii p.321. As already discussed Scarampi raised the issue in debating the merits of the cessation in August 1643, while Inchiquin informed Ormond in October of that year of the that the catholic clergy would insist on retaining churches. Scarampi's reply to Richard Bellings' statement in Gilbert (ed.) *Irish Confederation* ii pp 319-27; Inchiquin to Ormond, 29 Oct. 1643 in Carte *Ormond* v pp 498-500. The issue, however, had not been raised by the confederate negotiators.

⁸⁰Even during the crisis in late 1646, with Dublin under threat from confederate forces, Ormond would not agree to catholics retaining churches, but felt that freedom from penalties and the quiet exercise of their religion "ought to be given

Ormond's mistake was not in insisting on retaining churches (a policy fully supported by Charles until 1645) but in publicly raising the issue⁸¹. As the Catholic Church would never agree to returning property to the protestants, Kilkenny dealt with the problem by simply ignoring it, although this proved impossible following Ormond's intervention. To their supporters abroad the leadership presented a hard-line, stating that Charles was prepared to remove the penal laws "though in a private and retired way, but for enjoying our churches or restoring the profession of our faith to its ancient splendour is a thing so odious to the king's party, and so ill-suiting with his Majesty's professions, that we must make it good by the same way we did obtain it"⁸².

Two months later the council returned to the issue, instructing the cleric Hugh Bourke, travelling to Spain as a confederate agent, that if the court of Philip IV objected that Irish Catholics were simply looking for freedom of religion, he was to inform them that this was merely a tactic to win time. The true goal remained "freedom in splendour" but only if they received substantial assistance from abroad⁸³. This statement was nothing more than bluster, but would have reassured the clerics while increasing the prospect of substantial aid from abroad.

The leadership's hard-line policy was contradicted by a paper sent to the king by three members of the Committee of Treaty, Viscount Muskerry, Geoffrey Browne and Nicholas Plunkett, which recognised religion as "the principal thing insisted upon" by the confederates, but also indicated a willingness to compromise. Charles responded positively to this approach, promising that penal laws would not be implemented in the event of peace, and that after the defeat of parliament he would "consent to the repeal of them by law". Browne replied that if the king's answers on the matters of plantations and an act of oblivion were also satisfactory "it will confirm them in that hope and belief and make the work less difficult as to all"⁸⁴.

them". Ormond to George Digby, 25 Dec. 1646 in Carte *Ormond* vi pp 485-6

⁸¹Until the summer of 1645, Charles was prepared to concede no more than a repeal of penal legislation. Charles I to Ormond, 27 February 1645 (Bodl. Clarendon Mss 98 ff 63-4)

⁸²The phrase "by the same way we did obtain it" presumably means holding onto the property by force. Supreme Council to Luke Wadding, 26 October 1644 in Gilbert (ed.) *Irish Confederation* iv pp 61-2

⁸³Supreme Council appointments, 12 Dec. 1644 in *Ibid.* iv pp 90-5

⁸⁴There is some confusion over the dating of the king's reply, but the original in the Clarendon collection suggests 15 December 1644, rather than 18 January 1645 as

This correspondence remained highly secret, with Browne and the others instructed not to reveal the contents to anybody outside of the Supreme Council, and it is questionable if they even informed the entire council. This very secrecy, however, precluded the committee members from using the information to satisfy either the Committee of Instruction or more importantly the General Assembly, scheduled to meet on 15 May 1645 to discuss the treaty. Ormond wrote in frustration on May 8, a week before the assembly meeting, that the negotiations had stalled as the Committee of Treaty "would not venture to conclude anything without their approbation"⁸⁵.

This frustration was misplaced, however, as it is clear from an examination of the talks process that the primary responsibility for the failure to conclude these negotiations lay with Ormond, rather than the confederate Committee of Treaty. This failure appears particularly damning in light of the king's orders to the lord lieutenant early in 1645, as a new campaigning season approached, to press ahead with negotiations. On 27 February, concerned at the lack of progress in the talks, Ormond was told "to conclude a peace with the Irish whatever it costs". Charles informed his lord lieutenant that he would "not think it a hard bargain" if it was necessary to agree to a suspension of Poyning's law and a repeal of penal legislation to secure confederate support. Finally, in desperation, on May 13 the king pleaded with Ormond to conclude a treaty with or without the Irish council's approbation⁸⁶.

In Ormond's defence, satisfying the demands of both the king and Irish protestants proved an almost impossible task, while Inchiquin's defection to parliament undermined his authority still further. Moreover, the king's public and private instructions were infuriatingly contradictory at times. For example, on 22 January

published by the catalogue of Clarendon's papers and Gilbert. Bodl. Clarendon Mss 98 f.49, 107; Gilbert (ed.) *Irish Confederation* iv pp 104-7

⁸⁵Ormond to Charles I, 8 May 1645 in Gilbert (ed.) *Irish Confederation* iv pp 249-54. This statement also suggests that perhaps Enos' suspicions, concerning the Committee of Treaty's commission, were in fact valid. If the committee had full power to conclude a treaty, why now were the members anxious to seek the assembly's consent? Was it that the power to conclude had only been granted by the Supreme Council and not the assembly, or simply that the terms on offer were so unsatisfactory that the committee was reluctant to proceed without further authorisation? Enos "Survey" in Gilbert (ed.) *Irish Confederation* vi p.367

⁸⁶This final plea was made one month prior to the disastrous royal defeat at Naseby. The king's letters to Ormond survive in the Clarendon collection (Bodl. Clarendon Mss 98 ff 44-5, 55, 63-4, 77-8)

1645 Charles issued a public letter forbidding the repeal of the penal laws. Although, he reversed this policy in a private letter to Ormond on February 27, it was not done publicly until May 13⁸⁷. In a letter written the following year, Charles explained that his "intention was not to tie you [Ormond] to the literal but the true meaning of our letters"⁸⁸.

Nonetheless, despite the king's dissembling, the lord lieutenant's tactics, in particular the introduction of a specific demand for the return of churches, provided the greatest obstacle to a peace settlement. With the regime in Kilkenny anxious to agree terms, a deal was possible at minimum cost to Irish protestant interests. Instead the marquis refused to make even basic concessions and concentrated his efforts on fostering divisions in confederate ranks⁸⁹. Ormond compounded this error by allowing the negotiations to stall on the one issue (i.e. religion) guaranteed to arouse the greatest emotions in confederate ranks.

In October 1644, Clanricarde warned that "if the treaty be brought to this issue, to break upon that point will certainly be very prejudicial to his majesty's service, and of so great advantage to them [the confederates] both home and abroad, that it had been better not to have consented to any such treaty"⁹⁰. Ormond ignored these warnings, and presented the catholic clergy with an ideal opportunity to foment opposition among confederates frustrated by delays in concluding a settlement. Every passing week without a peace treaty increased the pressure on the peace faction.

The assembly which met in May 1645, therefore, would be very different from the largely compliant institution dominated by the peace faction in the early years of the confederate association. The rise of the clerical faction has been well documented, but its emergence was in fact preceded by a secular based opposition, whose reform proposals are outlined in a remarkable document already alluded to, entitled

⁸⁷Charles I to Ormond, 13 May 1645 (Bodl. Clarendon Mss 98 f.72)

⁸⁸Charles I to Ormond, 17 Feb. 1646 in Carte Ormond vi p.353

⁸⁹On 13 January 1644, as the confederate delegation prepared to leave for Oxford, Ormond informed Digby that they could be divided "by gaining upon the ambition of the leading men". Ibid. vi pp 4-10; On 28 March 1645, Ormond suggested to Digby that "many considerable persons of the Irish" might abandon the confederates if offered a peerage. Ibid. vi pp 272-5. As the assembly gathered in May, Ormond confidently predicted that he could "ruin their supremacy by dividing their party". Lowe "Negotiations between Charles I and Confederates" p.282

⁹⁰Lowe (ed.) Clanricarde Letter-Book pp 111-4

*Propositions touching the present Government to the General Assembly in June 1644*⁹¹.

This detailed submission appeared just prior to the assembly meeting in July 1644, as the confederate delegates returned from Oxford, and may well have been influenced by events in England. The authors are unknown, although the proposals were clearly secularist, in both tone and content, the opening shots perhaps of a wider struggle waged by elements in the General Assembly to wrest control of confederate affairs from an over-dominant and increasingly authoritarian Supreme Council. This conflict emerged as a major factor in confederate politics for the next four years⁹².

The document itself contained sixty points, dealing with a variety of administrative, judicial, financial and military issues, but the most important propositions concerned the nature of confederate government itself. To encourage greater attendance and participation at meetings, the Supreme Council would be assigned a permanent location, as central and accessible as possible, with at least nine (rather than seven) signatures required to sign any order or public instrument⁹³. The proposals also attempted to strengthen provincial autonomy by prohibiting the levying of taxes on the provinces or counties without their consent. Furthermore, there was to be no assignment of revenue except from the public treasury of each province⁹⁴.

In the confederate 'model of government', established in 1642, the provincial councils were directly answerable to the Supreme Council⁹⁵. These proposals recommended that instead they "derive their power immediately from the Assembly". The operation of provincial government under the confederates was by no means uniform across the country. The Leinster council, based in Kilkenny was entirely overshadowed by the Supreme Council, while little information survives on the Munster provincial council (except that Viscount Muskerry was at one time its

⁹¹Marsh's Library Mss z 3.1.3

⁹²There were at two other attempts to reform confederate government, initiated by the General Assembly. (1646) Bodl. Carte Mss 16 ff 470-80; (1647) Gilbert (ed.) *Irish Confederation* vi pp 208-23

⁹³During the 1640s the Supreme Council met in a number of different locations apart from Kilkenny, including Limerick, Waterford, Galway, Clonmel and Ross.

⁹⁴Marsh's Library Mss z 3.1.3

⁹⁵Orders of the General Assembly met at Kilkenny, 24 Oct. 1642 (BL Add Mss 4,781 ff 4-11)

president)⁹⁶. The Ulster council operated basically as Owen Roe O'Neill's war cabinet, convening wherever his army was situated⁹⁷. Only in Connacht did the provincial council operate on a regular and effective basis, suggesting perhaps a Connacht influence in drawing up these reform proposals⁹⁸.

On the issue of accountability, in future the Supreme Council would present a report of its actions before a committee of the assembly, "who are to make report back to the Assembly of all save only what shall be dangerous or mischievous to publish"⁹⁹. The secrecy surrounding much of the council's actions at this time suggests that the assembly committee was never established and reports not provided. In fact, a conflict erupted at a subsequent assembly in February 1646 over the withholding of information by the Committee of Treaty¹⁰⁰.

That this reform document did not emanate from the clerics, hitherto identified as the main leaders of assembly opposition, is apparent from a number of proposals¹⁰¹. The document recommended for example that the clergy only have "cognizance of more spiritual things and of testamentary and matrimonial matters". Elsewhere, the clergy would become subject to temporal jurisdiction, especially those involved in the collection of pollmoney, tithes, or other financial impositions. The proposals also demanded that the clergy confine themselves to the limit of the law, and not

⁹⁶During the crisis over the Inchiquin truce in 1648, the Supreme Council summoned representatives of Leinster and Munster to Kilkenny. It is unclear, however, if these were the provincial councils or assemblies. Gilbert (ed.) Irish Confederation vii p.68; O'Ferrall and O'Connell (eds.) Commentarius iii pp 126-33; BL Add Mss 46,927 f.129 (Egmont Papers) contains a petition from C.R.

O'Callaghan complaining about illegal occupation of lands, addressed to Muskerry as "the lord President of the Council of Munster".

⁹⁷Most of the references to the Ulster council are in O'Ferrall and O'Connell (eds.) Commentarius i. pp 328-30, 573-5 etc., all referring to military matters.

⁹⁸The earl of Clanricarde was in regular correspondence with the Connacht provincial council during the 1640s. Bourke Clanricarde Memoirs p.334, 442; Lowe (ed.) Clanricarde Letter-Book p.84, 217, 243 etc.

⁹⁹Marsh's Library Mss z 3.1.3

¹⁰⁰Lowe (ed.) Clanricarde Letter-Book pp 210-3

¹⁰¹For the role of the clergy in the General Assembly see Lowe (ed.) Clanricarde Letter-Book pp 173-7, 356-7; Ormond to [Walter Bagnal], 14 Jan.1647 (Bodl. Carte Mss 20 f.135) etc. Even the most recent study of confederate politics ascribes assembly discontent exclusively to the clergy. Ó hAnnracháin "Rebels and Confederates" in Celtic Dimensions p.109-10

"introduce into the land innovations of laws grounded upon foreign command", a clear reference to the threat to lay proprietors of church and monastic lands¹⁰².

As for the conduct of the war, the proposals envisaged the appointment of military men to sit on the Supreme and Provincial Councils, "for the better management of military affairs". The provincial armies would receive "a certain and constant revenue" to pay costs and wages, and not be used outside of their own area "but by order of the general of the province". Soldiers would be kept in garrisons, rather than dispersed, while receiving training and exercise each week. The document recommended reducing the multiplicity of officers and commanders, and the employment of veteran soldiers "before others of less merit". Discipline, cost-efficiency and military effectiveness provided the guiding principles for these proposals¹⁰³.

The idea of a running or central army was revived, to be paid from clerical livings as decided in the previous assembly. Moreover, the document recommended the establishment of a war council, created from the Supreme and provincial council members, "to determine all military causes and to give their opinion and advice for the management and conduct of the armies and war". This proposal at least was not implemented, as Rinuccini complained shortly after his arrival in late 1645 that the confederates lacked such a council¹⁰⁴. The supporters of these reforms, therefore, were not anti-government, or simply provincial in outlook, but were instead opposed to the excessive centralisation of power.

The reformists stressed the need to maintain law and order in the face of increasing chaos, appointing sheriffs on a yearly basis, to ensure better accountability and efficiency, and four provost marshals in each county to punish thieves and vagabonds, "specially during the cessation wherein they increase more than at other times". Other economic and financial proposals included one to tackle the poor custom returns despite the fact that more had been exported since the troubles

¹⁰²Marsh's Library Mss z 3.1.3

¹⁰³Similarly in England, both sides attempted to improve the efficiency of their war efforts. In February 1644, parliament and the Scottish covenanters delegated power to the new Committee of Both Kingdoms, while in June the royalists, after a specially commissioned report, established committees in each county to check accounts for all money received and spent in the king's service. Roberts *Responsible Government* pp 145-6; Hutton, Ronald *The Royalist War Effort 1642-1646* (London 1982) pp 93-4

¹⁰⁴Aiazza (ed.) *Embassy* pp 139-40

began than in the previous ten years, a statement which contradicts the picture of economic dislocation and decline caused by the war¹⁰⁵.

The document concluded, however, with a remarkable political statement that the disposal of office by the Supreme Council "is not agreeable with the government of other commonwealths", and that these tasks are rightfully the role of parliament. Accordingly the Supreme Council was "but a committee of the general assembly and the assembly only ought to dispose of the places aforesaid, if they will not give all their power and dependency from them to their committee, which by the practise of parliaments are to conclude nothing but by the approbation of the parliament or both houses at least"¹⁰⁶.

The reformists, therefore, not only saw the General Assembly as a parliament (whatever they chose to call it), but also believed that the legislature should take precedence over the executive, echoing the arguments of the king's opponents in England¹⁰⁷. This was how the 'model of government', created by Patrick Darcy, envisaged the exercise of power but the Supreme Council had by this time subverted the ideal.

Corish denies that Darcy and his associates actively enunciated a doctrine of executive responsibility, or that confederates protested at the extension of the Supreme Council's powers¹⁰⁸. This document belies both those assumptions, even if on this occasion the reform efforts proved unsuccessful. Although the Supreme Council continued to dominate confederate politics, the assembly in 1644 at least began to voice its dissatisfaction. A dispute between the assembly and council over the terms of the earl of Antrim's military appointment came to a head that summer. The council was accused of "a design to lay aside any dependence they ought to have upon the House [assembly]". The censure was dropped only after a grovelling apology from Richard Bellings, secretary to the Supreme Council¹⁰⁹.

¹⁰⁵Gillespie, R. "The Irish Economy at War, 1641-52" Independence to Occupation pp160-80. Unfortunately the document gives no further information as to where the goods were being shipped.

¹⁰⁶Marsh's Library Mss z 3.1.3

¹⁰⁷Roberts describes how Westminster's willingness to press for parliamentary nomination of ministers of state rose and fell with its military fortunes. Roberts Responsible Government pp 141-2

¹⁰⁸Corish NHI iii pp 300-1

¹⁰⁹Bellings' History in Gilbert (ed.) Irish Confederation iii p.10. The nature of the dispute is described in Ohlmeyer Civil War and Restoration pp 127-151

The reformers did register one spectacular success, however, with the separation of the executive and judicial functions, with the Supreme Council limited by instructions "to confine them wholly to matters of state and government"¹¹⁰. The General Assembly established a new Court of Judicature, to try all civil and criminal cases, hitherto examined by the Supreme Council. Five judges were appointed, only one of whom, the bishop of Clonfert, had previously been a member of the Supreme Council. Apart from Clonfert, the strong legal team consisted of Richard Martin from Connacht, Richard Berford and John Dillon of Leinster and John Walsh of Munster¹¹¹.

The reformists' primary concern, therefore centred on the efficient operation of central government. They stressed the subordination of the Supreme Council to the General Assembly, while the separation of judicial and executive functions tackled the monopoly of power by a handful of individuals. They further hoped to curtail the excessive centralising of power through promoting provincial autonomy. Although the identity of these reformists remains unclear, an examination of the internal evidence in the document provides certain clues.

The proposed reforms were both secularist and populist in tone, with a strong legalistic flavour. The criticisms of the existing government suggests a group outside of the peace faction, while the limits placed on clerical power and the insistence that clergy be subject to temporal jurisdiction rules out the bishops. In fact, apart from the court system, just two institutions, the provincial councils and the General Assembly, stood to gain from these reforms. As such, the two leading lawyers Nicholas Plunkett (also chairman of the assembly), and Patrick Darcy (active Connacht politician) emerge as obvious candidates in that regard.

Although they were both members of the Supreme Council, neither belonged to the inner sanctum of the peace faction. Their championing of the legislature, in the face of executive misrule during the Irish parliament of 1640-1, found echoes in the 1644 document, while the support for provincial autonomy was consistent with Darcy's active involvement on the Connacht council¹¹². Plunkett had travelled to

¹¹⁰Marsh's Library Mss z 3.1.3

¹¹¹Order by the Commissioners of the General Assembly, 30 Aug. 1644 (establishing the judicature) in Gilbert (ed.) *Irish Confederation* iii pp 266-7

¹¹²For their parliamentary activities see Perceval-Maxwell *Irish Rebellion* (1994). Darcy's activities in Connacht are well chronicled by Clanricarde. Lowe (ed.)

England in 1644, as part of the confederate delegation, and may well have been influenced by royalist and parliamentary efforts at governmental reform. The attempt in the document to reassert the original sense of the 'model of government' strongly suggests the involvement of its author, Patrick Darcy.

From the beginning of the rebellion, catholic leaders in Galway, allied with Nicholas Plunkett, had been involved in efforts to create an alternative system of government. This document represented an attempt to swing the balance of power in their favour, away from the increasingly dominant peace faction. The strength of these reform proposals ultimately lay in their espousal of the primacy of the General Assembly, but for the moment, as the controversy centred on the religious question, the influence of Plunkett and his associates remained peripheral. Only when the confederates openly split into two hostile factions did the possibility arise for them to exploit the balance of power. Events over the next twelve months resulted in just such a rupture.

Chapter 3: May 1645- Sept.1646

"The catholics in any of his Majesty's dominions cannot prudently propose to themselves any other advantage than by preserving the king's legal just power over the laws by which they may receive his grace and dispensation without avoiding and cancelling the laws themselves."

(Edward Hyde to Captain Brett, 6 January 1647)¹

The political scene in Ireland was transformed dramatically after the arrival of Edward Somerset, earl of Glamorgan, in late June 1645. Whereas historians have concentrated on the impact of the papal nuncio, Giovanni Battista Rinuccini, archbishop of Fermo, who reached the kingdom four months later, Glamorgan's intervention was of greater consequence, at least until the collapse of the first peace treaty in August 1646². This statement is not intended to diminish the important role played by Rinuccini in confederate politics, but rather to raise the profile of a much maligned and misunderstood servant of the king³.

The controversy over the earl of Glamorgan's mission to Ireland centred on the issue of whether his actions were authorised by Charles I. That the king commissioned the earl in late 1644 to agree a settlement with the confederates has now been established beyond question⁴. Glamorgan, an ardent royalist and devout catholic with major estates in Wales, seemed the ideal agent to send to Kilkenny. In light of Ormond's inability (or unwillingness) to conclude a peace settlement,

¹Bodl. Clarendon Mss 29 f.48

²A good example is Corish's two chapters on the 1640s in the *New History of Ireland*. He takes the nuncio's arrival as the dividing point of the decade. Corish "The Rising of 1641 and the Catholic Confederacy, 1641-5" in *NHI* iii pp 289-316, and Corish "Ormond, Rinuccini and the Confederates 1645-9" in *NHI* iii pp 317-35

³Glamorgan was arrested by Ormond in late 1645, publicly disowned by Charles I, and eventually abandoned by the confederates. Bodl. Carte Mss 16 f.339 (warrant for Glamorgan's arrest, 26 Dec.1645); Bodl. Clarendon Mss 98 f.112 (Charles I to Ormond, 30 Jan.1646)

⁴This issue is examined in some detail in Lowe "The Negotiations between Charles I and the Confederation". The main findings are published in Lowe, John "The Glamorgan mission to Ireland 1645-6" pp 155-96

Charles clearly hoped Glamorgan would prove more flexible in his dealings with the confederates⁵. More importantly, regardless of internal royalist political manoeuvrings, the confederates proved anxious to accept Glamorgan's credentials as genuine.

Glamorgan arrived in Ireland as the king's fortunes in England faced total collapse, and the peace negotiations between Ormond and the confederates reached crisis point. On June 14, royalist forces in England were routed by the New Model Army, a battle which heralded an end to the civil war in that country. Although it took several months for the consequences of Naesby to be fully appreciated, in the short term the royalists were left with no effective standing army⁶. Glamorgan's departure to Ireland was directly linked to this disaster, and the king's desperate need for troops. From June 1645, until his surrender to the Scots in May 1646, Charles' only hope centred on massive intervention from Ireland⁷.

After months of talks, an assembly had been summoned to discuss the terms on offer from the royalists, with religion the main point of contention. Reluctant to make any concessions to the Catholic Church, Ormond also insisted on the restoration of church property to the protestant clergy. This demand in particular placed the peace faction leadership in an impossible position, as the Catholic Church would never agree to such a transfer, and could count on significant support among the confederate rank and file. Clanricarde, ordered to Kilkenny by the lord lieutenant to act as an intermediary, reported that the religious terms were "very sadly received" by the General Assembly⁸.

The response to the other concessions proved more favourable, but the earl shrewdly observed that there would be no peace without a religious settlement. On the issue of church property, the assembly demanded that catholics not be disturbed

⁵The secret nature of Glamorgan's mission also enabled Charles to denounce the earl once word of his deal with the confederates became public. Statement by Charles I, 24 Jan. 1646 in Gilbert (ed.) *Irish Confederation* v pp 252-4

⁶Morrill *Revolt of the Provinces* pp 99-100; The remainder of the 1645 campaigning season proved equally disastrous for the royalists, with the defeat of Goring at Langport (July 10), the loss of Pembrokeshire after the battle of Colby Moor (August 1), and the surrender of Bristol in September.

⁷On 21 June 1645, Lord Byron (royalist commander of Chester) informed Ormond that after the disaster at Naseby "Lord Glamorgan hath thought fit to hasten his journey into Ireland". Bodl. Carte Mss 15 f.99

⁸Lowe (ed.) *Clanricarde Letter-Book* pp 155-7

in possession until the confirmation of the peace treaty by an act of parliament, a point on which the confederates' "spiritual guides" were particularly adamant⁹. From this moment onwards, months before the arrival of the papal nuncio, the catholic clergy grew increasingly vocal in their opposition to the religious terms offered by Ormond. The lord lieutenant, however, was unyielding, replying to Clanricarde that the king would not retract on the issue of church property¹⁰.

This may have reflected the king's attitude at previous times, but given the rapid deterioration in the royalist position in England during the course of 1645, a peace settlement (followed quickly by confederate military assistance) took precedence over all other considerations. On 13 May 1645 Charles ordered Ormond to agree to a repeal of penal legislation¹¹. Offered in conjunction with an understanding not to repossess church property before a meeting of parliament, such a deal would in all likelihood have been accepted by the General Assembly. The real problem remained Ormond's reluctance to make any significant religious concessions.

Meanwhile, on the confederate side, a delegation from the General Assembly approached the Clerical Congregation assembled in Kilkenny, in an attempt to resolve the issue¹². They questioned whether confederates were bound by the oath of association to insist on the retention of church property. On June 1, the clergymen replied with a declaration that the oath actually required a special article

⁹Idem.

¹⁰Ormond to Clanricarde, 29 May 1645 in Gilbert (ed.) Irish Confederation iv pp 264-6. Publicly at least, Charles remained firm on the issue, assuring Prince Rupert that what he had "refused to the English I will not grant to the Irish rebels". Charles I to Prince Rupert, 3 Aug. 1645 in Carte Ormond vi pp 311-2

¹¹Bodl. Clarendon Mss 98 f.72. Charles had indicated back in February his willingness to repeal penal legislation, but Ormond did not pass the offer onto the confederate negotiators, for fear they would seek further concessions. Ormond to Charles I, 8 May 1645 in Gilbert (ed.) Irish Confederation iv pp 249-54

¹²Meetings of the Clerical Congregation, coincided with those of the General Assembly, as the leading clergymen gathered to discuss the various religious issues of the day. The congregation was assigned no official role in the confederate 'model of government', but the practice of contemporaneous meetings dated back to May 1642, when the National Synod of the Catholic Church in Kilkenny, invited secular leaders to join them in creating an alternative government structure (see chapter 1). The congregation was central to the clerical factions' seizure of power in September 1646, subsequently ruling in association with the new Supreme Council. Order by the Ecclesiastical Congregation, 26 Sept. 1646 in Gilbert (ed.) Irish Confederation vi pp 144-6; In Scotland, the General Assembly of the Church played a similarly central role during the 1640s. Brown Kingdom or Province pp 119-20

in the peace treaty to that effect¹³. For two years, clerical dissatisfaction with the direction of negotiations had failed to impact on the policies of the peace faction. The oath of association, however, provided them with a powerful weapon to challenge their enemies in confederate government.

The oath played a crucial role in binding together the disparate group of individuals who comprised the confederate association. Confederates swore to defend royal prerogatives, the privileges of parliament and the fundamental laws of the kingdom. As regards religion, the oath simply mentioned "the free exercise of the Roman Catholic faith and religion", with nothing about church property¹⁴. The 'model of government' established in October 1642, however, allotted the task of administering the oath to the clergy, in an attempt to exploit the national network of parishes¹⁵. Clerical sanction provided an element of legitimacy to confederate government, but at the cost of allowing the Catholic Church to supervise the oath, particularly in regard to any breach of its provisions. The system functioned without a hitch until 1645 when the catholic hierarchy found itself in direct opposition to the secular government in Kilkenny.

Clanricarde reported to Ormond that despite the clerical declaration, the confederate leadership were still willing to compromise on the issue of church property. They argued that as long as neither side insisted on a definite article in the treaty for the retention of churches, the existing law of the land would ensure that, after the war, the protestant clergy regained their property. The peace faction were prepared, according to the earl, to follow the teachings of Saint Ambrose, who said "I may not deliver up my churches but if they be taken I ought not to resist"¹⁶. The assembly, however, influenced by the clergy, proved less conciliatory, resolving on

¹³The clergy argued that the secular body had no jurisdiction over churches. O'Ferrall and O'Connell (eds.) *Commentarius* i pp 524-36; Declaration by the Clergy at the Convocation House, 1 June 1645 (Bodl. Carte Mss 15 f.3); Ó hAnnracháin "Far From Terra Firma" pp 216-7

¹⁴Numerous versions of the oath of association exist (see for example BL Stowe Mss 82 f.66, 92, 303), but the oath taken at the 1644 General Assembly could be considered standard, at least until August 1646. Gilbert (ed.) *Irish Confederation* iii pp 213-4. The clergy acknowledged the limitations of the oath's religious clause, but insisted that churches, while not absolutely necessary, were a right. O'Ferrall and O'Connell (eds.) *Commentarius* i pp 524-36

¹⁵Confederate 'Model of Government', 1642 (BL Add Mss 4781 ff 4-11)

¹⁶Lowe (ed.) *Clanricarde Letter-Book* pp 163-5

June 9 that the Commissioners of Treaty refuse Ormond's request for the restoration of churches to the protestant clergy¹⁷.

Ormond retorted angrily that the problem over church property "was never 'till now discovered (it is very certain that it was never mentioned before by any of the confederates) to or by me"¹⁸. Ormond, however, could have had no illusions about the unwillingness of the Catholic Church to hand over any property. What irritated the lord lieutenant was the failure of confederate negotiators to inform him of the depth of hostility in their ranks to the reclamation of churches, or the extent of clerical influence in the assembly. It was, however, Ormond's insistence on including a definite article, despite Clanricarde's misgivings, that had forced this confederate response, and provided the clergy with ammunition to oppose the peace treaty on religious grounds¹⁹. The whole episode proved a major tactical error by Ormond and almost brought about a collapse of the peace process.

The crisis was temporarily defused when the convocation sent a delegation of clergy to the Committee of Instruction to discuss the peace terms, consisting of Robert Barry, Walter Lynch, Thomas Rothe, Oliver Darcy and Nicholas French²⁰. After a lengthy debate, an agreement was reached on June 16, along those lines favoured by the confederate leadership. The clergy accepted that the assembly would not be breaking the oath of association by not seeking a definite article on the retention of

¹⁷Resolution of the General Assembly, 9 June 1645 (Bodl. Carte Mss 15 f.50)

¹⁸Ormond to Clanricarde, 9 June 1645 in Gilbert (ed.) *Irish Confederation* iv p.278. The lord lieutenant was clearly being disingenuous given the fact (already outlined) that Inchiquin informed him as early as October 1643 of confederate opposition to this demand. See chapter 2 p.77 n.79

¹⁹In his thesis, Ó hAnnracháin claims that the whole issue of the retention of churches was first raised in the 1645 assembly by the catholic clergy. Ó hAnnracháin "Far From Terra Firma" pp 210-11. As already outlined in chapter 2, however, Ormond initiated the debate in late 1644 on behalf of the protestant clergy. 'Ormond's demands on behalf of the protestant clergy, Sept. 1644' in Gilbert (ed.) *Irish Confederation* iii p.321. The confederate leadership, recognising the sensitivity of the issue, simply ignored it. Once the catholic clergy in the assembly were informed of the religious terms on offer in May 1645, conflict proved inevitable.

²⁰O'Ferrall and O'Connell (eds.) *Commentarius* i p.524. Rothe was dean of Ossory, while Barry, Lynch and Darcy were all consecrated as bishops after Rinuccini's arrival in Ireland- Barry (Cork), Lynch (Clonfert) and Darcy (Dromore). Nicholas French was bishop-elect of Ferns at this time and went on to play a leading role in confederate politics. Cregan "Counter-Reformation Episcopate" p.87

churches. They hoped some other method would be found to enable the Catholic Church to retain the property²¹.

It is unclear why the clergy changed its policy so soon on this crucial matter. Divisions among the prelates themselves may well have been responsible for the clergy's willingness to compromise, as three bishops opposed the idea of a treaty clause insisting on the retention of churches. In a further twist, however, the authors of the *Commentarius* (hardly an unbiased source) claimed the clerical delegation were deceived. Whereas the confederate leadership informed Ormond, through Clanricarde, that they would not oppose the reclaiming of churches by the protestant clergy, they may well have convinced the bishops that such a reclamation scenario was unlikely²².

Any possible compromise was invalidated by Ormond's continued insistence on a definite article, supported by a letter from the king's secretary of state George Digby in early August²³. His stubbornness infuriated Clanricarde, who decided not to show Digby's letter to the confederates. By this time, according to the earl, the assembly was split into two factions- those who favoured peace and a "violent faction, though inferior in number and quality, are so active and industrious...that the most considerable party dare not publicly avow their own conceptions"²⁴. In July, the General Assembly issued a statement refuting rumours of an abject peace settlement, indicating the tremendous pressure on the peace faction to extract some concessions from Ormond²⁵.

²¹O'Ferrall and O'Connell (eds.) *Commentarius* i pp 524-36

²²The most likely source of clerical dissent was Dease of Meath, who had already been censured by a synod for his criticisms of the rebels, Rothe of Ossory and perhaps Tirry of Cork. O'Ferrall and O'Connell (eds.) *Commentarius* i pp 524-36; Lowe (ed.) *Clanricarde Letter-Book* pp 172-3

²³Digby's claimed that the king would join with "the Scots or with any of the protestant profession, rather than do the least act that may hazard that religion which and for which he will live and die". Digby to Muskerry, 1 Aug. 1645 in *Carte Ormond* vi pp 309-10

²⁴Lowe (ed.) *Clanricarde Letter-Book* pp 167-8, 181-2. Clanricarde had admitted to Ormond at the beginning of the assembly session that he sympathised with the confederate refusal to hand over church property. Clanricarde to Ormond, 4 June 1645 in *Carte Ormond* vi pp 297-8

²⁵Proclamation by the General Assembly, 4 July 1645 (PRO SP Ire. 260/140 f.394) In future, anybody publishing such rumours would be considered guilty of high treason.

Clanricarde found that many confederates were reassuring in private "but when they mix with their associates at their committees or Grand Assembly they ever want judgement or courage to cope with the sages of law, who have prevailing power to pervert the best ways". He also blamed the clergy for fomenting trouble but concluded that the only way to preserve the king at this stage was by "the giving of power and encouragement to the catholics of both kingdoms"²⁶. Although sent to Kilkenny by Ormond to moderate confederate demands, the earl now favoured a close alliance between the king and his catholic subjects, and his recommendation (from Ormond's perspective at least) verged on the treasonable.

Negotiations continued in Dublin after the assembly adjourned for a month at the beginning of July, with the confederate commissioners (apart from the issue of churches) demanding a repeal of all penal laws, and a suspension of Poynings' Law. Some progress was made, with Ormond agreeing to an act of parliament to remove all penalties for the quiet exercise of religion. Although opposed to a suspension of Poynings' Law, the lord lieutenant guaranteed that the articles in the peace treaty would not be altered when transmitted into England. The marquis, however, refused to permit the exercise of any papal jurisdiction in the kingdom, while the jurisdiction of the protestant clergy would remain in place, although modified in certain respects²⁷.

These limited concessions proved insufficient to satisfy the confederate team, prompting the intervention of the earl of Glamorgan. On August 25, less than two weeks after his arrival in Kilkenny, both sides had signed a comprehensive religious settlement, in return for which the confederates agreed to send 10,000 men to the assistance of the king in England²⁸. The main points included complete religious freedom for all catholics, exemption from the jurisdiction of the protestant clergy,

²⁶Lowe (ed.) *Clanricarde Letter-Book* pp 173-7

²⁷Treaty negotiations, Bodl. Carte Mss 15 f.86, 92, 102-5, 200, 211-2, 242, 251 etc.; Gilbert (ed.) *Irish Confederation* iv pp 289-51

²⁸Articles agreed between Glamorgan and the confederates, 25 Aug. 1645 (BL Add Mss 25,277 f.62). In the midst of these delicate negotiations the confederates became aware of royal correspondence seized by the parliamentarians after Naesby, including the king's letter of 27 February 1645, authorising Ormond to grant a repeal of penal legislation and a suspension of Poynings' Law. This revelation, according to Clanricarde, infuriated some "not well affected persons" at the assembly. Lowe (ed.) *Clanricarde Letter-Book* p.175. The euphoria over Glamorgan's treaty probably spared Ormond the embarrassment of having to justify withholding the king's offer.

and possession of all churches acquired by the confederates since the 23 October 1641. Crucially, the treaty would remain secret until confederate troops arrived in England. These terms, although stopping short of full recognition of the Roman Catholic Church, represented a major advance from the concessions on offer from Ormond. Nonetheless, Scarampi, the papal representative, distrusted Glamorgan, opposed the secrecy clause, and urged the confederates to wait for the arrival of the papal nuncio²⁹.

The issue of secrecy is central to subsequent dispute over the Glamorgan treaty. According to one account, the earl discussed religious terms with the confederate delegation in Dublin before accompanying them back to Kilkenny by which time, the assembly had reconvened. In a statement made at the end of 1645, Glamorgan claimed he had negotiated exclusively with the Committee of Treaty, refusing to engage the General Assembly³⁰. If the idea was to limit the number of people who knew about the treaty, the tactic proved spectacularly unsuccessful. Over half the members of this committee also sat on the Supreme Council, which by this time appears to have amalgamated with the Committee of Instruction³¹. As there is no dispute over the fact the bishops also received copies of the treaty, the question should really be (on the confederate side at least) who did not know the terms agreed with Glamorgan?³²

Moreover, shortly afterwards, the General Assembly "unanimously" agreed to the terms for a political treaty, and to send 10,000 troops to England, with a declaration

²⁹O'Ferrall and O'Connell (eds.) *Commentarius* i pp 551-6. The new pope, Innocent X, had appointed a nuncio to Ireland at the end of 1644. Rumours of his pending arrival began to circulate as early as February 1645. Clanricarde to Ormond, 27 Feb. 1645 in *Carte Ormond* vi pp 255-7

³⁰Lowe "Negotiations between Charles and the Confederates" p.332, 341-4; Bodl. *Carte Mss* 16 f.352, 63 ff 365-9 contain Glamorgan's answers to the interrogation after his arrest in December.

³¹Aiazza (ed.) *Embassy* p.133; A full list of the members of the Committee of Treaty and Supreme Council in August 1645 can be found in appendices 2 and 3.

³²According to Rinuccini, who arrived after the event, the Supreme Council ordered that every bishop receive a copy. Aiazza (ed.) *Embassy* p.108; This was confirmed by the discovery of a copy of the Glamorgan treaty in the papers of the Malachy O'Queely, archbishop of Tuam, after he was killed in a skirmish with parliamentarian troops near Sligo in October 1645. See the pamphlet *The Irish Cabinet or his Majesties Secret Papers, taken in the carriages of the Archbishop of Tuam*....London 1645/6 (RIA vol.45,box 41, tract 4). Lowe agrees that the bishops received copies of the treaty. Lowe "The Glamorgan Mission to Ireland" p.166.

that the confederate association would remain intact until the articles of treaty were ratified by the Irish parliament providing some reassurance to the sceptical³³. This was a remarkable turn of events considering the assembly's initial opposition to the settlement on offer from Ormond, and strongly suggests that even if the members were not shown copies of the Glamorgan treaty, they must have been informed of its contents.

On the royalist side, Lowe argues that Ormond believed all along that Glamorgan's involvement consisted of assisting efforts to gain confederate acceptance of a peace treaty and no more³⁴. This interpretation is hard to credit considering the number of confederates who knew of the religious treaty. A quick glance through the list of the Supreme Council and Committee of Treaty membership shows that both bodies contained many individuals who were in regular contact with the lord lieutenant. Moreover, on August 29, Glamorgan sent Colonel Barry, a witness to the treaty, to inform Ormond of what took place, the details of which were "fitter for word of mouth", than a letter³⁵.

The subsequent correspondence between Glamorgan and Ormond is almost impenetrable (perhaps deliberately), with both men anxious not to commit any indiscretion to paper. Nonetheless, what was Ormond to make of Glamorgan's claim, that a political treaty could now be completed within three days, and of the new confederate tactic of dividing negotiations into what could be agreed with the marquis, with the rest (principally religious terms) being left in a petition to the king?³⁶ The surviving evidence strongly suggests, therefore, that Ormond must have been aware of the general thrust of Glamorgan's treaty, if not perhaps the full details³⁷.

³³Glamorgan informed Ormond that the confederates were happy with the existing concessions on offer as long as they could petition the king for the rest, "and yet in the interim proceed to peace and supplies". Glamorgan to Ormond, 9 Sept. 1645 (Bodl. Carte Mss 15 ff 580-1). Declaration by the General Assembly, 28 Aug. 1645 (Bodl. Carte Mss ff 558-9)

³⁴Lowe "Negotiations between Charles and the Confederates" p.419

³⁵Glamorgan to Ormond, 29 Aug. 1645 (Bodl. Carte Mss 15 f.534). Colonel Barry's name appears on the treaty itself. Glamorgan Treaty (BL Add Mss 25,277 f.62); As already outlined, Gerald Fennell in particular kept Ormond fully informed of developments in Kilkenny.

³⁶Bodl. Carte Mss 15 f.535, 580-1; 16 f.264, 319 etc.

³⁷On 31 January 1646, Glamorgan praised Ormond's "great prudence" in insisting on not seeing certain documents. This is the closest that either man comes to admitting that the lord lieutenant knew (although he was probably not shown a

After Glamorgan's dramatic breakthrough, negotiations between Ormond and the confederates resumed, presumably to resolve any outstanding political and military issues. The lord lieutenant insisted, however, that any concessions should not be interpreted as giving consent to the practice of catholicism in churches. For their part, the confederates opposed any article that could possibly contradict the terms concluded with Glamorgan, or prevent them from the benefit of further concessions from the king³⁸. Nonetheless, with the papal nuncio already in France, waiting to cross to Ireland, both sides were probably anxious to conclude an agreement, before the arrival of "so unbidden a guest"³⁹.

Eventually, in early November (shortly after Rinuccini had landed in Munster) the confederate delegation dramatically announced that if the answers on other points were satisfactory they would be content with an exemption from the Oath of Supremacy, the removal of penalties for the exercise of their religion, and the abolition of the court of High Commission. Crucially, the treaty would contain no clause to prevent the granting of further concessions by the king, thus leaving the way open for the implementation of Glamorgan's terms. Ormond agreed, though stressing again that his consent should not be interpreted as allowing catholics to enjoy churches⁴⁰. The confederate leadership, therefore, in effect presented the nuncio with a *fait accompli*, a fact he acknowledged in an early letter back to Rome⁴¹.

Rinuccini arrived in Ireland on 12 October 1645 with precise instructions from Rome on matters of policy, but very little practical guidance on how to achieve his goals. Although expected to promote church reform, his primary objective was "to establish in Ireland an unalterable right to the public exercise of the catholic

copy) of Glamorgan's treaty. Bodl. Carte Mss 16 f.486

³⁸Bodl. Carte Mss 65 ff 255-60 provides a summary of negotiations between September and November 1645

³⁹This was Ormond's description of Giovanni Battista Rinuccini, Archbishop of Fermo and papal nuncio to Ireland. Ormond to Glamorgan, 22 Nov. 1645 (Bodl. Carte Mss 16 ff 254-5). Considering Scarampi's opposition to the cessation in 1643, Glamorgan's treaty in 1645, and to the general thrust of the peace negotiations, both royalists and the peace faction must have awaited the arrival of the papal nuncio with some trepidation.

⁴⁰Treaty negotiations in Gilbert (ed.) *Irish Confederation* v pp 165-87

⁴¹Aiazza (ed.) *Embassy* pp 94-100

religion"⁴². The papacy opposed any truce, treaty or peace concluded without this concession, while adopting a more conciliatory line on political issues. Innocent X viewed the conflict in Ireland as a religious war, but hoped to use events in Ireland to persuade Charles I to reintroduce catholicism into England as well. Rinuccini was instructed to demonstrate to the confederates that the practice of catholicism was compatible with loyalty to the English crown⁴³.

The arrival of Rinuccini in Ireland has been portrayed by historians as a major turning point for the confederates, and indeed his impact, as the highest ranking diplomat in Kilkenny, proved immediate and far reaching. Far from creating discord and dissent, however, as some have argued, Rinuccini simply exploited existing circumstances⁴⁴. The papal nuncio gave leadership and direction to those who, as the events during the assembly in 1645 clearly illustrated, already opposed the policies of the peace faction. From this moment onwards, the clerical faction became closely identified with the personality of Rinuccini.

The main problem with his mission, from the point of view of those favouring a speedy settlement, was one of timing. As early as 1643, the Supreme Council had petitioned Rome for a nuncio, recommending the first papal agent Scarampi, but in late 1645 with a peace treaty imminent, Rinuccini represented a potentially ruinous obstacle⁴⁵. Royalists were particularly concerned, and Queen Henrietta Maria sent

⁴²*Ibid.* pp xxvii-xlix; Rinuccini's interest in church reform is superbly analysed in Ó hAnnracháin "Far From Terra Firma" pp 381-417, although claims that this was the nuncio's chief aim are difficult to credit. Rinuccini may have arrived in Ireland with reforming intentions but confederate politics soon consumed him.

⁴³Aiazza (ed.) *Embassy* pp xxvii-xlix. The link Rome made between Ireland and England is clearly illustrated in the terms of the treaty between the English royalists and Innocent X in November 1645. *Ibid.* pp 573-4

⁴⁴Ohlmeyer, for example, claims Rinuccini's "persistent meddling in Irish affairs wrought havoc within the Confederation and served to polarise the Catholic political factions and to undermine the confederate war effort". Ohlmeyer "Independent Ireland" *Independence to Occupation* p. 108

⁴⁵Supreme Council to Urban VIII, 1 Oct. 1645 in Gilbert (ed.) *Irish Confederation* iii pp 21-2. Another potential area of conflict was in the fact that a number of leading confederates held significant tracts of monastic lands, including Richard Bellings, Geoffrey Browne and Viscount Mountgarret. The Supreme Council had already petitioned unsuccessfully for a papal bull confirming these titles, prior to Rinuccini's arrival. Supreme Council to Luke Wadding, 28 June 1643 in Gilbert (ed.) *Irish Confederation* ii pp 278-9; Ó hAnnracháin "Far From Terra Firma" pp 203-5. Innocent X hoped to regain church lands in private catholic possession, empowering the nuncio to treat with the existing owners for its return. Nonetheless,

her personal chaplain, George Leyburn, to Ireland in December 1645 to help counter the nuncio's influence. The lord lieutenant, not surprisingly, proved hostile to the nuncio, while the earl of Glamorgan alone appeared willing to try to win Rinuccini's support for peace⁴⁶.

Not long after his arrival Rinuccini detected a certain coolness in the welcome of Viscount Mountgarret, president of the Supreme Council, and divisions in the council itself. According to the nuncio, on the one side was the peace party, wearied by conflict and driven by self interest, and on the other the clerical, or war party, who had little confidence in their king and favoured expelling all enemies entirely from the kingdom⁴⁷. Rinuccini noted with concern the desire of the majority of the council to make peace on political grounds while remaining silent on ecclesiastical affairs, and remarked caustically in a letter to Rome "that the peace has long been fully determined on"⁴⁸.

The nuncio embarked on a pro-active strategy, insisting on further changes to the religious treaty. Glamorgan agreed to the additions proposed by the nuncio, which included the stipulation for a catholic lord lieutenant after Ormond, and permission for catholic bishops to sit in parliament⁴⁹. The latter proposal went far beyond permitting full and free practice of the catholic religion, and amounted in effect to its recognition as the state religion. To some extent, these revisions were a meaningless exercise, as Rinuccini already believed that any peace, regardless of the terms, would produce a rupture in confederate ranks. His task was to prepare the

recognising the extreme sensitivity of the issue, the pope instructed Rinuccini to proceed with "great circumspection" and "by gentle means". Aiazza (ed.) *Embassy* pp xxvii-xlix

⁴⁶Lowe (ed.) *Clanricarde-Letter Book* p.196; Ormond expressed his hostility to Rinuccini in a letter to Glamorgan. Ormond to Glamorgan, 22 Nov.1645 (Bodl. Carte Mss 16 ff 254-5); Glamorgan replied on 28 November 1645 that he would obtain "a total assent from the Nuncio" for the peace settlement. Bodl. Carte Mss 16 f.264.

⁴⁷On the Supreme Council at this time, the peace faction was represented principally by Viscount Mountgarret (president of the council), Richard Bellings (secretary), Viscount Muskerry, the earl of Castlehaven, Gerald Fennell and Geoffrey Browne. The four archbishops and the bishop of Clogher represented the clerics (though the archbishop of Tuam was killed just prior to Rinuccini's arrival). See appendix 2 for the full list.

⁴⁸Aiazza (ed.) *Embassy* pp 91-100

⁴⁹O'Ferrall and O'Connell (eds.) *Commentarius* ii pp 86-9

clerics for the inevitable clash with a council controlled by the lord lieutenant's "relations, friends, clients or dependants"⁵⁰.

The arrest of Glamorgan, in late December 1645, threw the entire peace process into confusion. Two months earlier, the archbishop of Tuam, Malachy O'Queely, had been killed in a skirmish near Sligo by forces loyal to the English parliament. Among his papers was a copy of Glamorgan's 'secret' treaty, which was shortly afterwards published in London⁵¹. When news of this reached Dublin, Ormond, to forestall accusations of complicity in Glamorgan's actions, arrested the earl. Although dismayed by Glamorgan's arrest, this was certainly how leading confederates interpreted the lord lieutenant's actions. As Thomas Nugent explained in a letter to George Lane, "I doubt not his Excellency had no hand in it other than of form, so must I conceive it the greatest error"⁵².

In Kilkenny, with the dispersal of the Supreme Council for the Christmas holiday and the provincial armies scattered in their various winter quarters, confederate options appeared severely limited. At this moment, Rinuccini seized the initiative, convening a meeting of those council members still present in the city and urging an assault on Dublin⁵³. The arrival of Viscount Muskerry calmed the atmosphere, and he convinced the council to summon a General Assembly instead, much to the nuncio's disgust. Rinuccini believed the summons was simply a delaying tactic, a view substantiated by Muskerry's opinion, (on hearing of Glamorgan's subsequent release) that he would have preferred to cancel the assembly meeting but that plans were too far advanced⁵⁴.

⁵⁰Rinuccini wrote in his report to Rome on 23 December 1645 that "the sole aim of council is to the Marquis". Aiazza (ed.) *Embassy* pp 91-100. The nuncio convinced those bishops then present in Kilkenny (Dublin, Cashel, Ossory, Cork, Waterford, Clogher, Clonfert and Ferns) to sign a protest against the planned peace, which could be used at a later date. Hynes *Mission of Rinuccini* pp 43-4

⁵¹The Irish Cabinet or his Majesties Secret Papers, taken in the carriages of the Archbishop of Tuam...London 1645/6 (RIA vol.45,box 41, tract 4). The news of the treaty appears to have reached Dublin at the end of December. The warrant for Glamorgan's arrest was issued on December 26. Bodl. Carte Mss 16 f.339.

⁵²Sir Thomas Nugent to George Lane, 13 January 1646 (Bodl. Carte Mss 16 f.413). A Belfast newsletter speculated that Ormond was forced to arrest Glamorgan because "the people [Irish protestants] were so enraged to see religion betrayed". McNeill, Charles (ed.) *The Tanner Letters* I.M.C. 30 (Dublin 1943) pp 201-2

⁵³Aiazza (ed.) *Embassy* pp 110-1

⁵⁴Lowe (ed.) *Clanricarde Letter-Book* pp 201-2; Aiazza (ed.) *Embassy* pp 110-1;

Despite the imminent meeting of the assembly, on January 28 the council ordered Patrick Darcy and Geoffrey Browne to proceed with the negotiations in Dublin, "because no time should be omitted to bring the Treaty of Peace to a happy conclusion". Darcy does not seem to have travelled, and was replaced instead by John Walsh, another experienced lawyer. On February 3, two days before the opening session of the assembly, Ormond wrote to Glamorgan in Kilkenny that, after meeting Browne and Walsh, there remained "no difference between my sense and theirs"⁵⁵.

Rinuccini's hopes of postponing the treaty appeared slim, particularly in view of accusations of electoral malpractice by the peace faction⁵⁶. The arrival in Kilkenny of details of yet another peace treaty, concluded the previous November between Innocent X and Kenelm Digby, a representative of Queen Henrietta Maria, further confused the issue. The articles had been sent to Rinuccini by the pope (arriving at the beginning of February), along with authorisation to alter them according to the existing state of affairs in Ireland. Unfortunately, the nuncio only received a coded copy, which could not otherwise be verified, rather than the original, but it proved a valuable instrument for delay nonetheless⁵⁷.

In return for 100,000 crowns of Roman money, paid to Queen Henrietta Maria by Innocent X, catholics were granted the free and public exercise of their religion, including a restoration of the ecclesiastical hierarchy, and the possession of church property. All penal laws since the reign of Henry VIII would be annulled, and the concessions enacted in a free parliament (independent of that of England) in Ireland. The principal offices and strongholds of the kingdom of Ireland would be in catholic hands, with royalist forces and Irish forces uniting against those of the Scots and English parliamentarians. The confederates were also expected to send 12,000

Antrim and Clanricarde were among those who provided the bail for Glamorgan's release. Ohlmeyer *Civil War and Restoration* p.165

⁵⁵Supreme Council to Ormond, 28 Jan.1646 in Gilbert (ed.) *Irish Confederation* v pp 255-6; Ormond to Glamorgan, 3 Feb.1646 in *Ibid.* p.257. Supreme Council orders (Bodl. Carte Mss 16 f.461, 463)

⁵⁶The main complaint, however, that of appointing 'ex officio' persons for enemy controlled corporations, made practical sense and was probably standard policy throughout the 1640s. Aiazza (ed.) *Embassy* p.116

⁵⁷According to Rinuccini, the Supreme Council also received notification of the Digby treaty. *Ibid.* p.117

troops over to England. All terms had to be fulfilled within a year or the pope would no longer be obliged to keep his side of the bargain⁵⁸.

On 7 February 1646, two days after the opening session, Rinuccini addressed the General Assembly, arguing that the Glamorgan treaty had been totally discredited by the earl's arrest⁵⁹. The nuncio urged assembly members to wait for the arrival of the original copy of the Roman treaty before committing themselves to any peace, but in the meantime he supported sending troops to relieve Chester, the last major port in England still in royalist hands. Peace faction supporters responded, however, that Ormond's authority to conclude a peace expired on April 1, and might not be renewed. Moreover, the first article of the political treaty promised to make good religious matters in the future, whereas the Roman treaty would be strenuously opposed by protestants in Ireland and England⁶⁰.

Nonetheless, the nuncio insisted, therefore, that both treaties be published together, to ensure the implementation of all the terms. Crucially, regarding the religious terms, Rinuccini had already obtained the earl of Glamorgan's agreement to withdraw his own treaty in favour of the one concluded in Rome. Even though Rinuccini's intervention threatened to undermine his initiative, Glamorgan explained to Ormond that it would be impossible to carry the country "contrary to the nuncio's satisfaction"⁶¹.

The Supreme Council, anxious not to jeopardise the peace settlement through a prolonged public debate, agreed to extend the truce with Ormond until May 1, while sending troops to Chester without delay. If the Roman treaty had not arrived by that date, the confederates would revert to Glamorgan's agreement, but significantly (according to the nuncio at least) any future treaty would require the approval of Rinuccini, Glamorgan and the General Assembly before it could be "concluded or published". Rinuccini celebrated the postponement of the Ormond

⁵⁸Aiazza (ed.) *Embassy* pp 573-4

⁵⁹Two accounts of this assembly survive, one written by the nuncio at the time, the other by Richard Bellings almost thirty years later. Given their diametrically opposed views it is hardly surprising that the two versions differ considerably. Bellings' *History* in Gilbert (ed.) *Irish Confederation* v pp 8-16; Aiazza (ed.) *Embassy* pp 113-28

⁶⁰Aiazza (ed.) *Embassy* pp 113-28

⁶¹Glamorgan to Ormond, 8 Feb. 1646 (Bodl. Carte Mss 16 f.502). A shrewd observation as subsequent events illustrated.

treaty, remarking in a letter to Rome that the confederates had stepped back from the "precipice to which since last September they were tending"⁶².

Bellings' memoirs, while confirming the basic details of the nuncio's account, differs in one crucial respect. He claimed that *all* the articles of the Ormond treaty were read and approved by the full assembly, "who looked on the performance of the condition for sending over the men [to England] as the sole obstacle which gave interruption to the conclusion of the peace". Not only that, but that the assembly then ordered the new Supreme Council to meet with the old council, and the Committee of Treaty, on May 1 "to remove any obstruction which might occur in the way of a perfect conclusion of the peace"⁶³.

According to Bellings, therefore, the General Assembly, having approved of the settlement terms, authorised the council to conclude a treaty, the only part of which remained outstanding was the transportation of troops to Chester. The clerical apologist, Walter Enos, agreed that on March 2 the assembly ordered the Supreme Council to prepare all matters concerning the peace treaty, but denied that the council possessed the authority to commission the Committee of Treaty to conclude a settlement⁶⁴.

Unfortunately, the Committee of Treaty's original commission from the General Assembly on 20 July 1644 no longer survives. Following the dispersal of the assembly on August 31, however, the Supreme Council (on behalf of the assembly) granted the committee full power "to treat, agree *and conclude* with [Ormond] for a fine, lasting and settled peace within this kingdom"⁶⁵. This commission was renewed by the council (including a number of bishops) on at least two occasions prior to March 1646, and it seems hardly credible that any fundamental altering of the commission would have gone unnoticed in the assembly for so long⁶⁶.

⁶²Aiazza (ed.) *Embassy* p.118

⁶³Bellings' History in Gilbert (ed.) *Irish Confederation* v pp 8-16.

⁶⁴According to Enos, the Committee of Treaty had petitioned frequently in assemblies for the power not only to treat and agree but also to conclude a treaty. He could not find any evidence of such a power ever being granted, unless "factionists" [i.e. peace faction] managed to slip "surreptitious orders" through a sparsely attended assembly meeting. Enos 'Survey' in Gilbert (ed.) *Irish Confederation* vi pp 365-6

⁶⁵*Ibid.* iii p.269

⁶⁶The commission was renewed on 5 April 1645 (signed by the bishop of Clogher among others) and again on 13 June 1645 (clerical signatories on this occasion

If, as seems likely, the confederate commissioners were fully authorised to conclude a settlement with the lord lieutenant, why did their signing of a treaty subsequently cause such controversy? It is here that the issue of what exactly was discussed in the General Assembly during February 1646 assumes crucial importance. Enos acknowledged that the assembly members, including the bishops, consented to the Ormond treaty, but insisted that the actual terms (as published in August of that year) differed considerably, particularly on the question of religion. According to Enos, therefore, the terms changed between February when they were discussed in the assembly and March 31 when the confederate commissioners signed the treaty with Ormond in Dublin⁶⁷.

Although Enos specifically set out to discredit the treaty, surviving evidence in the Clanricarde papers does reveal a dispute between the assembly and the Supreme Council, over the commissioners' reluctance to disclose information on the peace talks. When the negotiations resumed in January, Ormond (no doubt concerned at the prospect of a hostile protestant reception after the Glamorgan fiasco) insisted that a number of private concessions not be revealed publicly in the assembly⁶⁸. The 'private concessions' probably refer to the king's earlier guarantee to abolish the penal laws, by act of parliament, once the war had been won⁶⁹. The General Assembly, however, proved reluctant to commit troops to Chester without receiving all the relevant information about the settlement. By way of a compromise, Clanricarde suggested that certain proposals be published and the rest verbally imparted to those "of quality and judgement"⁷⁰.

include the archbishops of Armagh, Tuam and Cashel as well as Clogher). April 1645 commission in Gilbert (ed.) *Irish Confederation* iv p.209; June 1645 commission (Bodl. Carte Mss 15 f.160); In March 1646, Rinuccini acknowledged that the existing Committee of Treaty retained the authority to conclude a peace, and was "obstinate to the last in not yielding up the absolute power vested in them by past committees and therefore did not chose to refer or remit the whole question to the general meeting". Aiazza (ed.) *Embassy* p.128

⁶⁷Enos 'Survey' in Gilbert (ed.) *Irish Confederation* vi pp 425-30

⁶⁸Aiazza (ed.) *Embassy* pp 113-28

⁶⁹This secret correspondence between the king and the confederate commissioners (Browne, Plunkett and Muskerry) in late 1644, early 1645, is discussed in chapter 2. See [15 Dec.] 1644 Charles to Ormond in Gilbert (ed.) *Irish Confederation* iv pp 104-7

⁷⁰Lowe (ed.) *Clanricarde Letter-Book* pp 210-2. Clanricarde does not identify those "of quality and judgement", but presumably he meant those people who would be satisfied by such private assurances.

In a further letter to Viscount Muskerry, Clanricarde recommended an alternative strategy, if the assembly continued to insist on full disclosure of all terms. The public terms should be read first, and then the private, presented "as propositions of yours that had been debated here [Dublin] but not brought to a perfect conclusion". Muskerry should imply that obtaining them was contingent on the rapid supply of troops for the king⁷¹. This tactic probably explains the assembly members' (including the bishops) subsequent enthusiasm for sending of an expeditionary force to Chester, and for peace talks to resume in Dublin. Certainly, the final declaration before the meeting dispersed implied that an amicable settlement had been reached⁷².

With both factions (clerical and peace) involved in a game of bluff and counter-bluff, trying to outmanoeuvre one another at every possible opportunity, the publication of any treaty was increasingly likely to cause disruption. Although the assembly may have concluded on a harmonious note, further evidence exists of widespread discontent in assembly ranks at the general performance of confederate government, and the Supreme Council in particular, which resulted in the implementation of further reform measures. The litany of complaints which preceded the reforms (inefficiency, lack of accountability, and financial mismanagement) were similar to those listed in June 1644, but the solutions on this occasion were not only passed by the assembly but proved very different as well⁷³.

To ensure greater efficiency in matters of government, the Supreme Council was reduced in size to "consist of nine and no more and those to be constantly resident". In new elections, the assembly reappointed two existing members from each

⁷¹*Ibid.* pp 212-3; Rinuccini did not disagree in principle with the council withholding information, arguing that "perhaps it is well not to reveal important deliberations to the whole of their number". On one occasion, he actually threatened to reveal sensitive material concerning the king's proposals, in order to elicit vital concessions from his confederate opponents. Aiazza (ed.) *Embassy* pp 113-28.

⁷²On 4 March 1646, the General Assembly ordered "that anything contained in any order made during this Assembly that may clash with or vary from the settlement made and ordered in, and by the Establishment made and concluded at this present General Assembly shall not be binding but proceeding as in such matters to be made consonant and agreeing with the aforesaid Establishment, notwithstanding any such orders". Bodl. Carte Mss 16 ff 470-80. A statement like that must have been written by a lawyer!

⁷³The two reform documents are Marsh's Library Mss z 3.1.3 (1644); Bodl. Carte Mss 16 ff 470-80 (1646)

province, along with Richard Bellings as secretary. As five of the new council also sat on the Committee of Treaty, and were likely to be absent in Dublin on occasions, the assembly ordered that "five or more of the said council shall suffice to sit and sign". Once the negotiations had been completed, however, seven members would be necessary to hold a council meeting⁷⁴.

As in 1644, the reformers emphasised the accountability of authority, and the subordination of the executive branch of government to the legislature. Annual assemblies were introduced, rather than leaving the summons at the discretion of the Supreme Council. This directive, similar to the Scots covenanters' establishment in 1640 of regular parliamentary meetings, promised a more active role for the assembly in confederate politics⁷⁵. Moreover, in future "an able clerk" was to attend meetings of the Supreme Council to keep a record of orders and dispatches, not only to ensure compliance with assembly directives but also as a means of monitoring the council's performance⁷⁶.

The reform proposals in 1646 differed most significantly from those in 1644 on the issue of provincial councils. In 1644, the reformists favoured provincial autonomy as a means of curtailing the power of central government. The assembly in 1646 did not seek to restrict the role of the executive but rather wanted to make it more efficient. Confederate government (elaborate in its conception) was to be streamlined through the abolition of provincial and county councils, and by transferring responsibility to the clergy for the collection of tithes and rents on church lands. Clerical collectors did not have to be paid a salary and would (in theory at least) be more honest in their dealings than those the multitude of lay officials they replaced⁷⁷.

⁷⁴Bodl. Carte Mss 16 ff 470-80. The new council consisted of Viscount Mountgarret, Nicholas Plunkett (Leinster); Viscount Muskerry, Donough O'Callaghan (Munster); Lucas Dillon, Patrick Darcy (Connacht); Bishop MacMahon of Clogher and Alexander MacDonnell (Ulster); Richard Bellings (secretary); Mountgarret, Muskerry, Plunkett, Darcy and MacDonnell were also members of the Committee of Treaty. See appendix 2 for a list of council members, while committee members are listed in chapter 7 p.253 (table 5).

⁷⁵Brown *Kingdom or Province?* pp 119-20

⁷⁶Bodl. Carte Mss 16 ff 470-80. The assembly was clearly unhappy with the state of council records, as kept by the existing secretary, Richard Bellings. This proposal may well have been connected with the earlier dispute over the council withholding information from assembly members.

⁷⁷Another financial reform, forbidding the payment of rent to neutrals or enemies of the confederates, would have hit Ormond hard. Between September 1643, when the

The overall thrust of the reforms towards more efficient, accountable government, strongly suggests the active involvement of Nicholas Plunkett and Patrick Darcy. Between 1644 and 1646, both men were particularly active in Kilkenny, as members of the Supreme Council and the Committee of Treaty, while Plunkett's continued role as chairman of the assembly ensured he retained enormous influence at its meetings⁷⁸. Such close association with confederate government did not preclude their sponsorship of any reform proposals, but Plunkett's dual mandate must have presented the lawyer with a tricky dilemma during the dispute between the council and assembly in February in 1646.

The change in the procedure for collecting rents due on ecclesiastical lands, supports the notion that the clerics (anxious to thwart the plans of the peace faction) may well have backed reform measures which were primarily directed against existing governmental practices⁷⁹. Evidence also exists of links between Nicholas Plunkett and the clerical faction, with one assembly member commenting to Clanricarde in February 1646 on the religious zeal which had transformed "our leading zealot" (i.e. Nicholas Plunkett). He appears to have been greatly affected by the arrival of Rinuccini, and shortly after the assembly dispersed, joined the nuncio on a military sub-committee⁸⁰. Their co-operation on reform measures might well

first truce came into effect, until the collapse of the peace treaty in late 1646, Ormond received over £12,000 for leasing out his estates in confederate territory. The surviving records indicate he was only receiving about £600 in annual rents from other lands. NLI Calendar of Ormond Deeds D.3951-4384.

⁷⁸The extent of Plunkett's support in the assembly can be gauged from the fact that he obtained 92 votes (out of a possible total of 104), when elected as Supreme Council member for Leinster. Aiazza (ed.) *Embassy* p.131

⁷⁹Lowe's suggestion that Rinuccini supported the move to reduce the size of the Supreme Council, is not an improbable one considering the nuncio's complaint about the size of the previous council. Lowe "Negotiations between Charles and the Confederates" p.460; Aiazza (ed.) *Embassy* p.133

⁸⁰The report from the anonymous assembly member (known only by the initials R.J.) concludes, however, that an element of self-interest may also have been involved in Plunkett's behaviour. Lowe (ed.) *Clanricarde Letter-Book* p.209. Shortly after his arrival in Ireland, Rinuccini criticised the lack of a confederate 'Council of War' to direct the military campaign. He lobbied unsuccessfully for such a council, but eventually in April 1646 the Supreme Council created a sub-committee to liaise with the nuncio on military matters, consisting of Bishop MacMahon, Lucas Dillon, Donough O'Callaghan and Nicholas Plunkett. The committee quickly lapsed as the peace crisis unfolded during the course of the summer, but may have provided a further opportunity for Plunkett to acquaint

be the first indication of an alliance which would transform confederate politics in September 1646.

For the moment, however, factional conflict overshadowed all else, as the compromise agreed between the nuncio and his opponents quickly began to unravel. Rinuccini had no intention of allowing the Ormond treaty to be published in May. In a report on the state of Ireland written at the end of the assembly, the nuncio speculated that the defeat of Charles might actually help the Irish cause, uniting all Catholics in opposition to the English parliament, and believed that the confederates should try to gain possession of the entire kingdom⁸¹. For their part, the peace faction were clearly determined to press ahead, with or without the nuncio's consent.

On March 12, the confederate commissioners returned to Dublin to complete the negotiations with Ormond, and preparations were made to transport 3,000 troops to Chester⁸². The anxiety of the confederate commissioners to conclude a treaty before the lord lieutenant's authorisation expired on April 1 forced them to moderate their demands. Even news of the king's denunciation of Glamorgan and the fall of Chester to the forces of the English parliament, which finally reached Ireland in mid-March, did not delay proceedings⁸³. On 28 March 1646, almost three years to the day since the presentation of the remonstrance at Trim, a peace treaty was signed in Dublin, and left in the safe keeping of the earl of Clanricarde⁸⁴.

Publication was postponed until confederate troops reached England, a delay which suited the treaty commissioners, anxious to conclude a settlement prior to the expiry of Ormond's commission from the king, and to avoid an open conflict with

himself with the views of the clergy. O'Ferrall and O'Connell *Commentarius* ii pp 192-3; Aiazza (ed.) *Embassy* pp 139-40, 159

⁸¹Aiazza (ed.) *Embassy* pp 133-147, 153-5

⁸²Confederate preparations to transport troops to England (PRO SP Ire. 261/12 f.76, 261/15 f.80 etc.); Rinuccini presumed the confederate commissioners had gone to Dublin to conclude the treaty, which again strongly suggests that the clerical faction did not dispute the commissioners' authority. Aiazza (ed.) *Embassy* p.148.

⁸³Charles to Ormond, 30 Jan. 1646 (Bodl. Clarendon Mss 98 f.112); Aiazza (ed.) *Embassy* p.150; The arrival of parliamentary commissioners to Dublin at the beginning of March, although they left for Belfast shortly afterwards, would have further increased the anxiety of the council for a speedy settlement. Ormond to Arthur Annesley, 2 March 1646 (Bodl. Carte Mss 16 f.573)

⁸⁴Treaty Articles, 28 March 1646 (Bodl. Carte Mss 176 ff 205-8); Gilbert (ed.) *Irish Confederation* v pp 286-310

the nuncio. Rinuccini was not informed, therefore, that the treaty had already been signed, although the fact was common knowledge in Dublin⁸⁵. Ormond refused the council's pleadings to join forces against the Scots, but gave assurances to the Committee of Treaty that if any hostile forces attacked the confederates he would appear in arms against them.⁸⁶

The following four months, until the publication of the treaty at the end of July, were characterised by subterfuge and deceit as each faction tried to outmanoeuvre the other. The collapse of the royalist position in England did make the confederates understandably reluctant to transport troops across the Irish Sea. The seizure of Bunratty castle by a force of 2,000 men from the English parliament provided additional justification for postponing the expedition. The Supreme Council could not ignore the threat posed to the Munster heartland, and on April 3, just six days after the signing ceremony, Viscount Muskerry informed Ormond of the council's decision to use the troops on the domestic front⁸⁷.

Throughout April and May, the Supreme Council sought clarification from Ormond on the sensitive issue of religious concessions, sending Nicholas Plunkett to Dublin. He informed Ormond that if the civil articles were published in May, the confederates would proclaim Glamorgan's religious concessions at the same time. Not to do so would result in the loss of foreign aid "and endanger a rupture in the kingdom" (most probably within confederate ranks). Ormond replied that the articles could not be published as the troops had not been sent, adding that if Glamorgan's terms were published he would disown them, "his majesty having already by declaration so done"⁸⁸.

⁸⁵On 2 April 1646, a Dublin resident, Valentine Savage, informed Edmund Smith that the articles of peace had been signed the previous Saturday, and would be published when the confederate troops reached England. *HMC Egmont* vol. 1, Part 1 pp 284-5; Aiazza (ed.) *Embassy* pp 156-7. Rinuccini may well have been aware that the negotiations had concluded, but did not realise that the articles had been signed.

⁸⁶Glamorgan to Ormond, 18 March 1646 (Bodl. Carte Mss 16 f.666), Ormond to Muskerry, 30 March 1646 (Bodl. Carte Mss 17 f.28); This assurance was published two weeks later much to Ormond's irritation, although the Supreme Council protested their innocence on the matter. Bodl. Carte Mss 17 f.135

⁸⁷Bodl. Carte Mss 17 f.49. This decision also caused problems for Antrim who was trying to raise a levy for Scotland. Ohlmeyer *Civil War and Restoration* pp 169-73

⁸⁸Instructions of the Supreme Council to Nicholas Plunkett, 16 April 1646 (Bodl. Carte Mss 17 f.160); Ormond's Answer, April 1646 in Gilbert (ed.) *Irish Confederation* v pp 332-3

Ormond's refusal to compromise on this issue presented the council with a serious dilemma. Should they push ahead with the publication of Glamorgan's terms, and risk having them denounced by the lord lieutenant, or alternatively omit the religious articles and risk a complete rupture with the clerical faction? At the beginning of June, the council summoned former members and the Committee of Instruction to Limerick (where the nuncio was already in residence) to discuss the crisis. Plunkett, recently returned from Dublin, informed the meeting of the king's surrender to the Scottish army near Newark. It was decided immediately to halt any further transport of troops to Scotland (frustrating Antrim's hopes of re-enforcing Alasdair MacColla in the Western Isles)⁸⁹.

Clanricarde in a letter to Patrick Darcy (who attended the meeting as a member of the Supreme Council) warned that it was unreasonable to expect Glamorgan's concessions to be proclaimed considering the king's present position, and if they dropped that demand, the lord lieutenant would "proclaim the peace immediately upon his own articles". Moreover, the earl advised the confederates not to insist on maintaining their association until peace terms had been settled in a parliament, but instead put all government in the hands of the lord lieutenant⁹⁰. The prospect of an immediate publication of the treaty appealed greatly to the peace faction.

Controversially, the meeting agreed not to publish the Glamorgan treaty, as the king was in no position to grant religious concessions in public⁹¹. The personal intervention of Rinuccini, however, resulted in a tense debate as he counselled in favour of waiting for papal aid, an argument strengthened by news of the king's surrender and Owen Roe O'Neill's stunning victory over Monro at Benburb on June 5. The Supreme Council could contemplate no other course than an

⁸⁹Bellings to Ormond, 2 June 1646 (Bodl. Carte Mss 17 f.440). This was an informal gathering, as Plunkett informed Ormond that the Supreme Council had "called hither sundry of the nobility and others". Plunkett to Ormond, 3 June 1646 (Bodl. Carte Mss 17 f.445). Rinuccini had earlier written that the council had summoned members of the previous council, plus what he terms "supernumeraries", to a meeting in Limerick to discuss the peace treaty. Aiazza (ed.) *Embassy* p.137

⁹⁰Lowe (ed.) *Clanricarde Letter-Book* pp 257-61. Considering, that the king had just surrendered to the Scots presbyterians, implacable enemies of Irish catholics, this was at best very dubious advice.

⁹¹According to Bellings, the meeting in Limerick was conducted without rancour as "there was no great contrariety of opinions in the debate". This was obviously prior to the nuncio's intervention. Bellings' History in Gilbert (ed.) *Irish Confederation* vi p.3.

accommodation with the royalists, but was temporarily caught off guard when Rinuccini (furious on discovering that the treaty had already been signed) produced a declaration, signed by a majority of bishops on February 6, warning against a peace without the consent of the nuncio⁹².

This dispute illustrated the nature of the confederates' dilemma throughout the 1640s. Anxious for an speedy resolution of their conflict with the king, they failed to develop an alternative strategy, even as the royalist position collapsed in England. Rinuccini alone appears to have identified this weakness in the confederate position, but failed to convince significant numbers of the need to complete the conquest of the kingdom. The nuncio's aggressive military strategy in 1646 was not 'extremist', but rather constituted a realistic assessment of developments in the three Stuart kingdoms. Only with the royalist revival in 1648 did the peace faction policy of an alliance with the king once again become a feasible option⁹³

In a conciliatory gesture before the meeting at Limerick dispersed, the Supreme Council informed a sceptical nuncio that there could be no conclusion of the peace until the king's wishes were known⁹⁴. The crucial decision, however, not to publish the Glamorgan terms alongside the political settlement remained in place, and on June 12, instructions to this affect were given to Nicholas Plunkett and Geoffrey Browne to convey to Dublin, by Thomas Tyrrell, chairman of the Committee of Instructions⁹⁵. The timing of the publication, therefore, was left entirely at the discretion of the lord lieutenant.

Before departing to Dublin, Plunkett and Browne visited Rinuccini to seek his blessing, but the nuncio instead fell into "a violent passion", leaving the two agents in no doubt as to the strength of his opposition to the peace⁹⁶. Nonetheless, the

⁹²Again, according to Bellings, the council greatly resented the interference of the bishops, as by signing such a document, they did "single themselves out of the body of the Confederate Catholics". Bellings' History in Gilbert (ed.) Irish Confederation vi pp 3-6; Aiazza (ed.) Embassy p.180

⁹³The development of a royalist alliance in 1648 is examined in chapters 5 and 6.

⁹⁴Aiazza (ed.) Embassy p.180

⁹⁵The Committee of Instructions, having fulfilled its primary function, then disbanded. Instructions by Committee, 12 June 1646 (Bodl. Carte Mss 17 f.492); Bellings' History in Gilbert (ed.) Irish Confederation vi p.6

⁹⁶Bellings' History in Gilbert (ed.) Irish Confederation vi p.5. This encounter may have further undermined Plunkett's conviction regarding the desirability of the peace treaty.

peace faction seriously miscalculated the resolve of their principal opponent, believing he would wait for directions from Innocent X before taking any positive action. By that time, the Ormond treaty would have been well established, and the confederates fully reconciled with the king. The council's complacency appeared justified when Rinuccini raised no objections to the missions of Edward Tyrrell and Bernard Davetty, to Paris and Rome respectively, whose instructions made it clear that the confederates intended to publish Ormond's treaty on its own, but without waiving the concessions agreed with Glamorgan⁹⁷.

In all probability, Rinuccini had by this time realised the futility of further arguments with the council, and was already planning an alternative strategy. On the military front, both Owen Roe O'Neill and Thomas Preston pledged their support to the nuncio, who declined for the moment their offers to march on Dublin "lest it should be said I had superseded Ormond without the consent of the Supreme Council"⁹⁸. The two generals, however, played a central role in clerical strategy once the crisis broke. On the political front, Rinuccini decided to summon the Clerical Congregation in Waterford, to deliberate on the pending treaty, and allow the nuncio to acquaint himself with clerical opinion. More importantly, opposition to the peace would now be identified with the Catholic Church as a whole, rather than the nuncio as an individual⁹⁹.

Meanwhile, the arrival of the king's secretary of state, George Digby in Dublin early in July hastened the process towards the conclusion of the treaty. He informed Ormond that Charles had conveyed to Queen Henrietta Maria in Paris his approval of a peace with the confederates, and publicly declared that the king's orders to Ormond to cease negotiations were "contrary to his free judgement"¹⁰⁰. In addition, the envoy du Moulin announced French support for the treaty, with that state acting

⁹⁷*Ibid.* vi pp 13-16. Tyrrell was coadjutor to the archbishop of Dublin, and brother of Thomas, chairman of the Committee of Instruction. Davetty was a Jesuit priest who died on the return journey from Rome in September 1648. O'Ferrall and O'Connell (eds.) *Commentarius* iii pp 658-65.

⁹⁸Aiazza (ed.) *Embassy* p.189. Although less spectacular than O'Neill's successes in Ulster, Preston's campaign in Connacht made good progress during the summer, leading to the capture of Roscommon in July.

⁹⁹*Ibid.* p.193

¹⁰⁰Statement by Lord Digby, 28 July 1646 in Gilbert (ed.) *Irish Confederation* vi pp 55-7; On June 11, Charles, a prisoner of the Scottish army at Newcastle, ordered Ormond "to proceed no further in treaty with the rebels nor to engage us upon any condition with them after sight hereof". Carte *Ormond* vi p.392. This news would have reached Dublin around the same time as Digby.

as arbiter in any future agreement between Ormond and the confederates. In return the French hoped to recruit large numbers of troops in Ireland for service abroad¹⁰¹.

Confident of his support both in Ireland and abroad, Ormond finally published the treaty on July 30, in the presence of a confederate delegation led by Viscount Muskerry. Almost three years after the first cessation came into effect, the negotiating process had at last borne fruit. On August 3 the Supreme Council also published the peace, and prepared to hand over power to the lord lieutenant. Confident of success, they ignored previous promises to maintain the structures of confederate government until the treaty terms had been ratified in the Irish parliament. Instead as soon as Ormond reached Kilkenny "the Supreme Council received him with all due respect and surrendered their government to him"¹⁰².

The treaty itself was a long document containing 30 articles, the first of which declared that catholics, on taking office, need only subscribe to the Oath of Allegiance instead of the Oath of Supremacy¹⁰³. After the appointment of catholics to certain governmental positions, no further distinction was to be made on the grounds of religion. The repeal of all anti-catholic laws, however, was simply "referred to his Majesties gracious favour and further concessions", leaving all matters of religion to be dealt with elsewhere. As the Glamorgan treaty had already been denounced by the king (and the Roman treaty unverified), the lack of religious concessions in the treaty with Ormond represented a major gamble by the confederate delegation after years of negotiation. It was clear that the peace party were happy with private assurances concerning freedom of religion, once the impediments to royal service had been removed.

The second article stipulated that a new Irish parliament be convened before 1 November 1646, to ratify all the terms agreed to in the treaty, with no impediment on catholics voting or taking their seats. Residential and property qualifications were introduced for the Commons and Lords, but the articles contained nothing

¹⁰¹Du Moulin to Ormond, 2 July 1646 (Bodl. Carte Mss 65 f.313). Rinuccini was unimpressed by this French intervention, believing it nothing more than a royalist ploy. Ó hAnnracháin, "Far From Terra Firma" pp 260-1

¹⁰²Declaration of Ormond, 29 July 1646 (Bodl. Carte Mss 18 f.121); Declaration of Supreme Council, 3 Aug. 1646 (Bodl. Carte Mss 18 f.237); Tuchet Castlehaven's Memoirs p.120

¹⁰³Treaty Articles in Gilbert (ed.) Irish Confederation v pp 286-310

about Poynings' Law, and all bills were to be transmitted to England according to the existing practice, with merely a guarantee that they would not be altered there in any way. On the issue of independence, the Irish parliament was free "to make such declaration therein as shall be agreeable to the laws of the kingdom of Ireland", with no provision, however, for a declaratory act. These concessions represented no significant gains on what Charles had been prepared to offer to the Irish parliamentary delegation in 1641.

A further concession by the king provided for an act of oblivion for all acts committed since the 23 October 1641, with a commission to deal with particular "barbarous" crimes. The majority of the other articles centred on demands dating back to the Graces in 1628 or the innovations introduced by Thomas Wentworth. The reforms included the reversal of the Connacht plantation as well as an act of limitation on royal titles. All incapacities on natives were to be removed and permission given to catholics to erect schools, a university and Inns of Court. The Court of Wards was to be replaced by a yearly rent of £12,000, and limits placed on the actions of the chief governor, the council board and the Court of Castle Chamber¹⁰⁴. Despite the importance of these concessions, remedying many of the long term grievances of Irish catholics, they represented a poor return after almost four years of war.

The complacency of the peace faction was soon shaken by disturbing reports emanating from Waterford of vocal clerical opposition to the treaty. A new oath of association had been framed, whereby confederates swore to oppose any peace that did not have the approval of the Ecclesiastical Congregation¹⁰⁵. The Supreme Council decided to send Nicholas Plunkett and Patrick Darcy to Waterford, to persuade the clerics of the advantages of the peace treaty. At the same time the council urged Ormond to deploy troops "towards the parts from whence most danger is to be expected"¹⁰⁶.

¹⁰⁴*Idem.*; The income derived from the Court of Wards during Wentworth's tenure of office averaged around £7,000 per annum, so Ormond had struck a good deal for the king on this issue. Kearney *Strafford in Ireland* p.80

¹⁰⁵Form of oath prescribed by Ecclesiastical Congregation at Waterford, [Aug.] 1646 (Bodl. Carte Mss 18 f.327)

¹⁰⁶Mountgarret to Ormond, 11 Aug. 1646 (Bodl. Carte Mss 18 f.242); He simply replied that the council should deploy their own forces to counter any internal threat. Gilbert (ed.) *Irish Confederation* vi p.92

The choice of Plunkett and Darcy, distinguished lawyers, capable of explaining the complexities of the treaty, made perfect sense. Both men had been directly involved in the negotiating process, and as members of the Supreme Council were closely identified with the peace strategy¹⁰⁷. On arriving in Waterford they tried, at least at first, to defend the actions of the Supreme Council, drawing attention to a secret pledge of the council to summon a General Assembly and fight if the religious terms were violated¹⁰⁸. Any prospect of a compromise between the two factions, however, was destroyed by the arrival of an aggressive letter from Bellings questioning the competence of the Ecclesiastical Congregation to oppose an agreement of the secular government. A counter charge by the clerical faction accused their opponents of misleading the assembly, as a number of articles read to that body were not included in the treaty itself¹⁰⁹.

On August 12 the Ecclesiastical Congregation declared unanimously, "none contradicting", that the peace was contrary to the oath of association, principally because of the lack of religious terms in the treaty. Four days later, the congregation dispersed, giving full authority to a committee, comprised of Rinuccini and eight others, to act on its behalf¹¹⁰. Conflict now seemed unavoidable. Rinuccini in a letter to Rome reported that the clergy were assisted by the lords of Munster and Ulster, aggrieved at their exclusion from office, and "the most zealous towns in the kingdom". He was unsure, however, of the support of either Thomas Preston or Owen Roe O'Neill. This uncertainty may have tempered the clergy's demands, and a more conciliatory statement was drawn up after "serious debate" with Plunkett and Darcy, who had returned a second time from Kilkenny¹¹¹.

The new document criticised the Supreme Council for failing to publish the concessions agreed with Glamorgan, and for not honouring the commitment to

¹⁰⁷Both Plunkett and Darcy signed the Supreme Council's declaration on August 3 announcing the peace treaty. Bodl. Carte Mss 18 f.237

¹⁰⁸Aiazza (ed.) *Embassy* pp195-200

¹⁰⁹Ó hAnnracháin "Far From Terra Firma" pp 214-5; The clerical charge is discussed earlier in the chapter p.100

¹¹⁰Declaration of Ecclesiastical Congregation against peace, 12 Aug.1646)Bodl. Carte Mss 18 ff 250-1); Gilbert (ed.) *Irish Confederation* vi pp 71-2

¹¹¹Declaration of the Ecclesiastical Congregation to the Supreme Council, 24 Aug.1646 (PRO SP Ire. 261/51 ff 207-10); Plunkett and Darcy were in effect acting as mediators between Waterford and Kilkenny. Mountgarret to [Bishop Ferns], 26 Aug.1646 (Bodl. Clarendon Mss 28 f.191). Aiazza (ed.) *Embassy* pp 195-200; Gilbert (ed.) *Irish Confederation* vi pp 94-5, 97-102

maintain confederate authority until all terms had been ratified by the Irish parliament. The clerics also observed that the parliament in Dublin had recently dispersed, and that no moves had been made, almost a month after the publication of the treaty to void the records of indictments and attainders against individual confederates. Moreover, neither Preston nor O'Neill had been allocated positions in the new military structure, a staggering miscalculation by the council. This fact, indicative of the suspicion with which all military exiles were viewed in Kilkenny, further alienated potential support in the provincial armies for the peace treaties¹¹².

The clerical faction demanded the immediate publication of Glamorgan's treaty and the maintenance of confederate government, until the ratification of all concessions by the Irish parliament. They also sought the repeal of penal legislation against Catholics, the suspension of Poyning's Law, and the appointment of Preston and O'Neill as general of horse and sergeant major general of the field respectively. Finally, in the areas recovered from the enemy, Catholics were to regain their property and be guaranteed freedom of worship. Providing these terms proved acceptable, the clerical faction was satisfied to see the present confederate government remain in power, joining in an alliance with the royalists against the king's enemies. Otherwise the clerics insisted on a meeting of the General Assembly¹¹³. It is hardly a coincidence that this demand for an assembly was first made shortly after Nicholas Plunkett, chairman of the previous six assemblies, arrived back in Waterford.

The Supreme Council promised to seek further concessions from Ormond, but continued to make preparations to receive the lord lieutenant and his forces into Kilkenny. When news of the lord lieutenant's departure from Dublin reached Waterford, Rinuccini authorised the publication of the decree of excommunication, an action which finally drove Plunkett and Darcy into the nuncio's camp¹¹⁴. Considering the leading role both men played in negotiating the treaty, their dramatic switch of allegiance excited little critical comment at the time. Their colleague on the Supreme Council, Richard Bellings, simply wrote in his memoirs

¹¹²PRO SP Ire. 261/51 ff 207-10

¹¹³PRO SP Ire. 261/51 ff 207-10

¹¹⁴Mountgarret to [Bishop Ferns], 26 Aug. 1646 (Bodl. Clarendon Mss 28 f.191); Castlehaven to Ormond, 28 Aug. 1646 (Bodl. Carte Mss 18 f.356). The decree of excommunication was published on September 1. Bodl. Carte Mss 18 f.414

that fearing clerical sanctions Plunkett and Darcy "returned no more to those that sent them". Other peace faction members failed to comment at all¹¹⁵.

Both men appear to have been motivated by a combination of personal, political and religious factors. As Rinuccini reported to Rome, the clerical faction received support from a broad spectrum of confederate opinion, with "some drawn by fear of censure, some from private hatred to the Council and some also by the common habit of joining the winning side"¹¹⁶. This final comment appears particularly appropriate in discussing Patrick Darcy who acquired a reputation during the 1640s as something of a political chameleon. Rinuccini's second-in-command, Dionysius Massari, dean of Fermo, claimed that no one "more frequently turned his coat" than Darcy. The anonymous author of the *Aphorismical Discovery* described him as "a perfidious member to his nation", while John Walsh of Tipperary in a deposition given in 1653 commented starkly that Darcy was "sometimes against the said [clerical] party and sometimes very violently for them"¹¹⁷.

His switch of allegiance, on realising the full extent of clerical opposition to the treaty, proved a shrewd act of political expediency. Crucially, although appointed as one of the commissioners to oversee the implementation of the treaty, Darcy's name does not appear among those nominated for office, even in the judiciary. This omission, deliberate or otherwise, would hardly have endeared him to the new royalist regime¹¹⁸. Although an experienced politician, Darcy may also possibly have been influenced by Rinuccini's spiritual authority, particularly on the matter of excommunication. Thomas Wentworth once described him as "earnest in the way of

¹¹⁵Bellings' History in Gilbert (ed.) *Irish Confederation* vi p.17. One possible reason for the lack of criticism from the peace faction is that most accounts were written years later, by which time both men had changed sides again, actively supporting the second Ormond peace. The one exception is the Plunkett manuscript in the National Library, where Nicholas Plunkett is described as one "who in his bigotry was a while of the nuncio's party", although elsewhere in the account the references to him are complimentary. NLI Plunkett Mss 345 (A Treatise or Account of the War and Rebellion in Ireland since the Year 1641) f.57, 559.

¹¹⁶Aiazza (ed.) *Embassy* p.499

¹¹⁷Deposition of John Walsh (Co. Tipperary), 14 Feb.1653 (TCD Mss 830 f.249a); Massari, Dionysius "My Irish Campaign" *Catholic Bulletin* vol.VIII (1918) p.478; *Aphorismical Discovery* in Gilbert (ed.) *Contemporary History* i p.40

¹¹⁸The full list of those appointed to office is included in item 8 of the peace treaty. Gilbert (ed.) *Irish Confederation* v pp 286-310

his own religion", and the combined voice of the Irish Catholic Church, led by a papal nuncio, could not easily be ignored¹¹⁹.

As for Nicholas Plunkett, religion undoubtedly proved an important motivating factor. Plunkett was not only a remarkably talented lawyer, but also appears to have been an extremely devout catholic. One royalist source, late in 1644, described him "wholly Jesuited"¹²⁰. In April 1646, Gerald Fennell in a letter to Ormond declared that he had full confidence in Plunkett, with one exception. If the dispute arose about religion, Fennell was not confident "that he will not take his own way". A few days later Viscount Muskerry returned to this theme advising Ormond that Plunkett was "a zealous catholic and violent that way", but added "he is fallen of much in that of late"¹²¹.

This reputation for religious zeal appealed to Rinuccini (unimpressed by the secular attitudes of many leading confederates), who consistently lavished praise on him. In December 1645, shortly after his arrival in Ireland, the nuncio described the assembly chairman as "one of our most honoured members of council and perhaps the man of all others best affected to the catholic religion to be found at present in this kingdom". As the crisis began to unfold in August 1646, Rinuccini claimed in a report to Rome that Plunkett had "sustained to the utmost the Catholic Party in the Supreme Council". Later, in his report of the mission written after his return to the continent in 1649, the nuncio wrote that Plunkett and his ally Nicholas French, bishop of Ferns, were "good catholics certainly but at the same time not bad politicians"¹²².

This last comment captures the essence of the man. A reluctant rebel, Plunkett had remained neutral in the early days of the uprising, supporting Clanricarde's compromise initiative in March 1642, and was criticised for selfishness by viscount Gormanston as a result. Accusations of self-interest resurfaced again early in 1646 when one of Clanricarde's correspondents agreed with the earl that Plunkett was driven by forces other than religious zeal. "Interest is the thing", he declared

¹¹⁹Kearney *Strafford in Ireland* p.92

¹²⁰[Sir William Usher to Sir Philip Percivall], 4 Oct.1644 in *HMC Egmont* vol.1, pt.1, pp 237-40;

¹²¹Muskerry to Ormond, 18 April 1646 (Bodl. Carte MSS 17 f.180); Fennell to Ormond, 14 April 1646 in Gilbert (ed.) *Irish Confederation* v pp 329-30. For Plunkett's involvement in the Clanricarde peace initiative see chapter 1 pp 30-33.

¹²²Aiazza (ed.) *Embassy* pp 105-7, 193-5, 509-11

emphatically¹²³. Certainly, Plunkett's actions in the years leading up to the peace do not give the impression of a man motivated by religious fervour. Late in 1644, for example, he was one of the three confederate delegates who wrote to the king suggesting a compromise on the religious question. In return for secret guarantees for the repeal of the penal laws, they were prepared to drop the religious demands in the negotiations with Ormond¹²⁴.

The rupture in confederate ranks over the treaty emerged publicly during the course of the 1645 General Assembly, chaired by Plunkett. It is difficult to gauge how these divisions affected him, but the arrival of a papal nuncio a few months later undoubtedly influenced his thinking¹²⁵. Nonetheless, Plunkett remained active in the peace negotiations throughout the summer, and supported the treaty at first when published by Ormond¹²⁶. His defection, like that of Darcy, was probably the result of political acumen, underpinned by religious devotion and a desire to reform confederate government. The earl of Clanricarde (and George Digby), however, did suspect a degree of premeditation in the actions of the leading moderates during August 1646¹²⁷.

¹²³Bourke Clanricarde Memoirs p.123; Lowe (ed.) Clanricarde Letter-Book pp 208-10

¹²⁴The other two delegates were Viscount Muskerry and Geoffrey Browne. Charles I to Ormond, [15 Dec.] 1644 in Gilbert (ed.) Irish Confederation iv pp 104-5. See chapter 2 pp 78-9

¹²⁵This has been discussed earlier in this chapter. See p.106-7

¹²⁶Plunkett, however, did not sign the peace treaty with Ormond on 28 March 1646. There is no evidence to suggest he opposed the signing, but his absence is puzzling nonetheless and indicated perhaps an attempt to maintain some degree of independence. 'Treaty Articles' in Gilbert (ed.) Irish Confederation v pp 286-310.

¹²⁷Clanricarde wrote that some confederates (unfortunately not named) "purposely to take occasion to quarrel with the peace and raise new distempers, they would need have all the concessions concerning religion quite left out of the articles and referred to his majesty's future grace and favour". Lowe (ed.) Clanricarde Letter-Book p.325. The complete absence of religious articles from the Ormond treaty was indeed startling, and Digby claimed they were left out "by the subtlety of some of their own party who intended to found this late mischief upon it". Digby to Ormond, 18 Nov.1646 in Carte Ormond vi p.457-60. This would certainly help explain Plunkett's involvement in negotiating the treaty before subsequently denouncing the settlement. On the other hand, Clanricarde appears to have distrusted Plunkett and the other moderates, and condemns the "mischievous practices of some few persons hiding their private guilt under the spurious pretence of zeal to religion". Lowe (ed.) Clanricarde Letter-Book p.358. At a later stage, he commented on Geoffrey Barron, Nicholas Plunkett "and their mischievous associates". Clanricarde to Ormond, 8 Jan.1647 in Carte Ormond vi pp 489-90. As

As the peace faction's authority disintegrated, Ormond's procession through confederate territory proved a complete disaster. Facing armed opposition in Munster, and with O'Neill's army approaching from the north, the marquis retreated ignominiously back to Dublin, only escaping across the Barrow river with the assistance of the confederate commander Walter Bagnal¹²⁸. Ormond's flight and confirmation of Preston's rejection of the treaty emboldened the clerical faction, who issued a fresh declaration. While proclaiming their loyalty to Charles, they vowed to unite all catholics against the common enemy, and rejected the peace "concluded by a few interested persons"¹²⁹.

The Supreme Council was left with little option but to reopen negotiations with the papal nuncio. Lucas Dillon and Gerald Fennell arrived in Waterford on September 8, with expectations fluctuating "betwixt hopes and despairs". On September 10, the peace faction agreed to all clerical demands, except on the repeal of penal legislation and the suspension of Poynings' Law, insisting that the first article of the Ormond treaty had the consent of the Committee of Treaty, which included lay and ecclesiastical members. The next parliament would address outstanding issues, and in the meantime catholics would not be molested in their ecclesiastical possessions, or in the practice of their religion¹³⁰.

On September 15 the clerics rejected these terms, and imprisoned the proponents of peace, including Muskerry, Fennell and Bellings¹³¹. On 26 September 1646 a new

with so many conspiracy theories during the 1640s, it is impossible to verify or dismiss Clanricarde's claims entirely. The balance of evidence, however, indicates that Plunkett and Darcy simply took advantage of developments as they occurred.

¹²⁸Without Bagnal's intervention at Leighlin Bridge Ormond's small force would probably have been intercepted by the Ulster army. Bagnal was imprisoned by Rinuccini for this action. King's Inns Prendergast Papers Mss 2 f.994

¹²⁹The Supreme Council had made serious attempts to ensure the loyalty of Preston, writing to him on a number of occasions in early August 1646. PRO SP Ire. 261/37 f.137, 261/42 f.191. Finally, however, the notoriously indecisive general wrote to the bishops that he would "never do or consent to do any act entrenching thereon or [on] my religion". Preston to [Bishop Ferns], 24 Aug. 1646 (PRO SP Ire. 261/52 f.211). The clerical declaration was issued on September 10. PRO SP Ire. 262/3 ff 4-5

¹³⁰Dillon and Fennell to Ormond, 11 Sept. 1646 (Bodl. Carte Mss 18 f.492); 'Answers of Supreme Council to Congregations Demands', 10 Sept. 1646 in Gilbert (ed.) *Irish Confederation* vi pp 132-4

¹³¹Declaration of Congregation, 15 Sept. 1646 (Bodl. Carte Mss 18 f.513); Bellings' History in Gilbert (ed.) *Irish Confederation* vi pp 21

government was established "until a general assembly shall either confirm our proceedings therein or establish another course"¹³². Strictly speaking this was not a *coup d'état* as the previous Supreme Council had voluntarily renounced its authority, creating a power vacuum which was supposed to be filled by the lord lieutenant. When this failed to materialise, there was a void, "all face of government being amongst us dissolved", as the earl of Castlehaven explained¹³³.

A new Supreme Council of 17 members was nominated by the clerical faction, with Rinuccini as president. It included among others Thomas Preston, Owen Roe O'Neill, the earl of Glamorgan, the bishop of Ferns and Nicholas Plunkett. Patrick Darcy was appointed to the judicature along with Hugh Rochford and William Hore of Cork. All officials were to proceed "according to the model of government", and the new council was to rule in association with the ecclesiastical congregation¹³⁴. Without delay, Rinuccini, hoping to fulfil his strategy of outright conquest, ordered an assault on Dublin.

Within two short months the nuncio had succeeded in overthrowing the Ormond peace, arresting his enemies, and assuming control of confederate government. His success was facilitated by major miscalculations on the part of the peace faction. They totally underestimated the extent of clerical opposition to their actions and had made no contingency plans. The failure to find positions for commanders such as Preston and O'Neill deprived them of crucial military support, while the immediate recognition of Ormond's leadership negated whatever influence they retained among the confederates.

The lord lieutenant's delay in leaving Dublin enabled the clerical faction to organise opposition and fill the power vacuum in confederate territory. The nuncio's personal authority as papal representative was important, and excommunication proved a powerful weapon, especially when backed by the full authority of the Church. Finally, the defection of Plunkett and Darcy was a crucial, and perhaps decisive, factor. Both men had been closely involved in the peace process, and their switch of allegiance gave enormous credibility to the clerical opposition. The broad support the nuncio received, during August and September, would not have been otherwise possible.

¹³²Order by Ecclesiastical Congregation, 26 Sept. 1646 in Gilbert (ed.) *Irish Confederation* vi pp 144-6

¹³³Castlehaven to Ormond, 28 Aug. 1646 (Bodl. Carte Mss 18 f.356)

¹³⁴Gilbert (ed.) *Irish Confederation* vi pp 144-6

CHAPTER 4: Sept. 1646- April 1647

*"You Irish which doe boast and say
'Tis for the king you fight and pray
Tell me now I crave
Wherefore doe you a peace deny"*

(Contemporary poem, "On the breach of the Peace", 1646)¹

The confederate assault on Dublin was a complete fiasco from start to finish. Bad timing, mistrust, treason and sheer incompetence combined to thwart Rinuccini's grand strategy. The nuncio had believed for quite some time that only a complete conquest of the island could safeguard confederate interests, while also allowing them to come to the assistance of the king and English catholics². Despite the undeniable logic of Rinuccini's argument, in practical terms his plan proved extremely difficult to implement. The string of confederate victories had given the nuncio a distorted sense of their military capacity. The royalists, parliamentarians and Scots still controlled three distinct territorial blocs (north-east Ulster, Dublin and Cork), as well as a host of outposts, each of which could only be reduced by a lengthy and costly siege.

Even after his crushing victory at Benburb in June 1646, Owen Roe O'Neill made little headway in Ulster. This failure is usually blamed on the nuncio's intervention, insisting on summoning O'Neill southwards as the peace crisis unfolded, but that did not occur until two months later³. The reality was simply that the Ulster forces dispersed during the summer months, as the soldiers returned home with the spoils of battle and to gather in the harvest. O'Neill did not have the troops, equipment or supplies to undertake a determined assault on the Scots heartland around Belfast

¹HMC 14th Report, appendix, part vii p.109

²Shortly after the General Assembly dispersed in March 1646, the nuncio wrote of the confederates' need to gain possession of the entire kingdom. Aiazza (ed.) *Embassy* p.153

³See for example Hollick, Clive "Owen Roe O'Neill's Ulster Army of the Confederacy, May-August 1646" *Irish Sword* vol. XVIII (1991) p.224

and Carrickfergus, and by August General Monro was "back in the field with a good number of men"⁴.

In Connacht, Preston's original orders stressed the importance of recapturing the key stronghold of Sligo, from where the parliamentarians had been launching attacks throughout the province, "the taking of which place only will give the lord nuncio more satisfaction and draw more help from his holiness"⁵. Preston made good progress and by July had taken the town of Roscommon. This constituted an important breakthrough in itself, but as long as Sligo remained in enemy hands, the confederate position in Connacht remained vulnerable⁶. Finally, although in Munster Viscount Muskerry took the castle of Bunratty in July, it had only been in parliamentarian hands for a few months, and Inchiquin's forces in Cork remained ready to take the offensive. The confederate forces in the southern province scattered shortly afterwards, angry over arrears of pay and rife with internal divisions, leaving the heartland of Tipperary and Limerick inadequately protected⁷.

Only in Leinster were the confederates' enemies totally in disarray, a fact which in itself justified the nuncio's decision to launch an offensive in that province. The first problem to beset the confederates, however, concerned the timing of the campaign itself. Instead of moving against Dublin in mid-September (before the on-set of winter), their forces only reached the outskirts of the city by early November, when poor weather and the dearth of supplies would have made a prolonged siege

⁴Stevenson Covenanters and Confederates p.234; Massari, Dionysius "My Irish Campaign" Catholic Bulletin vol.7 (1917) p.249; Casway, J. Owen Roe O'Neill and the Struggle for Catholic Ireland (Philadelphia 1984) pp 137-8. Even in early September, O'Neill's intentions were unclear to both confederates and royalists. Daniel O'Neill to Roscommon, 1 Sept.1646 (Bodl. Carte Mss 22 f.190)

⁵Supreme Council to Preston, Instructions for Connacht Expedition, 11 April 1646 (Bodl. Clarendon Mss 27 ff 125-6). The death of the much respected Malachy O'Queely, archbishop of Tuam, in a skirmish outside the town the previous year, provided another incentive to capture Sligo.

⁶Massari claims that after publishing the peace treaty, the Supreme Council recalled Preston from Roscommon, thus preventing him from attacking Sligo. Massari, Dionysius "My Irish Campaign" Catholic Bulletin vol.8 (1918) p.301. Preston was in close contact with the Supreme Council during the first weeks in August, and probably needed no encouragement to halt his offensive and monitor developments in Waterford and Kilkenny. PRO SP Ire. 261/37 f.183, 261/42 f.191, 261/46 f.198

⁷Bellings' History in Gilbert (ed.) Irish Confederation v, pp 16-8. The dispute in the Munster army, and its effect on confederate fortunes in the province, is examined in the next chapter.

extremely difficult. There were two principal reasons why the attack took place so late in the year. Firstly, the nuncio's moves to consolidate his authority in Kilkenny preoccupied the confederates during most of September⁸. Secondly, whereas Rinuccini wanted to rely on Owen Roe O'Neill alone, "the less resolute and at their head the bishop of Ferns" had insisted on Thomas Preston's involvement⁹.

Although the tensions associated with this dual command have been correctly identified as contributing to the shambles which followed, it is difficult to envisage an alternative strategy¹⁰. The harsh military reality was that neither general possessed sufficient strength on his own to undertake the campaign. Moreover, having already summoned O'Neill southwards to assist the clerical faction, Rinuccini could hardly now exclude the Ulster general in favour of Preston. Employing O'Neill alone to attack Dublin, however, would have caused widespread revulsion among Leinster confederates, with the possibility of defections to the lord lieutenant. Provincial and historic rivalries were partly to blame, but the foraging tactics of the Ulstermen undoubtedly give rise to much resentment.¹¹

The new regime in Kilkenny may also have been concerned by the threat posed to their authority by a hostile and inactive Leinster army. Preston welcomed the peace

⁸The clerical faction only established their new Supreme Council on 26 September. Order by the Ecclesiastical Congregation, 26 Sept. 1646 in Gilbert (ed.) Irish Confederation vi, pp 144-6. Rinuccini had tried to divert O'Neill's forces to Dublin to take advantage of the lord lieutenant's military disarray. The Ulster general, however, marched to Kilkenny, on the pretext that he lacked cannon for a siege. Aiazza (ed.) Embassy p.204. Whatever the reason, O'Neill would hardly have undertaken an assault on Dublin with the confederate government still in a state of upheaval.

⁹Aiazza (ed.) Embassy pp 500-1. The bishop's connection with Preston went as far back as 1635, when both men were present at the siege of Louvain. Bindon, Historical Works p.xxx. Scarampi, who was on good personal terms with the Leinster general, also lobbied for his inclusion. Ó hAnnracháin, "Far From Terra Firma" p.280, 438-46

¹⁰Corish NHI iii pp 321-2; Wheeler, Scott "Four armies in Ireland" in Independence to Occupation pp 55-6 etc.

¹¹Efforts were made as early as 1644 to control the activities of O'Neill's troops and camp followers. 'Propositions touching the present government, 1644' (Marsh's Library Mss z 3.1.3); O'Ferrall and O'Connell (eds.) Commentarius i pp 573-7. For examples of the resentment aroused by the Ulster forces see PRO SP Ire. 263/105 f.176 (Robert Preston to Thomas Preston, 18 April 1647), 263/108 f.180 (Patrick Darcy to Thomas Preston, 20 April 1647), 263/109 f.182 (Leinster Committee to Thomas Preston, 21 April 1647) etc.

at first, and only confirmed his loyalty to the clerical faction on hearing of the actions of the Ecclesiastical Congregation in Waterford. Including the Leinster general in the campaign, therefore, made sense, if only to ensure his continued support and to occupy his troops¹². Appointing both men also promoted the idea of confederate unity, a policy pursued with great vigour by Nicholas Plunkett and Bishop French over the next twelve months.

Their efforts, in the Dublin campaign and elsewhere, were consistently undermined by the duplicitous behaviour of a number of confederates. Preston, while accepting command of the expedition, balked at the prospect of confronting the lord lieutenant, and viewed with concern the rapid growth of O'Neill's forces, which he described as "an unlimited multitude of licentious caterpillars"¹³. The Leinster general also opened private channels of communication with Ormond, offering support in return for assurances on the issue of religion, a fact confirmed by George Digby¹⁴.

Meanwhile, discontent began to manifest itself in the Leinster forces, with both the earl of Westmeath and Thomas Nugent returning home, vowing never to serve with O'Neill. Such developments merely intensified Preston's notorious indecisiveness, and the Supreme Council, aware of the dangers, insisted that the Leinster general take a new oath to assist O'Neill and "use and exercise all acts of hostility against the lord Marquis of Ormond and his party"¹⁵. That such an oath was deemed necessary is an extraordinary comment on the perceived loyalty of a leading confederate general.

¹²Preston to Ormond, 12 Aug. 1646 (Bodl. Carte Mss 18 f.257); Preston to [Ferns], 24 Aug. 1646 (PRO SP Ire. 261/52 f.211)

¹³The Leinster General informed Clanricarde that the threat posed by the Ulster forces required "the application of some speedy antidote to prevent the infallible destruction thereby like to ensue". Lowe (ed.) *Clanricarde Letter-Book* pp 292-3;

¹⁴Colonel Fitzwilliam to Ormond, 22 Sept. 1646 (Bodl. Carte Mss 18 f.553). Digby requested at meeting with the Supreme Council early in October to discuss a possible settlement. His subsequent assessment of the confederate position noted that Preston, in return for religious guarantees would almost certainly join forces with the lord lieutenant. Digby to Ormond, 13 Oct. 1646 (Bodl. Carte Mss 19 f.170). Preston's treasonous behaviour (often using Digby as an intermediary) was a constant feature in confederate politics over the next 12 months, and contributed greatly to the disasters which followed.

¹⁵Cadogan to Ormond, 17 Oct. 1646 (Bodl. Carte Mss 19 f.206), Copy of an oath taken by Thomas Preston (Bodl. Carte Mss 65 f.331)

The council's suspicions proved well warranted, as Preston continued to correspond treasonably with the enemy. The Leinster general proposed that the marquis of Clanricarde join with him, "that we may fix on resolutions for preventing the ensuing evils". Clanricarde declined this offer and pursued an alternative strategy, tentatively suggesting to the Supreme Council that he act as an intermediary between Dublin and Kilkenny. The council responded cautiously, pressing ahead with their military offensive, while at the same time providing some encouragement to the marquis¹⁶.

In an unusual development, the Supreme Council decided to accompany the confederate forces on the campaign, rather than attempting to direct events from Kilkenny. Rinuccini had complained since his arrival in Ireland of the lack of a confederate Council of War, and that once a military campaign actually began the input of the political leaders was negligible, giving the generals total autonomy in the field¹⁷. Considering the importance of the campaign against Dublin, and the potential for conflict between O'Neill and Preston, the nuncio proved anxious to ensure that ultimate authority be retained by the council. This experiment was not repeated after the Dublin attack, but throughout 1647, the Supreme Council maintained close ties between the military and political commands.

While Clanricarde's initiative began to take shape, the confederate forces reached Lucan on the outskirts of Dublin, where indecision and mutual suspicions prevented any further advance. On November 2, Preston and O'Neill issued a joint proclamation, calling on Ormond to guarantee freedom of religion and to join the confederates against the forces of the English parliament. The marquis equivocated, stalling for time by demanding to know from where the generals derived their authority¹⁸. With negotiations set to drag on until the confederate armies ran out of

¹⁶Lowe (ed.) *Clanricarde Letter-Book* pp 292-300. Clanricarde had of course been acting as just such an intermediary since the first cessation in September 1643, attending a number of assemblies and maintaining close contact with the confederate leadership.

¹⁷Letters of the Supreme Council from various camps along the route to Dublin (Harristown, Sigginstown, Lucan) outline its movements at this time. PRO SP Ire. 262/14 f.14, 262/19 f.174; Bodl. Carte Mss 19 ff 369-70. Ironically, Rinuccini complained in early 1646 that the Supreme Council, although inexperienced in military affairs, took all the decisions. Once he became president of the council, however, the nuncio immediately began to dictate military strategy. Aiazza (ed.) *Embassy* pp 139-40

¹⁸Preston and O'Neill to Ormond, 2 Nov. 1646 (Bodl. Carte Mss 19 f.313). Ormond's Answer, 4 Nov. 1646 (Bodl. Clarendon Mss 28 ff 281-2). With the

supplies, Clanricarde finally presented his proposals to the Supreme Council on November 14. These included a revocation in the Irish parliament of all laws against the free exercise of the catholic religion, and a guarantee that nobody would be disturbed in their ecclesiastical possessions until the king's pleasure was known in parliament¹⁹.

A second paper proposed a catholic lieutenant-general of the army (a post Clanricarde no doubt coveted for himself), appointments for confederate military leaders, and a promise in the meantime that catholic forces "be drawn into all the chief garrisons under his majesty's obedience". Clanricarde undertook to gain these concessions from the king as soon as a peace treaty with Ormond was agreed²⁰. It is not clear if this initiative constituted a sincere attempt to broker a compromise, or was designed to engineer a split in confederate ranks. Prior to this, it must be said, Clanricarde's interventions tended to be in good faith, while the earl was clearly unimpressed with the religious concessions offered by Ormond. Moreover, the stipulation for a catholic lieutenant-general illustrates there was an element of self-interest involved²¹.

The arrival of a parliamentary fleet into Dublin Bay, however, compromised the delicate negotiations. As the prospect of a successful siege receded, O'Neill, already suspicious of Preston, withdrew his army from the confederate camp. The Supreme Council refused to continue negotiations unless the parliamentarian troops were withdrawn, and despite Clanricarde's additional proposals the talks came to nothing²². The nuncio returned to Kilkenny with the rest of the council, his hopes of the complete conquest of the kingdom in ruins. Preston and his officers, however, persisted with the negotiations for another month. The threat of clerical sanctions, and Ormond's refusal to allow confederate troops into Dublin, eventually

royalist army of 4,000 men outnumbered 2 to 1 by the combined confederate forces, there was little else Ormond could do at this time. Wheeler, "Four Armies in Ireland" *Independence to Occupation* p.55

¹⁹Lowe (ed.) *Clanricarde Letter-Book* pp 309-11

²⁰*Ibid.* pp 313-4. Without any official support, it is highly unlikely Clanricarde could have obtained the consent of the king (or more importantly Ormond) to any of these concessions, a fact pointed out by the Supreme Council at a later stage. Supreme Council to Preston, 24 Nov.1646 (PRO SP Ire 262/31 f.193-4)

²¹With Preston and O'Neill to be appointed other posts, there is no question but that Clanricarde hoped to obtain the position of lieutenant-general for himself.

²²Supreme Council to Clanricarde, 15 Nov.1646 (Bodl. Carte Mss 19 ff 369-70)

destroyed the Leinster general's strategy of an alliance with the royalists against the clerical faction²³.

Developments in late 1646, after the retreat to Kilkenny, are the subject of some controversy. Lowe argues that the nuncio lost control of events (albeit only temporarily), while other accounts detect no shift in the balance of power away from the clerical party²⁴. There is no question, however, that the nuncio's scheme of military conquest lay in ruins, and for the moment, the clerical faction had no strategy beyond supporting an unpopular war. The peace faction were similarly in disarray, their leaders under arrest and the marquis of Ormond engaged in negotiations with commissioners from the English parliament. The possibility of a settlement with the royalists appeared remote, with limited opportunities of providing effective opposition to the nuncio.

At this critical juncture, with both confederate factions foundering, the Supreme Council decided to summon a General Assembly and to release the supporters of the peace treaty with Ormond who had been in jail since the middle of September. The impetus for this fundamental shift in policy (essentially a decision to seek a middle ground between the extremes of war and peace) came from two leading members of the Supreme Council, Nicholas French, Bishop of Ferns and Nicholas Plunkett, chairman of the general Assembly. On November 23 at a hastily convened meeting of the council, election writs were issued and release orders signed²⁵. It is unclear when exactly Rinuccini arrived back in Kilkenny, though the balance of evidence suggests he was present at the meeting. Nonetheless, the nuncio specifically ascribed this new policy to Plunkett and French²⁶.

²³Preston and his officers in the Leinster army informed Clanricarde of their support for his initiative on November 19, entering into a formal engagement. Intense negotiations followed, but on December 10 Preston conceded that in the face of clerical threats that his army was not "excommunication proof", while Theobald Butler wrote that Ormond's decision not to admit a confederate garrison to Dublin "did change the whole frame of their former resolutions". Lowe (ed.) *Clanricarde Letter-Book* pp 316-7, 343-4; Theobald Butler to Ormond, Dec. 1646 in Gilbert (ed.) *Irish Confederation* vi, pp 164-5

²⁴Lowe "Negotiations between Charles and the Confederates" p.589

²⁵The electoral return for the city of Cork refers to the writ "bearing the date at Kilkenny the 23 of November". Bodl. Clarendon Mss 29 f.8; As the nuncio always mentions the decision to call an assembly and release prisoners together, they were probably both taken at the same meeting. Aiazza (ed.) *Embassy* pp 509-11

²⁶Rinuccini was certainly present at the council on November 24, and may well have been there the previous day. Despite his retrospective condemnation of the

In fact, the harsh political and military realities of the time limited the moderates room to manoeuvre. With O'Neill's forces retiring to winter quarters, and Preston's attitude at best ambiguous, the position of the ruling clerical faction was becoming increasingly vulnerable and isolated. Plunkett and French calculated that the calling of the assembly would deflect criticism from the Supreme Council by showing it was willing to submit to a 'higher authority', while the release of Viscount Muskerry and others would (temporarily at least) mollify the peace faction. The objectives of the moderates hinged primarily on preserving confederate unity, and they were, according to the nuncio, the "advocates of equality for all"²⁷.

The rejection of the Ormond treaty was a *fait accompli*, with nothing to be gained from attempting to overturn that decision. Nonetheless, the supporters of peace remained unreconciled (and a potential threat) to the new regime. Apart from internal divisions, the moderates had to decide either to continue the war, increasingly unpopular after the Dublin fiasco, or attempt another reconciliation with the royalists. With the king a prisoner of the Scots covenanters, and Ormond apparently ready to surrender Dublin to the English parliament, the latter option was anything but straight-forward. Moreover, to be acceptable to a majority of confederates, any new treaty would have to be a significant improvement on the previous one, particularly in the crucial area of religious concessions.

Although Nicholas Plunkett operated effectively as the leader of this loose coalition of moderates, the support of Bishop French proved vital. Nicholas French, born in 1604 of Old English extraction, hailed from the confederate stronghold of Wexford and had attended earlier assemblies as a representative of the town. Appointed Bishop of Ferns early in 1645 (before the arrival of Rinuccini), he was consecrated in December of that year²⁸. French belonged to a new generation of young active clerical figures, which included the bishops of Clogher, Clonfert, Limerick and Dromore. Gradually during the 1640s, and more noticeably after 1646, these men

decisions, at the time he was enthusiastic in particular about the prospects for an assembly. Supreme Council to Preston, 24 Nov. 1646 (PRO SP Ire. 262/31 ff 193-4); Aiazza (ed) *Embassy* p.219, 236, 509-11

²⁷Aiazza (ed) *Embassy* pp 509-11

²⁸Bindon, S.H.(ed.) *The Historical Works of the Right Reverend Nicholas French D.D.* (Dublin 1846) vol.1 p.xxxvii; Cregan "Counter-Reformation Episcopate" p.87

replaced the older generation of Armagh, Ossory and Meath as the most influential and energetic prelates²⁹.

Nicholas French did not feature prominently in the nuncio's early reports to Rome, but as the peace crisis began to unfold during the course of 1646, Rinuccini increasingly relied on the bishop. When the treaty was published in August 1646, French acted as a spokesman for the Ecclesiastical Congregation, and as such came into close contact with both Nicholas Plunkett and Patrick Darcy³⁰. Their espousal of consensus politics would have greatly appealed to French, who in June 1645 was one of five clerics to agree a compromise with the Supreme Council (on behalf of the Ecclesiastical Congregation) on the contentious issue of retaining churches³¹.

Bishop French's outlook on developments during the 1640s proved very similar to the views expressed by Plunkett. French felt unable to justify the initial uprising, which he described as "an inconsiderate attempt by some northern gentlemen", but nonetheless, blamed the lords justices' violent response for forcing the king's loyal subjects into "desperate courses". He argued that the war which followed was essentially 'just', fought by Irish catholics to defend their rights, rather than to usurp royal authority. Nonetheless, he dismissed the first Ormond treaty as "not secure for the chief concerns of the catholics", claiming that confederates were not bound by the actions of a Committee of Treaty which ignored the rules and instructions given them³².

For French (as with Plunkett) the strength of the confederates association lay in unity, "our only bulwark". In one of his books, written later in exile, the bishop quotes what might well have been the motto of the moderates- "that commonwealth doth prosper whose citizens are of one accord"³³. By the end of the year both men

²⁹Bishop O'Dempsey of Leighlin emerged as a leading opponent of the Ormond peace treaty, while Clogher, Clonfert (later archbishop of Tuam) and Limerick were the most active clerical representatives on the Supreme Council throughout the 1640s. Bellings' History in Gilbert (ed.) *Irish Confederation* vii, p.5; For a full list of council members see appendix 2.

³⁰Aiazza (ed) *Embassy* pp 105-7; Declaration of the Ecclesiastical Congregation to the Supreme Council, 24 Aug. 1646 (PRO SP Ire. 261/51 ff 207-10)

³¹The others were Robert Barry, Walter Lynch, Thomas Rothe and Oliver Darcy. O'Ferrall and O'Connell (eds.) *Commentarius* i pp 524-42. See chapter 3 pp 91-2

³²Bindon (ed.) *Historical Works* vol.1 pp 35-40, 120; vol.2 pp 44-52. The background to French's historical works is discussed in appendix 3.

³³*Ibid.* vol.2 p.151

were working closely together on the Supreme Council, promoting a policy of compromise and conciliation. Whereas Plunkett's power base was centred on the General Assembly, French commanded the respect of the clerical faction and of Rinuccini. Between them, they were able to mobilise the moderate members of the two existing factions, and in the process develop a new political strategy.

In retrospect, Rinuccini claimed that the decision to call the assembly, taken during his tenure as president of the Supreme Council, was "the cause of all the misfortunes that followed". At the time, however, the nuncio displayed no hostility towards the idea of an assembly, writing in a letter to Rome of his intention to transfer all authority to that body, by resigning as head of government as soon as it met³⁴. From the early days of the crisis in August 1646, the clerical faction repeatedly asserted that their assumption of power was merely a temporary measure, as only an assembly possessed sufficient authority to decide on the major issues of peace and war. Nonetheless, a number of clerical supporters were opposed to the moderates' strategy, worrying that an assembly meeting would allow the peace faction to regain the initiative. There is no evidence that Rinuccini shared such fears. In fact, he believed that important measures "would receive a more ready obedience if they were concerted in common by all than if they proceeded from a magistrate elected exclusively by the clergy"³⁵.

In a letter to cardinal Pamphili on 30 December the nuncio reflected on the prospects for the forthcoming assembly, confident that if the session was well attended the 'Ormondist and Clanricarde' factions would be overcome. For the nuncio, however, war weariness presented the greatest danger. He recognised the abhorrence felt by all classes to the extortion of soldiers and conceded that this issue, rather than any religious question, concerned the vast majority of people. Even in the absence of a satisfactory peace, he believed it might prove difficult to persuade the assembly to pursue an active war³⁶. These observations are those of a

³⁴The retrospective analysis was contained in his report to Rome after leaving Ireland in 1649. Aiazza (ed) *Embassy* p.236, 509-11

³⁵Although reserving the right to interpret the confederate oath, the clergy never claimed temporal jurisdiction during the crisis. Declaration of the Ecclesiastical Congregation to the Supreme Council, 24 Aug. 1646 (PRO SP Ire. 261/51 ff 207-10); Gilbert (ed.) *Irish Confederation* vi pp 144-6; Aiazza (ed) *Embassy* pp 509-11

³⁶Aiazza (ed.) *Embassy* p.238. The term 'Clanricarde faction' was only used once before, by the clerical ambassador Matthew O'Hartegan in a letter to the Supreme Council in late 1644. O'Hartegan complained "that Ormond, Clanricarde and Castlehaven's factions are strong about your Board", and that the Church's interests

shrewd and sophisticated political thinker, in no way hostile to the expression of public opinion through the forum of a General Assembly.

The second crucial decision taken by the Supreme Council resulted in the release of all prisoners arrested in September, prompting Richard Bellings to declare dramatically that "the flood was turned". Again with the benefit of hindsight, Rinuccini argued that the opposite policy "if it had been carried out with the requisite firmness might have been the salvation both of religion and of the kingdom"³⁷. This statement credited the peace faction with a greater influence than it in fact possessed at this time. Moreover, the Supreme Council had little option but to release the men. Their continued imprisonment proved an acute source of embarrassment to council members, and would have caused bitter divisions in the General Assembly. By setting the men free the moderates diffused a potentially explosive political crisis. Viscount Muskerry and his adherents were released, however, only on condition that they did not attempt anything in favour of the rejected treaty until that assembly met³⁸. In fact, they actively supported the calling of this assembly, viewing the meeting as an opportunity to vindicate themselves personally, and possibly to curtail what they saw as the worst excesses of the clerical party.

The greatest opposition to an assembly came not from within confederate ranks, but from royalists such as Clanricarde, who wanted the peace treaty accepted as it stood. In his correspondence with the confederate commander, Thomas Preston. Clanricarde questioned the general's judgement in deferring to an assembly which would "certainly prove very prejudicial to the king's service and the peace and quiet of this kingdom"³⁹. The earl seriously doubted whether the forthcoming elections would be free in the face of clerical threats, while Ormond also expected little comfort from the assembly's proceedings. The lord lieutenant, preparing for the worst, issued a compulsory work order in Dublin to help strengthen the city's defences⁴⁰.

were neglected as a result. O'Hartegan to the Supreme Council, Nov. 1644 in Gilbert (ed.) Irish Confederation iv pp 61-2. Both Rinuccini and O'Hartegan were simply referring to those individuals (like Patrick Darcy) close to Clanricarde, rather than a distinct group such as the clerical or peace factions.

³⁷Bellings was one of those to be released. Bellings' History in Gilbert (ed.) Irish Confederation vi pp 46-7; Aiazza (ed.) Embassy p.503

³⁸Bellings' History in Gilbert (ed.) Irish Confederation vi pp 46-7

³⁹Lowe (ed.) Clanricarde Letter-Book pp 341-2

⁴⁰The compulsory order directed that all men and women over 15 years of age

The seventh General Assembly met in the city of Kilkenny from 10 January until 4 April 1647, with the confederates at the height of their power. They remained seriously divided, however, over the question of a settlement with Charles I, at a time when the king's freedom of action was rapidly contracting⁴¹. The primary decision facing assembly members concerned the fate of the Ormond peace treaty, and the future direction of confederate policy. Sessions were well attended, with all debates fiercely contested, as both sides sought to justify their actions over the last year⁴². Although fire destroyed the vast bulk of assembly records in the eighteenth century, two vivid eye-witness accounts, by Rinuccini and Richard Bellings, still survive⁴³.

Any political memoir, conceived with the benefit of hindsight, must be treated with caution. Nonetheless, by comparing the accounts of these bitter political opponents, alongside the evidence of contemporary documents, it has proved possible to reconstruct the passage of events⁴⁴. While a chronological account of the assembly's session, and the political activities of its participants is clearly essential, it is also important to focus on certain crucial themes which engaged the members' attention during that period. Its proceedings, once the session began, were

(estimated to number 24,000 people) work to complete the city's defences. HMC Calendar of the Manuscripts of the Marquess of Ormonde new series vol.1 (London 1902) p.113

⁴¹In February 1647, the Scots handed Charles over to the custody of the English parliament, although this news did not reach Kilkenny until after the assembly had rejected the peace treaty. Bellings' History in Gilbert (ed.) Irish Confederation vii pp 15-7

⁴²This assembly is one of only four for which a full list of members is available. The manuscript copies are as follows BL Add Mss 4,781 ff 12-34, 35,850 ff 12-34; Bodl. Carte Mss 70 ff 64-85; RIA Mss H.V.1; Dublin City Library (Gilbert Collection) Mss 219. Two printed versions also exist in Gilbert (ed.) Irish Confederation ii pp 212-19 (mistakenly dated 1643), and in Bourke, T. Hibernia Dominicana siue Historia provinciae Hiberniae ordinis praedicatorum (Supplementum 1772) pp 883-5. See appendix 1 for further information.

⁴³Bellings in particular describes many of the debates in vivid detail. Rinuccini, although he addressed the assembly at one stage, probably did not attend the sessions on a regular basis. Bellings' History in Gilbert (ed.) Irish Confederation vii pp 1-12; Aiazza (ed.) Embassy pp 239-76

⁴⁴Apart from political rivalry, both men appeared to harbour a strong personal dislike for one another. During this assembly, for example, Rinuccini wrote of Bellings that "no one speaks or writes more discredibly than he does". Aiazza (ed.) Embassy pp 251-2

dominated by four major issues: the Ormond peace treaty, the confederate oath of association, negotiations with the royalists and the election of a new Supreme Council. Each was a political process in itself and merits separate identification and analysis for that reason.

All previous accounts of this assembly have examined developments solely in the context of factional conflict (peace faction versus clerical faction). But such a limited framework fails to answer a number of crucial questions. Why, for example, did an assembly supposedly dominated by the clerical faction insist on adding so many conditions to the religious articles favoured by Rinuccini and the bishops? And why, despite their so called 'revival' did the peace party only succeed in having four of their number elected to the new and expanded Supreme Council? The answers lie in the exploitation of the balance of power by a group of pragmatic moderates, led by Nicholas Plunkett, who successfully dictated confederate policy for the remainder of 1647.

A logical starting point for discussing the seventh General Assembly, is the election which determined its membership, held in mid-winter during the month of December 1646. The confederates controlled a greater expanse of territory than ever before, ensuring a high return to the assembly, although the pattern of provincial representation remained unchanged from earlier meetings⁴⁵. With so much at stake elections were fiercely contested, and tension remained high throughout the campaign. There were numerous complaints of electoral malpractice and physical intimidation of both candidates and voters, directed almost exclusively at the clerical faction. As all complaints originated in the peace camp such reports must be treated with caution, but the accusations are worth investigating nonetheless⁴⁶.

A leading member of the peace faction, Richard Bellings, bitterly condemned his opponents' tactics, noting that from the beginning of the election campaign, the

⁴⁵Recent victories in Connacht and Ulster greatly increased confederate influence in both provinces. See chapter 7 p.234 (table 2) for provincial representation at assembly meetings. The question of elections to the General Assembly is examined in detail in chapter 7.

⁴⁶Those making complaints included the earl of Clanricarde, Charles Lambert in Dublin and the French agent in Kilkenny, monsieur Du Moulin. Lowe (ed.) *Clanricarde Letter-Book* p.342: Lambert to Ormond, 25 Dec.1646 (Bodl. Carte Mss 19 ff 699-700), Du Moulin to Ormond, 30 Jan.1647 (Bodl. Carte Mss 20 ff 218-9) etc.

Supreme Council, with the co-operation of the clergy "made it their study" to make sure the assembly would reject peace. The tactics used, according to his account, varied from oaths against the treaty administered by priests to physical violence perpetrated by the Ulster army. More specifically he charged that vacant places in the Ulster returns were illegally filled with men drawn out of the creaghts planted by Owen Roe O'Neill in the Midlands, while attempts to have these "supernumeraries" or "prime men" removed from the assembly after it met proved too difficult and tedious⁴⁷.

The royalists, although obviously not participating directly in the elections, also claimed that the clerical faction intended to dominate the proceedings by fair means or foul. In early December, just as the campaign got underway, Clanricarde wrote that "the enemies of peace will have great advantage in elections", with the help of clergy and the military forces at their disposal. Lord Lambert, based in Dublin, informed the lord lieutenant that those opposed to peace would have an army at Kilkenny to keep "moderate and well affected men" from attending the assembly⁴⁸. The target of all these accusations, the clerical faction, does not seem to have responded in kind. Rinuccini remained strangely silent on this issue, except on one point. He believed that poor attendance at previous assemblies had allowed the ruling clique to control the sessions. The election of a large number of candidates, the nuncio hoped, would prevent such manipulation⁴⁹.

The complaints of Bellings, Clanricarde and others can largely be dismissed as campaign rhetoric, sour grapes at having lost out to the clerical faction. The seventh General Assembly (despite Rinuccini's hopes) does not appear to have been unusually well attended. The percentage of members from Ulster, the most underdeveloped province in the country and one poorly represented in Kilkenny since 1642, was virtually unchanged from earlier meetings. Moreover, almost three quarters of the assembly members in 1647 had sat at previous meetings undermining

⁴⁷According to Bellings, the assembly included "such an overcharge of supernumeraries, as for some boroughs, three have been returned and actually voted". Bellings' History in Gilbert (ed.) *Irish Confederation*. vi pp 47-8, vii p. 1

⁴⁸Although Clanricarde had many friends in the confederate ranks, the source of Lambert's information is unclear. Dublin, however, was undoubtedly awash with rumours at this time as to the intentions of the clerical faction and Owen Roe O'Neill's Ulster forces. Lowe (ed.) *Clanricarde Letter-Book* p.342: Lambert to Ormond, 25 Dec. 1646 (Bodl. Carte Mss 19 ff 699-700)

⁴⁹Aiazza (ed.) *Embassy* p.238

claims of a huge influx of new faces⁵⁰. On the question of clerical interference, no examples of oaths issued specifically for this election campaign have survived, although Bellings may have been referring to the new oath of association framed back in August 1646⁵¹. By this oath, confederates swore to oppose any peace that did not have the consent of the Ecclesiastical Congregation.

Regarding the most common complaint, that of intimidation by the Ulster army, it seems highly unlikely that O'Neill was involved in any pact with the clerical faction. The earl of Clanricarde once observed that the Ulster forces "no further obeyed the orders of assemblies or councils than did best agree with their own designs"⁵². By December 1646 O'Neill's army had dispersed for the winter and the general himself was in conflict with Rinuccini over his refusal to hand over Athlone castle to Viscount Dillon, who had recently converted back to catholicism much to the nuncio's delight. Rinuccini denounced O'Neill as being "insubordinate" and "inflexible" while describing his troops as "barbarous"- hardly a picture of two men in close alliance⁵³.

The French agent (and supporter of the peace faction) Du Moulin claimed that the northerners in Kilkenny alone had chosen five people to speak for them at the assembly. These representatives, according to Du Moulin, sat as deputies for places won recently by the confederates in Ulster. Rinuccini, however, had observed the peace faction making similar appointments in January 1646, and it appears to have been standard practice throughout the 1640s⁵⁴. Abuses obviously occurred, and in a system coping with the demands of war, electoral improvisation (or malpractice) proved commonplace, but there is no evidence that the tactics employed in December 1646 were any worse than those practised by the peace faction themselves in earlier and indeed later elections.

⁵⁰300 members attended the assembly in early 1647, compared to over 400 in 1645, although that year was probably exceptional. See appendix 1

⁵¹An example of this oath is contained in Bodl. Carte Mss 19 ff 309

⁵²Lowe (ed.) *Clanricarde Letter-Book* p.377

⁵³What really upset the nuncio was the fact that the Ulster forces styled themselves "the army of the Pope and the Church", which led many confederates to blame the clergy, and Rinuccini in particular, for the excesses committed by these troops.

Aiazza (ed.) *Embassy* p.271

⁵⁴Du Moulin to Ormond, 30 Jan. 1647 (Bodl. Carte Mss 20 ff 218-9); Aiazza (ed.) *Embassy* p.116

Nicholas Plunkett, as chairman of the assembly, was determined the meeting would be free from any outside interference. In a letter to Preston, requiring his presence in Kilkenny, Plunkett informed him that nothing was "more requisite than full and absolute freedom unto the several members returned from the several places of the kingdom to be of the General Assembly". Kilkenny itself was hardly able to provide accommodation even to assembly members, who ordered that nobody travelling to the city should bring more than the "necessary" number of attendants⁵⁵. This policy would not only ease the congestion problems in the city, but also prevent the military commanders from intimidating the assembly with a large retinue of armed supporters.

Despite the dominance of Plunkett, Darcy, French and other moderates on the Supreme Council, both the peace and clerical factions secured significant representation at the assembly. Clanricarde reported that Viscount Muskerry was dominant in Munster and "looking to the elections for this assembly", while the peace faction still predominated in the ranks of temporal peers⁵⁶. Their exceptional unity enabled the faction to exert a disproportionate influence on the assembly, but it was far from being in the majority. The clerical faction, centred around the bishops, turned out in force, although crucially weakened by the hostility felt by a majority of confederates towards its principal supporter, the Ulster army of Owen Roe O'Neill. Nonetheless, the clerics certainly exerted a powerful influence on proceedings.

In the absence of detailed records, it is extremely difficult to identify the political allegiances of each individual member, but subsequent developments show that neither the peace or clerical factions were able to dominate the session. This fact enabled the moderates to exploit the balance of power, and assert their own

⁵⁵Plunkett informed Preston of a General Assembly order limiting the number of people entering Kilkenny to prevent assembly members being distracted by the "multitudes". Plunkett to Preston, 13 Jan. 1647 (PRO SP Ire. 263/31 ff 48-50). The extent of overcrowding in Kilkenny is illustrated by the petition of the inhabitants of the St. John's street to the General Assembly. They were seeking relief as "a great and considerable part of the said street is inhabited by gentlemen who lost their estates by the distempers of these times, and do not contribute to the payment of any public charge accrued in the said street". PRO SP Ire 261/48 f.201

⁵⁶Clanricarde to Ormond, 8 Jan. 1647 in Carte, *Ormond* vi pp 489-90. The large number of Butler peers alone (Mountgarret, Cahir, Dunboyne, Galmoy) ensured that the lord lieutenant received a sympathetic hearing from the confederate nobility. Pierce Butler, Viscount Ikerrin, appears not to have supported the peace treaty.

authority. The composition of this group of moderates will be discussed later in the chapter. The vast majority of assembly members, however, probably remained uncommitted to any faction, although they would have been attracted to Plunkett's advocacy of the primacy of the General Assembly in confederate politics⁵⁷.

The opening session of the seventh General Assembly dealt with the core issue of the Ormond peace treaty. All parties, in a rare display of consensus politics, agreed that ultimate authority in this matter lay with the assembly. For the peace faction, the assembly represented an immediate opportunity to overturn the policies of their clerical opponents, and Bellings in a burst of populist enthusiasm wrote that "notwithstanding any thing the prelates had determined, that certainly the nation by their representatives there met were the only competent judges of war and peace, and the grounds of either of them"⁵⁸.

His sentiments were echoed on the other side of the political spectrum, where the clerical faction hoped the forthcoming assembly would vindicate its actions over the previous six months and legitimise what was in the eyes of many an illegal usurpation of power. Rinuccini indicated the willingness of the bishops and clergy to lay down their authority to the assembly, "all power being now vested in that body"⁵⁹. This sudden interest in, and respect for, the assembly was nothing more than a charade, driven purely by self-interest, both factions attempting to outmanoeuvre the other. By agreeing to let the General Assembly have the final word on the peace treaty however, the peace and clerical parties unwittingly played into the hands of the moderates who hoped a compromise settlement in the assembly would preserve confederate unity.

The main point of contention in the ensuing peace debate centred on whether the Committee of Treaty and the Supreme Council were within their rights in concluding a peace, without referring the matter to the General Assembly. The question of authorisation was an extremely complex one, and the confederate

⁵⁷Plunkett had been instrumental in getting the clerical faction to summon an assembly in late 1646. Declaration of the Ecclesiastical Congregation to the Supreme Council, 24 Aug. 1646 (PRO SP Ire. 261/51 ff 207-10); Aiazza (ed.) *Embassy* pp 509-11

⁵⁸Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.3. This statement came from the same man who was forced to grovel an apology to the assembly in 1644, for having ignored its instructions in his capacity as secretary to the Supreme Council. *Ibid.* iii p.10

⁵⁹Aiazza (ed.) *Embassy* p.244

"model of government", conceived only a few years earlier, proved sufficiently vague to be open to various interpretations⁶⁰. Not surprisingly, the peace faction and the clerics adopted widely divergent positions on this issue. With so much at stake each point was fiercely contested among the main protagonists- Rinuccini and Edmund O'Dempsey, Bishop of Leighlin, on the anti-treaty side, and Richard Bellings, Colonel Walter Bagnal and resident French agent, Du Moulin, on the pro-treaty side. There was, according to the nuncio "much acrimony in public", while Bellings refers to heated debates "as vexed the souls of some composed men"⁶¹. A plot by Robert Talbot (a recent prisoner of the clerical faction) to seize his opponents and incarcerate them in Carlow Castle, came to nothing, but clearly the potential for violence remained⁶².

The session began with Rinuccini resigning his position as president of the Supreme Council, a shrewd move politically, and temporarily silencing those people critical of his seizure of power. The nuncio, however had no intention of taking a back seat in the peace debate and in a forceful address to the assembly argued that the clergy had organised a government only from necessity and "not because they considered that temporal things belonged to their jurisdiction". He pointed out that the clergy willingly acknowledged the supremacy of the General Assembly, in stark contrast to the previous Supreme Council dominated by the peace faction, which had refused to recognise the authority of the assembly in February 1646. Rinuccini sensed the overwhelming desire in the assembly for peace, with a clear majority favouring a compromise "to annul the peace and pardon the contumacious". In such circumstances, the clergy could not appear as an obstacle to peace, or the cause of any internal strife⁶³.

The pro-treaty side conceded that the religious guarantees in the Ormond peace appeared limited, but pointed to the possibility of further concessions as outlined in

⁶⁰Orders of the General Assembly, 24 Oct. 1642 (BL Add Mss 4,781 ff 4-11)

⁶¹Aiazza (ed.) *Embassy* p.244; Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.2

⁶²King's Inns, Prendergast Papers Mss vi ff 710-6. Little information survives on Talbot's plot, which was probably one of many in circulation at this time.

⁶³One of the first acts of the assembly had been to cease all acts of hostility against the royalists to allow time, as Plunkett informed Ormond, to clear up any "misunderstandings". Plunkett to Ormond, 15 Jan. 1647 (Bodl. Carte Mss 20 f.133); Rinuccini's assistant, Scarampi, favoured a hard-line approach, but this was rejected unanimously by the bishops, with the nuncio's support. Aiazza (ed.) *Embassy* pp 244-51

the first article of the treaty. The commissioners of treaty and Supreme Council, they argued, had at all times acted with the full consent and knowledge of the General Assembly. The signatories of the treaty further demanded "that it might be instanced where they varied from their instructions". According to Bellings, there was no denying "the public and solemn direction given by the president of the General Assembly met at Kilkenny [March 1646], to the council and commissioners, to conclude this very peace read to them in the same terms, with some little alteration in words, but no way in substance"⁶⁴. The clerical faction hotly denied the assertion that the treaty terms (without alteration) were read to the assembly, which was now in any case determined to reject the terms on offer⁶⁵.

The debate then shifted ground with both factions claiming that the foreign courts supported their position on the peace treaty. Bellings produced the opening salvo, declaring that Pope Innocent X recognised the need to steer a prudent and cautious course. Rinuccini immediately countered this strategy by declaring that as papal nuncio he alone could speak for Rome⁶⁶. In a speech to the assembly, the French agent Du Moulin, anxious for a settlement that would enable him to export troops to the continent, hinted at the French king's unease with opposition to the Ormond treaty, and the confederates' unreasonableness in expecting all concessions in writing. Du Moulin's credibility however was seriously undermined by his close association with the peace faction, and the return of Geoffrey Barron from Paris with news of the French court's continued support for the confederates⁶⁷. The debate continued with an impassioned plea from colonel Walter Bagnal to the assembled bishops, reminding them of historical examples of the vengeance exacted

⁶⁴In Bellings' view, once the Roman treaty failed to arrive by 1 May 1646, the commissioners were perfectly entitled to conclude the treaty. This argument conveniently ignores the fact that the treaty was actually signed on March 31. Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.8

⁶⁵The argument over reading the treaty terms to the General Assembly in February 1646 is examined in chapter 3 pp 103-4

⁶⁶Bellings visited Rome during his mission to the continent in 1645, a fact which presumably enabled him to provide some insight into papal thinking. O'Ferrall and O'Connell (eds.) *Commentarius* ii p.508; Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.3

⁶⁷Paper presented by Du Moulin to the General Assembly, 19 Jan.1647 (Bodl. Carte Mss 20 ff 160-1); Dr. Tyrrel to Council of Confederates, 30 Jan.1647 (Bodl. Carte Mss 67 f.140). Aiazza (ed.) *Embassy* p.251; O'Ferrall and O'Connell (eds.) *Commentarius* ii p.509

against those who broke solemn treaties, and pleaded with them to avoid a similar fate⁶⁸.

Unable to reach a decision, the General Assembly issued a decree by which a stated number in each party got together to seek a compromise formula⁶⁹. The promotion of consensus politics became a favourite tactic of the moderates, frequently used during difficult negotiations to prevent a potentially ruinous split in confederate ranks. This committee's recommendation to reject the peace was, according to Nicholas French, passed by the General Assembly on February 2 with unanimous consent. Rinuccini, however, recorded 12 votes (out of 300 cast) against the decision, and certainly a few die-hard peace advocates refused to concede defeat. According to Bellings, the vote "was far from being unanimous in the public acclamation and very far from finding a tacit consent in the minds of men", while Robert Talbot, in a letter to Clanricarde complained that the supporters of peace had been "overborne with vote and not weight or strength of reason"⁷⁰.

After the vote the assembly issued a lengthy statement explaining the decision. The supporters of peace, it argued, had relied totally on Glamorgan's treaty for religious concessions "though by reason of many accidents happened since" this agreement was no longer secure. As a result, the assembly had little option but to reject the Ormond peace, which it declared "invalid and of no force". In principle, the stance of the clerical party appeared to have been totally vindicated but in reality an astute and politically vital compromise had been reached before the vote was taken as now became apparent, for the statement continued that "this assembly do likewise declare that the said council, committee of instructions and commissioners of treaty, have faithfully and sincerely carried and demeaned themselves in their said

⁶⁸Bellings' History in Gilbert (ed.) Irish Confederation p.10. Bagnal cited the example of the king of Hungary, illustrating once more the confederates' interest in mainstream European affairs. Bagnal was a fervent supporter of the peace treaty, and the previous September had allowed Ormond to escape back to Dublin over Leighlin Bridge, and suffered imprisoned as a result. Kings' Inns, Prendergast Papers Mss 2 f.994

⁶⁹Aiazza (ed.) Embassy pp 244-9. Unfortunately, Rinuccini neglects to name those chosen to reach this compromise agreement.

⁷⁰Talbot was convinced that "the most active in that design will as soon rue it as the opposers thereof". Lowe (ed.) Clanricarde Letter-Book pp 369-71; Bindon (ed.) Historical Works vol.2 p.174; Aiazza (ed.) Embassy pp 244-9; Bellings' History in Gilbert (ed.) Irish Confederation vii p.11

negotiations pursuant and according to the trust reposed in them, and gave thereof a due acceptable account to this assembly"⁷¹

This formula of rejecting the peace but exonerating its creators from any blame, found widespread approval and prevented a permanent split in confederate ranks. Rinuccini expressed his displeasure at the partial exoneration of the peace faction in a letter to Rome, but there appears to be no substance to the claims by the authors of the *Commentarius* that the deal originated with the peace faction⁷². Compromise proved the order of the day and even though the treaty favoured by Viscount Muskerry and his supporters had been rejected they were free to fight again another day. The peace debate signalled the triumph of consensus over faction, consolidating the strategy of the moderates, who emerged as the leading force in confederate politics.

The final part of the debate dealt with the shape of any future peace agreement. Events of the past six months had brought the confederate organisation to the brink of chaos and collapse. The General Assembly now set out to avoid any further internal disputes by assuming total control of the peace process, with power no longer concentrated in any one small group or faction. The oath of association was the instrument for the development of this political process which had manifested itself for the first time in June 1644, with the presentation of the reform package proclaiming the primacy of the General Assembly in the confederate power structure⁷³.

Discussions on changes in the oath of association began when the Ecclesiastical Congregation, meeting in simultaneous session with the General Assembly, issued a series of proposals, deemed necessary to ensure the security of religion in any future treaty. The congregation demanded the free and public exercise of the Roman Catholic religion in Ireland and the retention of all church buildings and church livings by the catholics. All penal laws against catholics were to be revoked in the Irish parliament, which to protect against further abuses was to function independently of its English counterpart. Finally and most crucially, the clerics

⁷¹Declaration of the General Assembly against the peace, 2 Feb. 1647 (Bodl. Carte Mss 65 f.364); Gilbert (ed.) *Irish Confederation* vi pp 176-8

⁷²Rinuccini did not challenge the agreement as he feared an open breach precipitated by the clergy. Aiazza (ed.) *Embassy* pp 244-9; O'Ferrall and O'Connell *Commentarius* ii pp 511-5

⁷³The reform proposals in June 1644 are discussed in chapter 2 pp 80-6

demanded that the General Assembly frame a new oath of association to include all of these demands⁷⁴. The oath had already been amended during the treaty crisis in August 1646, with confederates swearing to oppose any peace treaty that did not have the consent of the clerics⁷⁵. Now in January 1647 the bishops sought further changes to consolidate their political gains of the last six months.

The General Assembly postponed any debate over the clerics' proposals until after the vote on the peace treaty and then each was examined individually. According to Bellings (no friend of the clergy) the additional clauses caused little or no contention, but other accounts contradict this picture of confederate harmony. Members of the peace faction at the assembly bitterly opposed the new amendments, while Clanricarde argued that the new oath would be grounded as a result "upon impossible undertakings". Rinuccini wrote that the "general compact was refused by none", but that the conditions were disputed, leading to prolonged and heated discussions with "dissensions raging more bitterly than ever". This "unwearied faction" he noted ruefully "constantly meets in secret and turn everything to their own ends"⁷⁶.

Despite this opposition, the General Assembly approved of the addition of four religious articles to the confederate oath of association as follows: the free and public exercise of the Roman Catholic religion as in the reign of Henry VII; secular clergy to enjoy all manner of jurisdictions, privileges and immunities as in the reign of Henry VII; all penal acts against catholics passed since 20 Henry VIII to be revoked by an act of parliament; secular clergy to enjoy all churches and church livings in confederate controlled areas⁷⁷. The bishops' victory appeared to be complete except for two crucial conditions agreed upon the following day. Firstly, the final amendment concerning churches and church livings would not preclude the possibility of the assembly reaching an accommodation with the protestants on this issue. Secondly, and more importantly, the General Assembly alone had the "power of declaring the kingdom unable to carry out these proposals"⁷⁸.

⁷⁴The clerics presented their list of demands on the opening day of the General Assembly, 10 January 1647. Propositions of the Ecclesiastical Congregation to the General Assembly at Kilkenny, 10 Jan. 1647 (Bodl. Carte Mss 20 ff 100-1; Gilbert (ed.) *Irish Confederation* vi pp 171-2

⁷⁵Bodl. Carte Mss 19 f.309

⁷⁶Aiazza (ed.) *Embassy* p.251, p.258; Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.12; Lowe (ed.) *Clanricarde Letter-Book* p.365

⁷⁷The oath is written in at the top of the 1647 assembly list. See n.42

⁷⁸Aiazza (ed.) *Embassy* p.257

The assembly, therefore, rather than the clergy as the nuncio had hoped, would be the final arbiters of any future agreement with the king. Rinuccini, although angered by these late additions believed that "in a full assembly there is no fear of the well-disposed not prevailing"⁷⁹. Claims that the peace faction engineered this outcome are contradicted by the subsequent elections to the Supreme Council, which clearly illustrate that it was not sufficiently numerous to force through any changes⁸⁰. The compromise nature of the final settlement strongly suggests that the proposals originated with the moderates in a move to ensure the General Assembly's dominant position in the confederate power structure. By this action the assembly ensured that the terms of peace would not be dictated by any one group, whether peace faction or clerical faction⁸¹.

Although it emphatically rejected the Ormond treaty, the seventh General Assembly proved extremely anxious nonetheless to reach an accommodation with the lord lieutenant. The confederates were never comfortable in opposing their monarch, and according to Rinuccini, if satisfactory terms could be arranged, the vast majority favoured peace⁸². On 15 January 1647, therefore, a full two weeks before the vote on the peace treaty, Nicholas Plunkett wrote to the lord lieutenant informing him that the assembly had ordered its commanders to cease attacks on royalist positions. Plunkett hoped that the forthcoming debate "may quiet the distractions of the kingdom and clear all misunderstandings for the advancement of his majesty's service"⁸³.

⁷⁹ Idem.

⁸⁰ The authors of the *Commentarius* claim that the peace faction changed the oath to facilitate a deal with the lord lieutenant. O'Ferrall and O'Connell *Commentarius* ii pp 511-5; Robert Talbot notes in a letter to Clanricarde on 20 March 1647 that only 3 out of the 24 members on the new council belonged to the peace faction. Lowe (ed.) *Clanricarde Letter-Book* p.370

⁸¹ This declaration by the General Assembly mirrored efforts at Westminster to ensure that the English parliament, and not the executive Committee of Both Kingdoms, acted as final arbiter in any peace settlement with the king. Gardiner, S.R. *History of the Civil War* (New York 1965) vol.1 pp 305-6

⁸² Aiazza (ed.) *Embassy* p.276

⁸³ Bodl. Carte Mss 20 f.133. Plunkett wrote frequently to the lord lieutenant at this time in his capacity as chairman of the General Assembly. No evidence survives of any private correspondence between the two men which strongly suggests that Plunkett did not belong to Ormond's inner circle of friends and clients.

Expecting another confederate attack, this approach caught Ormond unawares. Unsure how to respond, he waited ten days before sending back a detailed reply outlining his disappointment at the confederates' rejection of the peace⁸⁴. The confederate commissioners (in his opinion) had been fully authorised by the assembly to conclude a treaty and the Ecclesiastical Congregation had no right to contravene the work of the secular authorities. Despite this setback however, Ormond authorised Lord Taaffe and Colonel Barry to travel to Kilkenny to explore the possibilities of arranging a fresh settlement. They could agree to a cessation of hostilities for a month in return for £1,000 sterling in cash, and extend the deadline for another month at the same price⁸⁵.

The lord lieutenant disliked negotiating directly with the General Assembly and held out little hope of reaching a mutually acceptable agreement. Events in England during the early months of 1647 vastly reduced his room for manoeuvre. On January 30 the Scots handed the king over to the English parliament, and shortly afterwards parliamentary commissioners were reported to be on their way to Dublin to negotiate the city's surrender⁸⁶. Ormond's position, caught between the confederates and parliament, was perilous but by negotiating with both sides he sought to gain some valuable time. Three days after despatching Taaffe and Barry to Kilkenny the lord lieutenant contacted the parliamentary delegation seeking a safe pass to parley⁸⁷.

Ormond's agents arrived in Kilkenny during the crucial debate on the peace treaty which continued uninterrupted. Shortly after the final vote the assembly formed a committee, headed by Hugh Rochford, to conclude a truce with the royalists.

⁸⁴Lowe (ed.) Clanricarde Letter-Book p.349

⁸⁵Instructions [by Ormond] to Taaffe and Barry, 25 Jan. 1647 (Bodl. Carte Mss 20 f.190). these instructions illustrate Ormond's desperate need for hard currency at this time, considering that at one stage of the conflict his monthly military expenditure was over £50,000. Gillespie "Economy at War" Independence to Occupation p.171

⁸⁶Parliamentary commissioners had visited Dublin the previous year, in March 1646. Ormond received the delegation but refused to negotiate at that time. Ormond to Annesley, 2 March 1646 (Bodl. Carte Mss 16 f.573). With the king now in parliamentary custody, however, a fresh approach would have been difficult to ignore.

⁸⁷The three parliamentary agents were Robert Meredith, Robert King and John Clotworthy, the Antrim planter who had played a leading role in Strafford's downfall. Ormond to Meredith, King and Clothworthy, 28 Jan.1647 in TCP vol. 20 p.126

Rochford, an Old English merchant from Wexford, had initially joined the clerical faction in denouncing the peace treaty. In September 1646, he was appointed to the judicature by Rinuccini along with Patrick Darcy. Rochford's involvement in the cease-fire arrangements with Ormond suggests a switch into the moderate camp along with his former parliamentary colleague, Nicholas Plunkett⁸⁸.

The confederate committee signed a truce with the royalists on February 17, to last until March 13. Rinuccini continued to argue for a immediate military strike, complaining bitterly that truces "have been the ruin of the whole affair"⁸⁹. The nuncio relented in his opposition to the truce however, to ensure the passage of the clerical articles through the assembly. Plunkett and the other moderates, on the other hand, hoped Ormond would delay surrendering Dublin to the English parliament as a result of the cease-fire. Despite the overtures from the moderates, the lord lieutenant believed that a permanent peace agreement with the confederates was impossible. He decided instead to hand Dublin over to the forces of parliament, and a letter to this effect was sent to London in early February⁹⁰.

Unaware of this development the General Assembly continued to push for a further settlement. On the last day of February, the General Assembly appointed Gerald Fennell, a leading member of the peace faction, and Geoffrey Barron, "an ardent nuncioist" (according to Bellings at least), to present the lord lieutenant with a new

⁸⁸Rochford sat as MP for the borough of Fethard in the 1640-1 parliament, was active on numerous committees, and identified by Perceval-Maxwell as one of the catholic 'leaders'. Perceval-Maxwell Irish Rebellion pp 136-7. According to Castlehaven, Rochford travelled to France as an accredited confederate after the first General Assembly, but he does not assume a central role until the peace crisis of August 1646. Tuchet Castlehaven Review pp 59-60

⁸⁹Articles of agreement for cessation between Colonel Barry and Hugh Rochford, 17 Feb. 1647 (Bodl. Carte Mss 20 f.315); Aiazza (ed.) Embassy p.275

⁹⁰Ormond offered to surrender on February 6, almost 2 weeks before agreeing to a truce with the confederates. At the end of February, Parliament accepted his offer, although some tough bargaining needed to be done before Ormond would agree to hand over the city. Parliamentary acceptance of Ormond's offer to surrender, 27 Feb. 1647 in TCP vol. 20 p.228. The timing of this somewhat contradicts Adamson's argument that it was only at the end of March 1647, when the reappointment of his enemy Lord Lisle as parliamentarian lord lieutenant of Ireland was looking increasingly unlikely, that Ormond took definite steps to surrender Dublin. Adamson J. "Strafford's Ghost: The British Context of Viscount Lisle's Lieutenancy of Ireland" Independence to Occupation p.146. The evidence seems to suggest that Ormond was prepared to hand Dublin over to parliament regardless of which faction predominated at Westminster.

offer⁹¹. By choosing a member from each faction the moderates persisted with their consensus policies in an attempt to bind both sides to any new deal. The main terms on offer were that the confederates and royalists would continue with separate governments until the signing of a treaty, and in the meantime prosecute a joint war against the forces of the English parliament and the Scots. Ormond had resisted similar pleas to join forces before, but nonetheless promised to examine the proposals carefully and make a reply within a few days. Encouraged by his reaction, Fennell and Barron returned to Kilkenny and persuaded a sympathetic assembly to extend the truce until 10 April⁹².

By March 18 however, the situation had become critical, with rumours abounding of an agreement between Ormond and the English parliament, and no reply from the lord lieutenant to the assembly's proposals. In desperation, Plunkett instructed the major of the confederate horse, Theobald Butler, to go to Dublin and discover Ormond's true intentions. Butler was to remind Ormond "not to conclude with any but the General Assembly", which could not be kept together indefinitely. Forced to declare his position publicly the lord lieutenant announced that he could not assent to the confederate propositions "in the manner as they are framed". This reply brought the negotiating process to an abrupt conclusion. Confirmed in its suspicion that Ormond had struck a deal with parliament, the assembly decided that further talks at this time would serve no purpose⁹³.

Rinuccini reported that even Ormond's close friends in the assembly expressed outrage at his betrayal and that "a stricter union has already become visible between the different parties but everyone allows that necessity alone can cement it entirely"⁹⁴. The confederates were not separatists, but with circumstances forcing a major and radical reappraisal of the situation, the idea of a foreign protector for the

⁹¹Bodl. Carte Mss 20 ff 372-4; Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.7; Although a nephew of Luke Wadding, the confederate agent in Rome, his actions during the 1648 crisis suggest that he was (at least at this stage) a moderate rather than an adherent of the clerical faction.

⁹²For cessation terms and ensuing correspondence see Bodl. Carte Mss 20 f.386, 420; Gilbert (ed.) *Irish Confederation* vi pp 185-6

⁹³Cessation negotiations in Bodl. Carte Mss 20 f.405, 497, 501, 519; Gilbert (ed.) *Irish Confederation* vi pp 191-2. The Supreme Council wrote to a number of leading catholic neutrals (Nicholas White, Henry Talbot and Andrew Aylmer among others) at the end of March, inviting them to join the confederates as Ormond intended to surrender Dublin to the English parliament. Bodl. Carte Mss 20 f.556, 558, 560

⁹⁴Aiazza (ed.) *Embassy* pp 265-7

country surfaced once again. Prior to the assembly meeting, a rumour in circulation (around Dublin at least) suggested that the nuncio and his supporters intended to declare for Spain "and that they first give it out to see how it will take"⁹⁵.

Certainly by March 1647, with the king a prisoner of the English parliament and Ormond on the verge of surrendering Dublin, some members argued that an approach should be made to the Spanish monarch seeking his protection. Others favoured the French king, while the clergy naturally enough looked to the pope. Rinuccini, with no recent instructions on the issue, adopted a neutral stance and wrote to Rome for guidance⁹⁶. Unable to reach an agreement on a suitable protector, the assembly dropped the matter for the moment.

Although temporarily united in condemnation of Ormond, the fragility of the confederate alliance was exposed when the clerical faction introduced articles condemning Thomas Preston before the assembly. Preston's enemies accused the Leinster general of accepting command in the Dublin expedition, despite having an agreement not to attack Ormond. They further alleged that he disobeyed orders of the Supreme Council and Ecclesiastical Congregation, and plotted to seize Duncannon and Kilkenny. The final and most damning charge claimed that Preston continued to plot with Ormond even after his formal reconciliation with the council on 8 December 1646⁹⁷.

Whatever about Preston's treachery during the Dublin campaign, after the formal reconciliation he appeared content to allow the General Assembly decide on the fate of the Ormond peace treaty⁹⁸. Preston's supporters were convinced that "the clergy sought only to aggrandize O'Neill", and the conflict almost came to blows on the assembly floor. Rinuccini, once again displaying a moderation which belied his

⁹⁵Lambert to Ormond, 25 Dec. 1646 (Bodl. Carte Mss 19 ff 699-700)

⁹⁶Aiazza (ed.) *Embassy* p.267. Rinuccini's instructions prior to his arrival in Ireland, however, advised him to maintain a strict neutrality between France and Spain. *Ibid.* p.xlix. The activities of the French agent Du Moulin at the assembly in support of the Ormond treaty might have inclined the nuncio more towards Spain at this time.

⁹⁷The articles against Preston are printed in Gilbert (ed.) *Irish Confederation* vii pp 336-8, with a Latin manuscript form in Bodl. Carte Mss 118 f.29

⁹⁸Preston did continue to correspond with Clanricarde after December 8, but by December 12 informed the marquis that the threat of clerical censure would force "a protracting of our agreements until the Assembly now at hand, the composure whereof being legal and free will settle such an understanding between us as will unite the nation in acceptance of these conditions". Lowe (ed.) *Clanricarde Letter-Book* pp 343-5

extremist reputation, successfully interposed in the row, and the Leinster general retained command of the army⁹⁹. For the moment at least, a semblance of confederate unity was restored.

One of the final and most important acts of the General Assembly involved electing a new Supreme Council, responsible for implementing the decisions of the assembly, and directing confederate policy over the following crucial months. Its composition would also give an indication of the shifting balance of power within confederate ranks. The previous Supreme Council had not been elected but rather appointed by the clerical faction after the rejection of the peace treaty. As he had promised in a letter to Rome, Rinuccini resigned as president as soon as the General Assembly met on 10 January 1647. The rest of the council however continued to function (according to existing practice), dealing mainly with routine administrative matters.

On 8 March the nuncio wrote to the assembly recommending that fresh elections to the council take place immediately. With the assembly still well attended, Rinuccini believed a better chance existed for the return of councillors favourable to the clerical position. The longer a session continued the more members drifted home, with the consequent danger of leaving the peace faction, whose members were largely based around the Butler heartland of Kilkenny and Tipperary, with a majority¹⁰⁰. The assembly accepted Rinuccini's suggestion and the results of the ensuing elections were announced just over a week later on March 17.

The new council consisted of 24 members, 12 of whom would be based permanently in Kilkenny city. Surviving manuscripts provide us with the names of all the council members¹⁰¹. Of the outgoing council, 11 out of 17 were re-elected,

⁹⁹O'Ferrall and O'Connell (eds.) *Commentarius* ii p.557; Aiazza (ed.) *Embassy* pp 270-2. Admittedly, Rinuccini in his own version of events to Rome, was anxious to portray himself as a neutral factor in confederate politics. The author of the Plunkett manuscript in the National Library blamed Nicholas French for introducing the articles, which were then suppressed by Nicholas Plunkett in his capacity as chairman of the General Assembly. NLI Mss 345 f.63. French may well have felt personally betrayed by Preston, as the bishop had insisted on his involvement in the Dublin campaign.

¹⁰⁰Plunkett, towards the end of the session, reported difficulties preventing assembly members from returning home. Plunkett to Ormond, March 1647 (Bodl. Carte Mss 20 f.501). Rinuccini always believed that in a full assembly there was "no fear of the well-disposed not prevailing". Aiazza (ed.) *Embassy* p.257

¹⁰¹Supreme Council documents signed by various members. Bodl. Carte Mss 20

including Nicholas Plunkett, Nicholas French and surprisingly Owen Roe O'Neill. As for the other 6, Rinuccini and two provincial generals, Preston and Glamorgan did not stand again. Archbishop Walsh, Phelim O'Neill, and Viscount Roche, therefore, were either unsuccessful or did not put their names forward. The council had 13 new members, including a number of leading members of the peace faction¹⁰².

Robert Talbot, one of those imprisoned after the rejection of the peace treaty, explained in a letter to the earl of Clanricarde that the clerics could not prevent the election of Viscount Muskerry, Richard Everard and John Dillon, "unless they did put in such as were as averse to their manner of proceedings as they". Rinuccini refers to four successful candidates as being hostile to the clergy's interests. The extra man was almost certainly Lord Athenry, whose re-election to the council was vigorously opposed by the clerical faction at the following assembly in December 1647¹⁰³.

The election of Muskerry and his allies confirmed something of a peace party revival, but on a very minor scale. The faction only succeeded in getting four of its number appointed onto a Supreme Council of 24 members. Moreover, according to Rinuccini, Muskerry owed his election to a gesture of reconciliation by Nicholas Plunkett¹⁰⁴. Nonetheless, the clerical faction also had to contend with a number of leading moderates on the council. Apart from Plunkett and French, these included Patrick Darcy, Roebuck Lynch, Richard Blake (all of Galway), Nicholas Rochford, the marquis of Antrim and presumably his brother Alexander MacDonnell. This group did not constitute a majority but skilfully manipulated the balance of power between the two main factions.

Surviving evidence suggests that the marquis of Antrim served as president of the new council, and he certainly claimed as much during the Restoration period¹⁰⁵.

f.556, 21 f.571; PRO SP Ire. 264/46 f.108, 265/19 f.68; Bodl. Tanner Mss 58/2 f.529, 533 etc.

¹⁰²See appendix 2 for the full list of those elected.

¹⁰³Lowe (ed.) *Clanricarde Letter-Book* p.371; Aiazza (ed.) *Embassy* p.264; The nuncio attempted to veto the nomination of Athenry in December 1647, as well as Richard Bellings, Lucas Dillon and Gerald Fennell. Ó hAnnracháin "Far From Terra Firma" pp 319-25

¹⁰⁴Aiazza (ed.) *Embassy* p.511

¹⁰⁵In the months following the assembly's dispersal his signature is at the top of Supreme Council documents, indicating that he held a position of prominence on

Antrim had returned from Scotland early in January 1647, still basking in the spectacular success of the military expedition led by his kinsman Alasdair MacColla. An ardent opponent of the Ormond peace treaty, the marquis maintained a good personal relationship with the papal nuncio, but on the other hand had a strong royalist record, with marriage connections to a number of peace faction leaders. An experienced, though somewhat enigmatic, politician his election as president would have been a popular choice with the General Assembly, and provided the moderates with an ideal compromise candidate¹⁰⁶.

Rinuccini recorded proudly in a letter to Rome the common habit at the time of referring to the new Supreme Council as the "council of the clergy"¹⁰⁷. In fact the council reflected the ascendancy of the moderates, and more importantly its powers had been severely curtailed as the General Assembly assumed a dominant role in confederate politics, and of the vital peace process. No treaty could be concluded without the prior consent of the assembly, a fact acknowledged by the Supreme Council itself on numerous occasions in the following months and underlined by the experiences of George Leyburn. He arrived in Kilkenny the very night that the assembly's session finally ended. Afterwards he commented ruefully, "indeed it was very unfortunate for the Assembly had both the power and the means to do or undo what they had done in order to treaty which the Supreme Council, limited within bonds by the Assembly, afterwards had not"¹⁰⁸. Clearly, a significant shift of power had taken place in the confederate political structure, prompted and supported by leading moderates.

The seventh General Assembly finally dispersed on 4 April 1647 after a session lasting almost three months. All negotiations with the royalists having ceased, the restless members began returning to their homes. The decisive rejection of the

the council. PRO SP Ire 263/98 f.163, 264/12 f.22; Bodl. Carte Mss 20 f.556 etc. Moreover, George Leyburn in the report on his mission to Ireland, refers directly to Antrim as president of the Supreme Council. Ohlmeyer Civil War and Restoration pp 188-90. Ohlmeyer is correct in identifying Antrim as the president, but mistakenly believes that the council was dominated by the clerical faction.

¹⁰⁶Shortly after arriving back to Ireland in January, Antrim received permission from the General Assembly to raise 5,000 men, and was promised £5,000 to transport them to Scotland. As ever, Antrim's involvement with the confederates proved secondary to his Scottish interests. Supreme Council Order, June 1647 (PRO SP Ire 265/19 ff 101-2); Ohlmeyer Civil War and Restoration pp 183-4

¹⁰⁷Aiazza (ed.) Embassy p.264

¹⁰⁸Bindon (ed.) Historical Works p.163

Ormond treaty and the revising of the oath of association to include four religious articles appeared to vindicate the actions of Rinuccini and the clerical faction in opposing the peace, but their triumph could hardly be described as absolute. A number of important conditions had been attached to the clerical amendments, while their enemies retained important positions in the confederate government.

The assembly exonerated Viscount Muskerry and his supporters from any blame for concluding the peace treaty and elected four of them (including Muskerry) onto the new Supreme Council. Rinuccini wrote later that the peace faction emerged from this assembly triumphant", while other accounts refer to a "revival"¹⁰⁹. It is difficult to see how either term could be justified. True the supporters of the peace had avoided total political annihilation but they no longer controlled the council and Owen Roe O'Neill's Ulster army still dominated the military sphere. Moreover, the prospects for an accommodation with the royalists seemed particularly bleak as the lord lieutenant entered negotiations with commissioners from the English parliament.

With neither extremes enjoying unqualified success over the three months, it was in fact the General Assembly which appeared to have made the most significant gains. Just eighteen months after Glamorgan's insistence on dealing with the Committee of Treaty alone, the assembly assumed total control of the negotiating process, with a more active and direct role in dictating the terms, and no peace could be concluded without its approval. Royalists were left in no doubt as to the assembly's central role, and during the course of 1647-8 the body developed an independent identity, articulated with an increasing sophistication. An indication of the General Assembly's increasing confidence is that for the first time since 1642 it set a definite date, 12 November 1647, for the next session. For the moment at least, the power of the General Assembly was (according to Richard Bellings) "unlimited"¹¹⁰.

The emergence of the General Assembly to the forefront of confederate politics actually marked the increasing influence of a group of moderates led by Nicholas Plunkett. Advocating consensus politics, the primacy of the legislature, and the need for a more balanced peace treaty, these moderates mobilised significant support on the assembly floor thus enabling them to gain a controlling influence on the

¹⁰⁹Aiazza (ed.) *Embassy* p.511: Lowe, "Negotiations between Charles I and Confederates" p.599

¹¹⁰Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.12

CHAPTER 5: APRIL 1647-MAY 1648

"The new Council, to whom the Assembly remitted the whole regulation of affairs, took as usual a middle course, which is always pernicious in state affairs."

(Rinuccini to Cardinal Panzirolo, 22 August 1647)¹

The seventh General Assembly of the confederate catholics finally dispersed at the beginning of April 1647, relinquishing authority to the new Supreme Council, which was controlled by a group of moderates. For the remainder of the year, Nicholas Plunkett, ably assisted by Nicholas French and Patrick Darcy, would dictate confederate political, military and diplomatic policy. The main threat to their authority emerged, not from the recently victorious clerical faction, but from a resurgent peace faction, marshalled by Viscount Muskerry. No longer the majority voice on the council, or in the assembly, the peace faction sought to regain power through the provincial armies, concentrating their attentions on Munster.

In contrast to Leinster, the province of Munster had experienced great difficulties financing and maintaining an army after the initial months of the uprising. Successive defeats at Liscarroll (August 1642) and Bandonbridge (November 1642) consolidated protestant control of Cork, while personal rivalry between the leading confederate nobles, Viscounts Roche and Muskerry, created further problems. The cessation agreement in September 1643 established an uneasy peace in the province, shattered in July 1644 when the royalist commander of Cork, Lord Inchiquin declared for the English parliament. The confederates, anxious to deny the parliamentarians a bridgehead in Munster, launched a major offensive against Inchiquin the following year. In the aftermath of this failed campaign, the Munster army gradually disintegrated, mainly through lack of pay and internal disputes².

¹Aiazza (ed.) *Embassy* p.302

²Belling's History in Gilbert (ed.) *Irish Confederation* v pp 16-8. The first General Assembly appointed the continental veteran Garret Barry as commander of the Munster forces. In 1641, Barry was one of eight colonels who received commissions to transport regiments of Strafford's army to the continent. His appointment by the assembly probably represented a compromise between the various factions in the province. Perceval-Maxwell *Irish Rebellion* p.326 n.29; Bourke *Clanricarde Memoirs* pp 296-8. A competent (if uninspired) general, he

By March 1646, after the seizure of Bunratty castle by 2,000 parliamentary troops, the confederate forces organising the siege had to be supplemented with regiments from outside the province. The Munster provincial council nominated Viscount Muskerry to lead the army at Bunratty, which eventually captured the strategic castle with much encouragement from the nuncio³. The rejection of Ormond's peace treaty resulted in further upheaval, with Muskerry imprisoned and replaced as Munster general by the royalist earl of Glamorgan, who had little interest beyond recruiting troops for England. In early 1647, the earl of Clanricarde commented on the "strong parties out [in Munster] that paid no obedience to any side"⁴. The confederate position in the province faced an imminent collapse.

At the seventh General Assembly, a number of the Munster delegates demanded Muskerry's reinstatement as general of the provincial forces⁵. The assembly delegated the final decision to the new Supreme Council, which in line with the strategy of the moderates imposed a compromise agreement. Glamorgan remained as commander of the army, but in association with a council of commissioners dominated by Muskerry's adherents. This arrangement resolved nothing, only temporarily defusing an increasingly explosive dispute. Rinuccini condemned the settlement, alleging that the peace faction commissioners subsequently failed to levy sufficient taxes to maintain the army, and colluded with Lord Inchiquin⁶.

proved no match for the young, aggressive Lord Inchiquin. Barry's successor Castlehaven, an energetic cavalry commander, lacked experience in the field. Lenihan "The Catholic Confederacy" pp 189-90

³Troops initially intended to relieve the siege of Chester were diverted "against the insulting enemy at home". Muskerry to Ormond, 3 April 1646 (Bodl. Carte Mss 17 f.49). Bellings reported that Muskerry was reluctant to assume the command of the Munster forces, and only relented after the provincial council agreed to provide adequate supplies for the troops. Bellings' History in Gilbert (ed.) *Irish Confederation* v p.19

⁴Lowe (ed.) *Clanricarde Letter-Book* p.377. The earl of Glamorgan does not seem to have had any practical military experience either in England or Ireland, and was appointed because of his close relationship with the nuncio.

⁵Muskerry faced considerable opposition from elements of the Munster nobility (including Roche, Kilmallock, Ikerrin, Dunboyne and Castleconnel), who felt excluded from the provincial government under the viscount's leadership. *Aphorismical Discovery* in Gilbert (ed.) *Contemporary History* i p.207

⁶Aiazza (ed.) *Embassy* p.302. Inchiquin monitored these developments with great interest, observing on one occasion that Glamorgan was a general without an army. He also noted in May the large number of confederate officers secretly flocking to the French agent in Waterford, anxious to leave the country. Inchiquin to Percivall, 5/18 May 1647 in *HMC Egmont* vol. 1, part 2 pp 398-9, 407.

Whatever the basis of such allegations, the Muskerry supporters were clearly not mollified by the Supreme Council's intervention. They bided their time and eventually in early June, with Inchiquin already on the offensive in Tipperary, decided to make their move when Muskerry dramatically left Kilkenny for the Munster army's camp. On arriving, sympathetic officers declared him as general in place of the earl of Glamorgan, a move which reinstated the viscount as a major player in confederate politics. In a letter to Clanricarde, Muskerry explained the necessity of his actions to protect himself and his friends, "deemed to be at the mercy and disposal of General Owen O'Neill"⁷.

This military coup constituted a major challenge to the authority of the Supreme Council and the moderates in particular. The clerical faction urged immediate action against Muskerry, but Plunkett, French and Darcy had no desire to precipitate a confederate civil war. They accepted Muskerry as Munster general, perhaps hoping he would provide strong leadership and effective opposition to the parliamentarians in that vital province. Rinuccini reflected shortly afterwards that the council had "lost both credit and power by this weakness, and their authority is no longer respected"⁸. Although the nuncio may have overstated the case, the whole affair unquestionably placed the moderates' policy of unity seriously under strain.

Developments in Leinster during the winter of 1646-7, further eroded the authority of the Supreme Council. Owen Roe O'Neill continued to defy orders to remove Ulster troops from the vicinity of Kilkenny, and hand over the castle at Athlone to Viscount Dillon. Rinuccini expressed frustration at O'Neill's behaviour, particularly as his forces now styled themselves "the army of the pope and the church". In a letter to Rome, he denounced the Ulstermen's' behaviour as "barbarous", while conceding that the general's help was still "only too necessary" to the confederates⁹. The nuncio, conscious of O'Neill's crucial role during the recent peace crisis, would not have been willing to see the general's forces disbanded. O'Neill, always a tough disciplinarian, might well have controlled his soldiers, but mutual suspicion and

⁷Lowe (ed.) *Clanricarde Letter-Book* pp 448-9. Muskerry complained to Preston that the Supreme Council had given him no satisfaction on the issue of the Munster command, but nonetheless pledged to "maintain the authority of the council". Muskerry to Preston, 14 June 1647 (PRO SP Ire. 264/88 f.263)

⁸Aiazza (ed.) *Embassy* p.296

⁹Aiazza (ed.) *Embassy* pp 281-4. The assembly ordered the retaking of Athlone, but lacked the military muscle to achieve this. Order of the General Assembly, 23 March 1647 (PRO SP Ire. 263/91 f.153)

hostility increasingly defined the relationship between the Supreme Council and the Ulster army.

Thomas Preston's brother Robert wrote angrily (in terms which echoed the nuncio's own criticism of recent developments in Munster) that unless abuses by the Ulster troops were punished, the authority of the Supreme Council and General Assembly would be severely compromised¹⁰. Although O'Neill was clearly associated with the clerical faction, his behaviour threatened to destroy whatever authority the moderates still retained. For the council, Patrick Darcy expressed his outrage at the conduct of the Ulstermen, while Nicholas Plunkett agreed that they had committed "much evil". Bishop French wrote that Kilkenny felt like a city under siege because of the Ulstermen's presence, but the council seemed powerless (as in Muskerry's case) to counter such determined disobedience¹¹.

The peace faction benefited most from all this, cleverly exploiting widespread confederate dissatisfaction with recent developments. Viscount Mountgarret organised the women of Kilkenny to protest at the presence of Ulster troops outside the city, throwing stones at the windows of council members and the nuncio¹². Eventually in June, the Supreme Council ordered O'Neill northwards into Connacht to attack the strategic stronghold of Sligo, a task which Thomas Preston had failed to perform the previous year. More importantly, the Connacht campaign would remove the Ulster forces out of Leinster and help ease confederate tensions¹³. The

¹⁰Robert Preston to Thomas Preston, 18 April 1647 (PRO SP Ire. 263/105 f.176)

¹¹PRO SP Ire. 263/108 f.180 (Patrick Darcy to Thomas Preston, 20 April 1647), 263/124 f.209 (Nicholas Plunkett to Thomas Preston, 27 April 1647), 263/126 f.213 (Bishop French to Thomas Preston, 28 April 1647)

¹²Aiazza (ed.) *Embassy* pp 281-4. Viscount Mountgarret kept a low profile after the peace crisis of August 1646. Despite his close association with the Ormond treaty, the viscount escaped imprisonment by the clerical faction, and attended the assembly in January 1647. Apart from organising the women's demonstration in Kilkenny he disappeared again from the national stage until the Inchiquin truce crisis the following year. This absence may well have been for health reasons (Mountgarret was almost 70 years), as even after resuming his seat on the council board in 1648, he did not subsequently play a leading role in confederate affairs.

¹³O'Neill to Clanricarde, 15 Aug. 1647 in "Unpublished Letters and Papers of Owen Roe O'Neill" presented by J. Casway *Analecta Hibernica* no.29 (1980) pp 241-2; Theobald Butler to Preston, 4 June 1647 (PRO SP Ire. 264/63 f.219). According to the authors of the *Commentarius*, Plunkett and French supported the campaign against Sligo in order to prevent the Scots taking the offensive in Leinster. O'Ferrall and O'Connell (eds.) *Commentarius* ii p.663

damage to relations between the various factions, however, would not be easily repaired.

The moderates' twin track strategy depended for success on complementary progress in both the military and diplomatic spheres. On the military side, the minimum requirement involved retaining the initiative against the parliamentarians and Scots; on the diplomatic side, evident progress in the negotiations with Ormond was essential to hold together the confederate alliance. Internal disputes and tensions continued to undermine the military strategy in all provinces, while Ormond's bad faith in his dealings with the Supreme Council now vitiated the diplomatic plan.

The confederates' erratic military campaign continued against a backdrop of renewed negotiations between the confederates and the marquis of Ormond, prompted by the arrival of the royalist agent George Leyburn (using the pseudonym Winter Grant). Leyburn had been sent to Ireland by Queen Henrietta Maria at the end of 1645 to frustrate the ambitions of the newly arrived papal nuncio, returning to France a few months later without achieving much¹⁴. Returning in April 1647, he hoped to encourage a reconciliation between the royalists and confederates, leading to a new treaty and vital assistance for the king in England. According to his public instructions from the queen, Leyburn was to apply himself "to such persons amongst the Irish, as you shall find to have credit and power amongst them and inclination to conclude a peace upon more moderate conditions"¹⁵.

His private instructions included the delivery of 14 blank letters (as well as 12 signed by the queen) to Ormond, who was authorised to fill them as best "for the advancement of peace in Ireland"¹⁶. These letters effectively presented the lord lieutenant with a *carte blanche* to conclude a treaty with the confederates on whatever terms he deemed necessary. Ormond, however, appeared intent on surrendering Dublin to the English parliament, and refused to be diverted by yet another royalist initiative from overseas.

¹⁴O'Ferrall and O'Connell (eds.) *Commentarius* i p.712; Lowe (ed.) *Clanricarde Letter-Book* p.196

¹⁵Leyburn later wrote a detailed account of his mission, an invaluable source for the period April- August 1647. Leyburn, George "Memoirs of George Leyburn, 1722" *Clarendon Historical Society's Reprints* series II (1884-86) pp 273-354

¹⁶*Ibid.* pp 307-11

In a heated exchange (illustrating the gap between Irish protestant thinking and attitudes at the royal court), the lord lieutenant confided to Leyburn that if necessary he would "give up those places under his command rather to the English rebels than the Irish rebels, of which opinion he thought every good Englishman was". Leyburn, horrified by Ormond's attitude, replied that nothing would please the queen more than a treaty with the confederates, while nothing would be more grievous to the royalist cause than the surrender of Dublin to the English parliament¹⁷. He repeated these claims in a letter to the earl of Clanricarde, stating unequivocally that the surrender of Dublin to parliament would not please the queen and prince "and least of all the king"¹⁸. Ormond can have been in no doubt, therefore, as to the evolving royalist strategy, and yet he chose to ignore Leyburn's advice and pursue his own goals.

In his report to the king, written after his flight to England in late July 1647, Ormond blamed the confederates for the collapse of the peace talks, claiming that the addition of four religious articles to the confederate oath marked "a full period to all our hopes from the Irish". The lord lieutenant acknowledged that the instructions brought by Leyburn from the queen all tended towards "a reconciliation of the differences", but insisted that confederate obduracy frustrated his best efforts. Ormond undoubtedly felt concerned at the prospect of putting Dublin's protestants under "the tyranny of those that then ruled amongst the Irish". Having recently experienced the militancy of the catholic hierarchy, and with memories of the massacres of 1641 still fresh, the lord lieutenant's reluctance was at least understandable¹⁹.

¹⁷Leyburn, 'Memoirs' p.317; Winter Grant to Ormond, 13 May 1647 in Gilbert (ed.) Irish Confederation vi pp 197-8; Ormond had already written to the king expressing this conviction. The lord-lieutenant blamed the "perfidy of the Irish" for forcing him to deal with Westminster, adding that he preferred to surrender Dublin to the English parliament "than to the Irish rebels". Ormond to Charles I, 17 March 1647 (Bodl. Clarendon Mss 29 f.153)

¹⁸Clanricarde, prevented by the confederates from corresponding with Dublin, wrote back strongly defending Ormond's loyalty and criticising the Supreme Council. Lowe (ed.) Clanricarde Letter Book pp 436-9

¹⁹The lord lieutenant presented this report to the king at Hampton Court. BL Egerton Mss 2541 ff 377-81. Ormond clearly believed that the clerical faction still dominated affairs in Kilkenny, or at least used this as an excuse for failing to conclude a new settlement with the confederates.

A number of other factors however, apart from religious issues, influenced Ormond at this time, including political developments in England. The handing over of Charles I to the parliament by the Scots on 30 January 1647 convinced the lord lieutenant of the need for a rapprochement with the victors of the English Civil War. The visit of a previous parliamentary delegation to Dublin in November 1646 coincided with a period when Irish affairs at Westminster were dominated by a faction (led by viscount Lisle) intensely hostile towards Ormond. By March of the following year, the decline of Lisle's influence enabled the marquis to contemplate a deal with the king's enemies²⁰.

Another set of negotiations involving the lord lieutenant during the course of 1647, contributed towards his reluctance to conclude a settlement with the confederates. Three French agents in Ireland (de la Monnerie, du Talon and du Moulin) hoped to encourage a new treaty between Kilkenny and Dublin, as a means of facilitating the recruitment of troops for service on the continent. The Supreme Council authorised them to recruit 1,000 troops in confederate territory, but their primary interest at the beginning of the year centred on the royalist administration in Dublin. Using George Digby as an intermediary, Ormond began to explore the possibility of exporting the troops under his command, as well as some confederate regiments, into French service²¹.

From March until July 1647, Ormond directed his energies into organising the French expedition, keeping the confederates occupied with another round of pointless negotiations, and offering the parliamentarians Dublin in return for a licence to export troops²². The surrender of the city in July contributed greatly to

²⁰Adamson, "Strafford's Ghost" *Independence to Occupation* p.146. Although developments in Westminster undoubtedly affected Ormond's strategy, it is clear that long before Lisle's fall Ormond had already agreed to hand Dublin over to the English parliament, a fact confirmed by his letter to the king on 17 March 1647. Bodl. Clarendon Mss 29 f.153; See also chapter 4 p.144-6

²¹Du Moulin to Ormond, 26 March 1647 (Bodl. Carte Mss 20 f.549). On February 19, while he was negotiating the surrender of Dublin to parliament, Ormond commissioned George Digby to treat with any foreign minister for the military employment of the marquis and over 5,000 troops. Commission by Ormond to Digby, 19 Feb. 1647 (Bodl. Carte Mss 20 f.326)

²²Ormond, despite having rejected the assembly's peace overtures in March, offered another cessation in mid-April. This was declined by the Supreme Council because of the arrival of more parliamentary troops from England. Bodl. Carte Mss 20 f.627, 646. Right up until his departure from Dublin in July, Ormond anxiously petitioned Westminster to allow the transfer of troops to the continent, but without

the ultimate destruction of royalist (and confederate) hopes in Ireland, providing the English parliament with a second strategic beachhead for an invasion of the country, and delaying the final peace treaty by almost two years. Ormond's duplicity in his negotiations with the confederates also undermined the authority of the moderates in Kilkenny, who desperately needed to show some dividends from negotiations (as well as military success) if they were to hold the association together.

During this period, the Supreme Council, made every effort to accommodate the royalists (despite Ormond's unwillingness to make a deal), but following the admittance of a regiment from Chester into Dublin, the confederates retaliated by ordering Preston to take the offensive in Leinster²³. The town of Carlow, the sole surviving royalist stronghold in the south of the province fell to the confederates after a short siege at the end of April. Plunkett was delighted with Preston's progress, which the nuncio admitted was "much to his credit"²⁴. Leyburn's return to Kilkenny from Dublin shortly afterwards, however, saw the council adopt a more conciliatory tone. They repeated their offer, delivered by Gerald Fennell and Geoffrey Barron on March 3, that the two sides retain separate governments in their own quarters, but unite against the king's enemies. The confederates would continue to pay Ormond's costs, and in return catholics in royalist areas would enjoy their religion, lives, estates and liberties without hindrance²⁵.

Throughout these bogus negotiations, the lord lieutenant bitterly criticised the confederates' resolve "to insist positively upon the votes of the late assembly, which, as we [Ormond] understand them, are inconsistent with those grounds, on which there can be any hope of settling any peace in this kingdom". Nicholas Plunkett must have been confused by such attacks, convinced just two months earlier of the lord lieutenant's determination "not to conclude with any but the general

success. Manchester etc. to Ormond, 31 July 1647 (Bodl. Carte Mss 21 f.366)

²³Captain Matthew Wood to Lenthall, 24 April 1647 (Bodl. Carte Mss 20 f.646). A number of these newly arrived troops from England, presumably not all catholics, actually deserted to the confederates, who were never sure how to deal with protestant deserters. Later that same year Rinuccini rebuked the Supreme Council for encouraging protestants to join their ranks. Aiazza (ed.) *Embassy* p.327. Why any protestants would wish to join the association of confederate catholics of Ireland is another matter entirely!

²⁴Plunkett to Preston, 27 April 1647 (PRO SP Ire. 263/124 f.209); Aiazza (ed.) *Embassy* p.285.

²⁵Bodl. Carte Mss 21 f.42. The terms, rejected earlier by Ormond on March 22, are listed in Bodl. Carte Mss 20 f.386. See chapter 4 p.144-6

assembly"²⁶. Despite their anxiety for a settlement, Plunkett refused to be intimidated by Ormond's demands that the Supreme Council decide on the peace issue. A central part of the moderates' strategy involved the primacy of the General Assembly, which would act as the final arbiter in any deal with the royalists. Ormond failed to fully understand this fundamental shift in confederate politics until his return to the country in September 1648²⁷.

By the middle of May, George Leyburn, frustrated by the lack of progress in talks, attempted to broker a deal on his own initiative. He solicited the support of George Digby, whose primary interest in peace concerned the recruitment of soldiers (confederate and royalist) for France. On May 18, Leyburn returned to the Supreme Council at Clonmel with fresh proposals, and requested that a committee be appointed to examine his offer. The council agreed, nominating Viscount Muskerry and Edmund O'Dwyer, the bishop of Limerick representing the two principal factions, with Nicholas Plunkett acting as chairman²⁸.

Leyburn offered a month by month cessation for six months, but insisted on the last treaty as the basis for any future settlement, claiming that Ormond could not grant further religious concessions without a new commission from the queen. By misleading the confederates on the extent of the lord lieutenant's powers, Leyburn hoped to moderate their demands, while a month by month cessation would provide Digby with a flexible agenda for the export of troops. Plunkett remained unconvinced, explaining that the previous assembly had already rejected the peace. Leyburn argued, however, that this decision could easily be reversed, adding that "if you be not enabled of your own selves to go through with a peace, you will, when it shall be seasonably proposed, accord to the calling of an assembly"²⁹.

²⁶During the negotiations in March, Plunkett purposefully kept the assembly for this very reason, "with great sufferance and much expense of time and otherwise". Leyburn, "Memoirs" p323; Plunkett to Ormond, 20 March 1647 in Gilbert (ed.) *Irish Confederation* vi pp 191-2

²⁷After his return to Ireland in September 1648, Ormond informed Inchiquin that no treaty "can be so valid or effectual as that which shall be transacted immediately with a general assembly of them". There was no question at that stage as to where the ultimate authority lay in the confederate association. Ormond to Inchiquin, [13 Nov. 1648] in Carte *Ormond* vi pp 581-3

²⁸The royalist agent made no comment on the composition of the committee, but the principle of balance was clearly being invoked. Leyburn "Memoirs" pp 324-30

²⁹*Idem.*

Sensing that the real obstacle to peace lay with the clerical faction, Leyburn travelled to Kilkenny with the bishop of Clogher to confront the nuncio. Rinuccini made clear his preference for a new peace treaty over a renewed cease-fire, as "cessations had been the reason why the Irish affairs had no better progress". Leyburn believed, however, that in reality the nuncio objected to any new agreement. Nonetheless, the royalist agent endorsed the idea (which he claimed originated with Rinuccini) of a clerical convocation to discuss the matter, particularly in light of the Supreme Council's reluctance to take any decision on its own. Digby approved of this approach, writing that he was "very glad of the assembly of the clergy at Limerick and should be gladder of a general assembly"³⁰.

Rinuccini's account of these events differed in one crucial area. The nuncio claimed that the idea of a clerical convocation arose as part of the Supreme Council's response to his objections to yet another cease-fire. Certainly, in a letter to Rome at the end of May, the nuncio expressed grave doubts about the possible consequences of such a meeting, convinced "that the general timidity, and hostility of the laity to, the clergy will outweigh my opinion"³¹. Taking the nuncio's reservations into consideration, it is more probable that the council first proposed the meeting of the clerical convocation, which suggests that Rinuccini did not in fact command total, unconditional support among the bishops.

The clerics finally met in early June and reaffirmed their opposition to the Ormond peace treaty. On the question of a cease-fire with the royalists, however, they adopted the middle course so despised by the nuncio, deciding to leave the matter to the discretion of the Supreme Council "without offering either assent or dissent"³². The council leaders could now arrange a truce without fear of clerical opposition. Even at this late stage, the moderates, with some assistance from Leyburn (and a degree of flexibility by the bishops) were able to win majority support for a policy of compromise, but time was not on their side.

The arrival of 2,000 parliamentarian soldiers, led by colonel Michael Jones, outside Dublin on June 7 added a sense of urgency to the situation, as did news of the

³⁰*Idem*. The meeting eventually took place in Clonmel where the Supreme Council was already in residence.

³¹Rinuccini was also acutely aware of the fact that the support of Owen Roe O'Neill had "produced an indescribable hatred towards him, still more towards the clergy, he being considered their champion. Aiazza (ed.) *Embassy* p.289

³²Aiazza (ed.) *Embassy* p.295

seizure of the king at Holmby by Cornet Joyce four days earlier. The confederates were desperate for an agreement to prevent the surrender of Dublin to the parliamentarians, thus enabling them to establish a powerful bridgehead on the eastern seaboard. On June 11 the Supreme Council concluded a two month truce with Leyburn, and received the enthusiastic endorsement of Digby. The day before, however, Ormond had already signed letters-patent ordering the Leinster garrisons under his command to admit parliamentary troops³³. This agreement signalled the collapse of the royalist position in Ireland, with only Dublin remaining under the control of the lord lieutenant.

The picture becomes even more confused at this stage, and few (if any) confederates or royalists were fully aware of the various plots and sub-plots which unfolded during the course of that summer. It was at this critical time (the beginning of June), that Muskerry seized control of the Munster army on the pretext of some unspecified threat from Owen Roe O'Neill. The viscount contacted Thomas Preston seeking his support on these grounds, while still proclaiming his loyalty to the Supreme Council and General Assembly. Preston, expressed similar unease at the behaviour of the Ulster troops in Leinster, and greatly resented the attempt by the clerical faction to censure him in the General Assembly³⁴. Despite his recent capture of Carlow, therefore, the Leinster general proved susceptible to fresh approaches from the royalists.

The new plan, devised by George Digby, involved Preston moving his army towards Dublin to increase the pressure on the parliamentary forces³⁵. This would have strengthened Ormond's hand in his negotiations with Westminster, while at the same time bringing to the vicinity of the capital a large body of troops ready for export to France. At the same time, Preston (astonishingly) pleaded with the Supreme Council to order O'Neill's army from Connacht to assist them against the newly arrived parliamentary forces. This insistence on O'Neill's involvement suggests that the Ulster general (or more likely certain of his officers) had indicated a desire to serve abroad. Rumours to this effect were in circulation after O'Neill halted his advance on Sligo to monitor developments in Leinster³⁶.

³³Leyburn "Memoirs" pp 332-6. The Leinster garrisons were to admit troops with a patent from the parliamentary commissioners Arthur Annesley and Robert King. Letters-patent of Ormond, 10 June 1647 (Bodl. Carte Mss 21 f.194)

³⁴The unsuccessful attempt to censure Preston is described in chapter 4 p.147-8

³⁵Certainly Edward Walsingham, Digby's secretary, encouraged Preston to advance towards Dublin. PRO SP Ire. 264/98 f.279 (16 June 1647), 265/1 f.1 (3 July 1647).

³⁶PRO SP Ire. 264/87 f.262 (Supreme Council to Leinster Committee, 14 June

The Supreme Council kept its nerve and refused demands to divert Owen Roe O'Neill into Leinster. Leyburn ascribed this refusal to the council's "hatred" of the native Irish, and certainly Plunkett, French and Darcy had been horrified by the actions of O'Neill's troops the previous winter³⁷. The moderates, however, suspected the motives of both Preston and Digby, and their explanation for refusing to recall O'Neill made perfect military sense, "holding it sufficient if the lord lieutenant means well, having a party of his own, wherewith, together with the Leinster forces, he may be able to oppose and suppress the insolency of those newly landed". Reinforcements would be provided if necessary, and in the meantime Preston could recruit new troops and incorporate any irregular forces into the weaker regiments of the regular army³⁸.

On June 18, Ormond finally concluded a deal with the parliamentary commissioners, surrendering control the city of Dublin to Colonel Jones and his troops. The lord lieutenant retained possession of the castle, but only until bills of exchange worth almost £11,000, given him by the commissioners to offset his expenses, were accepted in Holland³⁹. In many respects the lord-lieutenant, unwilling to

1647), 264/105 f.293 (Leinster Committee to Preston, 17 June 1647). After all the complaints about Ulster troops, the Supreme Council must have been extremely suspicious of Preston's request. Certainly the council suspected that efforts were being made to "direct General O'Neill's forces from Connacht until the Scots had been better provided". Pa[trick] N[etterville] to [Preston], 18 June 1647 (Bodl. Carte Mss 21 f.234). These developments might also explain the appearance of Daniel O'Neill before the Supreme Council with a proposal from the Ulster army for a truce with Ormond. For reasons that remain unclear, the council imprisoned O'Neill on the spurious grounds that he had travelled without a proper pass. Cregan, Dónal "An Irish Cavalier: Daniel O'Neill in the Civil Wars 1642-51" *Studia Hibernica* v (1965) p.125; Leyburn "Memoirs" pp 330-1. Later that year Phelim O'Neill, Alexander MacDonnell and others left Owen Roe's army, an incident which could well be related with Digby's plot to export troops to France. Casway describes this incident in his biography of Owen Roe O'Neill but makes no mention of any French connection. Casway, *Owen Roe O'Neill* p.193. Finally, the rumours about Owen Roe wishing to transport troops to the continent were mentioned by the French agent de la Monnerie in a report to Mazarin in August but cannot be confirmed or refuted. De la Monnerie to Mazarin, 25 Aug. 1647 in Gilbert (ed.) *Irish Confederation* vi pp 329-35

³⁷Leyburn "Memoirs" p.343. The moderates' concern at the behaviour of the Ulster troops is discussed earlier in this chapter. See pp 152

³⁸PRO SP Ire. 264/87 f.62 (Supreme Council to Leinster Committee, 14 June 1647), 264/89 f.265 (Supreme Council to Preston, 14 June 1647); 264/91 f.268 (Supreme Council to Leinster Committee, 14 June 1647)

³⁹Declaration of Ormond, 18 June 1647 (PRO SP Ire. 264/109 f.300). Ormond,

contemplate a deal with the confederates, and with control of royalist garrisons in Leinster already relinquished to Jones, had little alternative. Nonetheless, when news of the surrender reached Kilkenny, Leyburn recorded the Supreme Council's bitter comment "that my lord [Ormond] had never meant in good earnest"⁴⁰.

The fact, however, that the lord lieutenant remained in Dublin castle encouraged the various conspirators to persist with their plans. Although the council warned Preston not to expect any help from Ormond, the Leinster general still harboured plans of an alliance with the royalists⁴¹. Digby and his cohorts viewed a brief mutiny among troops in Dublin at the beginning of July, over pay and conditions, as a missed opportunity. Walsingham wrote to Preston that "if your army had been in these parts you might have carried the whole business [be]fore you". Preston, as always, favoured the more cautious approach, waiting for further reinforcements before proceeding⁴².

By mid-July, as Ormond prepared to surrender Dublin castle, Digby urged the lord lieutenant to delay his departure until 16 ships for the transport of troops arrived from France. He argued that the business transaction with France would facilitate "the restitution of Ireland to the crown of England", and that within one month the "Irish shall be more broken and weakened by art, than they can hope to do in twelve months of war". This argument appealed greatly to Ormond, who had explained to the parliamentary commissioners in April that by exporting 5,000 troops to France, he would take the best of the Irish out of the country, thereby "weakening them exceedingly"⁴³.

A week later, Digby changed his tactics, informing Ormond of a meeting with representatives of the Leinster army, Robert Talbot and Richard Bellings. If the lord lieutenant postponed his departure by just one month "they make no doubt but that

beset by financial difficulties, was obsessed with money, and after the restoration of Charles II submitted a detailed account of debts accrued by him on behalf of the royalist administration. TCD Mss 1181 (Miscellaneous documents)

⁴⁰Leyburn "Memoirs p.349

⁴¹Plunkett to Preston, 21 June 1647 (PRO SP Ire. 264/117 f.313). It is unclear whether the council was aware of Preston's contacts with Digby at this time.

⁴²Preston wrote to Walsingham that "as soon as monies come I shall march hence into them quarters. I wait, however, 'till I am strong enough, which is the wise plan". Preston to Walsingham, [July] 1647 (PRO SP Ire. 265/1 f.1)

⁴³Digby to Ormond, 17 July 1647 in Carte, *Ormond* vi pp 525-6. Ormond to Dudley Loftus, 9 April 1647 in Gilbert (ed.) *Irish Confederation* vii pp 325-6. Neither Ormond nor Digby specified exactly the source of these troops.

this army [Leinster] and that of the lord Munster shall so awe the council, as to prevent the destruction which they see visible before them by the council and Owen O'Neill"⁴⁴. Failing that these royalist sympathisers were prepared to serve in France. Ormond expressed no interest in this offer of a new alliance to revive the king's interests in Ireland, and with no sign of parliamentary permission to transport the troops, decided to leave Dublin.

Digby's disclosures (if true) reveal an astonishing degree of treachery within the confederate ranks. But are they credible? Muskerry allegedly committed himself in writing to the export of troops, but no evidence survives to support Digby's story, other than his own letters, or reports of his statements by the French agents⁴⁵. It is altogether more plausible that both Muskerry and Preston harboured ambitions to regain control of the Supreme Council (with royalist support if necessary), and to conclude a peace settlement with Ormond. The possibility of exporting troops to France would never have been anything more than an last-ditch alternative should all else fail, and it is extremely doubtful if they could have convinced many men to follow them abroad at that time⁴⁶.

With the peace faction actively plotting the overthrow of the Supreme Council, the moderates staked everything on a military break-through in Leinster. They urged Preston forward, fully realising how crucial the following six months would be for

⁴⁴Digby to Ormond, 22 July 1647 in Carte, *Ormond* vi pp 526-9. The 'lord Munster' in this context is almost certainly Viscount Muskerry, general of the confederate forces in that province.

⁴⁵Certainly, both Plunkett and French later denied that Leinster confederate soldiers were willing to depart to France. O'Ferrall and O'Connell (eds.) *Commentarius* iii pp 700-16. There is no doubting, however, the close links between the Preston family and the French at this time. The Leinster general's son, Colonel Robert Preston, had been employed by French agents to levy troops in 1646-7, and the following year, the Leinster general accepted an annual French pension of £125. Ohlmeyer "Ireland Independent" *Independence to Occupation* p.104. None of this confirms of course that Thomas Preston would (or could) export the entire Leinster army to the continent.

⁴⁶It is true that following the confederate defeat at Dungan's Hill in August, Digby bemoaned the destruction of the Leinster forces, "having so great a part of Preston's army sure for foreign employment". Digby to Ormond, 19 Sept. 1647 in Carte *Ormond* vi pp 543-8. But had Preston won that battle it is highly improbable that he would have agreed to the transport of the bulk of his victorious troops abroad. They would surely have been used by the peace faction in an attempt to overthrow the Supreme Council. Digby, moving in the shadowy world of intrigue and espionage, had come to believe his own propaganda. See also Ó hAnnracháin "Far From Terra Firma" p.298-300

the confederate association. Bishop French exclaimed dramatically that everything would be "lost or won this very summer"⁴⁷. Convinced by this time of the futility of further talks with Ormond, they adopted a more aggressive military policy to counter the threat of the English parliamentarians. According to their strategic assessment of the military situation, the transfer of power in Dublin presented the confederates with an ideal opportunity to consolidate their position in Leinster, through a scorched earth policy rather than a direct assault on the city⁴⁸.

In a significant move (reminiscent of the 1646 Dublin campaign), the Supreme Council decided to send two members to Preston's camp. In 1646, Rinuccini and the clerical faction had failed to control the Leinster general, who began to negotiate independently with the royalists. This time the moderates were determined to ensure the implementation of council policy. Bishop French departed for the front line in the middle of July, and Nicholas Plunkett joined him a few weeks later. Both men demanded decisive action "laying before the officers the little hope there was of the armies being supplied with any further means in a long time"⁴⁹.

Preston's initial advance proved successful, culminating in the capture of Naas, Sigginstown and Harristown. Digby made one last attempt to forge a settlement, sending Leyburn to arrange a meeting with Plunkett and French "about laying a new foundation on our business". They agreed to talks, but news of the parliamentarian

⁴⁷Both Plunkett and French urged Preston forward. PRO SP 263/124 f.209 (Plunkett to Preston, 27 April 1647), 263/126 f.213 (28 April 1647). French believed the approaching summer campaign was "made by God to try the hearts and resolutions of Ireland", concluding that both he and Preston would "stand or fall together in God's service". Ferns to Preston, 12 May 1647 (PRO SP Ire. 264/21 f.35). How Preston felt about all this talk of death or glory is not recorded!

⁴⁸On July 13 the council ordered Preston to destroy the enemy's harvest, an action they hoped would end all resistance. Council members feared that further supplies reaching Dublin from England the following Spring would prove fatal to the confederate cause. Supreme Council to Preston, 13 July 1647 (Bodl. Carte Mss 21 f.296); The Leinster army commissioners were also ordered to gather up provisions. Leinster Committee to Ferns and Plunkett, 4 Aug. 1647 (PRO SP Ire. 265/25 f.151)

⁴⁹The council informed Preston of French's imminent arrival on July 13. Bodl. Carte Mss 21 f.296. Plunkett was still in Kilkenny a few days later, but had reached the Leinster army's camp by the beginning of August. Order of the Supreme Council, 17 July 1647 (PRO SP Ire 265/19 f.122). Payments to the Army of Leinster, 5 Aug. 1647 in Gilbert (ed.) *Irish Confederation* vii p.348. According to Lenihan, this storey (recounted by Bellings) is implausible, but Plunkett and French, desperate for gains in Leinster, may well have raised fears about future supplies. Lenihan "Catholic Confederacy" p.401

army marching out of Dublin prevented any further meetings from taking place. Leyburn desperately tried to convince Preston not to fight but Ormond's betrayal had rendered the general "distrustful", which must cast doubts on Digby's assurances that the Leinster troops were ready for export to France⁵⁰.

Preston in a secure camp at Portlester, and having earlier refused battle in a more advantageous situation, now inexplicably began to march towards Dublin. Although running short of supplies, Colonel Jones finally managed to intercept him at Dungan's Hill, near Trim in county Meath⁵¹. Jones proved an able and effective commander, but Preston's incredibly inept display of generalship during the battle contributed to the parliamentary victory. The Leinster army, the best trained and equipped confederate force, was totally destroyed in one afternoon's folly. The defeat, Digby reported, caused "a great consternation in all the old English and more moderate party of the Irish"⁵².

The moderates also shared some of the responsibility for the defeat, having urged a more active policy on a cautious general of limited abilities. Perhaps the temptation to capture the city proved irresistible to those confederates anxious to utilise the Leinster army, assembled and maintained at such a great cost. Edmund Borlase suggested that Preston may have received word from somebody in Leixlip (presumably Digby) to march on Dublin, but it is clear from Leyburn's account, that

⁵⁰Preston to -, 15 July 1647 (PRO SP Ire. 265/7 f.13); Leyburn "Memoirs" p.352-3

⁵¹A parliamentary officer, Patrick Wemys, wrote that Jones "was forced to fight Preston, as he had got between us and Dublin and meant to have stormed it". Sir Patrick Wemys to Percivall, 10 Aug. 1647 in HMC Egmont vol.1 pt.2 p.447. Bellings believed that Jones fought "but for bread and elbow-room about Dublin". Bellings' History in Gilbert (ed.) Irish Confederation vii p.33.

⁵²Digby to Ormond, 19 Sept. 1647 in Carte, Ormond vi pp 543-8; Preston, from his arrival in 1642, proved an effective administrator and siege commander. He captured the vital fortress at Duncannon in March 1645, and the town of Roscommon during the Connacht campaign the following year, while by 1647 the Leinster army was the best equipped (and paid) of the confederate forces. Lenihan "Catholic Confederacy" p.396. Preston, however, was never comfortable leading his troops in the field. As Bellings shrewdly observed, many of the Irish officers possessed "such a temper of abilities and parts as moved excellently by direction, but irregularly when they were the balance upon which their own motion depended". Bellings' History in Gilbert (ed.) Irish Confederation i p.74. Both Preston's battlefield forays (at Old Ross in March 1643 and at Dungan's Hill) proved disastrous. According to Pádraig Lenihan the latter defeat was the single most important reason why the confederate association ultimately collapsed, as the Leinster army could not be replaced. Lenihan "Catholic Confederacy" p.554

the royalists had temporarily lost all influence as a result of Ormond's surrender⁵³. Whatever the cause, confederate ambitions lay in ruins, leaving the council no alternative but to recall Owen Roe O'Neill from Connacht, in an attempt to prevent Jones from linking up with Lord Inchiquin in Munster⁵⁴.

The arrival of Ulster troops from Connacht prevented a total collapse of the confederate position in Leinster. Preston's army, however, never recovered from the loss of so many seasoned veterans and any prospect of capturing Dublin faded entirely. About 2,000 Leinster confederate troops (all that remained) were temporarily assigned to the Ulster forces. Preston, appointed governor of Waterford and Kilkenny, presumably where he could inflict no further damage to the confederate cause, began the slow process of recruiting and training new volunteers⁵⁵.

Despite Owen Roe O'Neill's timely intervention in Leinster, his own campaign in Connacht had proved an unmitigated failure. The Ulster general did not succeed in his primary objective of recapturing the strategic town of Sligo, and a near mutiny in his army led to a number of his lieutenants withdrawing with their men⁵⁶. Many confederates in Leinster were unhappy at the return of Ulster troops (however necessary), and O'Neill faced the usual difficulty of finding winter quarters for his

⁵³Rinuccini claimed that Preston intended to capture Dublin to provide a base in Ireland for the return of the prince of Wales. The departure of Ormond, however, would have undermined any such plans. Aiazza (ed) *Embassy* pp 323-7. The author of the *Aphorismical Discovery* states that Preston, when questioned about the poor positioning for the battle, "did acknowledge the fact, but said that he was persuaded thereunto by the bishop of Ferns". Gilbert (ed.) *Contemporary History* i p.157; Lenihan "The Catholic Confederacy" p.401-2

⁵⁴The council sent Patrick Darcy and Piers Butler to inform O'Neill of the crisis in Leinster, allowing Darcy another opportunity to assess the damage caused by the Ulster troops in Connacht at first hand. O'Neill to Clanricarde, 15 Aug. 1647 in "Unpublished Letters" *Analecta Hibernica* no.29 (1980) p.243

⁵⁵According to one report, Preston had recruited 4,000 men by the end of November. Cavan to Ormond, 20 Nov. 1647 (Bodl. Carte Mss 21 f.526). Colonel Michael Jones in Dublin was particularly well informed about the deployment of the confederates' Leinster troops. Michael Jones to Speaker at Westminster, 29 Sept. 1647 (Bodl. Carte Mss 118 f.42)

⁵⁶Casway asserts that lack of pay was the principal cause of the unrest in the Ulster ranks. Casway, *Owen Roe O'Neill* p.193. According to one of O'Neill's officers, Henry McTully O'Neill, a general dissatisfaction with the Supreme Council also contributed to the unrest. [Lodge, John (ed.)] *Desiderata Curiosa Hibernica* vol.2 pp 507-9

men⁵⁷. Mutual suspicion and distrust were threatening to plunge the confederates into civil war.

Thwarted in Leinster, George Digby shifted his attentions exclusively to the confederates' Munster army. Muskerry, despondent at Ormond's surrender of Dublin, relinquished command of the Munster army to his close friend and ally Viscount Taaffe at the end of July. The Supreme Council confirmed Taaffe's appointment as lieutenant-general despite the fact that the viscount only took the confederate oath after Ormond's departure from Ireland. In close contact with Digby and the French agents since April 1647, Taaffe nonetheless proved reluctant to commit himself to any deal to export troops⁵⁸.

As a result primarily of the uncertainty in confederate ranks, Lord Inchiquin raided unchallenged throughout the province during the autumn, destroying much of county Tipperary. Despite French hopes for troops, Taaffe's ambitions proved to be far closer to home. Rinuccini reported that the army remained inactive "that it may serve as a counter-poise to that of Ulster and force the assembly to pass resolutions"⁵⁹. His fears were in fact confirmed by an officer from the Munster army captured by the parliamentarians, who informed Inchiquin that Taaffe intended to use his forces to overthrow the Supreme Council. The council, although suspicious, took no action against the lieutenant-general other than repeatedly urging him to take the offensive against Inchiquin, and threatening to send for Owen Roe O'Neill⁶⁰.

⁵⁷In Munster as well, confederates opposed the quartering of Ulster troops. Aiazza (ed.) *Embassy* pp 352-5

⁵⁸On April 8, Valentine Savage observed a meeting in Dublin between Taaffe, Digby and a French agent. By late August, de la Monnerie informed Mazarin that he had received a written promise of troops from Muskerry, and a verbal one from Taaffe. Taaffe was evidently too shrewd to commit anything to paper. Savage to Percivall, 8 April 1647 in *HMC Egmont* vol. I, part 2 p.388; De la Monnerie to Mazarin, 25 Aug. 1647 in Gilbert (ed.) *Irish Confederation* vi pp 329-35; Aiazza (ed.) *Embassy* p.300.

⁵⁹Aiazza (ed.) *Embassy* pp 328-9

⁶⁰Supreme Council to Taaffe, 23/25 Sept. 1647 (Bodl. Tanner Mss 58/2 f.529, 533); Supreme Council to Taaffe, 8 Oct. 1647 (Bodl. Carte Mss 21 f.486); Inchiquin to Lenthall, 18 Nov. 1647 in McNeill (ed.) *Tanner Letters* pp 274-8. Inchiquin's informant claimed the Supreme Council became suspicious of Taaffe when he recommended a truce with the parliamentarians in Munster. Indeed, rumours of such a truce were current at this time. Henry Jones, the protestant bishop of Clogher, informed Michael Jones on October 6 that there was "talk in Munster of a cessation offered by lord Taaffe to lord Inchiquin". Bodl. Carte Mss 118 f.41

On 27 September 1647 the Supreme Council informed Viscount Muskerry that the previous General Assembly "by order of the 3 April last adjourned to the 12 November next, and then to meet at such place as we should think fit to direct"⁶¹. The meeting took place in Kilkenny against the backdrop of a series of catastrophic military reversals, and treacherous intrigue. The day after the assembly session began on November 12, another military disaster brought the confederates to the brink of ruin. Viscount Taaffe, under pressure from the council, and worried by the prospect of O'Neill marching into Munster, finally engaged the parliamentary forces. Lord Inchiquin, desperately short of supplies, had no choice, according to John Hodder, but "to starve or fight"⁶².

At Knocknanuss, near Mallow in county Cork, Taaffe failed to exploit the initial breakthrough achieved by Alasdair MacColla and his Highland troops, allowing Inchiquin the opportunity to inflict a crushing defeat on the confederate Munster army. Considering the viscount's Herculean efforts during the previous six months to keep this force intact, either for export to France or to help overthrow the Supreme Council, one must presume that the disaster at Knocknanuss was due to Taaffe's sheer incompetence (and Inchiquin's military talent) rather than any possible treachery⁶³.

The confederates now faced their most severe crisis since the establishment of the association five years previously. It would take time, and more importantly money, to rebuild their shattered forces, both of which were in short supply. Inchiquin now controlled most of Munster (including the vital wheat growing region of Tipperary) except for the towns of Limerick, Clonmel and Waterford. In Leinster, although O'Neill successfully implemented the scorched earth policy the Supreme Council had originally entrusted to Preston, the attendant destruction left the Ulster army

⁶¹Bodl. Carte Mss 21 f.468. Viscount Taaffe (and presumably all the confederate noblemen) received similar writs of summons. Bodl. Tanner Mss 58/2 f.711

⁶²Inchiquin believed that criticisms of Taaffe forced the viscount, for the sake of his honour, to take the offensive against "my Lord Digby's advice, who forbid him to engage upon any terms against us, lest it should overthrow all his other designs". Inchiquin to Lenthall, 18 Nov.1647 in McNeill (ed.) *Tanner Letters* pp 274-8; Hodder to Percivall, 16 Nov.1647 in *HMC Egmont* vol.1, part 2 p.483

⁶³Rinuccini, anxious to minimise the extent of the disaster, estimated confederate losses as low as 1,500 men. Certainly fewer were killed at Knocknanuss than Dungan's Hill, with the majority of troops fleeing the battlefield. Aiazza (ed.) *Embassy* pp 335-7. In a generous assessment, Lenihan argues that Taaffe lost because he was leading a scratch army. Lenihan "Catholic Confederacy" p.552

with no winter quarters⁶⁴. Much of Ulster and Connacht remained disputed with the Scots and parliamentarians, and contributed little or nothing to the confederate cause.

Money from Rome promised by the nuncio earlier in the year had not yet arrived, further undermining his already declining influence. He wrote despairingly that the country was "not only divided but full of suspicion and treachery without a chief ruler capable of cutting the knot of difficulty". Rinuccini feared there was a real potential for violence, and predicted that civil war was practically "inevitable". According to the nuncio, those who favoured peace divided into two groups, one "longing for quiet", the other "more malignant". The latter were seeking not only to revive the old peace treaty, but at the same time to disgrace the clergy, Owen Roe O'Neill and the Ulstermen⁶⁵.

The General Assembly represented a major challenge to the moderates, whose aggressive military strategy after the departure of Ormond in July, had clearly failed. They urgently needed to re-examine their options, but the general mood in the confederate association favoured a renewed attempt at a settlement with the royalists. The low attendance at the assembly (due to the onset of winter and military pressures), certainly favoured the peace faction supporters in the Butler heartland of south Leinster and east Munster, who had relatively easy access to Kilkenny. Rinuccini claimed the meeting was dominated by "the mob of Leinster, many of them minions of Muskerry", who had prevented opponents from attending. In the absence of any returns, such accusations of electoral malpractice, commonplace during the 1640s, must be treated with caution⁶⁶.

⁶⁴In November, Michael Jones reported O'Neill's advance to within 5 miles of Dublin to the English parliament. Jones to the Speaker at Westminster, 10 Nov. 1647 (Bodl. Carte Mss 118 f.41). Again according to Inchiquin, the Supreme Council, suspicious of Taaffe's intentions, ordered O'Neill not to engage the parliamentarians "until they had established their own power in the assembly by the countenance of it". Inchiquin to Lenthall, 18 Nov. 1647 in McNeill (ed.) *Tanner Letters* pp 274-8

⁶⁵Aiazza (ed.) *Embassy* pp 323-7. The dean of Fermo, Dionysius Massari, did not return from Rome until early 1648, and only brought a fraction of the sum sought by Rinuccini. Massari "Irish Campaign" p.743.

⁶⁶Aiazza (ed.) *Embassy* pp 343-6; O'Ferrall and O'Connell (eds.) *Commentarius* ii p.789. Similar accusations at the previous assembly proved grossly exaggerated. See chapter 4 pp 133-5

Whatever about the rest of the country, only nine delegates from Ulster eventually arrived in Kilkenny. They demanded proxy votes for the entire province, much to the chagrin of the peace faction, who successfully opposed the move. The Ulster delegates retaliated by declaring an unwillingness to be bound by any decisions taken in the assembly. With Owen Roe O'Neill's army lurking menacingly outside the city, unable to secure winter quarters, a confederate split threatened, but for the moment the meeting continued⁶⁷. The prospects for a consensus agreement among the various delegates, however, appeared remote.

Viscount Muskerry and his colleagues made a further attempt to weaken their opponents at the assembly by objecting to the presence of unconsecrated bishops. They had been summoned without hesitation by the Supreme Council, but those termed "lawyers and malignants" by the nuncio challenged this decision. The case against the bishops centred on the fact that according to English law (which the confederates all swore to uphold) unconsecrated bishops had no temporal possessions, and therefore did not qualify as barons of the kingdom. As a result, according to the peace faction at least, they were not entitled to sit in the assembly. Muskerry added that Boetius MacEgan, bishop-elect of Ross, should also be excluded on the grounds that his appointment by the pope, without the prior consent of the Supreme Council, was in direct contravention of an earlier agreement with Rome⁶⁸.

Whatever the merits of the peace faction's argument, the practice until then had been to admit unconsecrated bishops to the assembly. Clogher, Ardfert and Ferns and others all sat in previous, less contentious, assemblies before their consecrations⁶⁹. The dispute over the bishop of Ross, however, raised the

⁶⁷Rinuccini wrote that Ulster only sent 9 instead of 73 representatives to the assembly. Aiazza (ed.) *Embassy* pp 343-6; 1640 parliamentary returns, however, only list 66 seats for the province. Clarke *Old English* p.255. According to the nuncio, O'Neill cast a long shadow over the proceedings of the assembly. Aiazza (ed.) *Embassy* pp 339-46

⁶⁸Aiazza (ed.) *Embassy* pp 337-8; O'Ferrall and O'Connell (eds.) *Commentarius* ii pp 787-8

⁶⁹One of the first assembly lists contains the names of Richard O'Connell (described as bishop-elect of Ardfert) and Heber MacMahon (described as bishop-elect of Down and Connor). Dublin City Library, Gilbert Collection Mss 219 (roll 2). Nicholas French sat in the 1645 assembly as bishop-elect of Ferns. Dublin City Library, Gilbert Collection Mss 219 (roll 3). The dates of consecration are contained in Cregan "Counter-Reformation Episcopate" p.87

potentially explosive issue of foreign jurisdiction. Rinuccini, while content to obtain the council's approval for his choices as bishop, firmly believed the final word lay with the papacy⁷⁰. The issue remained unresolved for the moment, and all the unconsecrated bishops (and Bishop MacEgan) continued to sit in the assembly.

The clerical faction was not the only group under pressure at this assembly, as the moderates also suffered a severe setback with the defection of one of their leading figures. Patrick Darcy, a key supporter of Nicholas Plunkett during the treaty crisis in August 1646, had been appointed to the judicature by Rinuccini when the clerical faction took over in Kilkenny. At the assembly in March 1647, Darcy's election to the Supreme Council (along with Plunkett and French) confirmed the growing ascendancy of the moderates⁷¹. During the course of that year, however, the Galway lawyer grew increasingly disillusioned with political and military developments, declaring himself particularly shocked at the behaviour of the Ulster troops. He returned to Connacht in the autumn determined "never to intermeddle in public affairs"⁷².

On witnessing at first hand the devastation of his native province (which he blamed on the abuses of clerics and Ulstermen), Darcy contacted Viscount Muskerry to offer his services in the forthcoming assembly. The former moderate argued for decisive action to prevent the total destruction of confederate government by unruly elements. Lucas Dillon wrote to Viscount Taaffe around the same time, confirming that the celebrated lawyer had "converted beyond belief and promises to perform many good acts in this next assembly"⁷³. For the moderates, Darcy had provided a

⁷⁰Shortly after his arrival, Rinuccini was presented by the Supreme Council with a list of 13 nominees to vacant bishoprics. At the time the papal nuncio had no objection to any of them, although he was careful to change the term 'election' in the document to 'recommendation'. Aiazza (ed.) *Embassy* p.106

⁷¹Order by the Ecclesiastical Congregation, 26 Sept.1646 in Gilbert (ed.) *Irish Confederation* vi pp 144-6; Darcy is not included in one list of council members for 1647, but was certainly elected by the assembly in March of that year as his name appears on most council documents. The list is in Bodl. Carte Mss 21 f.571, Darcy's name appears on the following documents- Bodl. Carte Mss 20 f.556, 21 f.296; PRO SP Ire. 264/12 f.22, 264/46 f.108, 265/19 f.102 etc.

⁷²Darcy to Muskerry, 6 Nov.1647 (Bodl. Carte Mss 21 f.517). Darcy was one of the most active members on the Supreme Council until August 1647, when after the confederate defeat at Dungan's Hill he was sent to Connacht to order O'Neill into Leinster. O'Neill to Clanricarde, 15 Aug.1647 in "Unpublished Letters and Papers of Owen Roe O'Neill" *Analecta Hibernica* no.29 p.243

⁷³Darcy to Muskerry, 6 Nov.1647 (Bodl. Carte Mss 21 f.517); Dillon to Taaffe, 6 Nov.1647 in *HMC Manuscripts of the Duke of Portland* vol.1,13th Report,

vital link with the crucial Galway faction which included Roebuck Lynch and Richard Blake among others. Together with Nicholas Plunkett (Pale gentry and General Assembly), and Bishop French (moderate clergy), he established a powerful triumvirate which shaped confederate policy after the collapse of the first Ormond peace treaty. Without his support, the moderates' influence at the assembly declined significantly, enabling factional conflict to erupt once more.

After their recent military disasters the confederates decided to explore the possibility of a reconciliation with the royalists. A temporary cessation with the Scots in Ulster or Inchiquin in Munster might have relieved the immediate military pressure, but it seemed highly unlikely at the time that Kilkenny could agree peace terms with either the Scottish covenanters or the English parliament. Failing a royalist alliance, the confederates would seek the support of some foreign prince as a protector for the kingdom, with France and the papacy as the most likely candidates⁷⁴.

The instructions given to the various missions abroad are examined later in the chapter, as during the assembly itself the main controversy centred on the appointment of the delegates. Assembly members nominated the two leading moderates, Nicholas Plunkett and Bishop French for the vital mission to the papacy, in a move which aroused little controversy. According to the nuncio at any rate, a motion by Richard Bellings to prevent any bishop travelling to Rome was laughed out of the chamber. Despite the military disasters of the previous six months, Plunkett and French remained tremendously popular with the confederate rank and file, the result no doubt of both men's "desire to stand well with everybody"⁷⁵.

Another moderate, Richard Blake of Galway was chosen to go to Spain, along with the bishop of Ross, considered by many a close ally of Owen Roe O'Neill. Blake's inclusion had been at the insistence of the Spanish agent, de la Torre, who complained to the assembly that Spain deserved two delegates. With the Spanish

appendix part 1 p.440

⁷⁴It was officially proposed in the assembly, by Anthony Martin of Galway and others, "that they should call in some foreign prince for protection". Martin's proposal, Nov. 1647 (BL Stowe 82 f.155). In December 1647, however, Charles signed an 'Engagement' with the Scots, the first step in the creation of a broad alliance which in Ireland would eventually include royalists, Scots and confederates (as well as some ex-parliamentarians).

⁷⁵Supreme Council instructions to Plunkett and Ferns (BL Stowe Mss 82 f.155-6); Aiazza (ed.) *Embassy* pp 348-9, 352-5

monarchy virtually bankrupt and facing revolts in Portugal, Catalonia and Naples, the confederates expected little from that quarter. In fact, de la Torre, had already been informed that there was no money available for Ireland. No evidence survives to show if Blake or Ross ever left the country, although a copy of the instructions given to the French delegation, includes a note that similar instructions be given to those travelling to Spain⁷⁶.

Serious trouble erupted between the peace and clerical factions, however, over the selection of agents to travel to Paris⁷⁷. Viscount Muskerry was nominated, along with his peace faction ally, Geoffrey Browne of Galway, while the selection of the bishop of Clogher provided some semblance of political balance. Clogher declined the appointment on the grounds that he had no English or French, and was hated by Queen Henrietta Maria and her advisers. The bishop's reluctance was due more to political considerations, rather than any linguistic deficiencies. Rinuccini claimed the envoys were chosen by a "separate committee" (which discussed affairs in private before reporting to the assembly), in order to clear the country of "all suspected persons"⁷⁸. This accusation, however, is difficult to reconcile with the election of two leading members of the peace faction, Muskerry and Browne.

Whatever the truth of the matter, the nuncio and Ecclesiastical Congregation supported the bishop's stance. The matter was debated in the full assembly, which voted that Bishop MacMahon, as a member of that body, had to accept its orders. The bishop refused to change his mind, leading to a walk-out by over fifty members.

⁷⁶The balance of probabilities, given that the missions to Rome and Paris are well documented, suggests the Spanish mission never left Ireland. Instructions for France (BL Stowe Mss 82 f.157); Letters from de la Torre in Jennings, Brendan (ed.) Wild Geese in Spanish Flanders, 1582-1700 I.M.C. (Dublin 1964) p.381

⁷⁷Inchiquin, whose intelligence network provided a stream of excellent information, reported a "great contention" between the factions, with Viscount Muskerry eventually emerging victorious. Inchiquin to Ormond, 19 Jan. 1648 (Bodl. Carte Mss 22 f.5)

⁷⁸Aiazza (ed.) Embassy pp 339-42, 519-21. MacMahon was educated in the religious colleges at Douai and Louvain, and therefore almost certainly spoke Latin and Spanish, apart from his native Irish. In May 1647, however, the bishop acted as an interpreter for the nuncio in his dealings with the royalist agent, George Leyburn. It seems improbable that MacMahon would have undertaken this task if he could not speak English, Leyburn's native tongue. Given that the bishop, along with Nicholas Plunkett, was the only confederate to sit on all nine Supreme Councils, it is almost certain he possessed some knowledge of the English language, however imperfect. Leyburn, "Memoirs" pp 327-8. For the educational background of the Irish bishops see Cregan "Counter-Reformation Episcopate" pp 112-3.

Viscount Muskerry, eager to take advantage of Clogher's discomfiture, demanded his arrest, and the following day the peace faction forced the bishop out of the assembly chamber⁷⁹. The General Assembly appeared determined to enforce the supreme authority of the legislature within the confederate association, a fact eagerly exploited by the peace faction.

Muskerry argued that the "customs and the decrees of the king who was represented by the assembly" countenanced the incarceration of a bishop. The assembly proved reluctant to imprison MacMahon, but nonetheless issued a decree forbidding him to leave the city. In Rinuccini's opinion, this represented an outrageous breach of clerical immunity which could not be tolerated. Owen Roe O'Neill, sensing an opportunity for the clerical faction to regain control of confederate government, offered his services to the nuncio. With the Leinster and Munster forces in total disarray there was little to prevent the Ulster army staging a *coup d'état*. Rinuccini resisted the temptation, anxious not to be blamed yet again for the collapse of confederate unity, and worried that hostility towards the Ulster troops might "possibly change the feelings of the half-hearted"⁸⁰.

In the end, the Supreme Council (still controlled by the moderates) intervened, acting as conciliator. It appears, on this occasion, as if Plunkett exploited his dual role as leading figure on the Supreme Council and assembly chairman to enforce a compromise. The assembly suspended its decree, with Plunkett merely instructing Bishop MacMahon not to quit the city. An uneasy peace was restored with the removal of MacMahon from the delegation, to be replaced by the marquis of Antrim, a moderate (if somewhat maverick) figure⁸¹.

⁷⁹Aiazza (ed.) *Embassy* pp 339-42

⁸⁰Aiazza (ed.) *Embassy* pp 339-42, 346-7. The defeats of Preston and Taaffe increased the militancy, rather than moderating the demands, of their supporters. The more Leinster and Munster confederates relied on Owen Roe O'Neill, the more they resented the Ulster troops and their clerical allies.

⁸¹The French agent de la Monnerie reported that Antrim was delighted with his appointment "hoping it would serve to replace him in the good opinion of their majesties". The confederates hoped to exploit his connections at court, but Rinuccini feared Antrim would be dominated by Muskerry and Browne. The nuncio insisted that Antrim's mentor, Patrick Crelly, abbot of Newry, accompany the marquis "to temper his excessive good nature and bring it about that he remain firm in the midst of the plots of the other two envoys". Ohlmeyer *Civil War and Restoration* pp 203-4.

Although the controversy over the bishop of Clogher's appointment dominated much of the assembly proceedings, the meeting also witnessed one final attempt to reform the confederate system of government. The orders of the assembly concentrated on the functions and practices of the Supreme Council, and the issue of accountability in particular⁸². The primary aim of the new measures was to curb the increasing level of disorders, "occasioned by the neglect of putting the orders of the several assemblies, and the Supreme Council, in execution". This failure had resulted in a widespread breakdown in authority, recognised by all sides as "a general contempt of government". The content of these reforms proved very similar to those implemented by the assembly two years earlier, although expanded in a number of crucial areas⁸³. The growing frustration at the inefficiency and ineffectiveness of confederate rule, by whatever faction, ensured these proposals received widespread support in the assembly.

The bitter squabbling between the peace party and clerical party over the new elections provided the catalyst for changes in the structures of the Supreme Council. The assembly reduced the council by half, from 24 to 12 permanent resident members, 3 from each province, and established a committee to try and come up with an agreed list of councillors. This committee, comprised of Viscount Muskerry, Geoffrey Browne, Nicholas Plunkett and Nicholas French, Bishop of Ferns, was intended to represent the views of the two main factions. It soon became apparent, however, that Plunkett and Ferns were operating to their own agenda, effectively excluding the voice of the clerical faction. The new council included a number of that faction's bitter enemies, while as for the appointment of 36 supernumeraries (or alternates) to replace absentees, the nuncio commented that "although some satisfaction was accorded to the Ecclesiastics on this matter also, nevertheless their feeling was embittered by the abruptness of the measure and the suspicions it excited"⁸⁴.

⁸²The reforms are printed in Gilbert (ed.) *Irish Confederation* vi pp 208-33. The accountability of the confederate executive had been a major concern of reformists in both 1644 and 1646. See chapter 2 pp 80-6, and chapter 3 pp 104-6

⁸³The 1646 reforms are listed in Bodl. Carte Mss 16 ff 470-80

⁸⁴Aiazza (ed.) *Embassy* pp 343-6. The nuncio had expressly forbidden the election of four particular individuals (Lord Athenry, Lucas Dillon, Gerald Fennell and Richard Bellings), but much to Rinuccini's disgust they all appeared on the agreed list. Gilbert (ed.) *Irish Confederation* vi pp 208-33; Ó hAnnracháin "Far From Terra Firma" pp 320-5. Clerical claims that the supernumeraries belonged almost exclusively to the peace faction are discussed in chapter 7 p.237.

The nuncio could not understand why Bishop French in particular had fallen in with the designs of the committee and signed the decree. It is clear that Plunkett and French were motivated more by the objective of maintaining confederate unity than the narrow factional interests of the clerics. The moderates, having earlier supported the clerics in rejecting the peace, appeared to be leaning more towards the peace faction. Inchiquin wrote to Ormond, describing the confederates' actions in "new moulding their Council". He welcomed the election of Ormond's close associate, Gerald Fennell "with diverse others whom they term moderate men". Equally good news, as far as Inchiquin was concerned, was the ejection of Dermot O'Brien "with diverse others whom they account violent", meaning in effect the supporters of the clerical faction⁸⁵.

Examining the names on the list, the swing to the peace faction is obvious, marked by the return of such familiar figures as Viscount Mountgarret, Richard Bellings, Lucas Dillon, and Gerald Fennell. Moreover, apart from Dermot O'Brien, a number of leading figures of the clerical faction, including Piers Butler, Lord Louth and Dermot O'Sullivan Beare were not re-elected. On the other hand, the names of seven bishops appear on the council lists, and the entire Ulster contingent had opposed the first Ormond peace treaty. The moderates might well have controlled the balance of power as before, curbing the worst excesses of both extremes. The departure of Plunkett and French for the continent however, deprived this group of effective leadership, and their allies on the council (such as Roebuck Lynch and Geoffrey Barron) became increasingly marginalised as factional strife developed⁸⁶.

Apart from altering the size of the council, the assembly also ordered that to remove jealousies between many confederates and the councillors, the latter not only take the oath of councillors but also the "Blessed Sacrament". All members of the Supreme Council, since 1642, had been required to take an oath of secrecy⁸⁷. The

⁸⁵Inchiquin to Ormond, 19 Jan. 1648 (Bodl. Carte Mss 22 f.5); Even after leaving Ireland, Rinuccini still found it difficult to understand French's behaviour at this assembly. Aiazza (ed.) *Embassy* pp 519-21

⁸⁶The seven bishops elected to the council were Dublin, Tuam, Cashel, Ferns, Limerick, Killala and Down/Connor. The full list is in appendix 2.

⁸⁷Gilbert (ed.) *Irish Confederation* vi pp 208-33. After the election of the first Supreme Council in November 1642, Bellings talks of those chosen taking "the oath of Councillors". Bellings' History in Gilbert (ed.) *Irish Confederation* i p. 112. Rinuccini later describes using his authority as nuncio to force the bishop of Limerick, a member of the Supreme Council, to divulge secrets of the council to him. Aiazza (ed.) *Embassy* p. 526. The whole issue of secrecy was also an area of

addition of the blessed sacrament perhaps marked an attempt by the assembly to assuage the fears of the clerical party, by assuring them of the councillors' commitment and devotion to the Catholic Church. Finally, the assembly in order to avoid an open breach in confederate ranks, declined to appoint anybody to the crucial post of council secretary, announcing instead that the nomination "should be as yet suspended"⁸⁸.

Having restructured the council the assembly next turned its attention to the crucial question of accountability. The major problem (identified as far back as 1644) involved not only a general contempt for authority, but also the failure of the Supreme Council to enforce the various decrees issued by the assembly. To combat this, the assembly recommended that a resident member from each province personally oversee the implementation of orders. The residents would rotate the duties every month, each one of them providing a written report at the end of the month to the council, and to the assembly at its next meeting. Moreover, certain orders issued by the assembly and council were to be published and distributed, a task delegated to one resident from each province, with regular reports back to the assembly on their progress⁸⁹.

Although individual members of the council were assigned specific tasks, the assembly stated unequivocally, "that the whole members of the council residents shall have a general care of execution of orders as they shall answer to the contrary at their extremist peril". To ensure compliance with this directive, the assembly enunciated the doctrine of collective responsibility. The council would function according to the principle of majority rule as before, but now all members regardless of how they voted were responsible for the council's actions. The only exception to this rule involved matters of faith or clerical immunity, presumably to prevent a bishop being forced to accept responsibility for a decision contrary to the teachings of the Catholic Church⁹⁰.

controversy in England between the parliament and the Committee of Both Kingdoms. Morrill Revolt of the Provinces p.57-8

⁸⁸Gilbert (ed.) Irish Confederation vi pp 208-33. It is unclear who had acted as secretary on the previous council, but Richard Bellings, one of the Leinster residents, had occupied that position from 1642 until the rejection of the Ormond peace treaty in August 1646. Bellings, however, was despised by the clerical faction who would have bitterly opposed his candidature.

⁸⁹Gilbert (ed.) Irish Confederation vi pp 208-33

⁹⁰Idem.

All these measures not only ensured that individual council members became actively involved in the governmental process, but also enshrined the principals of executive accountability to the legislature and of collective responsibility. They were specifically designed to facilitate more efficient and effective government, and to help eliminate the blight of factionalism which was threatening to pull the confederate association apart. As such these policies may be clearly identified with the moderate faction, and illustrate a remarkable degree of political sophistication, particularly at a time of severe crisis. These, and other reforming measures during the 1640s, clearly contradict the argument the confederates never developed a political philosophy⁹¹.

The reformists also directed their attention at abuses in the assembly's national electoral process. A number of assemblies, they argued, had been composed largely "of serving men, and men uninterested in the kingdom, procuring returns within the city of Kilkenny, or by some other private ways or practice". With the destruction caused by war, the system did not always operate according to theory, and both the clerical and peace factions exploited the system to their own advantage. Rinuccini observed, shortly after his arrival, on the practice of electing people resident in Kilkenny for boroughs and counties under enemy control. In late 1646, with the clerics in the ascendancy, their opponents complained of the assembly being packed with northerners from the creaghts accompanying the army of Owen Roe O'Neill. Such reports, although clearly biased and exaggerated, illustrate the nature of the problem⁹².

The assembly ordered the council to take appropriate steps to ensure that future meetings would be composed of "genuine, apt and natural members... men estated and of fortune...and that no such serving men, uninterested in the kingdom be admitted thereto". To this end, the electoral process itself would be closely supervised with sheriffs and magistrates appointing suitable venues for the holding of elections, to provide "the greatest freedom and security of the people against any

⁹¹This claim is made by Patrick Corish, who denies that the confederates were ever concerned with the concept of executive responsibility to the legislature. Corish, "Rising of 1641" *NHI* iii pp 300-1

⁹²Gilbert (ed.) *Irish Confederation* vi pp 208-33; Du Moulin to Ormond, 30 Jan. 1647 (Bodl. Carte Mss 20 ff 218-9); Aiazza (ed.) *Embassy* p. 116; Bellings' History in Gilbert (ed.) *Irish Confederation* vi p.46. An examination of the January 1647 assembly list, for example, shows that the percentage of Ulstermen in attendance was actually less than in 1645. See chapter 7 p.234 (table 2)

attempts of the enemy". Again this attention to detail and concern for genuine elections is truly remarkable so soon after the destruction of two confederate armies, and with the enemy knocking on the very door of the capital⁹³.

Returning to more mundane administrative matters, the assembly further ordered that sheriffs and justices of the peace take greater care to observe the commands of the Supreme Council. General training and arming of all men between the ages of 16 and 60 was introduced, to be maintained by a yearly charge on each county, in a desperate attempt to replenish confederate forces. Moreover, the Supreme Council itself, rather than the existing multiplicity of officials, in future would farm the excise to ensure a greater revenue for the central exchequer. The assembly, unhappy with the returns from the arrangement introduced the previous year, whereby the clergy collected the money due from ecclesiastical lands, also instructed that laymen be involved in the process⁹⁴.

The final order concerned the creaghts which accompanied the forces of Owen Roe O'Neill. The presence (and practices) of these wandering bands was the source of numerous complaints throughout Munster, Leinster and Connacht for a number of years, with most of the opposition based on their destructive behaviour, rather than any ethnic considerations⁹⁵. These land-less herdsmen were seen as a threat to the existing order, their lifestyle as barbaric and backward. Even allowing for exaggerations in reports of damage and destruction, they undoubtedly generated deep hostility within confederate ranks. With O'Neill and his army camped outside Kilkenny, resentful at the failure to provide them with winter quarters, any move against the Ulstermen risked provoking a violent response. Nonetheless, the assembly ordered that the creaghts be assigned to waste lands in the various provinces, to reside there until they were able to return to their former habitations⁹⁶.

⁹³Gilbert (ed.) *Irish Confederation* vi pp 208-33. By early February 1648, Inchiquin had captured the town of Callan, only a few miles from Kilkenny. Inchiquin to Lenthall, 17 Feb. 1648 in McNeill (ed.) *Tanner Letters* p.287

⁹⁴Gilbert (ed.) *Irish Confederation* vi pp 208-33. This criticism of the clergy strongly suggests that (unlike 1646) the clerical faction did not support the reforms.

⁹⁵The Ulster Irish were criticised (and physically attacked) by both native Irish and Old English. See PRO SP Ire, 263/105 f.176, 263/119 f.200; Lowe (ed.) *Clanricarde Letter-Book* p.46, 459-60; Aiazza (ed.) *Embassy* pp 281-4 etc.

⁹⁶Gilbert (ed.) *Irish Confederation* vi pp 208-33.

The reforms envisaged by the eighth General Assembly of the confederate catholics proved both elaborate and ambitious. The ideas of executive accountability and collective responsibility were remarkably sophisticated considering the extreme crisis facing the association at this time, while the proposals for free and safe elections showed an admirable concern for truly representative government (at least in the context of the seventeenth century). The various reforms illustrated a desire to create a more effective and efficient government, preserve confederate unity and uphold the existing social order. These were the policies of the moderates, triumphant at the assembly but undermined by the collapse into internecine warfare.

On 18 January 1648, over three weeks after the dissolution of the assembly, the new Supreme Council, in conjunction with the bishops, finally issued instructions for the confederate agents travelling to the continent. These instructions contradict the claim that Muskerry's faction now dominated confederate politics, as every effort was made to secure clerical support for the peace initiative. Any settlement with the English Court in Paris had to include the religious terms already agreed with the earl of Glamorgan, and nothing could be concluded in Paris without first hearing from the mission in Rome⁹⁷. This compromise arrangement, satisfying the demands for a settlement with the king while providing certain religious guarantees, bears all the hallmarks of the moderates' policy of consensus, which clearly still commanded significant support in the assembly⁹⁸.

The mission to Rome in fact provided the best opportunity to save the confederate association from financial collapse and political disintegration. After the rejection of the Ormond peace treaty, Rinuccini had promised massive financial aid, but nothing arrived during the course of 1647. Without a significant influx of papal cash, it would prove difficult (if not impossible) for the confederates to maintain the war on all fronts⁹⁹. Moreover, the religious issue remained the single biggest obstacle to a

⁹⁷According to Rinuccini at least, the agents travelling to France could "neither begin nor conclude anything, nor accept a peace or change in government until the terms have been proposed in Rome and approved of by his Holiness". Aiazza (ed.) *Embassy* pp 363-4

⁹⁸As with previous missions, the assembly probably decided on the terms, but left it to the council to issue the actual commission. Supreme Council instructions to agents travelling abroad (BL Stowe Mss 82 f.155-7); Corish, "Ormond, Rinuccini and the Confederates" *NHI* iii pp 325-6; Ohlmeyer *Civil War and Restoration* pp 201-5;

⁹⁹Gillespie "Irish Economy at War" in *Independence to Occupation* pp 176-7. Rinuccini recognised the shortage of hard currency as one of the biggest problems

new peace treaty, with the clergy seemingly determined to insist on conditions wholly unacceptable to Charles I. Only a direct appeal to the pope offered the prospect of breaking the stalemate, by-passing Rinuccini in a way the king used Glamorgan in 1645 to overcome the obstacle of Ormond's opposition to religious concessions. The Irish clergy could hardly refuse to accept a deal sanctioned directly by Innocent X¹⁰⁰.

By travelling in person to Rome, Plunkett and French placed themselves in an ideal position to dictate confederate policy. Rinuccini believed that the two men, "well known supporters of the clergy", were simply being "exiled under colour of doing them honour"¹⁰¹. Far from being dupes of the peace faction, however, Plunkett and French hoped to overcome the religious obstacles to peace and obtain much needed financial assistance. With the emphasis now shifted to the continent, nothing could be gained by staying in Ireland, particularly as internal confederate tensions intensified. The outbreak of violence between the various factions would force all moderates to take sides before the full range of options had been explored. Accepting the mission to Rome proved a shrewd political move in difficult circumstances.

The confederate agents were instructed to inform Innocent X about the state of the country, and to seek the pope's mediation in attempts to broker a peace between Kilkenny and the English court in exile in Paris. While assuring the pope of the confederates' determination to obtain religious concessions in any peace deal, they also had to stress the necessity to be practical. In particular, confederate negotiators in Paris were prepared to waive the demand that religious articles be published with political ones, and for a catholic lord lieutenant, but only if the pope agreed. Finally, the confederates committed themselves to retaining their government until the publication of religious articles, in order to ensure the royalists upheld their side of the agreement. If the pope refused to make religious concessions the confederate agents would ask for military aid, and failing that offer him the protectorship of the kingdom¹⁰².

facing the confederates at this time. Aiazza (ed.) *Embassy* pp 358-62

¹⁰⁰As Innocent X had already agreed a treaty with Kenelm Digby on behalf of Queen Henrietta Maria, the confederates must have been confident another deal was possible. The 'Roman' treaty of Nov. 1645 is discussed in chapter 3 p.100-1

¹⁰¹Rinuccini, despite his misgivings about some of their policies, still believed that both men supported the clerical faction. Aiazza (ed.) *Embassy* pp 343-6

¹⁰²If the pope declined the protectorship the French were to be approached.

Supreme Council instructions to agents (BL Stowe Mss 82 f.155-7); The clause

The various options open to the confederates at this time were clearly prioritised in these instructions. The moderates hoped to facilitate an agreement with the royalists, while obtaining papal approval for the crucial religious clauses. Unfortunately for Plunkett and his allies, a revival in royalist fortunes during 1648 encouraged the peace faction to support an alternative strategy, undermining all efforts at consensus. Once again, secret plots and negotiations dominated the Irish political scene, with the marquis of Ormond (as ever) providing the focus for discontented elements in the confederate ranks.

The period from February 1648, when the missions to Rome and Paris finally departed, until the open breach between the clerical and peace factions three months later at the end of May, is relatively poorly documented¹⁰³. With the marquis of Ormond in transit between England and France, a gap appears in the Carte collection until his return to Ireland in September 1648. The third volume of the marquis of Clanricarde's letters (covering the years 1647 until 1650) is missing, while the state papers contain little of interest after August 1647. As a result the historian must rely almost exclusively on Rinuccini for details of developments at this time, supplemented by the memoirs of Richard Bellings written over twenty years later. This unsatisfactory situation is only mitigated by the fact that the two surviving accounts come from totally contrasting perspectives¹⁰⁴.

Early in January 1648, the nuncio wrote a detailed report on the state of the kingdom to Cardinal Panzirolo in Rome. According to Rinuccini, the confederates were in a desperate state due to the lack of money, internal conflicts, the loss of Munster towns to Inchiquin, and the general devastation of the country by enemy

about the protectorship would come back to haunt Nicholas Plunkett after the restoration of Charles II. In 1661, Plunkett was representing former catholic land-owners who hoped be restored to their lands when a copy of these instructions was shown to the king and his council. They were outraged and refused to accept any further petitions as a result. Banishment of Plunkett, 14 March 1662 (BL Add Mss 4,781 f.146); Letter of John Davies, 15 March 1662 (BL Stowe Mss 82 f.324)

¹⁰³Both the delegations departed from Ireland by the end of February, although bad weather delayed the arrival of Muskerry and Browne in Paris until the middle of March. Carte *Ormond* iii pp 348-50; Ohlmeyer *Civil War and Restoration* p.205

¹⁰⁴Volume 22 of the Carte collection contains some material for the early part of 1648, but it is only after Ormond's return to Ireland in September that the number of relevant documents increases significantly. See Bodl. Carte Mss 22. The last entry in the Clanricarde letter-book for this period is a note addressed to Bishop French on 5 September 1647. Nothing then survives until 1650. Lowe (ed.) *Clanricarde Letter-Book* (1983).

forces. On the positive side, significant gains had been made in Ulster, while in Connacht only Sligo remained under enemy control. Moreover, the departure of Ormond from Ireland removed any obstacles to an attack on Dublin. According to Rinuccini, the key to recovery involved the expeditious arrival of papal subsidies. The money would be used to rebuild Taaffe's army and launch an offensive against Inchiquin in Munster, while O'Neill's campaign against Sligo would lead directly into the heartland of Ulster. The nuncio still hoped to conquer the entire kingdom before moving into Scotland and England to aid the king and English catholics¹⁰⁵.

Rinuccini, blamed the marquis of Ormond for causing divisions in Kilkenny, and believed the confederates were better off without his destabilising presence. Despite his bellicose assessment of the confederates' options, the nuncio favoured a temporary alliance with one of the protestant groups, preferring the Scots over Lord Inchiquin. Such an alliance would ease the pressure on Owen Roe O'Neill, allowing him to concentrate his forces elsewhere. Moreover, Inchiquin was a notorious anti-catholic, responsible for the sack of Cashel, and displayed a particular hatred of Ulstermen¹⁰⁶. This strategy, essentially unchanged from late 1646, failed to take into account the military disasters at Dungan's Hill and Knocknanuss, and the general war weariness in the country.

The Supreme Council, on the other hand supported the idea of a truce with Inchiquin¹⁰⁷. From a military point of view this made perfect sense, as the Munster parliamentarians (in alliance with Michael Jones), threatened to overwhelm confederate resistance in the province, particularly as their army remained scattered and impotent. Indeed, before dispersing, the General Assembly ordered a meeting of the Munster provincial assembly to remedy that situation¹⁰⁸. The dispute between Muskerry and his opponents, which had been simmering since the previous summer, erupted once again.

¹⁰⁵Aiazza (ed.) *Embassy* pp 358-62

¹⁰⁶*Ibid.*; Bellings admitted as much, but claimed (somewhat disingenuously) that the Supreme Council would protect the interests of the northerners "being by the oath of association bound to stand for and protect one the other". Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.65

¹⁰⁷Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.37

¹⁰⁸The city of Limerick, displaying an independent streak characteristic of its actions prior to 1646, refused to host this assembly, which met in Clonmel instead on 20 January 1648. Inchiquin to Ormond, 19 Jan. 1648 (Bodl. Carte 22 Mss f.5); Aiazza (ed.) *Embassy* pp 366-7; O'Ferrall and O'Connell (eds.) *Commentarius* iii pp 126-33

Rinuccini reported that the Supreme Council travelled to Clonmel in an attempt to resolve the quarrel. The assembly rejected a petition seeking the removal of Taaffe as general of the army for incompetence, unpopularity and treachery, and reappointed the viscount¹⁰⁹. Meanwhile, Inchiquin and Jones moved about unchallenged in Leinster and Munster. The situation looked grim for the confederates, but on February 13 Owen Roe O'Neill repulsed an attempt by the two parliamentarian commanders to link up their forces. A subsequent meeting of confederate generals and the Supreme Council decided, despite this success, against attacking Inchiquin¹¹⁰. O'Neill may well have been influenced by the provincial council of Ulster, which ordered him not to make peace with the Scots¹¹¹. The Ulster Irish, anxious to regain their estates and consolidate the gains of the previous two years, did not want their objectives frustrated by a truce in the province.

Despite the obvious military threat posed by Inchiquin in Munster, certain members of the council had other very different motives for supporting a truce with the parliamentarian general. On 26 December 1647 (two days after the dissolution of the General Assembly in Kilkenny), Charles signed an 'Engagement' with the Scots. Together with the marquis of Hamilton and the marquis of Ormond, the king set about creating a new royalist alliance to challenge the English parliament. Ormond's role involved re-establishing himself in Ireland with the help of confederate allies and disillusioned supporters of parliament, principal among them Lord Inchiquin¹¹².

By January 1648, Ormond had contacted Inchiquin, who promised to assist royalist plans. Ormond's agent, Colonel John Barry arrived in Cork shortly afterwards to continue the negotiations, before travelling on to Viscount Taaffe's headquarters. On March 3, Barry wrote to the marquis of Clanricarde, confidently predicting that a considerable party of the confederates would appear for the king. This evidence

¹⁰⁹O'Ferrall and O'Connell (eds.) *Commentarius* iii pp 135-7; Aiazza (ed.) *Embassy* pp 366-7

¹¹⁰The meeting between Preston, Taaffe and O'Neill took place in Cashel. Bellings' History in Gilbert (ed.) *Irish Confederation* vii pp 56-7;

¹¹¹O'Ferrall and O'Connell (eds.) *Commentarius* iii pp 73-5; Aiazza (ed.) *Embassy* p.370

¹¹²The Scottish army in Ireland was informed about the treaty, and instructed to give diversions to Owen Roe O'Neill, presumably to assist Ormond's confederate allies. Lauderdale etc. to Ormond, 28 March 1648 (Bodl. Carte Mss 22 f.51). Adamson suggests that Inchiquin's disillusionment stemmed from political developments at Westminster, in particular the growing threat posed by the Independents. Adamson "Strafford's Ghost" *Independence to Occupation* p.157.

confirm Rinuccini's suspicions that peace faction members on the Supreme Council (along with Muskerry and Browne in Paris) were plotting to join with Inchiquin and invite Ormond back to the country¹¹³. The nuncio's problem lay not so much in the contacts with royalists, but in the proposed return of the lord lieutenant.

Meanwhile, Ormond successfully undermined the confederates' own peace initiative by advising Queen Henrietta Maria, shortly after his arrival in Paris in March, not to give any detailed answers to the confederate delegation, but instead "preacquaint some of the best affected" with the royalist plans. Although the marquis of Antrim acted as the confederates' chief negotiator, he was excluded from royalist councils in favour of Viscount Muskerry and Geoffrey Browne¹¹⁴. The queen agreed with Ormond's strategy, and after two months of inconclusive talks announced her intention to "speedily give power to some such as we shall think fit to receive, there upon the place, more particulars and full propositions from you"¹¹⁵.

Royalists received a further boost when on April 3, Lord Inchiquin changed sides for a second time during this conflict, declaring for the king¹¹⁶. The news was a bitter blow to the nuncio, who had still hoped for an alliance with the Scots in Ulster. The Supreme Council (increasingly dominated by the peace faction) urgently requested the nuncio's presence in Kilkenny, promising not to make any decisions without his approval¹¹⁷. The council's concern may have been prompted by fears of

¹¹³Inchiquin to Ormond, 19 Jan. 1648 (Bodl. Carte Mss 22 f.5), Colonel John Barry to Clanricarde, 3 March 1648 (Bodl. Carte Mss 22 ff 37-8); Rinuccini wrote that the real problem lay not with the coming of the prince of Wales to Ireland, "but the hidden evil of it is, that many efforts will be made to restore Ormond". Aiazza (ed.) *Embassy* pp 343-6

¹¹⁴Muskerry and Browne had arrived with private instructions signed by Preston and Taaffe, announcing as their primary aim "the re-establishment of the king's authority in all his dominions". They invited the prince of Wales to Ireland "with a considerable proportion of money and arms, and with a resolution to condescend to the requests of his moderate and well-affected subjects". In return, the two generals would provide troops to help settle Ireland and England. Carte *Ormond* iii pp 350-1

¹¹⁵Memorial by Ormond, 26 March 1648 (Bodl. Carte Mss 22 f.58-9), Queen Consort and Prince to Antrim, 13 May 1648 (Bodl. Carte Mss 63 f.541)

¹¹⁶Colonel Barry wrote to Ormond that Inchiquin had been forced by circumstances to declare for the king sooner than was expedient. Barry assured Ormond that if he arrived in Ireland he would be "safe". Colonel John Barry to Ormond, 6 April 1648 (Bodl. Carte Mss 22 f.60), Inchiquin's Declaration, 3 April 1648 (Bodl. Carte Mss 117 f.151). Aiazza (ed.) *Embassy* pp 380-1.

¹¹⁷Rinuccini confided to Panzirolo his fear (based on past experiences) that the council would not adhere to this pledge to consult him. Aiazza (ed.) *Embassy* pp 376-81

the nuncio taking a unilateral decision to oppose the truce, but also by the arrival back from Rome of dean Massari with papal funds. Unknown to the council, however, Massari only brought a fraction of the money sought by Rinuccini¹¹⁸.

On April 23, the Supreme Council sent three agents to Dungarvan to conclude the truce with Inchiquin¹¹⁹. At this point, the lines of communication between the council and the nuncio became crossed, as happened during the crucial summer negotiations in 1646. Various accounts claim that Rinuccini was kept informed of progress at these talks, and supported the idea of a cease-fire (or at least did not object). Rinuccini, however, claimed he only discovered about the negotiations after forcing the bishop of Limerick to divulge council secrets¹²⁰. Of course the possibility exists of a simple breakdown in communications, but it is more likely that both sides were already operating according to conflicting agendas.

As the threat of civil war loomed, the two factions began to exploit all the weapons at their disposal to ensure majority confederate support. The council summoned the nobles and bishops of Munster to Kilkenny, where the Leinster provincial assembly was already in session, to debate the issue. The authors of the *Commentarius* and Bellings insisted that the two provincial councils met, but the names of those present suggest at least an enlarged council or perhaps even a provincial assembly. The meeting supported the Inchiquin truce, although Walter Enos claimed that the decisions were far from unanimous¹²¹.

¹¹⁸The dean eventually collected £16,000, but was forced to leave half the money in France before Mazarin would allow him travel to Ireland. Nonetheless, any cash would provide a major boost to the confederate war effort. Massari "My Irish Campaign" *Catholic Bulletin* 20 (1920) p.743; Ó hAnnracháin, "Far From Terra Firma" pp 289-91

¹¹⁹On May 6, a protestant officer in Kinsale reported that the truce was finished "though not yet proclaimed". McNeill (ed.) *Tanner Letters* pp 290-1; Bellings claimed that the council was unaware of the full extent of the Rinuccini's opposition to the truce, but this hardly appears credible considering the nuncio's stated position on the issue. It is more likely that the council, as in the summer of 1646, were attempting to present their opponents with a *fait accompli*. Bellings' History in Gilbert (ed.) *Irish Confederation* vii pp 45-7

¹²⁰The claims that the nuncio knew of the truce negotiations are in Bellings' memoirs in Gilbert (ed.) *Irish Confederation* pp 44-9, and a document entitled "An abstract of the proceedings concerning the cessation with the right honorable the lord baron of Inchiquin" in TCD Mss 844 f.71. Rinuccini's account is in Aiazza (ed.) *Embassy* pp 408-17

¹²¹In fact the *Commentarius* goes on to complain that if everybody had been properly present, 200 people would have been in attendance instead of the 44 who

To counter these moves, Rinuccini, after his arrival in the confederate capital, brought together 14 bishops, who signed a declaration against the truce. The nuncio had obtained similar documents in November 1645 and February 1646, but on this occasion divisions in the bishops' ranks were becoming increasingly difficult to conceal. Rinuccini admitted in a letter to Panzirolo that the archbishop of Tuam and the bishop of Limerick had expressed serious doubts about signing the document. The defection of these two men would seriously undermine clerical opposition to the truce, but for the moment, the clerics maintained a facade of unity¹²².

Bellings writes that the declaration "notwithstanding that six of the number did dissent in opinion, was sent to the Supreme Council as the unanimous sense of the bishops". The bishops stated that a truce with Inchiquin would be contrary to the oath of association, as he was an enemy of the Irish "especially and mainly to the province of Ulster". Also the cease-fire had not been approved "by the generality of Munster, who are chiefly concerned in it, being contrary to the custom of the confederates and of all the provinces of Ireland"¹²³. This statement appears to have been prompted by the poor attendance at the provincial meetings, rather than a failure by the Supreme Council to consult the various bodies.

appeared, which suggests that it was the provincial assemblies rather than councils that were summoned. O'Ferrall and O'Connell (eds.) *Commentarius* iii pp 126-33. Bellings inter-changes the words 'assembly' and 'council' so it is unclear which exactly he is referring to in this instance. Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.68. As well as this, the Supreme Council summoned to Kilkenny all the supernumerary members appointed to the council by the previous General Assembly in a move to guarantee a majority in favour of the Inchiquin truce. O'Ferrall and O'Connell (eds.) *Commentarius* iii pp111-2

¹²²Corish, P.J. "Rinuccini's censure of May 22 1648" *Irish Theological Quarterly* XVIII (Oct. 1951) pp 325-7. Rinuccini remarked in this letter that bishop O'Dwyer of Limerick had joined the peace faction 18 months earlier, while Tuam's hostility dated as far back as August 1647. In his report to Rome after leaving Ireland, Rinuccini noted that Tuam later explained his signature on the document by "declaring it was the money [from Rome] only which moved him to do it". Aiazza (ed.) *Embassy* p.307, 381-3, 526. O'Dwyer of Limerick and Bourke of Tuam were among a number of clerics uncomfortable with the extreme tactics adopted by the nuncio. Nonetheless, they still favoured major concessions to the Catholic Church, and as such were potential allies of the moderates.

¹²³Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.59. Corish suspects that the rumoured dissenters (who signed nonetheless) were Dublin, Cashel, Tuam, Killala, Limerick and Kilfenora. Corish "Rinuccini's censure" pp 325-7

The council replied that they had full authority to conclude a truce, "the like being the course taken in all former cessations". They accepted that Inchiquin displayed a particular aversion to Ulstermen (as indeed was the case with most leading confederates!), but claimed the oath of association ensured that all confederates "protect one another". Clerical opposition, however, unnerved the Supreme Council, which Rinuccini reported was "confused and perhaps divided", suggesting significant opposition to the peace faction at the council table¹²⁴. On May 4, before dispersing, the bishops empowered the nuncio and four of their number (Dublin, Limerick, Clogher and Killala) to act on their behalf in the future¹²⁵. Rinuccini's subsequent moves, however, made civil war almost inevitable.

On May 9, he confronted the bishop of Limerick, a member of the Supreme Council, about the negotiations with Inchiquin. The bishop, despite his oath of office which bound him to secrecy, confirmed that agents had already been sent to Inchiquin to conclude an agreement. At the same time, a Carmelite priest informed the nuncio of a plot to kill him. No evidence has ever emerged of a plot against the nuncio, but the peace party may well have been contemplating a pre-emptive strike against their greatest adversary¹²⁶. Whatever the truth, Rinuccini left Kilkenny that night and fled northwards to Owen Roe O'Neill's camp at Maryborough, in what more or less amounted to a declaration of war on the Supreme Council.

The following day, the bishop of Clogher joined him in Maryborough as the Supreme Council started to fragment. Only five of the 12 resident members unreservedly supported the peace faction strategy, while the attitude of the others remained unclear. With the supernumerary council members already in Kilkenny, however, the peace faction were ideally positioned to replace anybody who left the board. By such means, the nuncio's enemies successfully packed the council with their supporters, just as he had predicted back in December. The few moderates

¹²⁴Bellings' History in Gilbert (ed.) *Irish Confederation* vii pp 62-5; Aiazza (ed.) *Embassy* pp 381-3.

¹²⁵Delegation of authority to the nuncio and four bishops, 4 May 1648 (Jesuit Archives Mss B f.25)

¹²⁶Corish believes that the plot "seems to have been without any real foundation". Corish *NHI* iii p.329. The question of whether the nuncio knew of the talks with Inchiquin before his encounter with O'Dwyer remains unanswered. Aiazza (ed.) *Embassy* pp 524-6

proved powerless to prevent such moves, and either left the confederate capital or joined forces with the dominant group¹²⁷.

Those who favoured a truce with Inchiquin could also rely on the support of Thomas Preston, anxious to restore his reputation after the disaster at Dungan's Hill, and the collapse of various royalist plots in 1647. Described by Rinuccini as "a most unsteady man, unfit to take council with, and easily dictated to by the evil minded", Preston took great offence at the pope's gift to Owen Roe of Hugh O'Neill's sword, brought back to Ireland by Massari. According to a rumour circulating in confederate territory, the sword was an "emblem of royalty", arousing fears that Owen Roe wished to become king of Ireland¹²⁸.

The previous winter, a book entitled *Disputatio Apologetica*, by an Irish Jesuit (Conor O'Mahony) resident in Lisbon, had appeared throughout the country. O'Mahony, contrary to the ideals of the confederate association, called on the Irish to expel all English from Ireland and elect a native king. Although the authorities in Kilkenny, Galway and elsewhere promptly condemned the book, its appearance, along with O'Neill's sword, increased the tension within confederate ranks¹²⁹. Rinuccini, by openly joining Owen Roe O'Neill in Maryborough, only succeeded in alienating a number of potential supporters.

¹²⁷Inchiquin to Ormond, 29 May 1648 in Carte Ormond vi pp 549-53. Inchiquin informed Ormond that only 5 of the Supreme Council could be "relied upon". These were Richard Bellings, Gerald Fennell, Lucas Dillon, Lord Athenry and probably Robert Devereux. Walter Enos in the *Commentarius* also names Roebuck Lynch and Patrick Bryan, but they were almost certainly moderates forced to take sides once the civil war began. O'Ferrall and O'Connell (eds.) Commentarius iii pp 531-4; Aiazza (ed.) Embassy pp 381-3

¹²⁸Aiazza (ed.) Embassy p.375

¹²⁹Condemnation of *Disputatio*, 1647 (UCG Galway Corporation Records Book A) f.191b. The sheriff of Galway ordered that all copies of the book be handed in to the authorities. Walsh, Peter The History and Vindication of the Loyal Formulary or Irish Remonstrance (1674) pp 736-9. Walsh, a bitter enemy of the clerical faction, preached against the book for five consecutive weeks in Kilkenny. He also blamed the nuncio for protecting John Bane the man on whom the first copy was discovered. Rinuccini expressed no sympathy with O'Mahony's ideas and merely commented that the appearance of the book had been exploited by his enemies to discredit him. Aiazza (ed.) Embassy pp 321-2. The king of Portugal also issued two orders in 1647 censuring the book, under pressure from the English royalist ambassador. Bodl. Clarendon Mss 30 f.198

This close alliance between O'Neill and Rinuccini (taken for granted by historians) was by no means inevitable. From the moment he arrived in Ireland, the nuncio expressed grave misgivings about the Ulster general. Although glad of O'Neill's support during the crisis over the first Ormond treaty, Rinuccini was concerned that the behaviour of the Ulster troops would alienate many confederates from the clerical side. O'Neill's motivations (never easy to decipher) appear to have been dictated primarily by the demands of his fellow Ulstermen. The gift of papal money to the Ulster army in 1646, therefore, unquestionably contributed to O'Neill's enthusiastic support for the nuncio later that same year.

Nonetheless, the general refused to attack Dublin directly when ordered to do so by Rinuccini, marching instead to Kilkenny. This independent streak surfaced again when O'Neill declined to surrender Athlone castle to Viscount Dillon early in 1647. The Supreme Council's harsh treatment of the Ulster army over supplies and winter quarters, drove O'Neill back into the clerical camp, and in December 1647 he offered to attack the nuncio's enemies. By February 1648, Rinuccini declared his admiration for O'Neill in a letter to Panzirolo, adding that "had I always defended him I should have lost many friends"¹³⁰. The arrival of the nuncio in Maryborough three months later finally cemented the alliance between the clerical faction and the Ulster Irish.

In the week following Rinuccini's flight from Kilkenny, the Supreme Council initiated a number of moves superficially aimed at a reconciliation. Patrick Bryan and Geoffrey Barron, two moderate members of the council, were sent to Rinuccini with an offer from the Leinster assembly to unite with its Munster counterpart and attack Dublin, if they received a £10,000 sterling loan from the nuncio¹³¹. Rinuccini rejected this crude attempt to elicit some of the papal funds, along with further overtures from Miles O'Reilly, a supernumerary council member from Ulster. The council's sincerity in these negotiations must be questioned, as O'Reilly was also instructed to try to draw moderate officers from the Ulster army. In any event, the

¹³⁰Aiazza (ed.) *Embassy* p.373

¹³¹Bellings' History in Gilbert (ed.) *Irish Confederation* vii pp 71-2. Bellings earlier described Barron as an "ardent nuncioist", but as such he would hardly have served the council in these circumstances. After the rejection of the peace treaty by the assembly in February 1647, Barron had been sent with Gerald Fennell to reopen negotiations with Ormond. As a man who appealed to both sides, Barron was in fact a moderate. *Ibid.* vii p.12

publication of the Inchiquin truce on May 20, and rumours that Preston intended marching on Maryborough, brought all communications to an abrupt end¹³².

The duplicity of the marquis of Ormond and catastrophic confederate defeats at Dungan's Hill and Knocknanuss, effectively undermined the dual strategy of the moderates during the course of 1647. Forced by circumstances to seek urgent assistance from abroad, Nicholas Plunkett and Bishop French gambled everything on their mission to Rome. The remaining moderates on the Supreme Council possessed insufficient authority to prevent a slide into civil war, precipitated by peace faction plotting with Ormond and the Supreme Council's inept handling of the truce with Inchiquin. By May 1648, the differences between the various confederate factions, aggravated by the lack of any moderating influence, were so deep and bitter, that armed conflict appeared inevitable.

¹³²Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.77; Articles of Agreement, 20 May 1648 (Bodl. Carte Mss 22 f.99); Ó hAnnracháin "Far From Terra Firma" p.337

CHAPTER 6: May 1648- Jan. 1649

"What really surprises the majority of those who contemplate the affairs of Ireland is to see that the people of the same nation and of the same religion- who are well aware that the resolution to exterminate them totally has already been taken- should differ so strongly in their private hostilities; that their zeal for religion, the preservation of their country and their own self interest are not sufficient to make them lay down- at least, for a short time- the passions which divide them one from the other."

(Monsieur Bellievre, French ambassador to London, 3 November 1648)¹

The final phase of confederate Ireland witnessed the collapse into civil war, as the papal nuncio and Owen Roe O'Neill orchestrated opposition to renewed efforts at a peace settlement with the royalists. With Nicholas Plunkett and Bishop French absent in Rome, the forces of moderation proved unable to maintain even a facade of confederate unity. Throughout the summer of 1648, the clerical and peace factions battled for supremacy, while the English parliament prepared for a major offensive in Ireland. It was only after the calling of the General Assembly, and the return of Plunkett and French to Ireland, that the moderates began to regain some lost ground.

The publication of the cease-fire agreement with Inchiquin on 20 May 1648, destroyed whatever hope remained of a reconciliation between Rinuccini and the Supreme Council. Exactly one week later, on May 27, the nuncio excommunicated all supporters of the truce². This dramatic response to the Inchiquin agreement,

¹Ohlmeyer, J. "A failed revolution?" *Independence to Occupation* p.20

²The truce articles were signed for the confederates by Richard Everard, Patrick Gough and John Walsh, three supernumerary members of the Supreme Council for the province of Munster. Articles of Agreement, 20 May 1648 (Bodl. Carte Mss 22 f.99). The bishops had delegated their authority to a committee consisting of Rinuccini, Clogher, Limerick, Killala and Dublin. Instead, the nuncio, along with Clogher, co-opted Cork, Ross and Down without contacting the other bishops. This suggests that Rinuccini already suspected that Limerick and Killala (and maybe even Dublin) would oppose the excommunication. Aiazza (ed.) *Embassy* pp 408-17; Corish "The crisis in Ireland in 1648" p.234-5 and Corish "Rinuccini's censure" 195.

although predictable, nonetheless constituted a powerful challenge to the authority of the council. The rumour (false as it transpired) that Preston intended marching on O'Neill's headquarters at Maryborough influenced the exact timing of his declaration, but the nuncio had already decided on this course of action after seeing the terms of the truce³.

Ó hAnnracháin suggests that the nuncio's reaction to the unfolding crisis was panicky and largely defensive in nature. Although circumstances at the time may well have affected Rinuccini's tactics, he was in fact following a carefully prepared aggressive strategy in a deliberate re-enactment of the clergy's successful 1646 campaign. Indeed on his return to Rome he wrote how it seemed "most fitting to follow in this second controversy precisely the same course which was held in the first"⁴. By 1648, however, his opponents in the peace faction proved to be better prepared for the challenge, and for the next three months a bitter struggle developed as both sides sought to impose their supremacy on the confederate rank and file. In such a polarised environment, the moderates, particularly in the absence of the leadership of Plunkett and Ferns, could exert little influence.

Rinuccini's failure to repeat his earlier victory could not have been predicted, despite a number of factors working against him from the very beginning of the crisis. Most importantly, the bishops were sharply divided on the issues of the Inchiquin truce and subsequent excommunications. Divisions had existed in clerical ranks from the very beginning of the uprising, but the opposition remained confined to a few aged prelates like Thomas Dease, the bishop of Meath⁵. Such men seemed unable (or unwilling) to challenge the authority of the papal nuncio, and largely restricted their activities to voicing dissent at meetings. Rinuccini's opponents in 1648 proved far more formidable, emerging from the younger more active group of

p.325-31. The excommunication order was translated from Latin into English two days later, on May 29, by the bishop of Ossory. Bodl. Carte Mss 22 ff 111-2; Jesuits Mss B f.25.

³Claims that Rinuccini, reluctant to resort to excommunication, was worn down by the arguments of others at the camp, are contradicted by the nuncio's own account of events. Aiazza (ed.) *Embassy* pp 408-17; Corish, "Rinuccini's censure" p.329

⁴Ó hAnnracháin "Far From Terra Firma" p.337; Aiazza (ed.) *Embassy* p.524.

Admittedly, the nuncio's report was written a year later, with a view to self-justification, but the parallels between the two crises (1646 and 1648) are striking.

⁵In March 1642, the synod of the province of Armagh censured Dease for his criticisms of the rebels. Synod at Kells, 22 March 1642 in Gilbert (ed.) *Irish Confederation* i pp 290-2.

clerics, led by the ambitious John Bourke, archbishop of Tuam. Clerical censures proved far less effective when openly and publicly opposed by such men⁶.

Rinuccini's clerical opponents during 1648 could be divided into two distinct groups. Firstly the Connacht (or to be more precise the Galway) bishops consisting of John Bourke of Tuam, Francis Kirwan of Killala and Andrew Lynch of Kilfenora. Bourke, a central figure in confederate politics since 1642, dominated this group and gradually began to drift from the nuncio following the catastrophic defeats in Leinster and Munster during 1647. The nuncio later accused the Connacht bishops of committing the greatest evil "under the pretext of following a middle course"⁷.

The second group consisted of Thomas Dease of Meath, Oliver Darcy of Dromore, Patrick Plunkett of Ardagh and David Rothe of Ossory, all from important Pale families. Rinuccini despised Dease, declaring after receiving (premature) news of his death, that it was "to the great blessing of the country", and described Bishop Darcy (no relation of the lawyer Patrick) as "the most open contemner of my authority". Plunkett owed his advancement to his more famous brother, Nicholas, and appears to have supported the moderate position throughout 1648. Rothe vacillated during the Inchiquin crisis before finally deciding to support the Supreme Council⁸. Finally, Bishop Edmund O'Dwyer of Limerick, although not belonging in either group, supported their policies in the final assembly.

Subsequent events would show that the nuncio's clerical opponents in 1648 were not mere hirelings of the peace faction, and supported instead the moderate agenda set by Nicholas Plunkett and Nicholas French. They opposed the nuncio's

⁶Ó hAnnracháin "Far From Terra Firma" p.132-3

⁷Aiazza (ed.) *Embassy* pp 408-17. Bourke sat on the first three Supreme Councils, before his appointment to the new confederate judicature in 1644. Order by the Commissioners of the General Assembly, 30 Aug. 1644 in Gilbert (ed.) *Irish Confederation* iii pp 266-7. He returned to the council after the seizure of power by the clerical faction, and was rewarded by his transfer from Clonfert to Tuam the following year. Cregan "Counter-Reformation Episcopate" p.87. See appendix 2 for council lists. This group was reinforced in late 1648 with the return from Spain of Hugh Bourke, John's brother and bishop of Kilmacdough.

⁸Aiazza (ed.) *Embassy* pp 402-5; Dease belonged to an old gentry family in Meath, and was closely related to the Nugents and other Pale nobility. The Darcys of Platten were one of the most important landed families in Meath, while Plunkett's nephew Christopher was the earl of Fingal. The Rothes of Kilkenny were one of the most distinguished families in the city. Cregan "Counter-Reformation Episcopate" pp 95-9; Cokayne *Complete Peerage* v (1926) p.386

excommunication, recognising the need for some form of settlement with the royalists. Nonetheless, Bourke and his allies insisted on significant religious concessions, including the "free and public exercise of the Roman Catholic religion", with the Catholic Church restored to its "full liberty and splendour"⁹. These bishops provided the core around which a number of confederate moderates now gathered, and this group successfully set the agenda for the subsequent negotiations with the marquis of Ormond.

Another factor working against the nuncio was the general mood in the country in May 1648 compared to late 1646. During the first crisis, confederate fortunes were at their peak, following a string of military victories in Ulster, Connacht and Munster. Emboldened by the influx of papal money and the prospect of further successes, the majority of confederates supported the nuncio's aggressive war policy. By early 1648, however, the situation had changed dramatically. The defeats at Dungan's Hill and Knocknanuss exposed the limits of confederate military capability in dramatic fashion. With money in short supply, and the confederate heartland threatened by the armies of Michael Jones and Lord Inchiquin, the majority favoured a peace settlement and proved reluctant to support the nuncio a second time¹⁰.

Finally, Rinuccini's opponents organised themselves properly in 1648, having absorbed the lessons from their rout eighteen months earlier. Rather than proceed with the Inchiquin truce on its own authority the Supreme Council summoned the provincial assemblies of Munster and Leinster to endorse the decision¹¹. A full assembly would have been even better, but risked presenting clerical supporters in Ulster and elsewhere with an opportunity to block the moves towards peace. With the guaranteed backing of confederates in at least two provinces, as well as a number of dissident bishops, the council felt more confident about confronting the nuncio.

⁹This demand was included in the confederate propositions to the marquis of Ormond on 17 October 1648. Gilbert (ed.) *Irish Confederation* vi pp 290-3

¹⁰By 1647, the confederates noted "our exchequer empty and altogether hopeless to get in moneys from a country so totally exhausted and so lamentable ruined; our expectation of great sums and help beyond the seas being turned into wind and smoke and despair". Gillespie "Irish Economy at War" *Independence to Occupation* p.177. Even Rinuccini acknowledged a general war weariness at the assembly in December 1647. Aiazza (ed.) *Embassy* pp 346-7

¹¹See chapter 5 pp 189. The peace faction was also aware of the enormous influence wielded by the bishops at assembly meetings.

Yet, despite all these disadvantages, the nuncio's cause was by no means hopeless. Excommunication remained a powerful weapon, although damaged by clerical disunity and overuse, and nobody could predict with any confidence the reaction of the catholic population at large to clerical condemnations. The experience of 1646 showed that while some confederate leaders appeared immune to censures, their followers were susceptible to clerical pressure. Inchiquin reported that

*"in many parts of the country the people do greedily embrace the infusions of their disaffected clergy, so that in the greatest probability the generality of the people will be drawn blindfold along with that party who vehemently contend against the re-establishing of his Majesty's authority in this kingdom or the settlement of any accord with those of the protestant profession"*¹².

Moreover, Rinuccini could also rely on the active support of the most effective confederate provincial army. Owen Roe O'Neill and his Ulster troops, alienated by the hostility of successive councils, denounced the "factionists" in Kilkenny and prepared to confront their enemies¹³.

Finally, disunity affected not only the bishops but the Supreme Council as well. Rinuccini noted in a report to Rome that after the declaration of the Inchiquin truce only five of the original twelve council members remained in Kilkenny, their places filled by the supernumeraries appointed at the last assembly. Later in May, Inchiquin confirmed these figures, informing Ormond that only five of the twelve council members could be relied upon to support a new peace settlement. Neither man identifies any of the five in question but the group almost certainly consisted of Richard Bellings, Lucas Dillon, Gerald Fennell, Lord Athenry and Robert Devereux, each of whom had been the target of particular criticism from the clerical faction at the previous assembly¹⁴.

¹²Inchiquin to Ormond, 12 Aug. 1648 (Bodl. Carte Mss 22 ff 165-6). Preston's experience at the end of 1646 is a perfect example of the power of clerical censures, with the exasperated Leinster general noting in December that his troops were not "excommunication proof". Lowe (ed.) *Clanricarde Letter-Book* pp 343-4

¹³Ohlmeyer credits the marquis of Antrim with devising a plan, after his return to Ireland in late July to capture the seat of confederate government at Kilkenny, using Ulster troops. O'Neill, however, appears to have been operating to his own agenda, which above all else involved keeping his army intact. Ohlmeyer *Civil War and Restoration* p.211

¹⁴Inchiquin to Ormond, 29 May 1648 in Carte *Ormond* vi pp 549-53; Aiazza (ed.)

The nuncio claimed that no bishops remained in Kilkenny, and while Bishop MacMahon joined him in Maryborough, Bishop O'Dwyer's movements at this time are unknown, although in all likelihood he returned to Limerick. The other Ulster delegates on the Supreme Council, Henry Óg O'Neill and Turlough O'Boyle, sided with the clerical faction, at least for the moment. Inchiquin, however, reported a split in the Ulster ranks to Ormond, with Phelim O'Neill, Alexander MacDonnell and Viscount Iveagh deserting Owen Roe O'Neill¹⁵.

Tensions had existed in the ranks of the Ulster ever since the declaration of the first Ormond peace, with Phelim O'Neill declaring on 9 December 1646 that "be it war or peace I will never obey him [Owen Roe]". The compromise settlement at the next assembly in early 1647 temporarily restored provincial unity but conflict erupted again during the subsequent Connacht campaign, with Phelim O'Neill supported on this occasion by Alexander MacDonnell¹⁶. Colonel Henry McTully O'Neill who served under Owen Roe identified the officers who deserted the general's command after the Inchiquin truce as those who were "possessed of their estates in 1641". Anxious to recover the lands they had held prior to the rebellion, Phelim O'Neill and his associates abandoned the dispossessed exiles to their fate, and joined forces with the Supreme Council¹⁷.

The remaining three resident members of the council, Patrick Bryan of Leinster, Geoffrey Barron of Munster and Roebuck Lynch of Connacht, could be classified as moderates, advocating confederate unity above all else. Both Bryan and Barron had been involved in last minute negotiations to avoid a breach with the nuncio, but after the outbreak of civil war, Bryan firmly allied himself with the peace faction. He took an active part throughout the summer in the council's sustained campaign against the clerical faction. Barron, on the other hand, dismissed by Bellings as an

Embassy pp 408-17; Clerical criticisms of particular individuals is mentioned in chapter 5 p.178 n.84.

¹⁵Inchiquin to Ormond, 29 May 1648 in Carte Ormond vi pp 549-53

¹⁶Phelim O'Neill to Father Oliver D'Arcy, 9 Dec.1646 (PRO SP Ire 262/77 f.259). The tensions in the ranks of the Ulster army during the Connacht campaign in 1647 are described in chapter 5 p.169.

¹⁷Apart from Phelim O'Neill and Alexander MacDonnell, Colonel Henry McTully O'Neill also lists Viscount Iveagh, Brian MacMahon and Myles O'Reilly among those Ulster officers who joined with the Supreme Council. [Lodge, John (ed.)] Desiderata Curiosa Hibernica vol.2 p.511

"ardent nuncio" (presumably for siding with Rinuccini), disappeared from public view for a time¹⁸.

Roebuck Lynch had sat on the Supreme Council throughout 1647, supporting the moderate policies of his former parliamentary colleagues, Nicholas Plunkett and Patrick Darcy. The disillusionment of Darcy (a fellow Galwayman) probably affected Lynch's own political outlook, and in the early days of the excommunication crisis he co-operated with the Supreme Council. During the summer, however, Lynch was involved in attempts to bring about a confederate reconciliation, before returning home as the political and military tensions escalated. Lynch did not attend the final assembly in September, although he kept in touch with his Galway colleagues who travelled to Kilkenny¹⁹. With the clerical and peace factions on a collision course, moderates like Roebuck Lynch were increasingly relegated to the sidelines.

Despite numerous desertions, the Supreme Council responded quickly to the nuncio's excommunication, issuing an appeal to Rome just four days later. The appeal stressed the legitimacy of the council's authority, having been "duly and rightly chosen in the general assembly". Regarding the truce with Lord Inchiquin, the council explained that the assemblies of Munster and Leinster both voted in favour of the truce, "though we could have concluded it without them"²⁰. The peace faction calculated that an appeal would result in a suspension of the excommunication until the papacy resolved the dispute, clearing the biggest obstacle in the path of a new treaty with the royalists. Rinuccini, however, insisted

¹⁸Bryan's signature appears on most of the Supreme Council documents during the summer. See Bodl. Carte Mss 22 ff 115-20, Bodl. Tanner Mss 57/1 f.137, 151, 155 etc. Bellings' dislike of Barron may well have resulted from the latter's role in conveying word of French support for rejecting the Ormond treaty to the General Assembly in early 1647. Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.7

¹⁹Lynch was one of the signatories of a council declaration on July 7, seeking a reconciliation with the clerical faction. Declaration by the Supreme Council, 7 July 1648 (Bodl. Tanner Mss 57/1 ff.151); Richard Blake, chairman of the last General Assembly was one of those who kept in touch with Lynch in late 1648. Richard Blake to Sir Rob. Lynch, 25 Nov. 1648 (Bodl. Carte Mss 22 f.685)

²⁰Appeal of Supreme Council to Rome, 31 May 1648 (Bodl. Carte Mss 22 ff 115-20). A second declaration on June 3, appealed to the bishops not to harass supporters of the truce. Declaration by the Supreme Council, 3 June 1648 (Bodl. Tanner Mss 57/1 f.137)

the censures remain in place despite the council's actions, a decision which further increased the bitterness between the two sides²¹.

Previous accounts of this period have concentrated almost exclusively on the excommunication issue, ignoring another decisive move by the Supreme Council, which impacted greatly on the nature of the ensuing factional struggle. On May 28, the council secretary (most probably Richard Bellings) commandeered the Jesuit printing press in Kilkenny²². Accusations by the clerical faction that the Jesuits complied with this move, were later dismissed by the order as "a mere calumny". Whatever the truth, two days later, on May 30, when Dean Massari arrived at the press seeking to print the nuncio's excommunication declaration, his request was denied. By this pre-emptive strike the council assumed total control over all material printed in confederate territory, "to the incredible injury of the Ecclesiastical Party which was never afterwards able to print its ordinations and necessary answers"²³.

Contrast this with the 1646 crisis, on which occasion the clerical controlled printing press produced copies of all the major declarations of the Ecclesiastical Congregation, distributing them to confederate urban centres. The peace faction simply could not compete on the same level, a fact which greatly damaged their cause. In 1648, however, as Rinuccini ruefully observed, the clergy were obliged to make copies of everything in writing, while the Supreme Council printed a large number of documents, explaining their decisions and policies²⁴. In the propaganda war, the peace faction had already gained the decisive upper-hand.

²¹Whether Rinuccini was entitled to do this was the subject of a bitter debate. Corish "Rinuccini's censure of May 22 1648" pp 336-7

²²The Jesuits moved their printing press from Waterford to Kilkenny in 1646, probably after the clerical faction seized control in September. The original press in Waterford, run by Thomas Bourke, appears to have been operating in Cork by 1648, brought there by another printer. Sessions, W.K. The First Printers in Waterford, Cork and Kilkenny pre-1700 (York 1990) pp 186-9 ; The assembly in late 1647 deferred a decision on the appointment of a council secretary, but once the split occurred, Bellings, with all his experience, almost certainly assumed the position. Orders of the General Assembly, 12 Nov. 1647 in Gilbert (ed.) Irish Confederation vi pp 208-33

²³Sessions First Printers pp 186-9

²⁴Bodl. Carte Mss 18 f.414 [Declaration of Ecclesiastical Congregation against Peace 12 August 1646], Bodl. Carte Mss 113 f.486 [Solemn Protestation of Loyalty and Oath of Association 10 September 1646] and so on. None of the clerical declarations in 1648 were published. Aiazza (ed.) Embassy pp 408-17

Immediately after the excommunication announcement, the Supreme Council published an order demanding obedience from all confederates, claiming that Rinuccini was being manipulated "by the suggestions of a few persons, for their private ends"²⁵. Three weeks later, the printing press produced copies of the new oath of association, pledging loyalty to the Supreme Council. This latter document was signed by 11 lords and 34 "prime gentlemen", who had been summoned to Kilkenny "in nature of a grand council", ensuring that the greatest possible number of individuals were publicly associated with the peace faction's policy. Peter Walsh, a clerical opponent of the nuncio, entitled this body the "Grand Extraordinary Council of the Four Provinces", comprising the Supreme Council "together with those others called then by them to their assistance out of the four provinces". In fact, no Ulster, and only four Connacht names appear on the list²⁶.

The nuncio responded to these moves by claiming the council merely intended to resurrect the peace treaty already rejected by the General Assembly. This charge (if true) would have seriously damaged the credibility of the peace faction, which once again made maximum use of the printing press to repudiate such "slanders". The Supreme Council promised not to "bring in any peace but that which by the orders of the last assembly was directed and committed to the agents sent for Rome, France and Spain to be by them obtained, until the general assembly of the confederate catholics shall otherwise determine". This declaration, strongly reminiscent of those issued by the Ecclesiastical Congregation in August and September 1646, loudly proclaimed the primacy of the confederate legislature, a policy largely inspired by Nicholas Plunkett²⁷. To avoid being outflanked by their

²⁵Sessions First Printers p.242. Mountgarret's signature starts to appear at the head of Supreme Council documents from this time on, suggesting he was once again acting as council president.

²⁶The four Connacht names on the list were Roebuck Lynch, Lucas Dillon, Geoffrey Browne and Lord Athenry. Oath of Association, 27 June 1648 in Gilbert (ed.) Irish Confederation vii p.80; Walsh, Irish Remonstrance p.xlvi. The council was clearly taking the necessary steps to avoid the isolation which led to its downfall in September 1646.

²⁷Declaration by the Supreme Council, 7 July 1648 (Bodl. Tanner Mss 57/1 f.151). The Ecclesiastical Congregation declared on 24 August 1646 that "forthwith a General Assembly of men and members of integrity be convented and called upon to accept or reject the foresaid peace". PRO SP Ire. 261/51 ff 207-10. The clerical faction, on 15 September 1646, talked of the need for the consent of the confederates gathered at an assembly to confirm or reject the peace. Bodl. Carte Mss 18 f.513.

opponents, the peace faction was increasingly forced to adopt a more moderate position to maintain public support.

Rinuccini, outmanoeuvred and dispirited, decided on drastic action to reverse the fortunes of the clerical faction. On July 11 he informed Panzirolo of his intention to summon a national synod in Galway, in order to unite the Catholic Church in opposition to the truce²⁸. Unfortunately for the nuncio, clerical unity remained elusive, while the council was determined not to allow a synod to undermine its authority, as had happened in August 1646. On July 28, the council published a declaration, opposing the meeting, "the lord nuncio having made himself a party and adhering to Owen O'Neill", who had already been declared a traitor²⁹. Clanricarde, as royalist commander in Connacht, proved ideally placed to hinder the meeting, and proceeded to block the roads to Galway. With the nuncio a virtual prisoner in the city, the peace faction continued to consolidate their grip on power.

In the meantime, Muskerry and Browne, contrary to their instructions, had returned from France in June without waiting for any communication from Rome. The peace talks in Paris had been totally overshadowed by news of Ormond's impending return to Ireland as part of the grand royalist strategy incorporating the three Stuart kingdoms³⁰. In April, the counter-attack against the English parliament began when forces loyal to the king captured the strategic towns of Berwick and Carlisle, and localised uprisings broke out across England and Wales. Finally, over two months later on July 8, the marquis of Hamilton crossed the border into Cumberland,

By this time, Inchiquin (now acting as royalist commander in Ireland) had received a reply from the Committee of Estates of the Parliament of Scotland to his request for an alliance. The committee would not contemplate any negotiations with

²⁸With south Leinster and most of Munster controlled by the peace faction, Galway was one of the few remaining cities where clerics could gather with the minimum of interference. Aiazza (ed.) *Embassy* p.405

²⁹Bodl. Carte Mss 57/1 f.155; Much to the fury of the nuncio, three Connacht bishops (Tuam, Killala and Kilfenora) openly supported the council's declaration, and Clanricarde's blockade. Aiazza (ed.) *Embassy* pp 408-17; Although the diocese of Kilfenora is north county Clare, in the province of Munster, Lynch himself was from Connacht.

³⁰The 'Engagement' between the Scots and the king is discussed in chapter 5 p.187-8. Queen Henrietta Maria announced her intention to send Ormond to Ireland in early May. Queen Consort and Prince to Antrim, 13 May 1648 (Bodl. Carte Mss 63 f.541)

catholics, but agreed to support Inchiquin and Ormond. Royalists, covenanters and confederates were poised to secure control of the entire kingdom, with only Michael Jones in Dublin and Owen Roe O'Neill providing any serious opposition³¹. Before any such moves could be consolidated, however, a new peace settlement was needed between Kilkenny and the marquis of Ormond. Viscount Muskerry and his allies were determined to ensure a successful conclusion on this occasion.

The final part of the peace faction's strategy, therefore, involved summoning a General Assembly to meet in Kilkenny on September 4. The supporters of peace were confident that with the clerical faction in disarray, and the two leading voices of moderation absent in Rome, the assembly would speedily endorse a new peace treaty. The Supreme Council announced solemnly that the final decision on the truce resided with the assembly, it being "the highest authority among the confederate catholics"³². Although the peace faction statement was primarily directed against any possible clerical meeting, it inadvertently provided an opening for the moderates to reassert some authority in Kilkenny.

The marquis of Ormond finally returned to Ireland on 30 September 1648, over a year after his surrender of Dublin to the English parliament, to an enthusiastic welcome from his loyal supporters in the confederate ranks, anxious (as always) to ingratiate themselves with the lord lieutenant³³. After the defeat of Hamilton's army at Preston the previous month, royalist hopes in England and Scotland quickly faded, a fact which increased the importance of Ormond's mission. With the clerical faction on the defensive, and in the absence of any credible alternative strategy, the peace party confidently expected to secure a speedy settlement with the royalists. Nonetheless, two months of bitter negotiations followed Ormond's arrival, bringing the marquis to the brink of despair once more. If by mid-1648 the peace party

³¹The Committee of Estates was particularly damning in its assessment of O'Neill, a man "guilt of the shedding of so much blood of the protestants there". Answers of the Committee of Estates of the Parliament of Scotland to desires sent from Inchiquin, 28 June 1648 (Bodl. Carte Mss 67 ff 161-2). The Ulster general had threatened Kilkenny in late July before being driven off by Preston and Inchiquin. Casway Owen Roe O'Neill pp 220-1

³²Declaration of the Supreme Council, 7 July 1648 (Bodl. Tanner Mss 57/1 f.151). The council believed that above all else (including a synod of bishops) the General Assembly "should be first consulted with in so great an affair".

³³The list of those sending congratulations on his safe arrival includes Gerald Fennell, John Walsh, Edmund Butler, Edward Comerford and James Preston. See Bodl. Carte Mss 22 f.304, 308, 310, 341, 380

dominated confederate politics, why did an agreement prove so difficult to reach? The answer to this questions lies in the alignment of forces within the General Assembly itself.

The General Assembly had displayed an increasingly independent streak since 1645, seeking to reform confederate government and assume a more direct role in the peace negotiations. By 1648, the earl of Castlehaven noted that regarding talks, "the Assembly used all means to be rightly informed of their condition"³⁴. Although a majority of confederates favoured peace, assembly members were not prepared to allow any one faction dominate the proceedings. Anyone who threatened confederate unity would be severely dealt with, while on the other hand significant concessions were expected in return for new treaty. In short, the 1648 General Assembly, by demanding peace but at a higher price than in 1646, adopted the classic middle course.

The apparent determination of the General Assembly to maintain confederate unity and reject extreme policies is somewhat surprising in view of the fact that the two leading moderates, Nicholas Plunkett and Bishop French, were in Rome, and did not return to Ireland until the end of November, almost three months after the assembly's first meeting. So who orchestrated this strategy in their absence, and how did the moderates exert any influence in a sparsely attended assembly allegedly packed with supporters of the peace faction?³⁵ While reports from hostile sources must be treated with caution, there seems little doubt that the majority of members who did attend came from the south Leinster-east Munster axis, the main block of territory still under confederate control. Elsewhere, particularly in Ulster and Connacht, civil war and parliamentary forces would have prevented many confederates from reaching Kilkenny. The attendance pattern, therefore, favoured the peace faction.

Nonetheless, the moderates were strongly represented in the clerical ranks, or more precisely those bishops who opposed the nuncio. Eight bishops defied Rinuccini and

³⁴Tuchet, *Castlehaven Review* p.133

³⁵According to Rinuccini the assembly "wants half its usual number no true adherent of the Church party having attended it". He went on to state that some provinces (presumably Ulster and Connacht) had no representatives. Aiazza (ed.) *Embassy* pp 422-3. Richard Bellings reported that the nuncio sent an agent to Rome to discredit the peace by stating "there was scarce any in the assembly", a claim vigorously denied by Bellings. Bellings' History in Gilbert (ed.) *Irish Confederation* vii p.112

travelled to the assembly, and by the end of the session three more had arrived, including Bishop French³⁶. Although hostile towards Rinuccini's more extreme policies, they still insisted on the restoration of the Catholic Church to the "full liberty and splendour" it enjoyed prior to the Reformation. These prelates, led by the archbishop of Tuam (ably supported by Bishop French after his return from the continent), exercised a powerful influence in the assembly, and probably provided the biggest obstacle to a speedy peace settlement³⁷.

The landowners of Ulster, although small in numbers, were another group pressing for significant changes. They expressed particular dissatisfaction with the provisions for Ulster (or lack of them) in the original peace treaty. Apart from general guarantees for their existing estates, men such as Phelim O'Neill and Miles O'Reilly sought a complete review of the plantation process. Such a re-examination would provide them with an opportunity for recovering lost lands, and also increase the possibility of Owen Roe O'Neill's supporters returning to the confederate fold³⁸. Finally, a number of Plunkett's legal and parliamentary colleagues (including Patrick Darcy) attended the assembly, providing another possible source of opposition to the more extreme ambitions of the peace faction³⁹.

Although these various groups constituted a minority of assembly members, the peace faction could hardly afford to alienate the bishops and Ulster. Inchiquin noted

³⁶They were Tuam, Kilfenora, Killala, Dromore, Ardagh, Meath, Ossory, Limerick. Ferns arrived back from Rome in November, while the archbishop of Cashel and the bishop of Waterford also arrived during the session. Aiazza (ed.) *Embassy* pp 457-64. All these bishops signed a declaration welcoming the second Ormond treaty on 17 January 1649. Bodl Clarendon Mss 34 f.76

³⁷Propositions of the Confederates, 17 Oct. 1648 in Gilbert (ed.) *Irish Confederation* vi pp 290-3

³⁸On 23 October 1648 Viscount Taaffe informed Ormond that the confederates demanded the entire plantation process to be "reviewed and determined in the next free parliament". Taaffe to Ormond, 23 Oct. 1648 in Gilbert (ed.) *Irish Confederation* vi pp 302-3. Inchiquin was also told by Taaffe that there were many people in the assembly "that are earnest to have Owen O'Neill fairly invited to conform himself to the council". Inchiquin to Ormond, 10 Oct. 1648 (Bodl. Clarendon Mss 31 ff 274-5)

³⁹Darcy was particularly active on the Supreme Council and various committees after September 1648. With the Ulster army severely censured, and not represented at the assembly, the Galway lawyer probably reverted to a more moderate political position. Supreme Council documents (Bodl. Carte Mss 22 f.448, 547); Order of the General Assembly (creating new committee), 19 Dec. 1648 in Gilbert (ed.) *Irish Confederation* vii pp 154-5

with disgust the "indulgence and awful respect" shown by the Supreme Council to the clergy. Edmund Butler hoped the lord lieutenant would grant religious concessions, as due to the influence of the bishops "all honest men were driven to undertake insisting on it"⁴⁰. Even Ormond's staunchest allies in Kilkenny, such as Richard Bellings and Viscount Taaffe, recognised that changes were necessary in the peace treaty to make it palatable to the majority of confederates. Refusal to compromise on the issues of religion and plantations risked driving potential supporters into the arms of the nuncio and Owen Roe O'Neill. These considerations meant in effect that the moderates set the agenda for the negotiations with the lord lieutenant⁴¹.

This moderates' influence is clearly evident in the process by which the General Assembly established a new Committee of Treaty. During the period 1644-6, the peace faction's control of the first Committee of Treaty enabled it to by-pass the assembly, (and opponents on the Supreme Council as well) in agreeing treaty terms with the royalists. When the clerical faction seized power in September 1646, Rinuccini hoped the Catholic Church would decide on the suitability of any future treaty terms. A compromise solution, early in 1647, recognising the General Assembly as the final arbiter of any future treaty, dismayed the nuncio, who viewed the new policy as a peace faction ploy⁴². In fact, promoting the ascendancy of the assembly emerged as the central plank of the moderates' political strategy.

Almost two years later, in October 1648, the moderates once again used the power of the assembly, though on this occasion to curb the ambitions of the peace faction. The commissioners of treaty were instructed merely to present Ormond with the confederate proposals, rather than enter into any negotiations. The terms could not be altered in any way until the commissioners returned to the General Assembly

⁴⁰Inchiquin was particularly incensed at the council's obsequious attitude, given that many of the clergy continued to spread dissent. Inchiquin to Ormond, 12 Aug. 1648 (Bodl. Carte Mss 22 ff 165-6). Butler assured Ormond that the bishops, by defying the nuncio and attending the assembly, clearly did not intend to introduce a jurisdiction which "might prejudice the king's prerogative". Sir Edmund Butler to Ormond, 5 Oct. 1648 (Bodl. Carte Mss 22 f.308)

⁴¹Taaffe swore to Inchiquin that the confederates would insist on holding onto churches "or at least most of those now in their own quarters". Inchiquin to Ormond, 10 Oct. 1648 (Bodl. Clarendon Mss 31 ff 274-5). Bellings believed that without religious concessions "Ireland cannot be quieted". Bellings to Ormond, 25 Nov. 1648 (Bodl. Carte Mss 22 f.687)

⁴²The compromise agreed by the assembly in February 1647 is examined in chapter 4 pp 140-3

with Ormond's answers⁴³. In this manner, assembly members directly controlled the talks process and prevented any secret deals. Apart from a strong peace faction representation on the committee (including such figures as Robert Talbot, John Walsh and Geoffrey Browne) two Ulster members (Phelim O'Neill and Miles O'Reilly) ensured neither side ignored the plantation issue in the subsequent negotiations⁴⁴.

Moreover, the General Assembly, although fully aware of the lord lieutenant's antipathy towards catholic clergymen, insisted on appointing a bishop to the committee. Viscount Taaffe opposed the move but according to his own account, was "cried down with much violence" (a strange reaction for an assembly supposedly dominated by the peace faction!). Anticipating his objection, Taaffe explained to Ormond that it would be easier for the confederates to accept a treaty with a bishop present on the committee to sanction the religious terms⁴⁵.

The General Assembly in 1644 also appointed a bishop to the first Committee of Treaty against the opposition of the lord lieutenant. On that occasion, the choice proved largely symbolic with the selection of the aged and infirm archbishop of Dublin. Four years later, the bishops proposed for the committee came from a more formidable group, and included the nuncio's *bête noire*, Oliver Darcy of Dromore. In the end, the assembly selected the archbishop of Tuam, the most senior cleric in the chamber⁴⁶. Although an opponent of Rinuccini, Tuam proved a stubborn advocate of major religious concessions in the ensuing negotiations.

That the peace faction would not have things entirely their own way became apparent shortly after Ormond's return to Ireland. The debate on a motion brought before the assembly to begin talks with the lord lieutenant had to be adjourned, after a number of members successfully argued that the confederates had no proof of Ormond's authority to conclude a treaty. Although the marquis provided the

⁴³Taaffe to Ormond, 11 Oct. 1648 (Bodl. Carte Mss 22 f.347)

⁴⁴For the full list of committee members see chapter 7 p.253 (table 5)

⁴⁵Taaffe to Ormond, 11 Oct. 1648 (Bodl. Carte Mss 22 f.347)

⁴⁶Ormond believed Dromore would be a good choice for the confederates. Ormond to Inchiquin, 12 Oct. 1648 in Carte *Ormond* vi pp 568-9 Taaffe informed him, through Inchiquin, that the bishop was "a very moderate man", anxious to redeem himself with the lord lieutenant. Inchiquin to Ormond, 10 Oct. 1648 (Bodl. Clarendon Mss 31 ff 274-5); Richard Blake, chairman of the assembly, informed Ormond of the appointment of the commissioners on October 16. Bodl. Carte Mss 22 f.389. The 1644 Committee of Treaty is discussed in chapter 2 pp 72-4

necessary guarantees the following day (after a hurried letter from Viscount Taaffe explaining the situation), it is clear that some group other than the peace faction was making its presence felt on the assembly floor⁴⁷.

The peace treaty agreed with the marquis of Ormond in 1646 proved the starting point for negotiations, which finally began in mid-October 1648. The confederates sought major amendments to the original document, based primarily on the religious clauses added to the oath of association in early 1647, and the instructions given to the three agents travelling to Paris the following year⁴⁸. Both the new oath and the instructions had already been approved by the General Assembly, underlining its central role in the negotiating process, a fact now recognised by the lord lieutenant. In contrast to his dismissive attitude during earlier negotiations, Ormond appeared anxious in 1648 to deal directly with the assembly, explaining in a letter to Inchiquin that no treaty could be "so valid or effectual as that which shall be transacted immediately with a general assembly"⁴⁹.

The commissioners, in accordance with the religious terms incorporated into the oath of association, demanded "the free and public exercise of the Roman Catholic Religion", the Church enjoying "full liberty and splendour" as at the time of Henry VII. They sought the removal of all laws penalising catholics, with the catholic clergy retaining churches already in their possession and the right to exercise jurisdiction. Taaffe reported to the lord lieutenant that "there was not two there [in the General Assembly] that would decline the propositions for churches", further evidence of the moderates setting the agenda for the peace faction⁵⁰.

⁴⁷Ormond requested that the assembly send a delegation to meet him in Carrick, County Tipperary. Ormond to Sir Richard Blake, 4 Oct. 1648 (Bodl. Carte Mss 22 f.298). Unfortunately, Taaffe, along with most confederates, rarely identified the source of opposition in the assemblies. Taaffe to Ormond, 3 Oct. 1648 (Bodl. Carte Mss 22 f.294).

⁴⁸Propositions presented by the Confederate Commissioners to Ormond, 17 Oct. 1648 (Bodl. Carte Mss 22 ff 394-6); Gilbert (ed.) *Irish Confederation* vi pp 290-3

⁴⁹Ormond to Inchiquin, [13 Nov. 1648] in Carte *Ormond* vi pp 581-3. Ormond's earlier opposition to the assembly's involvement in the peace negotiations is discussed in chapter 5 p.160-1

⁵⁰Taaffe also noted the determination of some assembly members to have "a catholic government". Inchiquin to Ormond, 10 Oct. 1648 (Bodl. Clarendon Mss 31 ff 274-5); Propositions presented by the Confederate Commissioners to Ormond, 17 Oct. 1648 (Bodl. Carte Mss 22 ff 394-6); Gilbert (ed.) *Irish Confederation* vi pp 290-3

Ormond, despite his inscrutable demeanour, must have practically fallen off his chair as he listened to this particular submission! His instructions from Queen Henrietta Maria in Paris merely authorised him to grant anything already conceded in earlier negotiations (i.e. not very much). In the case of difficulties, the lord lieutenant was to give the confederates full assurances that catholics would not be disturbed in their possession of property "until such time as his Majesty upon a full consideration of their desires in a free parliament, shall declare his further pleasure". This concession did not imply royal consent for catholic occupation of ecclesiastical property "but only a sufferance of their present profession"⁵¹. An acceptable religious deal would clearly require major compromises on both sides.

Apart from religion, the confederates also revived their demand from the first round of negotiations that bills in the next parliament (confirming the treaty terms) not be transmitted into England, and that Poynings' Law "be suspended or repealed, as shall be thought fit on debate". This was no longer merely a matter of constitutional interest, or a guarantee against Charles interfering in the treaty process. With the king a prisoner of the army in England, and the Westminster parliament implacably hostile towards Irish catholics, the confederates understood the practical necessity for such concessions. Ormond, however, insisted that all bills be transmitted according to the normal practice⁵². Whatever about the constitutional merits of this argument during the period 1644-6, by October 1648 it was patently absurd. Charles was in no position to give his assent to a peace treaty, and any terms acceptable to the confederates would be rejected out of hand at Westminster.

Finally, the confederates demanded significant concessions on the plantation issue, particularly in the province of Ulster. In the first instance, they sought the removal of the Irish council's jurisdiction over the whole process, no doubt a response to the abuses perpetrated by Thomas Wentworth during the 1630s. Moreover, confederates reoccupying plantation lands were to retain possession and be recognised as the legal owners until challenged in law. Those who had not

⁵¹The queen stressed that any concessions did in no way imply "a consent in his Majesty of giving away of the churches or church livings from the protestants to them [the catholics] or the settling of them in the same for a perpetuity". Instructions of the Queen and Prince concerning religion, [1648] (Bodl. Carte Mss 63 f.568)

⁵²Treaty negotiations in Gilbert (ed.) *Irish Confederation* vii p.134, 162. The constitutional issues are examined in chapter 8.

recovered their estates would be granted permission to petition the next parliament for a redress of their grievances, a parliament dominated, in theory at least, by sympathetic catholic land-owners⁵³.

These new terms demanded by the confederates clearly show that the 1646 treaty, so painstakingly constructed by the peace faction, remained totally unacceptable to the General Assembly. A week later, on October 23, after further consultations with the assembly, the commissioners informed a dismayed lord lieutenant that they had no authority to recede from any of the original propositions⁵⁴. With the negotiations stalled, and apparently going nowhere, Richard Blake (chairman of the assembly in Nicholas Plunkett's absence) invited the lord lieutenant to travel to Kilkenny to facilitate a breakthrough. The marquis eagerly accepted the offer, arriving in the city some time before November 8. Ormond hoped that his presence might have a moderating influence on the assembly, which he believed was "as well composed for us, and in as good temper as we can expect any assembly will ever be"⁵⁵.

These tentative early negotiations progressed against a background of increasing tension in both the confederate and royalist ranks. Nonetheless, Owen Roe O'Neill maintained contact with Kilkenny, anxious to ascertain the possibility of a compromise⁵⁶. The inclusion of all the Ulster Irish in any peace deal would clearly have a major impact on the negotiations, making confederate demands even more unpalatable to Ormond. In a letter to the lord lieutenant, O'Neill expressed his

⁵³Propositions presented by the Confederate Commissioners to Ormond, 17 Oct. 1648 (Bodl. Carte Mss 22 ff 394-6); Gilbert (ed.) *Irish Confederation* vi pp 290-3. This last point addressed one of the two major grievances of the Ulster Irish with the first peace treaty, at least according to Daniel O'Neill. The other concerned the failure to assign any positions to Ulstermen in the new regime. Daniel O'Neill to Ormond, 3 Sept. 1646 in Gilbert (ed.) *Contemporary History* i p. 702

⁵⁴The only exception involved the plantations issue, where the confederates expressed a desire to have the whole process examined in the next parliament, rather than delay the treaty trying to resolve the complexities of the issue. Taaffe to Ormond, 23 Oct. 1648 in Gilbert (ed.) *Irish Confederation* vi pp 302-3

⁵⁵Blake to Ormond, 28 Oct. 1648 (Bodl. Carte Mss 22 f. 453, 586). Ormond to Prince of Wales, [2 Nov. 1648] in Carte *Ormond* vi p. 578-9. Ormond's assessment of the assembly was undoubtedly accurate in this regard.

⁵⁶O'Neill to Blake, 6 Nov. 1649 (Bodl. Carte Mss 44 f. 349). O'Neill was joined around this time by the marquis of Antrim, who had organised an abortive uprising in Wexford shortly after Ormond's arrival in Ireland. Antrim refused the offer of a safe conduct to Kilkenny, and developed contacts with the English parliament instead. Ohlmeyer *Civil War and Restoration* p. 208

support for a settlement, claiming the rupture with his former colleagues was due only to his desire to protect the nuncio from "the violence and indiscretion of some of the council that were at Kilkenny"⁵⁷. The Ulster general announced his readiness to accept any treaty which satisfied the clergy on religion, the assembly on other matters and crucially, took care of the interests of his own province. For the moment, however, O'Neill and his allies remained outside the confederate fold.

The breach between the nuncio and Kilkenny widened when on October 19 Richard Blake notified Rinuccini of a protestation passed in the General Assembly for Innocent X, and recommended that the nuncio prepare to travel to Rome to defend himself. The assembly accused Rinuccini of failing to provide adequate financial support to the confederates (despite various promises), issuing warrants to dispossess confederates of church lands, and ignoring the council on the question of ecclesiastical appointments. The most serious allegation, was that the nuncio undermined the unity of the confederates, who prior to his arrival had been "all united and prone to a settlement [with the king]".⁵⁸

However exaggerated, there was substance to the claim of the nuncio's disruptive influence, particularly after the Inchiquin truce. Assembly members realised that Innocent X would hardly support them against his own representative, but hoped by forcing Rinuccini out of the country they might possibly bring an end to the confederate civil war. The nuncio's continued presence posed the most serious obstacle to a reconciliation with Owen Roe O'Neill, as well as hindering the prospect of a settlement with the royalists. The protest, therefore, was not a vindictive swipe at a weakened opponent, but rather constituted yet another attempt to reconstruct a semblance of confederate unity without jeopardising the prospect of a treaty with Ormond.

While internal confederate conflicts threatened a peace deal, the situation in the royalist camp proved equally volatile. During October and November, Inchiquin

⁵⁷O'Neill to Ormond, 6 Dec. 1648 (Bodl. Carte Mss 23 f.6). There is little doubt that O'Neill and his troops were poorly treated by successive Supreme Councils, including those controlled by the moderates, over the allocation of supplies and winter quarters.

⁵⁸Rinuccini's divisive tactics (according to the assembly), included using Owen Roe O'Neill to intimidate his opponents, and persisting with ecclesiastical censures despite the Supreme Council's appeal to Rome. Blake to Rinuccini, 19 Oct. 1648 in Gilbert (ed.) *Irish Confederation* vi pp 294-300. Confederate divisions prior to Rinuccini's arrival are examined in chapter 3

experienced increasing difficulties with the troops under his command, and warned the lord lieutenant of the danger of a mutiny⁵⁹. Until early 1648, the Munster parliamentarians had been among the confederates' most effective opponents, and many actively disliked their leader's new alliance. Shortly after arriving in Cork, Ormond tried to assuage any fears by declaring his determination to defend the protestant religion and the royal prerogative, although he neglected to explain exactly how this could be achieved in negotiations with the confederates⁶⁰.

The initial confederate demands increased Ormond's pessimism on the prospects of reaching a settlement capable of satisfying both Irish catholics and Inchiquin's troops. Nonetheless, the lord lieutenant realised that an open breach in the royalist ranks would prove fatal to the king's interests in Ireland. On receiving Inchiquin's warning, therefore, he decided to suspend negotiations in Kilkenny, and travel to Cork to quell any threat of a mutiny. The General Assembly, recognising the urgency of the situation, agreed to the postponement on November 20, promising not to disperse before Ormond's return⁶¹.

Meanwhile, all sides awaited the return of Nicholas Plunkett and Bishop French with various degrees of expectation and trepidation⁶². Their intervention threatened to undermine the royalist strategy of creating a broad alliance in Ireland to challenge the English parliament. Substantial financial aid from Rome would have enabled the confederates to pursue an independent military strategy, while the agents' report on papal policy regarding religious concessions would prove crucial in determining, not only clerical attitudes, but those of the vast majority of confederates, towards a peace settlement. Moreover, both factions in the confederate civil war desperately needed the support of Plunkett, French and their moderate allies, to bolster their authority.

⁵⁹On November 14, Inchiquin informed Ormond that he could not travel to Kilkenny to participate in the negotiations as planned because of "disaffection" among his troops. Bodl. Carte Mss 22 f.615

⁶⁰Declaration by Ormond, 6 Oct. 1648 in HMC Report on the Manuscripts of the Marquess of Ormond vol. II (London 1899) p.81

⁶¹Resolution of the General Assembly, 20 Nov. 1648 (Bodl. Carte Mss 22 f.660). On November 21, Ormond and Richard Blake agreed to extend the cessation between royalist and confederate troops until 1 January 1649. Bodl. Carte Mss 22 f.670.

⁶²Abbot Crelly wrote to Rinuccini from the continent in September, that the two men would be back in Ireland shortly. This letter was intercepted, probably by the Supreme Council. Bodl. Carte Mss 22 ff 217-8; Ohlmeyer Civil War and Restoration p.213 n.70

The two agents heard news of the confederate split during their stay in Rome. With no real prospect of substantial assistance from Innocent X, they were faced with a stark choice- support Rinuccini's war strategy, despite the internal divisions and lack of finances, or attempt to extract a better deal from the lord lieutenant while uniting with the royalists against the parliamentarians. The nuncio's military ambitions, however attractive in late 1646, no longer seemed viable in the changed circumstances two years later, while the Supreme Council's decision to refer a decision to the General Assembly (as the Ecclesiastical Congregation had done two years earlier) would have strongly influenced Plunkett's thinking in particular. Both men, therefore, probably decided before leaving Rome to throw their authority behind a new peace settlement⁶³.

Neither agent appears to have informed anyone in Ireland of their decision, preferring to reserve judgement until they could view the situation at first hand⁶⁴. They arrived back in Kilkenny shortly after Ormond's departure to Cork, and presented a report of the mission to the General Assembly on 25 November 1648, in a move interpreted by Rinuccini as a gross insult and betrayal. The nuncio believed that after visiting Rome, they should have reported directly to him as the pope's representative in the kingdom. On the other hand, both men had received their commissions as confederate agents from the General Assembly, which was now once again in session⁶⁵. The decision to travel first to Kilkenny, rather than Galway, effectively proclaimed the moderates' political preference.

Plunkett and French informed assembly members that Innocent X would give no formal approval to a treaty with a protestant monarch, and had refused to commit any further funds to the confederate cause. Although, publicly at least, the papacy supported Rinuccini's actions in the excommunication crisis, French hinted that

⁶³Father Bernard Davetty reported from Rome that the two men had openly gone over to the nuncio's opponents. It is not clear if anybody in Kilkenny received this information before the agents' return to Ireland. O'Ferrall and O'Connell (eds.) *Commentarius* iii pp 658-65. Richard Blake later claimed that the two men only heard of the confederate split after taking leave of the pope. Richard Blake to Rob. Lynch, 25 Nov. 1648 (Bodl. Carte Mss f.685). See also Corish *NHI* iii p.332-3

⁶⁴This can be assumed from the fact that neither the peace or clerical factions knew what to expect from the papacy until the return of the two agents.

⁶⁵Aiazza (ed.) *Embassy* pp 443-6. Although the agents were appointed by the assembly the issuing of instructions was left to the Supreme Council and bishops. Instructions to Plunkett and Ferns, 18 Jan. 1648 (BL Stowe Mss ff 155-6)

letters brought from Cardinal Roma (a member of the Congregation Of Irish Affairs) disapproved of the nuncio's censures. Moreover, the bishop failed to inform Rinuccini that the pope had left the handling of the excommunication issue entirely to his own discretion⁶⁶. French's speech, therefore, implied that Rinuccini no longer enjoyed the total support of Innocent X.

The failure of the mission to Rome had an immediate and electrifying impact. Bellings informed the lord lieutenant that false hopes of papal aid should now be exposed, as "until that pretence be taken away from such as have other interests, Ireland cannot be quieted". The intervention of Plunkett and French, according to Bellings at least, had left the confederates "at liberty to proceed as best suits with the good of the kingdom"⁶⁷. The peace faction confidently prepared for another round of negotiations, while Rinuccini's last hope of preventing a treaty lay in ruins, destroyed by the two confederates he admired most.

Nonetheless, the talks made little progress in the weeks following these dramatic events, with Ormond proving as stubborn as ever. On December 15 the General Assembly appointed a delegation of six members, including Nicholas Plunkett, to make additional proposals to the royalists. They were further instructed to threaten a dispersal of the assembly before the conclusion of a treaty unless the lord lieutenant responded immediately. Ormond could hardly afford to ignore such a threat, as without the co-operation of the confederates, the king's cause appeared hopeless. As before, religion provided the main obstacle to a settlement, and the lord lieutenant admitted in a letter to Inchiquin that the two sides were as far apart as ever on the issue⁶⁸.

⁶⁶Aiazza (ed.) *Embassy* pp 457-64; Ó hAnnracháin "Far From Terra Firma" pp 345-7; Corish, P.J "Bishop Nicholas French" pp 89-90

⁶⁷Bellings to Ormond, 25 Nov. 1648 (Bodl. Carte Mss. 22 f.687); Gilbert (ed.) *Irish Confederation* vii p.148-9; Richard Blake sent a similar message to Roebuck Lynch in Galway. Richard Blake to Rob. Lynch, 25 Nov. 1648 (Bodl. Carte Mss 22 f.685). According to the Plunkett manuscript in the National Library, the agents return from Rome "did so clearly open the eyes of such as formerly wavered". NLI Mss 345 p.557

⁶⁸Order of the General Assembly, 15 Dec. 1648 (Bodl. Carte Mss 23 f.48); Gilbert (ed.) *Irish Confederation* vii p.154. Ormond still hoped, even at this late stage, to keep the religious concessions out of the treaty. Ormond to Inchiquin, 18 Dec. 1648 (Bodl. Carte Mss 23 f.54)

Ormond occupied an unenviable position, trying to quell the disquiet among Inchiquin's troops on the one hand, while meeting the expectations of the General Assembly on the other. He complained bitterly to Inchiquin of the confederates' insistence on pressing for "concessions beyond my instructions"⁶⁹. Granted the treatment of Glamorgan did not inspire confidence in the consistency or loyalty of Charles I, but considering the varied and often contradictory instructions he received over the previous four years, and the desperate nature of the king's position at that time, the situation demanded expedient measures, someone to take the initiative⁷⁰. Ormond appeared to lack the political will or courage to facilitate a compromise, and as a result almost irrevocably destroyed royalist hopes in Ireland.

On December 19, under tremendous pressure, he finally answered the confederate proposals, agreeing that all penalties "concerning the free exercise of their religion" would be abolished by act of parliament. The marquis refused, however, to concede on the issues of church property or the exercise of clerical jurisdiction, pleading that he did not possess sufficient authority from the king. Instead, he promised that catholics would not be molested in their possessions until the next parliament examined the whole question. This response, basically restating his previous position on property and jurisdiction, infuriated the confederates, increasingly frustrated at the lack of progress in the negotiations⁷¹.

The General Assembly debated Ormond's response, objecting strongly to the lack of religious concessions, and established yet another new committee in one final attempt to forge a compromise. The membership of this committee consisted of all the bishops present at the assembly, and 12 laymen including Nicholas Plunkett, but otherwise heavily weighted in favour of the peace faction⁷². As frustration

⁶⁹Ormond to Inchiquin, 18 Dec. 1648 (Bodl. Carte Mss 23 f.54)

⁷⁰Further negotiations took place between the king and the English parliament following the royalist defeat in the second civil war. On November 25, Charles informed Ormond of an agreement to "entrust the prosecution and management of the war in Ireland to the guidance and advice of our two Houses", and ordered the lord lieutenant to desist from any further dealings with the confederates. Charles to Ormond, 25 Nov. 1648 (Bodl. Tanner Mss 57/2 f.426). A week later, the army occupied Westminster, and purged the parliament, effectively signalling the end of efforts to reach an accommodation with the king. It is unclear if Ormond ever received this letter from Charles.

⁷¹Treaty negotiations (Bodl. Carte Mss 23 f.60, 66)

⁷²The full list of lay members was as follows; Nicholas Plunkett, Lucas Dillon, Geoffrey Browne, Patrick Byran, Donough O'Callaghan, John Haly, Gerrald FitzGerald, John Walsh, Thomas Tyrrell, Patrick Darcy, James Cusack,

mounted, positions on all sides began to harden, threatening to undermine moderate influence in the assembly. Failure to reach an agreement would almost certainly have further split the confederate association, leading to a resumption of the civil war. Such an outcome would have been anathema to Plunkett and French, who had little alternative but to persist with the negotiations.

Between December 20-23 frantic efforts were made to save the peace process. The committee prepared a number of draft documents outlining a possible compromise. One draft suggested that the confederates would be satisfied with the free exercise of religion, the revocation of penal laws and the replacement of the oath of supremacy with the oath of allegiance. Catholics would retain all churches already in their possession until the next parliament, with all other religious matters deferred to "his majesty's gracious favour and further concessions". The lord lieutenant readily agreed to this draft, which more or less outlined the limits of what he was prepared to concede. The General Assembly, however, refused to allow this new committee to control the negotiations and demanded further concessions. Ormond refused to budge on the issues of churches and clerical jurisdiction, and the stalemate continued⁷³.

On December 24, Ormond wrote in desperation to Inchiquin that the treaty negotiations had reached such a point that they "must immediately determine in an agreement or rupture"⁷⁴. Inchiquin's decisive intervention at this moment undoubtedly prevented the collapse of the entire talks process. News had just arrived in Cork from England of the king's impending trial, and Inchiquin decided to publish the information. He disseminated the news-sheets among the confederate delegates at Kilkenny, where they had a dramatic and instant impact. On December 28, Richard Blake informed Ormond that the assembly, "upon consideration of his majesty's present condition", were satisfied with the concessions on offer⁷⁵. The

Bartholomew Stackpole. Order of the General Assembly, 19 Dec. 1648 in Gilbert (ed.) *Irish Confederation* vii pp 154-5. The bishops present were Tuam, Kilfenora, Killala, Dromore, Ardagh, Meath, Ossory, Limerick, Ferns, Cashel and Waterford.

⁷³The content of the drafts suggest that the bishops were not involved in the committee's discussions. Treaty negotiations (Bodl. Carte Mss 23 f.70, 96); Gilbert (ed.) *Irish Confederation* vii pp 157-8, 160-1, 165-6

⁷⁴Bodl. Carte Mss 23 f.108

⁷⁵Apparently the news from England also silenced the complaints of Inchiquin's protestant troops. Carte *Ormond* iii p.407. On December 28, Blake informed Ormond of the assembly members' desires "to expand their lives and fortunes in maintaining his [the king] rights and interests". Bodl. Carte Mss 23 f.123

confederates agreed to drop certain demands, making a deal possible, despite Ormond's negotiating tactics.

Blake's assertion that the General Assembly unanimously agreed to accept the lord lieutenant's answers to its religious proposals, appears hard to reconcile with bishops' obvious reluctance to concede on the issue of church jurisdiction. Once again, however, the majority of assembly members appeared determined to assert the supremacy of the legislature in the confederate association, a fact confirmed by subsequent developments. On December 29 (the day following Blake's dramatic announcement), the assembly issued an unequivocal statement that the confederates were "not obliged to insist on the said propositions but may and are at liberty to descend to such an agreement and conditions as *this Assembly* shall judge necessary and reasonable"⁷⁶.

The contrast with events in 1646 could hardly be more striking. At the beginning of that year, the Supreme Council and Committee of Treaty had refused to concede powers, granted by a previous General Assembly, to conclude a peace treaty. The council and committee alone acted as arbiters of the peace terms, and a treaty was signed in March without further reference to the assembly. Following the rejection of the Ormond peace in August, the clergy replaced the Committee of Treaty as the self-proclaimed guardians of confederate ambitions, drafting a new oath of association and religious demands.

Clerical ascendancy proved short-lived as Nicholas Plunkett and his moderate allies orchestrated a compromise in early 1647, which saw the General Assembly emerge as the dominant force in confederate politics. Confederates embraced the doctrine of legislative supremacy, allowing assembly members in future to have the final say on any treaty terms with the royalists. The declaration of 29 December 1648 was the inevitable result of this crucial decision, and vindicated Plunkett's strategy of moderation. Supreme authority resided in the General Assembly, a fact both the peace and clerical factions were forced to acknowledge.

The same day as the assembly declaration, the bishops held a meeting, addressed by Nicholas French, to debate the religious concessions on offer. French urged the

⁷⁶Corish "Bishop Nicholas French" pp 98-9; Lowe (ed.) "Negotiations between Charles I and Confederates" p.681; Declaration of the General Assembly in respect of the Oath of Association, 29 Dec. 1648 (Bodl. Carte Mss 23 f.131). The emphasis in the quotation is my own.

prelates to accept the treaty, citing the example of the treaty of Westphalia, signed just two months earlier in 1648. The catholic states agreed to this settlement, despite the opposition of the papal nuncio to the clause on ecclesiastical jurisdiction. That the Westphalia settlement should feature in this debate, illustrates the extent to which the confederates kept themselves informed of recent developments elsewhere in Europe. The bishops reluctantly agreed to accept to the terms of the proposed settlement with the royalists, but only (as Ormond noted) because they observed the assembly's determination "to rest satisfied however they should declare"⁷⁷.

The only alternative open to the bishops was to condemn the arrangement, flee Kilkenny and join forces with the nuncio and O'Neill, an unpalatable prospect at this late stage. Instead the bishops who defied Rinuccini and attended the assembly, committed themselves to obtaining the best religious deal possible in the circumstances. Despite the assembly's declaration of support for Ormond and the king, the talks continued into the New Year, with the bishops anxious to ensure that the regular clergy would retain possession of their monasteries until the next parliament. Religious issues, however, no longer threatened to undermine the peace process⁷⁸.

The sole outstanding issue involved the question of "interval government" as Ormond termed it, or how to rule the country until the Irish parliament confirmed the treaty. The confederates were anxious to retain as much of their existing governmental structures as possible until parliament met, while Ormond hoped to assume overall military and civil control immediately after signing the peace settlement. The lord lieutenant confided to Inchiquin that the confederates, demanding to maintain their government until the parliament met, had "much reason on their side". He believed it would prove difficult "to bring them to consent to waive what they needs must waive if the English are to be satisfied too"⁷⁹.

⁷⁷Corish "Bishop Nicholas French" p.99; Ormond was convinced that the assembly had forced the bishops to accept the religious terms. Ormond to Inchiquin, 29 Dec.1648 (Bodl. Carte Mss 23 f.141).

⁷⁸Treaty negotiations (Bodl. Carte Mss 23 f.174, 182, 216). The General Assembly, its authority unchallenged, could call a halt to the negotiations at any stage.

⁷⁹This statement illustrates the dual pressure under which Ormond operated at all times in trying to reach a settlement. Ormond to Inchiquin, 29 Dec.1648 (Bodl. Carte Mss 23 f.141); Ormond to Inchiquin, 12 Dec.1648 in Carte, *Ormond* vi pp 589-90

This question had caused problems during the earlier negotiations, with many confederates particularly critical of the Supreme Council's willingness to surrender authority to the lord lieutenant so soon after signing the treaty in August 1646⁸⁰. The council's actions proved a serious miscalculation, creating a power vacuum in Kilkenny, which allowed the opponents of peace enough time to organise, and successfully challenge the settlement. The General Assembly was determined not to afford such an opportunity to the nuncio and Owen Roe O'Neill on this occasion.

In many ways, the argument for retaining confederate government appeared even more pressing in late 1648, considering the uncertain military and political climate, and with the king on trial for his life in England. In such circumstances there was little likelihood of parliament meeting in the near future, and ratifying the treaty terms. The confederates, with the bitter experience of the Graces still fresh in their memories, required a more certain guarantee. Acknowledging these difficulties, Ormond assured them that if a parliament had not met within 2 years after the signing of the treaty, a General Assembly would be summoned in its place. In the meantime, he would assume absolute control of the government⁸¹.

The solution, first mooted in 1646, involved creating a confederate commission which would govern in association with the lord lieutenant until a parliament or assembly met. This commission would assist Ormond in judging particularly 'barbarous' crimes excluded from the act of oblivion, help set the new custom rates, oversee the supply of military forces, and appoint transitional commanders for confederate controlled areas. A number of crucial differences existed in the 1648 model, however, principally that the commission was chosen by the General Assembly, not the Committee of Treaty, ensuring a more representative body, with full authority to govern on behalf of the confederates⁸².

Unlike the first, Ulster was accorded equal representation on the second commission, and although Ormond refused to govern with any members of the

⁸⁰On 24 August 1646, the Ecclesiastical Congregation condemned the Supreme Council for attempting to dissolve the confederate association, which was intended "to be continued after the present peace, until the parliament, wherein the said Glamorgan articles were to be confirmed". PRO SP Ire. 261/51 ff 207-10

⁸¹Ormond to Richard Blake, 21 Dec. 1648 in Gilbert (ed.) *Irish Confederation* vii p. 162

⁸²Details of the commissions are contained in the two peace treaties. Gilbert (ed.) *Irish Confederation* v pp 286-310 (1646); Gilbert (ed.) *Irish Confederation* vii pp 184-211 (1648)

clergy, he agreed that the archbishop of Tuam and the bishop of Ferns be associated as "secondary assessors", as long as they did not use their ecclesiastical titles in subscribing public acts⁸³. The involvement of the Ulstermen and the bishops, ensured the commissioners enjoyed a greater degree of support than might otherwise have been the case.

Finally, five days before the signing of the treaty, to dispel any lingering doubts about its commitment to the confederate association, the General Assembly, declared that the proclamation of the 28 August 1645 would remain in full force. This confirmed "the union and association of the said catholics and the obligation of the said oath" until the Irish parliament ratified the treaty terms⁸⁴. Although the peace treaty recognised the marquis of Ormond as the commander in chief of the combined forces, he was to rule in close association with confederate commissioners. By these means, the advocates of peace hoped to persuade the majority of their supporters to accept the new regime.

Despite the obvious importance of the peace treaties, no detailed study has been made of the two documents, and how they compare. The traditional assumption has always been that the terms of the second treaty did not significantly differ from those on offer in 1646. Rinuccini, when he finally saw the terms of the 1649 peace treaty, commented mournfully "it is in fact no other than that concluded before my arrival". According to this line of argument, the upheavals which followed the earlier rejection proved totally unnecessary. They had no impact on the eventual outcome, other than to postpone for two years the forming of an alliance against the English parliament, with fatal consequences for catholic Ireland⁸⁵. But is this really the case? What changes, if any, were made to the second agreement?

The peace treaty of August 1646 is a long document, containing 30 clauses of various lengths, dealing with religious, civil and military matters. The later agreement has 35 clauses, of which 22 are unchanged from the first document, 7

⁸³O'Ferrall and O'Connell (eds.) *Commentarius* iv pp 37-45; Rinuccini noted with dismay the involvement of the bishop of Ferns on the commission, and the need to restrict himself to 'Nicholas'. Aiazza (ed.) *Embassy* p.542;

⁸⁴The proclamation of 1645 was made shortly after the signing of the secret Glamorgan treaty which confederates hoped would be ratified in the next parliament. Declaration of the General Assembly, 28 Aug. 1645 (Bodl. Carte Mss 15 ff 558-9); Order of the General Assembly, 12 Jan. 1649 (Bodl. Carte Mss 23 f.252)

⁸⁵Aiazza (ed.) *Embassy* p.473; The most recent study of the nuncio accepts his assessment uncritically. Ó hAnnracháin "Far From Terra Firma" p.420

have been modified in some way, and 6 are completely new items. Also 3 of the original clauses, none of major importance, were omitted in 1649⁸⁶. Some of the amendments and additions simply reflect the changed military and political circumstances pertaining at the end of the English civil wars, but a number mark significant confederate gains, particularly on religious and constitutional issues.

In 1646, the first article of the treaty, dealing with the vexed question of religion, unquestionably proved the most contentious. On appointment to office, Irish catholics were no longer obliged to take the Oath of Supremacy, and a straightforward oath of allegiance would henceforth suffice. While this may have satisfied the ambitions of leading confederates who hoped to serve in future royal administrations, crucially the repeal of all anti-catholic laws was simply “referred to his Majesties gracious favour and further concessions”. The absence of safeguards for the free exercise of religion, or the retention of property by the Catholic Church, infuriated the clerical faction. The opposition to the treaty centred mainly, though by no means exclusively, around these particular issues⁸⁷.

Significant alterations appeared in the crucial religious clause of the 1649 agreement. Individual catholics were granted free exercise of religion, security of tenure and exemption from recusancy fines, but the official position of the Catholic Church remained unclear. The treaty left the difficult question of church property to be decided in the next parliament, which (because of other concessions in the treaty) confederates hoped would be dominated by the catholic interest. In the meantime, the catholic clergy retained possession of church buildings and property. Although these terms fell short of the demands made in the 1647 assembly, and during the subsequent negotiations, they still represented a major advance on the original concessions.

The second clause in 1646 stipulated that a new parliament be held in Ireland within 3 months of proclaiming the treaty. This was changed to 6 months in 1649, with the amendment, in recognition of the precarious political situation in the three Stuart kingdoms at that time, that if no parliament had met within 2 years the Chief

⁸⁶Gilbert (ed.) *Irish Confederation* v pp 286-310 (1646); Gilbert (ed.) *Irish Confederation* vii pp 184-211 (1648).

⁸⁷See declarations by Ecclesiastical Congregation against the peace 12 August 1646 (Bodl. Carte Mss 18 ff 250-1), 24 August 1646 (PRO SP Ire. 261/51 ff 207-10), 10 September 1646 (PRO SP Ire. 262/3 ff 4-5), and Walter Enos' survey against the treaty in Gilbert (ed.) *Irish Confederation* vi pp 307-433

Governor was to call a General Assembly. The clause concluded with the statement that "both houses of parliament may consider what they shall think convenient touching the repeal or suspension of the statute commonly called Poynings' Act". The suspension or abolition of Poynings' Law (not even mentioned in 1646) would help protect the independence of the Irish parliament, not from the arbitrary power of the crown which would still have a veto on all legislation, but from the abuses perpetrated by a powerful chief governor like Thomas Wentworth⁸⁸.

Another notable addition in 1649 concerned the people in Ulster and elsewhere affected by attainders and forfeitures since James' succession to the English throne in 1603. They were given the right to petition parliament for redress, although the final decision on compensation remained with the king. This may have been an attempt to entice Owen Roe O'Neill back into the confederate fold, or at the very least, to encourage further defections from his camp. Further clauses contained a list of individuals who could also petition parliament, as well as the towns of Cork, Youghal and Dungarvan which suffered particularly badly at the hands of Lord Inchiquin.

Both agreements contained a provision for an act of oblivion, but whereas the 1646 version only covered the period from 23 October 1641, the later one extended to all acts committed before, on or since 23 October 1641, provided the individual in question had not already been convicted before that date. This extension was crucial, not only in that it exonerated those who had led the initial uprising on the evening of the October 22, but more importantly, anybody involved in the various plots during the course of that year.

The final major difference between the two treaties centred on the future deployment of the confederate armed forces. In 1646 the confederates agreed to send 10,000 men to England, to provide Charles I with a field army. In the changed circumstances of 1649 the two sides agreed on a standing army of 15,000 foot and 2,500 horse to be maintained until a full settlement had been reached in the next Irish parliament. This force, while primarily intended to protect the country from the expected invasion from England, would also ensure that the royalists did not renege on their promises. Moreover, whereas delays in the publication of the 1646 treaty allowed the opponents of peace to organise resistance, the 1649 version was published immediately, to deny the clerical faction any such opportunity.

⁸⁸Clarke "Colonial Constitutional Attitudes" p.368

In conclusion, it is clear that the second peace treaty of 1649 incorporated major changes on religious, constitutional, plantation and military matters, with religion in particular being dealt with in a far more comprehensive manner. The treaty included specific concessions, with other points left to be resolved in the Irish parliament, rather than by royal discretion. This approach helped mollify a significant number of clerics, despite the nuncio's continued opposition to a royalist alliance. Concessions to the Ulster Irish, through extending the act of oblivion and allowing plantation petitions to parliament, resolved many of their difficulties with the first peace treaty. Both these groups provided the core of moderate opinion in the final General Assembly, which had such an important impact on the nature of the final settlement. Circumstances, however, would dictate that these improved terms were never implemented.

Internal confederate opposition in 1649 proved relatively muted and ineffective, certainly when compared to events in 1646. The main reason for this was the weakness of the clerical faction, due mainly to the split in the ranks of the bishops and the Ulster army, the two most effective opponents of the first Ormond treaty. Without the unified support of Irish bishops, the clerical censures lacked sufficient authority to overcome the widespread desire for a settlement with the royalists and a quick end to the war. Rinuccini could do little else except monitor the course of events from Galway, and plan his return to Rome, embittered at the failure of his mission⁸⁹.

Nicholas Plunkett and Nicholas French still hoped to appease the nuncio, but he departed from Galway at the end of February 1649 without meeting his two former allies. One account suggested that the two men in fact deliberately delayed their journey so as to avoid a potentially heated encounter with the nuncio⁹⁰. Indeed, it is difficult to see what they could have achieved by such a meeting, except perhaps an easing of the clerical censures. These remained in place, although the nuncio delegated a number of bishops to grant absolutions to anybody who sought forgiveness. The controversy over the censures continued to rage with an intense

⁸⁹On 31 October 1648, two weeks after the assembly's declaration against him, Rinuccini informed Rome of his intention to leave Ireland. Although the peace treaty negotiations were far from complete, with the bishops in Kilkenny driving a hard bargain, Rinuccini had decided that nothing more could be achieved by his mission. Aiazza (ed.) *Embassy* p.424.

⁹⁰O'Ferrall and O'Connell (eds.) *Commentarius* iv pp 93-9

ferocity over the next two decades and left a legacy of bitterness which is apparent in the various personal accounts written after the Stuart Restoration⁹¹. With the departure of the nuncio, however, the clerical faction lost its leader, and proved incapable of providing sustained effective opposition to the marquis of Ormond and the policy of appeasement.

The other leading opponent of the peace treaty, Owen Roe O'Neill, spent most of 1649 in Ulster and north Leinster, desperately trying to maintain his army. This resulted in a series of strange alliances, culminating in the rescue of the parliamentarian Charles Coote at the siege of Derry. Plunkett and French tried to broker a peace with the Ulster Irish, but reconciliation was delayed until after the catastrophic royalist defeat at Rathmines, followed two weeks later by the arrival of Cromwell and the New Model Army. Tragically for the royalists, however, Owen Roe O'Neill died in November 1649, while marching south to confront the parliamentarians. Eight months later, the same Charles Coote wiped out the Ulster army, led by O'Neill's great friend and ally Bishop MacMahon, at Scarrifhollis in County Donegal⁹².

The confederate clerical faction did gain some measure of revenge against the marquis of Ormond, before the end of 1650. As the war against the Cromwellians went disastrously wrong for the Irish royalists, a meeting of clerics at Jamestown in September of that year denounced the lord lieutenant and excommunicated his supporters. Despite a hastily convened assembly of former confederates assuring the marquis of their continued support, the bishops' statement proved instrumental in precipitating Ormond's departure to the continent⁹³. His replacement, the marquis of Clanricarde, personified in many ways the hopes and ambitions of the confederate moderates.

⁹¹This bitterness is evident on practically every single account of the period, including the works of Bellings, Castlehaven, French, and most notoriously the anonymous author of the *Aphorismical Discovery*.

⁹²Casway *Owen Roe O'Neill* pp 241-64. In May 1650 (a month before Scarrifhollis), however, at the siege of Clonmel, a detachment of the Ulster army under the leadership of Hugh Dubh O'Neill, inflicted the heaviest losses ever suffered by the New Model Army.

⁹³The best summary of the Cromwellian conquest and the role of former confederates during this period is in Corish, P. J. "The Cromwellian Conquest, 1649-53" in *NHI* iii pp 336-53

A catholic nobleman, intensely loyal to the king, Clanricarde provided an ideal unifying focus for the confederates as lord lieutenant, in a way the marquis of Ormond never could. Throughout the 1640s Clanricarde functioned as a valuable moderating influence on the royalist side, mirroring, to some extent, the work done in confederate ranks by Plunkett and French. By the time he assumed the leadership, however, the war was all but lost, and the internal divisions in the royalist camp undermined any lingering hope of a recovery. Clanricarde, Plunkett and French all went into exile in 1652, their hopes of a unified catholic Ireland, serving the Stuart dynasty, seemingly destroyed forever. Clanricarde died in England in 1658, while bishop French lived another twenty years in lonely, bitter exile. Only Nicholas Plunkett, the great survivor, returned to Ireland to play a leading role in the Restoration settlement⁹⁴.

Overall, events in Ireland during the 1640s and 1650s proved disastrous for the catholic landed interest, the ambitions of the Catholic Church and of the dispossessed of Ulster. Catholic land-ownership declined from almost two-thirds of the total in 1641 to around one-fifth in 1688, even after decades of slow recovery during the Stuart Restoration⁹⁵. The resident hierarchy, restored in the early part of the century, suffered hardship, death or exile. By the end of the war, only the aged bishop of Kilmore remained in the country, and the extensive infrastructure, assembled during the confederate period, was totally dismantled⁹⁶. All hopes of overturning the Ulster plantation disappeared with the annihilation of the Ulster army at Scarrifhollis, and by the 1660s the protestant interest had reconsolidated its hold on the province⁹⁷.

⁹⁴Clanricarde's memoirs which stop abruptly in 1647, restart in 1650, providing a first hand account of his time in office. Bourke Memoirs (1747); Plunkett was the legal representative of the Irish catholics at the court of Charles II who sought to regain their estates. Papers relating to the Act of Settlement 1660-2 (BL Add Mss 4,781); French's writings have been collected together in one volume in Bindon Historical Works (1846). See appendix 3

⁹⁵See the two maps by J.G Simms in NHI iii p.428

⁹⁶Jesuit Archives, Original Manuscripts B f.24 contains a list of the dispersal of Irish catholic bishops around Europe in 1653. See also Corish NHI iii p.380-5

⁹⁷After 1660, the earl of Antrim was the only major catholic land-holder in the entire province. McKenny, K. "The seventeenth-century land settlement in Ireland: towards a statistical interpretation" Independence to Occupation pp 181-200

CHAPTER 7: Confederate Administration- Assemblies, Councils, Committees

"In all the kingdom our affairs mightily declined, for neither civil or martial government was extant, but everyone running a particular score which caused confusion."

(Aphorismal Discovery of Treasonable Faction)¹

The following chapter is an examination of the mechanics and personnel of confederate government, between 1642 and 1649. While military, diplomatic and economic pressures may have been the primary factors driving confederate policy, the impact of certain individuals also proved dramatic. Personalities and personal contacts played an important role in the politics of the Irish kingdom, a fact best illustrated by the career of the royalist marquis of Ormond. Despite the steadily increasing number of studies of the confederate association, there has been comparatively little research of its political institutions². Without this detailed information, the decisions and actions of confederate government are, at times, almost impossible to fathom.

The General Assembly, 1642-1649:

The General Assembly functioned as a legislative body, at the apex of the confederate political structure. It was convened to decide on the major issues of peace and war, summoned on nine occasions between 1642 and 1648, with at least one meeting each year. This record compares favourably with the Irish parliament which only met on three occasions under the Stuarts (1613-5, 1634-5 and 1640-1) before the outbreak of the uprising in Ulster³. In total, the assembly sat for 69

¹Gilbert (ed.) *Contemporary History* i p.36

²As mentioned before, the only exception to this is the pioneering research carried out by Dónal Cregan, starting in the 1940s. A summary of his work recently appeared in *Irish Historical Studies*. Cregan, D. "The Confederate Catholics of Ireland: the personnel of the Confederation, 1642-9" *I.H.S.* vol. XXIX no.116 (Nov. 1995) pp 490-512

³It also compares favourably with the Scottish parliament (and Convention of Estates), for example, which met for around 90 weeks between 1642 and 1648. Young, J.R. *The Scottish Parliament 1639-1661: A Political and Constitutional*

weeks during this six year period, with the average session lasting 4 weeks⁴. All the meetings took place in Kilkenny, the confederate capital, either in the house of Richard Shee, one of the city's leading merchants, or in the castle. The only exception was the third assembly, held in Waterford in late 1643.

YEAR	VENUE	OPENING	CLOSING	MAIN BUSINESS
1642	Kilkenny	24 Oct.	21 Nov.	Create structures of government
1643	Kilkenny	20 May	19 June	Appoint commissioners for cessation
1643	Waterford	7 Nov.	1 Dec.	Elect agents to go to Oxford
1644	Kilkenny	20 July	31 Aug.	Establish Committee of Treaty
1645	Kilkenny	15 May	1 Sept.	Discuss terms of peace
1646	Kilkenny	5 Feb.	4 March	Discuss three peace treaties
1647	Kilkenny	10 Jan.	3 April	Rejection of Ormond treaty
1647	Kilkenny	12 Nov.	25 Dec.	Appoint envoys for abroad
1648-9	Kilkenny	4 Sept.	17 Jan.	Negotiate new treaty with Ormond

Table 1: General Assembly Meetings

The city of Kilkenny was chosen for practical, political and historical reasons. Dublin, Cork (and most of the Ulster towns) remained under the control of royalists, parliamentarians or Scots covenanters. Limerick proved a problem town for the confederates throughout the 1640s, displaying strong neutralist tendencies, while Galway city remained within the royalist sphere of influence, at least until 1643, due to the close proximity of the earl of Clanricarde. The only viable alternatives (Wexford, Waterford, New Ross, Clonmel and Kilkenny) were

Analysis (Edinburgh 1996). The Dublin parliament, after expelling its catholic members, continued to meet sporadically throughout the 1640s.

⁴On three occasions, 1645, 1647 and 1648, assembly delegates extended the session by up to 8 weeks to accommodate negotiations with the royalists on a peace treaty. In 1645, the assembly started in May and finished in September, with a one month break in July. Controversy over the treaty terms on offer from the marquis of Ormond and the arrival of the earl of Glamorgan with the offer of religious concessions, were the principal reasons for the extension of the session. In early 1647 the bitter debate over the first Ormond peace treaty, followed by a determined effort to engage the lord lieutenant in fresh negotiations prolonged the assembly session from mid January until the beginning of April. The final confederate General Assembly lasted four and a half months, until mid-January 1649, while the terms of the second Ormond treaty were debated.

clustered around the confederate heartland in the south-east. Kilkenny received the final vote presumably in view of its relative accessibility to other parts of the kingdom. Historically, the Irish parliament sat there, an important precedent for the confederates, while choosing Ormond's principal residence stressed the importance of the Butler connection in the association⁵.

The confederates favoured a unicameral structure for their assembly, with lords, bishops and commons all sharing the same chamber. At the first meeting in 1642, however, the nobility insisted on a separate room for private deliberations. Corish claims that the decision to create only one chamber constituted a deliberate attempt by opponents of the clergy to limit the influence of the bishops. There is no evidence, however, to support such an assumption, and in any case the bishops' influence arguably proved greater in the general arena than among the nobility⁶. Each member, regardless of social status, exercised a single vote of equal weight, but during debates lords and bishops were always given precedence in the speaking order⁷.

Perhaps the confederates deliberately avoided establishing an exact replica of the Irish parliament in Dublin, in order to avoid charges of usurping the royal prerogative. Certainly, they never used the term 'parliament', describing the assembly as a temporary expedient, forced upon them by events⁸. In keeping with this policy, the speaker of the assembly was simply entitled 'the chairman', and addressed by his proper name according to Richard Bellings at least⁹. As to whether

⁵The choice of Kilkenny appeared all the more appropriate as Ormond's relations and associates (Muskerry, Mountgarret, Fennell etc.) increasingly assumed control of confederate government after 1643. Shee's house, with its large hall, proved an ideal venue for the assembly. See Cregan "Confederation of Kilkenny" (Ph.D. thesis) p.72

⁶Corish NHI iii p.301. For example, during the first assembly in 1647, Bellings reported that Edmund O'Dempsey, the bishop of Leighlin, could raise a storm on the assembly floor, simply by waving his hat. Bellings' History in Gilbert (ed.) Irish Confederation vi p.2

⁷Both Richard Bellings and Richard Martin wrote accounts of assembly structures. Bellings' History in Gilbert (ed.) Irish Confederation i pp 110-5; Richard Martin to Clanricarde, 2 Dec.1642 in Bourke Clanricarde Memoirs pp 296-8. See also Cregan "Confederation of Kilkenny" (Ph.D. thesis) pp 66-70

⁸In a petition to the king, in late 1642, the confederates assured Charles "that we intended not this assembly to be a parliament, or to have the power of it". Bourke Clanricarde Memoirs p.299

⁹Bellings actually refers to Nicholas Plunkett (chairman of every assembly, bar the final one) as 'prolocutor'. Bellings' History in Gilbert (ed.) Irish Confederation i pp

the assembly in Kilkenny, or the parliament in Dublin, constituted the legitimate representative body of the kingdom, James Ware noted in June 1642 how the parliament, with only 30 members present (6 lords, 23 commons plus the Speaker), expelled 42 catholic MPs for joining the confederate association¹⁰.

The confederates were determined to follow existing parliamentary procedure as much as possible, even in elections. Despite the upheavals of war, writs were issued in the usual manner a month or so before an assembly, with the electorate restricted to 40 shilling freeholders in the counties, and burgesses in the boroughs¹¹. This meant that existing catholic land and property owners dominated the assembly, leaving the vast majority of confederates without either the vote or direct representation. This ensured that the confederate legislature favoured the existing social order, and adopted a conservative position on most issues except religion.

The 1634 parliament consisted of 256 members elected from 128 two-seat constituencies (32 counties, 95 boroughs and Trinity College Dublin). Thomas Wentworth, however, disenfranchised 8 boroughs returning catholics during his term of office. In 1640, therefore, the electorate returned 240 members, but as Wentworth's influence declined, 6 of the 7 disenfranchised boroughs selected members of parliament¹². It is safe to assume that the confederates would also have returned representatives from the disenfranchised boroughs to the assembly, though probably not for the Cross of Tipperary or Trinity College (a protestant university), resulting in a total of 252 commoners at the General Assembly.

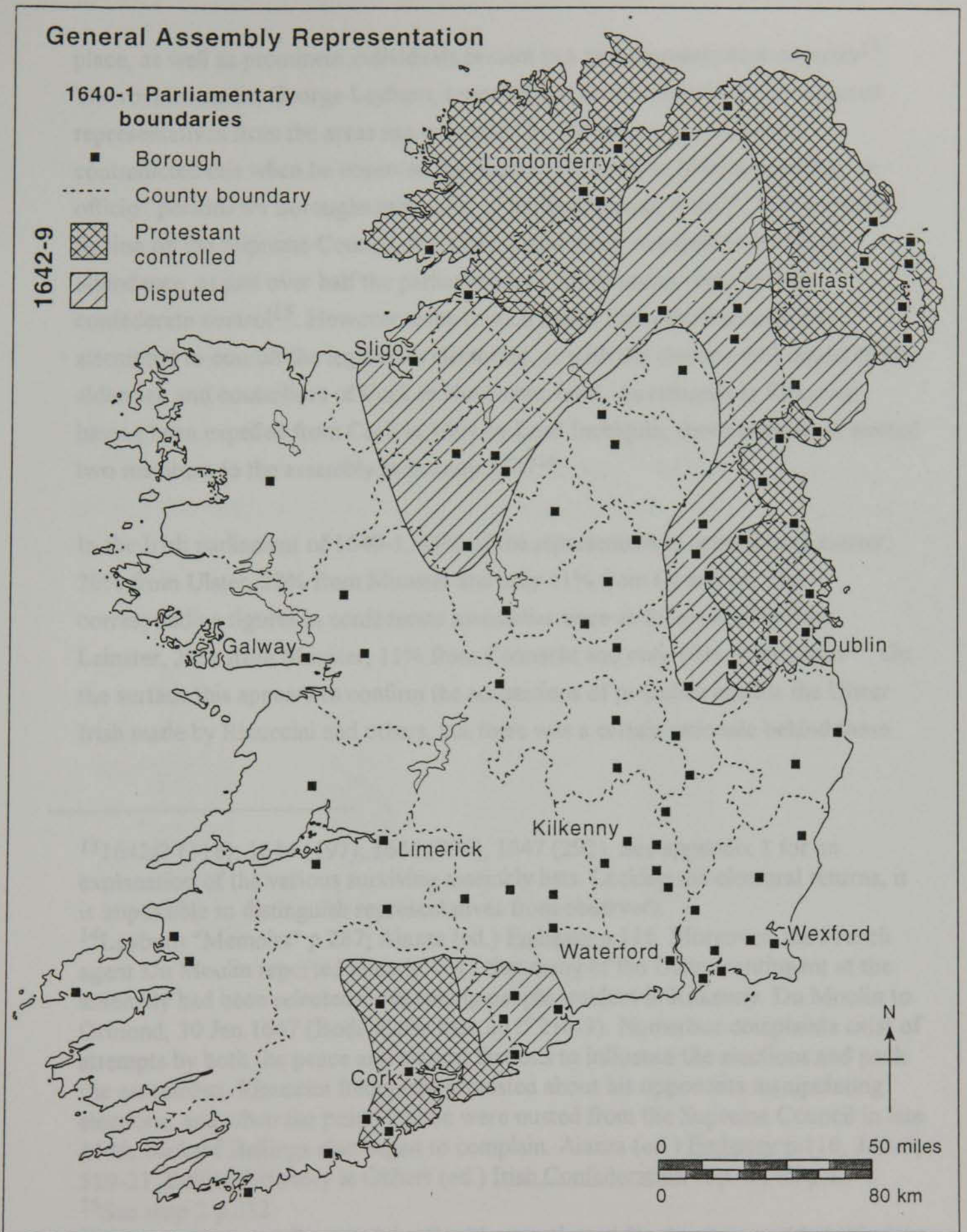
Most surviving assembly lists, however, contain the names of well in excess of 252 commoners. A possible explanation is that records of assembly membership, also listed all those people who took the confederate oath during that particular meeting. This included locals in both Kilkenny and Waterford, where the assemblies took

110-5. Walter Bagnel addressed the chairman as "Mr Plunkett" in a speech delivered during the debate over the first Ormond treaty. *Ibid.* vii p.10.

¹⁰TCD Mss 6404 (Ware Manuscript) f.128

¹¹Only one example of a confederate electoral return (for the city of Cork in December 1646) still exists. Bodl. Clarendon Mss 29 f.8. No information survives about voter eligibility, but given the confederates' tendency to copy existing parliamentary procedures, it is probably safe to assume they retained the 40 shilling freehold.

¹²Electoral representation during this period is discussed in Kearney *Strafford in Ireland* pp 223-63 and Clarke *Old English in Ireland* pp 255-61



MAP 2: General Assembly Representation

The confederates based their assembly representation on the existing parliamentary boundaries (boroughs and counties). Over half the parliamentary seats, however, remained in areas controlled by (or disputed with) their enemies. The usual practice, in the absence of elections, appears to have been for the Supreme Council to appoint representatives. This endured that the dominant group on the council always enjoyed significant support in the General Assembly.

place, as well as prominent individuals present in a non-representative capacity¹³. The royalist agent, George Leyburn, reported that the confederates only selected representatives from the areas not controlled by the enemy, but Rinuccini contradicted this when he observed the Supreme Council in 1646 appointing "ex officio" persons for boroughs in royalist or parliamentary areas¹⁴. The dominant faction on the Supreme Council, therefore, could easily manipulate assembly attendance, as just over half the parliamentary constituencies were outside confederate control¹⁵. However, even in such cases, the council sometimes attempted to consult the legitimate electorate, as with the election writ issued to the aldermen and councillors of Cork in November 1646. As refugees in Kilkenny, having been expelled from Cork in 1644 by Lord Inchiquin, they nonetheless elected two members to the assembly in January 1647¹⁶.

In the Irish parliament of 1640-1, 41% of the representatives came from Leinster, 26% from Ulster, 22% from Munster and only 11% from Connacht. The corresponding figures in confederate assemblies were as follows- 47% from Leinster, 32% from Munster, 11% from Connacht and only 10% from Ulster¹⁷. On the surface this appears to confirm the accusations of prejudice against the Ulster Irish made by Rinuccini and others, but there was a certain rationale behind these

¹³1642/3 (318); 1644 (197); 1645 (396); 1647 (292). See appendix 1 for an explanation of the various surviving assembly lists. Lacking the electoral returns, it is impossible to distinguish representatives from observers.

¹⁴Leyburn "Memoirs" p.287; Aiazza (ed.) *Embassy* p.116. Moreover, the French agent Du Moulin reported in early 1647 that many of the Ulster contingent at the assembly had been selected from among people resident in Kilkenny. Du Moulin to Ormond, 30 Jan.1647 (Bodl. Carte Mss 20 ff 218-9). Numerous complaints exist of attempts by both the peace and clerical factions to influence the elections and pack the assemblies. Rinuccini frequently protested about his opponents manipulating elections, and when the peace faction were ousted from the Supreme Council in late 1646, Richard Bellings also began to complain. Aiazza (ed.) *Embassy* p.116, 343-6, 519-21; Bellings' History in Gilbert (ed.) *Irish Confederation* vi p.48, vii p.1.

¹⁵See map 2 p.232

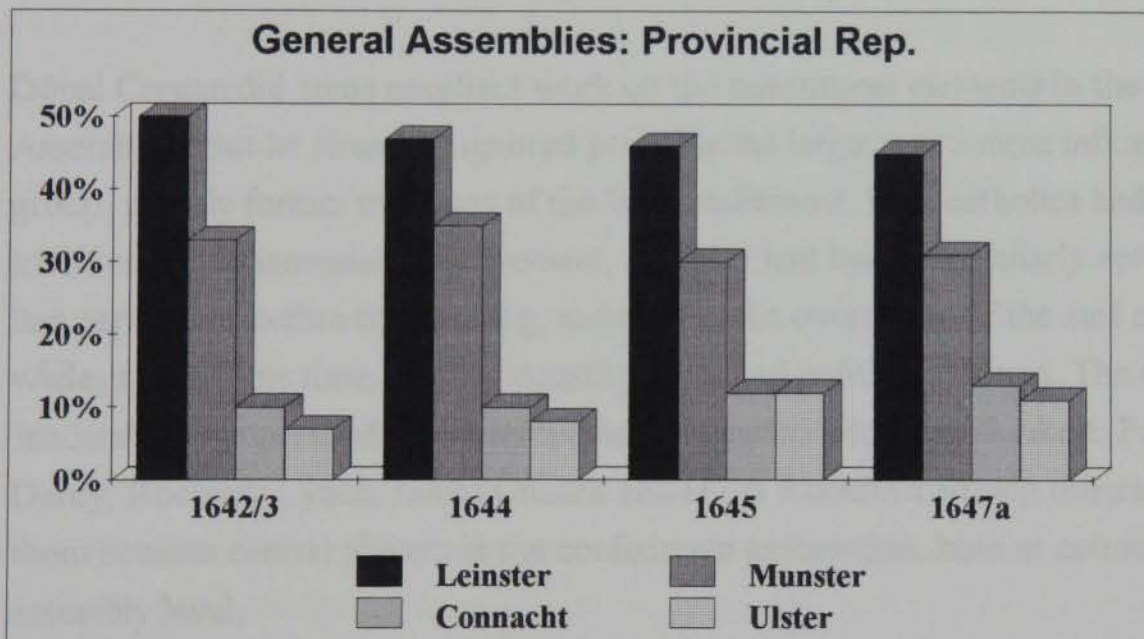
¹⁶William Hore and Captain John Gould were elected "in the name and behalf of the said city of Cork and the corporation thereof". Electoral return for the city of Cork, 14 Dec.1646 (Bodl. Clarendon Mss 29 f.8)

¹⁷These figures are analysed in appendix 1. Unfortunately, information on which constituency members were returned for is scarce. One of the surviving assembly lists (Bodl. Carte Mss 70 ff 64-85) includes the members place of origin, which is not necessarily where they were elected. Using information from the assembly lists, and a multitude of other evidence, scattered over many collections, it is possible to give approximate figures for provincial representation.

figures. In the parliament, Ulster became increasingly over-represented, due to the government policy of creating new boroughs to ensure a protestant majority. Furthermore, a large section of the 1641 Ulster population, the protestant planter community, remained excluded from the confederate assemblies. Finally, throughout the 1640s, most of Ulster was either controlled (or disputed with the confederates) by royalists, parliamentarians or Scots¹⁸.

It also appears likely that successive Supreme Councils appointed people from Munster and Leinster to represent those Ulster constituencies outside of confederate control¹⁹. This practice probably created a more equitable provincial balance, in the terms of population distribution. Despite such manipulation, the provincial figures at the assemblies remained remarkably consistent throughout the 1640s, a fact which refutes the charge (for example) that the clerical faction packed the assembly in January 1647 with Ulstermen from the creaghts accompanying

Table 2: General Assembly- Provincial Representation



¹⁸See p.23 map 1. Even after Owen Roe O'Neill's victory at Benburb in June 1646, the confederates failed to capture any major town or stronghold in Ulster. Most of the northern province remained as disputed territory throughout the 1640s.

¹⁹This assumption is based on the very small number of Ulstermen present at the assemblies, averaging about 10% of the total. Certainly a number of important urban centres were over-represented. In January 1647 for example, the town and county of Galway, which before 1641 returned 8 members of parliament (2 county, 6 borough), had at least 14 representatives in Kilkenny. Geoffrey Browne, Roebuck Lynch, Patrick Darcy, Robert Blake, John Bermingham, Christopher French, Patrick Kirwan, Nicholas Lynch, Anthony Martin, Christopher Lynch, James French, Francis Blake, Edward Browne, Dominick Bodkin. See assembly list in Dublin City Library, Gilbert Collection Mss 219 (roll 1)

Owen Roe o' Neill's army. There are quite a few new Ulster names on that particular list, but the percentage of Ulstermen is actually slightly less than in 1645²⁰.

With only four assembly lists surviving, it is difficult to assess the continuity in assembly membership, but as they extend from 1642/3 to 1647, some observations can be made. In the first instance, the names of over 140 people appear on three or more lists. These individuals constituted the core of confederate government, and predictably included most of the prominent leaders. Some of the other names, however, rarely appear elsewhere on confederate documents, and yet they were active politically in Kilkenny throughout the 1640s. Not surprisingly, given the provincial distribution in the assembly, Leinster and Munster names predominated among the regulars, whereas Ulster remained poorly represented. The vast majority also came from Old English backgrounds, which is hardly surprising given the ascendancy of that group in previous Irish parliaments²¹.

Dónal Cregan did some excellent work on the constituent elements in the General Assemblies, but he strangely ignored probably the largest, and most influential group, namely former members of the Irish parliament. Irish catholics had a long tradition of parliamentary involvement, and they had been particularly active in the last parliament before the uprising, assisting in the overthrow of the earl of Strafford while, at the same time, seeking constitutional and political reforms. The Commons 'leaders' (as Perceval-Maxwell terms them) included Nicholas Plunkett, Patrick Darcy, Roebuck Lynch, James Cusack and Hugh Rochford among others²². All of them became central players in the confederate association, both at council and assembly level.

Of the 183 catholics who sat in the 1634 and 1640 parliaments, almost half attended at least one or more assembly meetings. In the surviving lists, those with parliamentary experience constitute 16-27% of total assembly membership, a

²⁰This charge was made by Richard Bellings, and the French agent Du Moulin, both supporters of the peace faction and enemies of Owen Roe O'Neill. Bellings' History in Gilbert (ed.) *Irish Confederation* vi p.48. Du Moulin to Ormond, 30 Jan. 1647 (Bodl. Carte Mss 22 ff 218-9)

²¹The lists of regular members, and those with parliamentary experience are contained in appendix 1, tables 7 and 8.

²²The term leader is used to denote those members who sat on large number of parliamentary committees in 1640-1. Perceval-Maxwell *Irish Rebellion* p.75, 136-7

sizeable interest group²³. They provided the confederates with a wealth of legislative and political experience, and feature strongly on all the major councils and committees. The confederate passion for retaining parliamentary procedure reflected their influence, and ensured these men continued to play a leading role throughout the 1640s. A certain commonality of political interest is suggested in that a number of leading former parliamentarians (Patrick Darcy, Roebuck Lynch and Hugh Rochford) supported the moderate position of their former colleague Nicholas Plunkett.

Another influential group consisted of people with legal training, many of whom also had parliamentary experience, so that the two groups largely overlapped. At the very least, over 50 assembly members (9-15% of the total) had attended Inns of Court in England, although this by no means guaranteed an experts knowledge of the law²⁴. The Inns frequently provided only a veneer of education for the children of wealthy families, and concentrated mainly on property law. Nonetheless, many graduates from Ireland later became renowned constitutional lawyers. The confederates, as has been pointed out already, had some of the leading legal figures of the day in their ranks, including not only Plunkett, Darcy and Cusack, but also Adam Cusack, Geoffrey Browne and John Dillon²⁵.

With most of the 1640s taken up with complex legal negotiations on constitutional, religious and political matters, the lawyers exercised a considerable influence on confederate politics, a fact reported on by many contemporary commentators, and not always in a complimentary manner. At the 1645 assembly, for example, Clanricarde noted the intimidation of ordinary members by "the sages of the law, who have a prevailing power to pervert the best ways and means of persuasion to a false and mischievous construction of their own"²⁶.

²³Other prominent ex-parliamentarians in confederate ranks, apart from those already mentioned, were Viscount Muskerry, Viscount Gormanston, Viscount Mountgarret, Geoffrey Barron, Richard Bellings, Phelim O'Neill and Robert Talbot.

²⁴The percentages may well have been higher as not all the Inns lists have yet been examined. Cregan did some research into Irish catholic lawyers during the reign of James I. Cregan, D. "Irish recusant lawyers in politics in the reign of James I" *Irish Jurist* v (1970) pp 306-20

²⁵The majority did not attend the Inns of Court to obtain a degree. Morrill *Revolt of the Provinces* p.23; Plunkett, Darcy and others were employed by both catholic and protestants before 1641, as professional ability, for once, seemed to outweigh sectarian considerations. See appendix 1 (table 9) for the full list of those with legal training.

²⁶Lowe (ed.) *Clanricarde Letter-Book* p.174

Compared to former parliamentarians and lawyers, the lords and bishops constituted numerically insignificant groups (2-4% each) in terms of assembly membership. Nonetheless, their high social standing and extensive network of contacts enabled them to wield considerable authority. The names of 17 bishops appear on the surviving lists, although a number of others attended an assembly on at least one occasion²⁷. A clerical convocation usually convened in Kilkenny at the time of a General Assembly meeting, a practice which ensured a high clerical attendance at the assembly itself if nothing else.

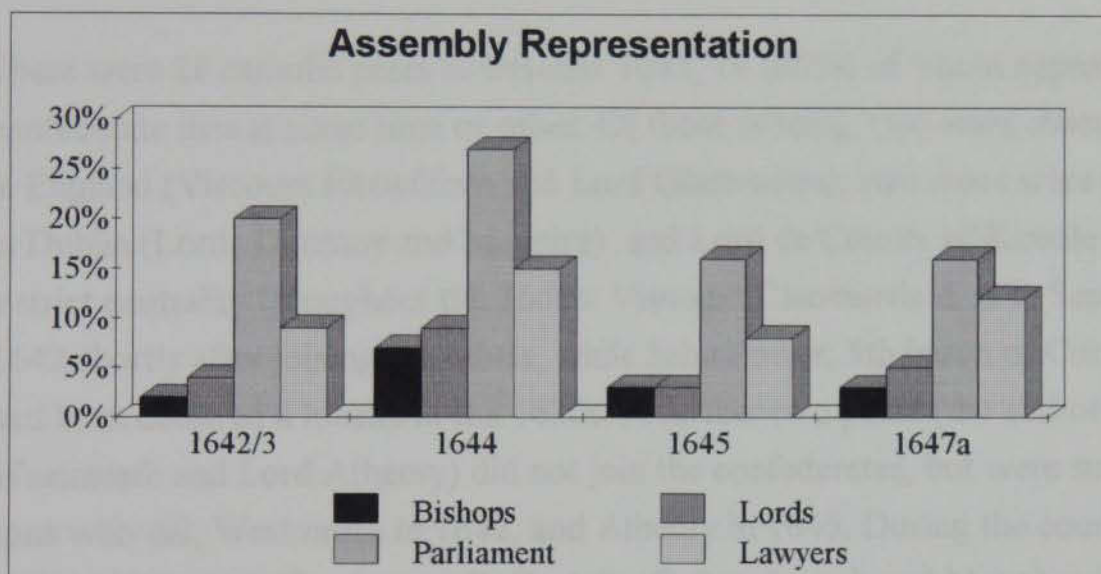


Table 3: General Assembly- Representative Profile²⁸

²⁷Those bishops whose names appear on assembly lists are for Leinster: Fleming (Dublin), Dease (Meath), Rothe (Ossory), Dempsey (Leighlin), French (Ferns); Munster: Walsh (Cashel), O'Connell (Ardfert), Comerford (Waterford), O'Molloney (Killaloe), O'Dwyer (Limerick), Tirry (Cork); Connacht: O'Queely (Tuam), Bourke (Clonfert and later Tuam), MacEgan (Elphin); Ulster: O'Reilly (Armagh), MacMahon (Clogher), Magennis (Down/Connor). A number of other bishops were certainly present at the final assembly and signed a declaration in favour of the peace treaty. They were Darcy (Dromore), Lynch (Kilfenora), Kirwan (Killala). Bishops Declaration to the General Assembly, 17 Jan. 1649 (Bodl. Clarendon Mss 34 f.76). Bishop Plunkett of Ardagh was present and active in the final assembly but did not sign the declaration. Hynes *Mission of Rinuccini* p.246; Bishop O'Brien of Emly also briefly attended the final assembly, but fled when he discovered the nuncio's opposition to their presence. Aiazza (ed.) *Embassy* pp 457-64

²⁸'Parliament' indicates the percentage of assembly members who sat in previous parliaments in Dublin. 'Lawyers' indicates the percentage of assembly members who attended Inns of Court in London.

Whereas the bishops received an automatic entitlement to sit in the assemblies, this did not apply to abbots or the heads of religious orders. The clerics blamed the peace faction for excluding these people, but the confederates, in this case as elsewhere, simply adhered to existing Irish parliamentary practice²⁹. Nothing prevented clerics from standing in elections, and a number were returned as ordinary assembly members, including Nicholas French (before his promotion to the see of Ferns), and Thomas Fleming, a Franciscan friar and brother of William Fleming, 14th baron of Slane³⁰. The position of unconsecrated bishops emerged as a controversial issue in late 1647, when Viscount Muskerry questioned their right to sit in the assembly, but in the end, they were allowed to remain³¹.

There were 28 catholic peers in October 1642, 19 (66%) of whom appear on confederate lists at some time or other. Of those missing, two were absentees living in England (Viscount Fitzwilliam and Lord Glanmullen), two more were prisoners in Dublin (Lords Dunsany and Maguire), and Lord de Courcy of Kinsale maintained a strict neutrality throughout the 1640s. Viscount Clanmorris died in September 1642 shortly after joining the rebels, while John Power, 5th baron of Curraghmore, had been declared a lunatic in the 1630s. A further two peers (the earl of Westmeath and Lord Athenry) did not join the confederates, but were succeeded by sons who did, Westmeath in 1642, and Athenry in 1645. During the course of the 1640s, four peers (Castleconnell, Costello-Gallen, Iveagh and Mayo), raised as protestants, reverted to catholicism and sat in confederate assemblies. Finally, the king raised two Irish catholics to the peerage in August 1646- Viscount Galmoy who sat in later assemblies, and Viscount Kingsland, who had fled to Wales in the early stages of the uprising, and took no part in the confederate association³².

²⁹Admittedly, the Irish parliament in this instance did not provide an ideal comparison, as the protestant clergy, who sat in the House of Lords, had no abbots or heads of religious orders.

³⁰O'Ferrall and O'Connell (eds.) *Commentarius* i pp 524-36; Bindon (ed.) *Historical Works* p.xxxvii; The case of Thomas Fleming is particularly interesting. The eldest son of the 13th Lord Slane, he was excluded from the inheritance after becoming a Franciscan friar. He returned to Ireland in 1641, and after the death of his brother (William Fleming, 14th Lord Slane) was elected to three Supreme Councils, presumably as a representative for Leinster. His name also appears on all four surviving assembly lists. Cokayne *Complete Peerage* xii (1953) pp15-8.

³¹This dispute is described in chapter 5 p.173-4

³²See Cokayne *Complete Peerage* 12 volumes; Valentine Savage to [Percivall], 31 Aug. 1646 in *H.M.C. Egmont* vol.1 part 1 p.310; Names of Lords and others now assembled in the assembly, [Oct.1648] (Bodl. Carte Mss 22 f.339); Maxwell, *Irish Rebellion* p.342 n.87. Patrick de Courcy, 15th Lord Kinsale somehow managed to

The leaders of the peace faction, Mountgarret, Muskerry and Castlehaven, supplanted the Pale nobility as the dominant aristocratic influence in the confederate association after the deaths of Slane and Gormanston³³. The surviving Pale lords concentrated more on military activity, and except for Louth, supported the peace faction. Muskerry could also rely on most of the Butler lords (Dunboyne, Cahir and after 1646 Galmoy as well) in a crisis. Pierce Butler, 1st Viscount Ikerrin, however, proved the exception in this case and may well have sided with the nuncio in rejecting the first Ormond treaty. His son Richard certainly emerged as a major opponent of the peace faction in the Munster army³⁴.

Considerable friction existed among the nobility of Munster and south Leinster from the early days of the uprising. Viscount Roche quarrelled with Mountgarret over the question of precedence, the former probably having the stronger case, although Mountgarret's age and experience gave him considerable authority. Roche's kinsmen, Castleconnell and Brittas supported their relative throughout the 1640s, although they do not appear to have had any agenda other than opposition to Mountgarret and Muskerry. Viscount Bourke of Mayo proved something of a maverick figure, unwilling to accept confederate authority in north Connacht. Arrested in 1644, he eventually made his peace with Kilkenny the following year.

remain neutral in the chaos which surrounded him in Munster during the 1640s, although he must have had some dealings with both the confederates and the parliamentary forces led by Lord Inchiquin. In early 1645 Ormond had suggested to the king's secretary, George Digby, that it might be possible to gain "many considerable persons of the Irish" by raising a number to the peerage. This could well explain the promotions of Kingsland and Galmoy the following year. Ormond to Digby, 28 March 1645 in Carte Ormond vi pp 272-5

³³The exact date of Slane's death is unclear, although James Ware (usually an accurate source) records it as sometime in November 1642, during the first General Assembly. This would certainly explain his absence from the Supreme Council elected at the end of the session. TCD Mss 6404 (Ware Manuscript) f.130.

Gormanston's death was at the end of July 1643, shortly after he had begun to negotiate a truce with Ormond. Will of Nicholas, Viscount Gormanston, 27 July 1643 in Analecta Hibernica no.25 (1967) Gormanston Papers pp 157-8

³⁴Louth was appointed by the nuncio on to the Supreme Council formed in September 1646 after the clerical faction seized power in Kilkenny. Order by the Ecclesiastical Congregation, 26 Sept. 1646 in Gilbert (ed.) Irish Confederation vi pp 144-6: Butler's promotion to the position of lieutenant-general of the Munster forces in 1647 triggered a crisis which saw Viscount Muskerry assume control of that army. Muskerry to Thomas Preston, 14 June 1647 (PRO SP Ire. 264/88 f.263)

Finally, Antrim, Taaffe and Clanricarde were essentially royalists, despite the first two taking the confederate oath in 1643 and 1647 respectively³⁵.

It is difficult to calculate with any certainty the number of soldiers who sat in the assemblies, although all the leading generals, Owen Roe O'Neill, Thomas Preston, Garret Barry and Viscount Taaffe attended at one time or another³⁶. A significant number of the aristocracy combined a military and political career, with Viscount Muskerry, the marquis of Antrim and the earl of Castlehaven providing the most notable examples, and the same may also have been true of the leading gentry. In any case, military matters (campaigns, supplies, discipline) rarely disappeared off the assembly's agenda.

Finally, the influence of the merchant community on the General Assembly would justify a detailed study of its own. All the assemblies, bar one, took place in the house of the leading Kilkenny merchant, Richard Shee. The merchant families of Galway, Limerick, Cork, Waterford and Kilkenny were all well represented in the assemblies. Apart from their political activities, these men provided desperately needed loans to the confederate government and controlled the vital foreign trade markets. Despite their large numbers in the assembly, however, merchants hardly feature on confederate councils or committees, which remained dominated by the landed interest³⁷.

³⁵Cokayne Complete Peerage v (1926) p.299-300; Clanricarde records the reconciliation between Mayo and the confederate leadership "upon very poor and submissive terms on his lordship's part". Lowe (ed.) Clanricarde Letter-Book pp 148-50; Antrim was nominated onto three Supreme Council's but was more interested in Scotland than Ireland. Taaffe proved an incompetent and duplicitous lieutenant-general of the Munster army from 1647 onwards, while Clanricarde eventually joined forces with the confederates in 1648 to oppose Owen Roe O'Neill. Ohlmeyer Civil War and Restoration pp 133-4; Aiazza (ed.) Embassy p.300; Unfortunately, Clanricarde's letter-book for the period 1647-50 is missing and it is unclear if the marquis ever actually took the confederate oath.

³⁶Assembly lists in Dublin City Library (Gilbert Collection) Mss 219, rolls 1-4; Walsh Irish Remonstrance appendix 1 pp 31-2. Viscount Taaffe only took the confederate oath in the summer of 1647, but attended the final General Assembly a year later. Aiazza (ed.) Embassy p.300; Taaffe to Ormond, 11 Oct.1648 (Bodl. Carte Mss 22 f.347)

³⁷Among the names that appear are Browne, French, Lynch, Martin, Kirwan (Galway); Stackpole, Creagh, White, Fennell (Limerick); Tirry, Roche, Hore, Gould (Cork); Walsh, Wadding, Power, Sherlock, White (Waterford); Shee, Archer, Comerford (Kilkenny); Furlong, Hay, Hore (Wexford).

Much has been made of the predominance of Anglo-Irish surnames in the General Assemblies, due to the large number of parliamentarians, lawyers and merchants at these meetings. In all these groups the Old English enjoyed a clear majority over the native Irish. Nonetheless, native Irish names appear fairly regularly on the lists, and inter-marriage and general social, political and financial inter-action had blurred the existing ethnic boundaries³⁸. There is little evidence of ethnic divisions in the politics of the general Assembly with both groups active in all three factions. Social standing (particularly regarding the ownership of land) and the issue of religion proved the big divisive factors, rather than ethnicity³⁹.

In conclusion, the constituent elements in the General Assembly reflected the diverse nature of confederate support among the catholic elite, but a total lack of representation from the lower social orders. Assembly members dealt with issues of land ownership and religion, rather than poverty and inequality, and proved at times more concerned by the breakdown in social order which accompanied the uprising, than with the activities of their enemies. Ethnic divisions appear to have been over-emphasised by previous commentators, as no evidence exists that they played a major role in assembly politics. Prior to 1647, the clergy proved particularly adept at exploiting discontent among assembly members, but after that date the moderates, led by Nicholas Plunkett (the assembly chairman), controlled the floor.

Supreme Councils, 1642-1649:

For much of the 1640s the Supreme Council, functioning as the executive arm of government, was the dominant force in confederate politics. The council controlled all confederate civil and (until 1644 at least) judicial affairs, while also acting as the final court of appeal in much the same way as the House of Lords did in England. In the absence of a Council of War, the Supreme Council supervised the confederate war effort with varying degrees of success, and on the international front corresponded with the courts of Europe. Each General Assembly elected a new

³⁸Based on surnames (a highly unsatisfactory method), the percentage of native Irish at the assemblies was as follows- 1642/3 (20%), 1644 (20%), 1645 (25%), 1647 (25%).

³⁹Examples for the three factions. Peace faction: Donough MacCarthy (Viscount Muskerry), Richard Bellings, Donough O'Callaghan, Gerald Fennell; Clerical faction: Piers Butler, Owen Roe O'Neill, Oliver Plunkett (Lord Louth), Dermot O'Brien; Middle faction: Nicholas Plunkett, Randal MacDonnell (Marquis of Antrim), Patrick Darcy; Phelim O'Neill etc.

Supreme Council, whose authority expired whenever the next assembly met⁴⁰. Despite the theoretical superiority of the confederate legislature, the continuous sessions of the council enabled it to gain the upper hand, until the rise to power of the moderates in late 1646.

Early councils consisted of 24 members, elected at the end of each session of the General Assembly, in a process which appeared to cause little acrimony or controversy⁴¹. Each province provided 6 members, 3 of whom were to be resident or full-time (whether this operated in practice will be discussed at a later point). In February 1646, the assembly reduced the number on the council to 9, in order to improve efficiency and speed up the decision making process. When the clerical faction seized power later that same year, they appointed a new council of 17, the first and only occasion the General Assembly was not involved in the procedure⁴². Its powers remained the same with the important exception that "all orders affecting the business of the kingdom" had to be co-signed with the Ecclesiastical Congregation, and from September 1646 until March 1647, clerical representatives sat at the council board⁴³. The dominance of the clergy proved short-lived, however, and in March 1647, with the moderates in the ascendancy, the assembly elected yet another council, reverting to the original format of 24 members⁴⁴.

⁴⁰The structure and functions of the council were outlined in the confederate 'model of government'. Orders of the General Assembly met at Kilkenny, 24 Oct. 1642 (BL Add Mss 4,781 ff 4-11). A judicature was established by the general Assembly in August 1644. Order by the Commissioners of the General Assembly, 30 Aug. 1644 in Gilbert (ed.) *Irish Confederation* iii pp 266-7

⁴¹A full list of council members from 1642-1649 is in appendix 2

⁴²Orders of the General Assembly, Jan. 1646 (Bodl. Carte Mss 16 ff 470-80). The assembly reforms in early 1646 are discussed in chapter 3 pp 104-6; Order by the Ecclesiastical Congregation, 26 Sept. 1646 in Gilbert (ed.) *Irish Confederation* vi pp 144-6

⁴³Massari "My Irish Campaign" *Catholic Bulletin* viii (1918) p.548; Order by the Ecclesiastical Congregation, 26 Sept. 1646 in Gilbert (ed.) *Irish Confederation* vi pp 144-6.

⁴⁴Although one recent account describes Antrim as controlling confederate policy throughout 1647, in fact the marquis was never more than a peripheral figure in Kilkenny. Ohlmeyer *Civil War and Restoration* p.192. Antrim was active on the council for about two months after his election in March 1647, but more or less disappears from view then, although his name does appear on some council documents as late as July of that year. PRO SP Ire. 265/19 f.107, 265/19 f.121, 265/19 f.138

The final election in December 1647 proved extremely controversial, as at the last minute another 36 supernumeraries, or alternates, were co-opted on to the core group of 12 resident members (3 from each province). The clerical faction complained that the additions were nothing more than a tactical ploy by their enemies to gain control of the council. This accusation appears to be unfounded, as among the supernumeraries, the balance of the original election was more or less retained, with the nuncio's supporters still in the minority⁴⁵. In fact, the council (including alternates) eventually numbered 49 members, with the inclusion of Robert Devereux from Wexford as one of the 3 residents for Leinster, although not originally elected for that province. The extra member was recognition of the fact that Leinster had far more counties than any other province, and as a result contributed more to the central exchequer. Devereux's subsequent support for the Ormond peace treaty, however, suggests an alternative motive for his election⁴⁶.

The General Assembly also appointed a president and secretary from among the residents. The wily veteran, Viscount Mountgarret, held the post of president on every council from 1642 until late 1646, chairing meetings and acting on occasions as effective head of state. During the same period, Richard Bellings functioned as secretary, overseeing all official correspondence. These appointments enabled both men, leading figures in the peace faction, to influence council policy in a significant manner until the rejection of the first Ormond treaty in August 1646⁴⁷.

⁴⁵Order of the General Assembly, 12 Nov. 1647 in Gilbert (ed.) *Irish Confederation* vi pp 208-23; Aiazza (ed.) *Embassy* pp 519-21. Of the original 12 elected, 5 were openly hostile towards the nuncio, the other 7 being neutral or supporters of Rinuccini. After the addition of the supernumeraries, 25 were anti-nuncio, 23 neutral or supportive. This represented a significant though hardly overwhelming gain for the peace faction.

⁴⁶The other provinces agreed to an extra member from Leinster as long as no precedence was drawn from it. Order of the General Assembly, 12 Nov. 1647 in Gilbert (ed.) *Irish Confederation* vi pp 208-23

⁴⁷How exactly these men monopolised the two most important positions in the confederate association is unclear. Mountgarret functioned as the confederates' elder statesman, having sat in the Irish parliament as far back as 1613. An ideal figurehead in many ways, he was by no means the dominant figure in the confederate aristocracy, a position held by Viscount Gormanston, and after the latter's death in July 1643 by Viscount Muskerry. Bellings was unquestionably an able politician, and his marriage to one of Mountgarret's daughters would have done his career prospects no harm. Their connections with Ormond, and strong advocacy of a peace settlement with the royalists also ensured they remained prominent, at least as long as the peace faction dominated affairs in Kilkenny.

When the clerical party seized power the following month, Rinuccini assumed the position of president, breaking the monopoly of the peace faction for the first time. In March 1647, the moderates secured the nomination of the marquis of Antrim to replace the nuncio, but no information survives regarding the secretary.

Nonetheless, Nicholas Plunkett and Nicholas French (assisted by Patrick Darcy) dominated the executive throughout 1647. At the penultimate assembly in November of that year, both the positions of president and secretary appear to have been left vacant, probably in the forlorn hope of encouraging consensus politics⁴⁸. After the outbreak of civil war in May 1648, however, the peace faction stalwarts, Mountgarret and Bellings resumed their places on the council board. Both men may well, at this stage, have resumed their earlier posts.

The first General Assembly in October 1642 established the principle of provincial balance on the Supreme Council. Assembly members voted for candidates from provincial lists, each province providing 6 successful candidates⁴⁹. While provincial balance may have made good political sense in the early days of the confederate association, to encourage support throughout the kingdom, it actually discriminated against the province of Leinster. In the Irish parliament (the model for the General Assembly) Leinster had 41% of the representatives, Ulster 26%, Munster 22% and

⁴⁸The assembly postponed an appointment to the position of secretary, presumably to avoid a conflict over the issue. Order of the General Assembly, 12 Nov. 1647 in Gilbert (ed.) *Irish Confederation* vi pp 208-23

⁴⁹According to Bellings, the assembly split into provincial groups, and "caused the names of all those in the their province who, without any probability of success, might pretend to that employment to be written in a large sheet of paper, drawing a line from each of their names to the edge of the paper, then choosing some discreet persons to be overseers...every one of the members returned from that province gave his vote by stroking those set down in the paper to the number prescribed by the Assembly. This being done, and return made of those thus chosen by the Clerk of the House, he, in as many sheets of paper, writes the names given in by the four provinces, drawing likewise lines from each of them, whereon the prelates, and noblemen, and all other members of the Assembly, were to mark their strokes being first solemnly sworn upon the Holy Evangelists by those appointed to oversee the election, to make choice of the trustiest and ablest men to undergo that charge, to the number of half of those presented by each province, and those thus chosen having been taken of the oath of councillors were, after the recess of the Assembly accepted and obeyed as the Supreme Magistrates of the Confederate Catholics". Bellings' History in Gilbert (ed.) *Irish Confederation* i p. 112. This elaborate procedure is not mentioned elsewhere, and may well have been discontinued after the first assembly meeting.

Connacht 11%⁵⁰. Based on these figures, a proportional distribution of council seats would have given Leinster 10 seats, Ulster 6, Munster 5 and Connacht only 3. Over the following years, however, Leinster did gain seats at the expense of Ulster, while the Munster and Connacht figures remained relatively stable⁵¹. The revised figures more accurately reflected the relative importance of the various provinces within the association. The confederate power-base, centred on south Leinster and east Munster, provided the bulk of money and supplies and many living there resented having to subsidise what they termed "the burnt countries"⁵².

Despite its relative poverty, Connacht managed to retain six seats on the Supreme Council, reflecting the enormous influence of the Galway politicians and clerics, who ensured that the interests of this sparsely populated province were never neglected by the confederate government⁵³. Ulster, on the other hand, possessed few individuals of national standing, which did not help when it came to elections. Moreover, Ulster had been over-represented in the Irish parliament (a fact which was redressed in the General Assembly), and contributed little to confederate coffers as Scottish covenanters, royalists and parliamentarians controlled or disputed most of the province⁵⁴. All things considered, four seats probably represented a fair return for Ulster.

The provincial balance changed once the clerical faction gained control of the Supreme Council in September 1646, principally because Rinuccini relied so heavily on the military support of Owen Roe O'Neill. On that particular council, Ulster provided 4 of 16 members (the 17th member, Rinuccini, obviously did not represent any one province). In March 1647, in the interests of confederate unity, the General Assembly granted equal representation on the Supreme Council to all four provinces, for the first time since 1642. Despite the poor attendance of Ulstermen at

⁵⁰The full list of constituencies in the Irish parliament is in Kearney *Strafford in Ireland* pp 223-59

⁵¹Provincial representation appears in table 4. These changes would have been supported by the dominant peace faction, whose power-base was centred in south Leinster and east Munster.

⁵²Ormond's uncle, James Butler, expressed his outrage at Leinster and Munster having to support financially confederate members from the depopulated areas of the country. Papers of James Butler, 12 Oct. 1648 (Bodl. Carte Mss 22 ff 352-4). According to Lenihan, the confederate territorial tax base was centred on Wexford, Kilkenny, Tipperary and Limerick. Lenihan "The Catholic Confederacy" p.188

⁵³The desire to appease the earl of Clanricarde may also have played a role in assuring that Connacht retained six seats on the Supreme Council.

⁵⁴See p.23 map 1

the next assembly in December 1647, the policy of provincial balance was not jettisoned, reflecting the continued influence of the moderates⁵⁵.

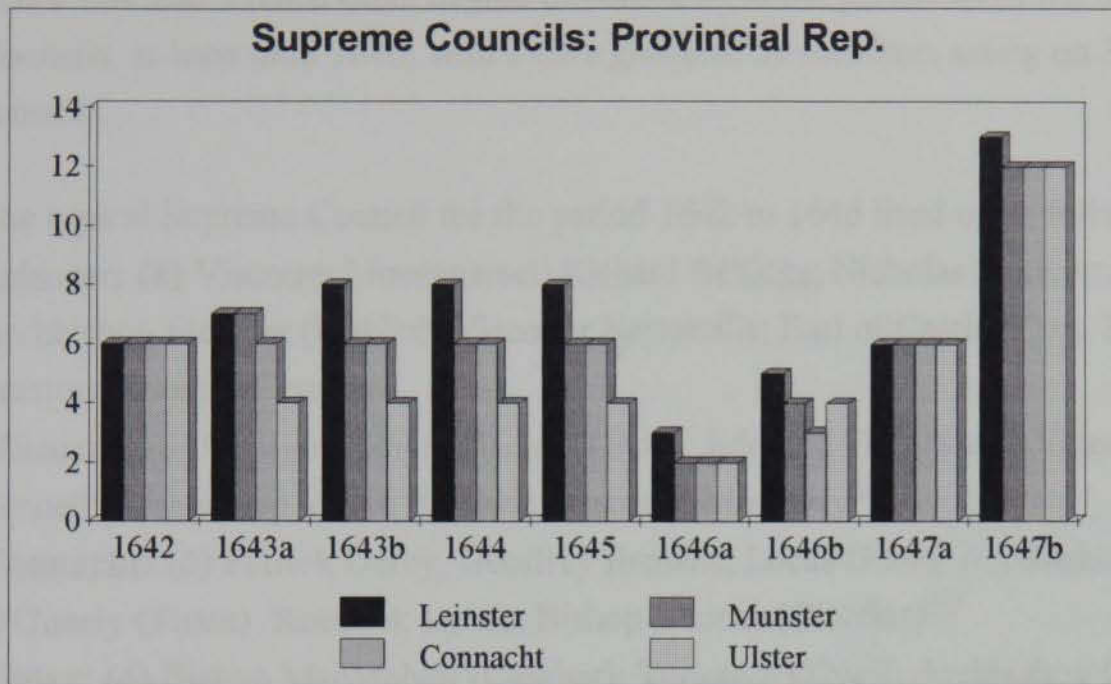


Table 4: Supreme Council- Provincial Representation

For most of the 1640s, individual Supreme Council membership was heavily weighted in favour of the Butler axis through Leinster and Munster, along with the town of Galway. The leading lay figures were socially conservative, opposed to large scale redistribution of land and anxious for an accommodation with the Crown. In return for an end to religious persecution and the lifting of impediments on catholics obtaining office, they expressed a willingness to put confederate forces at the king's disposal. The concerns of the lower social orders and the dispossessed (including the catholic clergy) did not seriously interest them⁵⁶.

In terms of political leadership, a considerable degree of continuity existed between the confederate era and the early decades of the seventeenth century. Confederate councils were dominated by the same landed gentry and lawyers who led the opposition to the Dublin administration in parliaments as far back as 1613⁵⁷.

⁵⁵The four Ulstermen on the council in late 1646 were Owen Roe O'Neill, Phelim O'Neill, Alexander MacDonnell and Bishop MacMahon. At the second assembly in 1647 only nine Ulster delegates came to Kilkenny. Aiazza (ed.) *Embassy* pp 343-6

⁵⁶This fact is reflected in the terms of the first Ormond peace treaty, negotiated on the confederate side by members of the peace faction. Articles of Peace, 28 March 1646 in Gilbert (ed.) *Irish Confederation* v pp 286-310. No evidence survives from confederate sources of radical groups, like the Levellers in England, seeking to overthrow the existing social order, beyond those arguing for the return of the native Irish aristocracy. O'Mahony *Disputatio Apologetica* (1645)

⁵⁷Daniel O'Brien and Viscount Mountgarret both sat in the 1613 parliament.

Individuals like Viscount Muskerry, Patrick Darcy and Nicholas Plunkett were familiar figures on the Irish political scene long before the outbreak of the uprising. There was also a remarkable degree of continuity in the personnel of the Supreme Councils, at least until 1646, with a core group of 24 members sitting on 3 or more councils.

The typical Supreme Council for the period 1642 to 1646 lined up as follows-

Leinster: (8) Viscount Mountgarret; Richard Bellings; Nicholas Plunkett; Archbishop Fleming (Dublin); Viscount Netterville; Earl of Castlehaven; Thomas Preston; Thomas Fleming

Munster: (6) George Comyn; Daniel O'Brien; Edmund Fitzmaurice; Gerald Fennell; Archbishop Walsh (Cashel); Viscount Muskerry⁵⁸

Connacht: (6) Patrick Darcy; Geoffrey Browne; Lucas Dillon; Archbishop O'Queely (Tuam); Roebuck Lynch; Bishop Bourke (Clonfert)⁵⁹

Ulster: (4) Bishop MacMahon (Clogher); Turlough O'Neill; Archbishop O'Reilly (Armagh); Alexander MacDonnell

These 24 individuals effectively dictated confederate policy until the rejection of the first Ormond peace treaty in August 1646. Although a majority on the list were associated with the peace faction, it also included seven clerics (6 bishops and the Franciscan friar Thomas Fleming) and a number of moderates as well⁶⁰.

Numerically, therefore, the peace faction's predominance was not overwhelming, but they controlled the vital position of secretary, and tended to be the most active council members. Moreover, until 1645, an alternative plan to a speedy peace treaty with the marquis of Ormond simply did not exist. The clerical faction lacked decisive leadership or a coherent strategy, while prior to 1646 the leading moderates concentrated on administrative and political reform⁶¹.

Apart from Mountgarret and Bellings, Viscount Muskerry emerged as the most influential peace faction leader, ably assisted by the earl of Castlehaven, Gerald Fennell, Lucas Dillon and Geoffrey Browne. They operated as a tightly knit group with considerable parliamentary, legal and military experience. Their cohesion and

⁵⁸Viscount Roche, active on early councils, was effectively replaced in 1643-4 by his great rival, viscount Muskerry

⁵⁹Clonfert, appointed to the judicature in 1644, was replaced on the council by Dermot O'Shaughnessy

⁶⁰The moderates were Nicholas Plunkett, Patrick Darcy, Roebuck Lynch, Alexander MacDonnell (Antrim's brother) and Turlough O'Neill (Phelim's brother).

⁶¹See chapter 3

clear strategic aims gave them an advantage over all opponents⁶². In comparison, it was not until the arrival of Rinuccini in late 1645, that the clerical faction, driven by the nuncio's dynamic leadership, developed an effective policy of opposition. As for the moderates, most of those active in the period 1642-6 supported the peace initiative, as did the vast majority of confederates. Plunkett and his allies only adopted an independent political strategy as a result of the confederate split in 1646.

The rejection of the peace treaty in August 1646 led to the overthrow of many of the 'old guard' and the introduction of a significant number of new faces, as first the clerical faction and then the moderates gained control of the Supreme Council. By December of 1647, however, as the peace faction started to reassert its authority, a number of familiar faces reappeared at the council table. On the final Supreme Council, 14 of the original 24 members from October 1642 were re-elected. Of those missing, 2 (Viscount Gormanston and Archbishop O'Queely) were dead, the aged archbishop of Armagh appears to have opted out of political life after 1646, James Cusack had become confederate attorney-general, while 3 others (Robert Lombard, Philip Mac Hugh O'Reilly and Coll MacBrien Mac Mahon) had only ever sat on the first Supreme Council⁶³.

Between 1642 and 1646, only 37 different people sat on the six Supreme Councils elected during that period. In the remaining two years, until the dissolution of the confederate association, 60 different individuals were appointed onto just three councils, including 38 first time members. Prominent among these new members were the fervent clerical supporters, Lord Louth and Piers Butler, both from Old English backgrounds. Included in the moderates' ranks were two bishops (Nicholas French of Ferns and Edmund O'Dwyer of Limerick), along with Geoffrey Barron and Phelim O'Neill, underlining the clerical and ethnic mix prevalent in this group. Finally, apart from the re-election of the previous leadership, the peace faction was also represented by new members such as Lord Athenry and John Dillon.

⁶²Opponents of the peace faction commented often on their tactic of meeting in private before advocating a policy in public. Such meetings made practical sense but increased fears that a small clique were manipulating the confederate association. O'Ferrall and O'Connell *Commentarius* ii pp 511-5; Aiazza (ed.) *Embassy* p.289

⁶³Viscount Gormanston died in July 1643, while Archbishop O'Queely was killed in October 1645. O'Reilly of Armagh was almost 70 years old, while Cusack was appointed attorney-general at the first General Assembly, and appears to have concentrated exclusively on legal matters after 1642. Acts of the General Assembly, 24 Oct. 1642 in Gilbert (ed.) *Irish Confederation* ii pp 73-90

Among the provinces, Connacht's membership pattern on the Supreme Council proved the most cohesive. Throughout the entire period, from 1642 to 1649 (ignoring those whose only nomination was as an alternate in December 1647), 56 different individuals sat on the council⁶⁴. Leinster and Munster, with the greatest number of council seats, had 17 and 16 different representatives respectively, while 13 people represented Ulster. Only 10 different individuals, however, represented Connacht on the Supreme Council, all except Lord Mayo from the Galway area⁶⁵.

This Galway group consisted of the archbishop of Tuam, Malachy O'Queely (until his death in October 1645), his successor, the bishop of Clonfert, John Bourke, Lucas Dillon, Patrick Darcy, Geoffrey Browne and Roebuck Lynch. Following the collapse of the first Ormond peace treaty, Dermot O'Shaughnessy, Richard Blake and Lord Athenry figured prominently. Most of these men, apart from the Galway connection, also shared close links with the most powerful catholic nobleman in Ireland, the earl (later marquis) of Clanricarde⁶⁶. Although small in numbers, the men of Galway exercised a disproportionate influence on confederate affairs.

In the province of Ulster, deep divisions existed regarding the plantation, which had resulted in the displacement of many of the traditional land-owning class. These people proved understandably anxious to reverse the process and regain their property. They looked to Owen Roe O'Neill for military leadership, but in the political sphere few voices spoke on their behalf. Not only was Ulster consistently under-represented on the council, but the councillors from the province came almost exclusively from those termed the 'deserving Irish', who had been given estates in the plantation settlement. Needless to say this group was less than wholehearted in its support for overturning the plantation, and in 1648 most openly opposed Owen Roe O'Neill⁶⁷.

⁶⁴Rinuccini is not included here as he did not represent any one province.

⁶⁵O'Queely was born in the diocese of Killaloe in Munster, but his archbishopric was based in Galway. Cregan "Counter-Reformation Episcopate" p.98. Mayo in fact only sat on the first council, and as a supernumerary on the last. For the rest of the period, the Galway influence was unchallenged. See appendix 2

⁶⁶A desire to entice Clanricarde into the confederate association may also have been responsible for the disproportionate representation enjoyed by the province of Connacht. The confederates made many appeals to the marquis to join their ranks, but, according to Rinuccini, he remained "arrogantly aloof". Bourke Clanricarde Memoirs p.67; Lowe (ed.) Clanricarde Letter-Book p.382 etc.; Aiazza (ed.) Embassy p.300

⁶⁷The split in the Ulster ranks in 1648 is discussed in chapter 6 p.200

Members of this group included Turlough O'Neill, brother of Phelim, and Viscount Iveagh, another important Ulster landowner. Both of these men were related to the most prominent Ulster representative, the marquis of Antrim, though to what extent he ever supported confederate policies remains open to question. His primary loyalty was to himself, his family and the Stuart monarchy, while the confederates, if they featured at all, came a very poor fourth⁶⁸. During the marquis' long absences abroad, his brother, Alexander, protected the MacDonnell interests on the Supreme Council. Of the Ulster delegates, only the bishop of Clogher, Heber MacMahon, a close ally of the returned exile Owen Roe O'Neill, effectively represented the dispossessed of the province⁶⁹.

In the case of Leinster, the relative scarcity of the Pale nobility on the council is striking. Traditionally one of the most influential groups in Irish politics, they played a crucial role in the initial stages of the uprising and the development of confederate governmental structures⁷⁰. The main reason for their absence from the Supreme Council concerns the early deaths of two of their most influential personalities, Viscount Gormanston and Lord Slane⁷¹. Their replacements on the council, Viscount Netterville and Lord Louth were not very politically authoritative figures. Furthermore, the location of the confederate capital in Kilkenny itself, greatly enhanced the prestige of the Butler lords to the detriment of the others, and finally the Pale emerged as one of the leading theatres of war during the 1640s, forcing the nobility there into active military, rather than political, roles.

As for the clergy, the bishops averaged 5 members on each Supreme Council, with the archbishops obviously prominent⁷². The only additions to their council group

⁶⁸Ohlmeyer *Civil War and Restoration* (1993) is an excellent study of Antrim's career, although it overstates the extent of the marquis' involvement with, and influence over, the confederates.

⁶⁹MacMahon was also the only man, along with Nicholas Plunkett, to have sat on all nine Supreme Councils. See appendix 2

⁷⁰Viscount Gormanston in particular was central figure in the early days of the rebellion, and in the formation and development of the confederate association. Examination of Edward Dowdall, 13 March 1642 (TCD Mss 816 f.44), Orders of the Supreme Council, 18 June 1642 (PRO SP Ire. 260/67 ff 234-53) etc.

⁷¹Slane died November 1642, Gormanston in July 1643. See note 33

⁷²The four archbishops were all over fifty years of age at the outbreak of the rebellion- Dublin (51), Tuam (55), Armagh (60), Cashel (61). Although Tuam and Cashel remained active, this group were to some extent eclipsed by Clogher (41) and Clonfert (51). the former sat on every single Supreme Council during the

came after the upheavals of September 1646 when the ageing archbishops of Armagh and Dublin were effectively replaced by the younger, more active, Bishop French and Bishop O'Dwyer. The vast majority of the bishops, however, never sat on any Supreme Council, even after the papal nuncio seized power, although many of them attended the General Assemblies⁷³. Although the Catholic Church unquestionably wielded enormous influence in confederate political circles, the power of the bishops (on the council at any rate) may have been overstated.

The vast majority of catholic bishops had strong links with the land-owning classes and shared their concerns for law and order and the sanctity of property⁷⁴. With the exception of Thomas Dease of Meath, however, they adopted a more radical position on matters of religion, favouring a retention of church property seized from the protestants and full legal recognition of the Catholic Church. Indeed when united on these issues, the clergy formed a powerful lobby group which proved increasingly difficult to ignore.

In conclusion, on one level the Supreme Council of the Confederate Catholics of Ireland appeared to be a remarkably homogeneous body, controlled by a handful of individuals, who largely dictated confederate policy. Despite differences in priorities and policies, the members all belonged to the same class and shared common concerns and goals. Without exception, however, confederate councillors lacked executive experience due to the Dublin government's policy of excluding catholics from office. According to James Butler, the council meant well but could not govern "being not bred nor acquainted with state matters nor experienced in marshall affairs"⁷⁵. The General Assembly proved equally critical of the council's failure to enforce law and order, from "whence issued a general contempt of government"⁷⁶. Clearly all their legal and parliamentary experience had not

1640s, while the latter was active on the council and in 1644 nominated to head the new judicature. Order by the Commissioners of the General Assembly, 30 Aug. 1644 in Gilbert (ed.) *Irish Confederation* iii pp 266-7

⁷³Apart from those already named, only two other bishops were elected onto the Supreme Council, both as supernumerary members in late 1647. No evidence survives to show if Kirwan of Killala or Magennis of Down/Connor actually ever sat at the council board.

⁷⁴Cregan provides information on the extent of land-holdings by the Irish catholic bishops in Cregan "Counter-Reformation Episcopate" p.101

⁷⁵As a result, Butler believed that confederate government was "so odious and to the whole nation so destructive, as of necessity it must be altered". James Butler to Ormond, 12 Oct. 1648 (Bodl. Carte Mss 22 f.350)

⁷⁶Order of the General Assembly, 12 Nov. 1647 in Gilbert (ed.) *Irish Confederation* 251.

adequately prepared the confederate leadership for executive responsibilities. Nonetheless, within certain political and social levels, the Supreme Council effectively carried out its duties in extremely difficult circumstances.

Negotiating Teams- Committees and Delegations 1642-1649:

Between 1642 and 1649, the confederates authorised a handful of individuals to negotiate truces and eventually peace treaties with the royalists. These negotiators enjoyed a considerable degree of autonomy from central control, which they exploited to the full⁷⁷. The prejudices, concerns and ambitions, therefore, of those involved in the talks provided the dynamic for the negotiations, and helped shape the final terms of the peace settlement. In some sense their contributions to developments at this time greatly exceeded that of Owen Roe O'Neill, Thomas Preston, the earl of Castlehaven and a host of better known confederate figures. With this in mind, the following section examines the make-up of the various delegations and committees established by the confederates.

The first official contact between the two sides occurred in March 1643 when a delegation of confederates, led by Viscount Gormanston, presented a remonstrance to the king's representatives at Trim, outlining their grievances and reasons for taking up arms. There had been a flood of catholic remonstrances, dating right back to the outbreak of the revolt, but this constituted the first face-to-face meeting⁷⁸. No official negotiations took place, as the royalists simply agreed to accept the petition and pass it on to the king. There would, however, almost certainly have been informal discussions between two parties, who knew each other well.

vi pp 208-23; Orders of the General Assembly, Jan. 1646 (Bodl. Carte Mss 16 ff 470-80). Clear parallels exist with the experiences of the parliamentary side in the English Civil War and of the Scottish covenanters. Zagorin outlined how the English parliament in 1640 was "utterly without corporate experience as an executive body", and was forced to "assume the functions of government which until then had been exercised by the king, the privy council and a host of royal officials". Young Scottish Parliament p.327

⁷⁷Clanricarde shrewdly noted the peace faction's preference for negotiating through committees rather than large representative bodies, presumably because they were easier to control. Clanricarde to Ormond, 3 Oct. 1643 in Carte Ormond v pp 472-4

⁷⁸The confederate Supreme Council presented a petition to Ormond in July 1642 which he passed on to the king. Confederate petition, 31 July 1642 in Carte Ormond v pp 352-3. Charles responded by authorising official contacts with Irish catholics early in 1643. Charles to Ormond, 12 Jan. 1643 in Carte Ormond v pp 1-3

Table 5: Committee Membership 1642-1649

	1643a	1643b	1644a	1644b	1645	1646	1648-9		Province
Talbot R.	0	0	0	0	0	0	x	7	Leinster
Walsh J.	0	0					x	3	Munster
O'Neill T.	x	x						2	Ulster
Dillon L.	x	x						2	Connacht
<i>Upper Ossory</i>	0						0	2	Munster
<i>Gormanston</i>	x							1	Leinster
Browne G.		x	x	x	x	0	x	6	Connacht
<i>Muskerry</i>		x	0	x	x	x		5	Munster
Plunkett N.		x	x	x	x			4	Leinster
Barnewall R.		0					x	2	Leinster
Magennis E.		x						1	Ulster
O'Brien Der.			0	0	0	0		4	Munster
MacDonnell A.			0	x	x			3	Ulster
Martin R.			0	0				2	Connacht
<i>Mountgarret</i>				x	x	x		3	Leinster
Darcy P.				x	x	x		3	Connacht
Dillon J.				0	0	0		3	Leinster
<i>Dublin</i>				x				1	Leinster
<i>Antrim</i>				0				1	Ulster
Everard R.				0				1	Munster
<i>Tuam</i>							x	1	Connacht
O'Neill P.							x	1	Ulster
O'Reilly M.							x	1	Ulster
<i>Taaffe</i>							0	1	Connacht

('x' indicates Supreme Council member)⁷⁹

The confederate delegation, apart from Gormanston, consisted of representatives from each of the four provinces- Robert Talbot from Leinster, Lucas Dillon representing Connacht, and the Munster lawyer, John Walsh. Turlough O'Neill of Ulster and Barnaby Fitzpatrick, the lord of Upper Ossory in Tipperary, were also

⁷⁹Unlike the Supreme Councils and the General Assemblies, the commissions for all the negotiating committees still survive, so a complete list of members can be presented (BL Stowe Mss 82 f.116, Add Mss 25,277 f.62; Gilbert (ed.) *Irish Confederation* ii pp 224-5, iii p.65, 269, v pp 286-311, vi p.288). Table 5 lists the various individuals who took part in these talks, starting with the presentation of the remonstrance at Trim in March 1643, until the dissolution of the confederate association in January 1649. 1643a refers to the Trim meeting, 1643b to the delegation appointed to conclude a cessation with Ormond, which was eventually signed in September of that year. 1644a is the team which travelled to Oxford to negotiate directly with the king, while 1644b refers to the Committee of Treaty elected by the General Assembly to continue those talks with Ormond. Although this committee stayed in existence until the publication of the peace in August 1646, I have included a list of the committee members who actually signed the Glamorgan treaty in August 1645 and the Ormond treaty the following year, to highlight a number of important absentees. The final list comprises the members of the second Committee of Treaty appointed by the final assembly in October 1648, to conclude a second peace with Ormond. The names of the nobility and bishops are in italics.

chosen to go to Trim, but neither man appears to have travelled⁸⁰. Gormanston, Dillon and O'Neill had already emerged as central figures in the confederate government, elected as members of the first Supreme Council. This council actually appointed the delegation to present the remonstrance, while all future negotiating teams would be chosen directly by the General Assembly⁸¹.

The other notable feature about this first confederate delegation, is that four of them, Gormanston, Upper Ossory, Dillon and Walsh, sat in the 1640-1 parliament, while Robert Talbot had the distinction of being expelled from the 1634 parliament for an offence "which tended to the dishonour of (the lord deputy) and this house"⁸². Only Turlough O'Neill had no parliamentary background, but he may be seen as a proxy for his more notorious brother, Phelim, member of parliament for Dungannon and one of the leaders of the initial uprising. Apart from Gormanston, the entire team had received legal training, and the confederates continued this trend of appointing negotiators with legal or parliamentary experience throughout the 1640s.

Following the remonstrance, the second General Assembly met during May and June 1643 to discuss the possibility of a truce with the royalists, and select commissioners to initiate talks with Ormond. Viscount Gormanston led this delegation, and appears to have resigned his seat in the Supreme Council to concentrate on the negotiations⁸³. Along with Gormanston, the team was comprised of those who had delivered the remonstrance (minus Ossory), augmented by Viscount Muskerry of Munster, Ever Magennis representing Ulster and finally Geoffrey Browne, a nephew of Patrick Darcy, and leading figure in Galway political

⁸⁰ Appointment of confederate representatives, 11 March 1643 in Gilbert (ed.) *Irish Confederation* ii p.224. Neither name appears on the Remonstrance document. Remonstrance of grievances, 17 March 1643 in *Ibid.* ii pp226-42

⁸¹ For example the council rather than the assembly appointed the team to arrange a cease-fire with Lord Inchiquin in 1648. Articles of agreement, 20 May 1648 (Bodl. Carte Mss 22 ff.99)

⁸² Clarke *Old English in Ireland*, pp 84-5. The royalist delegation was led by Clanricarde, and included the earl of Roscommon, Viscount Moore and Maurice Eustace, all of whom also sat in the Irish parliament.

⁸³ The order of the Supreme Council on June 20 to treat for a cessation, was based on an order of the General Assembly exactly one month earlier. Order of the Supreme Council, 20 June 1643 (BL Stowe Mss 82 f.116). It is of course possible that Gormanston was elected to the council in June 1643, and replaced after his death the following month.

circles. Gormanston died shortly afterwards, to be replaced by two men, Nicholas Plunkett and Richard Barnewall, both of Leinster⁸⁴.

The assembly retained a provincial balance on the new committee, and only Robert Talbot, John Walsh and Richard Barnewall were not members of the existing Supreme Council. Furthermore, seven of the nine delegates had parliamentary experience and five trained as lawyers. Once again the two Ulster representatives proved the exception, as neither Turlough O'Neill or Ever Magennis had attended parliament, while Magennis also had no legal training, a double disadvantage which placed him at a distinct disadvantage during the talks. Negotiations took place throughout the summer of 1643 between the confederate delegation and the royalists, led by James Butler, earl of Ormond.

The arrival of Ormond on to the scene signalled an important development as a number of confederate delegates were either directly related to him (Muskerry for example was his brother in law) or had close business and professional links (Patrick Darcy leased land from him)⁸⁵. In this situation, a conflict of interests always threatened to undermine the integrity of the confederate negotiating team, and opponents of the first peace treaty later made exactly such accusations⁸⁶. For the moment, however, negotiations continued smoothly and both sides signed a one year cessation of arms on 15 September 1643. Richard Bellings claimed that Richard Barnewall was not party to the agreement but his signature appears with all the others on the document itself⁸⁷

The first real peace talks began six months later in Oxford, the royalist capital, after the General Assembly in November 1643 appointed the delegates and decided on their instructions. Viscount Muskerry was chosen to lead the confederate team

⁸⁴A Collection of all the Papers which passed upon the late Treaty touching the cessation of arms in Ireland.....Dublin 1643 (R.I.A. vol.38, box 34, tract 1)

⁸⁵Muskerry was married to Ormond's sister Eleanor. Cokayne Complete Peerage iii (1913) pp 214-5; Darcy held lands from Ormond in Carlow, but in 1645 wrote to the lord lieutenant that he had received no rent from them "since the troubles". Patrick Darcy to Ormond, 25 Oct. 1645 (NLI Ormonde Mss 2313 f.31)

⁸⁶The author of the *Aphorismical Discovery* was particularly colourful in his description of the close links between the royalists and the confederate peace faction. For example, Bellings was "a toad in faction and a creature of Ormond", while Darcy was "Ormond's counsel and Clanricarde's minion". Gilbert (ed.) Contemporary History i p.40

⁸⁷Bellings' History in Gilbert (ed.) Irish Confederation i p.163; Articles of Cessation, 15 Sept. 1643 in Gilbert (ed.) Irish Confederation ii pp 365-76

which included Talbot, Browne, Plunkett and another distinguished lawyer, Richard Martin of Galway. Both Plunkett and Browne were members of the Supreme Council at that time, ensuring that the confederate executive would be kept fully informed of developments in Oxford. Dermot O'Brien of Munster, and Alexander MacDonnell (Antrim's brother), completed the group. MacDonnell, the sole representative from Ulster, could hardly be said to represent the varied interests of the province of Ulster at this crucial time, and proved more interested in recovering family territory in Scotland than anything else. These facts are borne out by the absence of any articles relating to the special circumstances in Ulster in the first peace treaty⁸⁸.

After the failure of the Oxford conference the talks moved back to Ireland. Ormond dominated the royalist negotiating team, ably assisted by the lord chancellor, Richard Bolton. On the confederate side, the General Assembly elected in July 1644 a Committee of Treaty to negotiate directly with Ormond in Dublin⁸⁹. This committee would receive instructions from the aptly named Committee of Instruction, both of which answered ultimately to the assembly. In reality the two committees became largely autonomous, while working closely with peace faction elements on the Supreme Council⁹⁰. The composition of these various committees, therefore, proved crucial in determining the final shape of the Ormond peace treaty.

The establishment of powerful committees in Kilkenny mirrored developments in England, particularly on the parliamentary side. In February 1644 the Committee of Both Kingdoms, a sub-committee of the English parliament with the addition of the Scottish commissioners, replaced the Committee of Safety. Functioning essentially as the executive branch of government, it exercised wide-ranging powers

⁸⁸Appointment of Commissioners to Oxford, 19 Dec. 1643 in Gilbert (ed.) Irish Confederation iii p.65; Muskerry did not sit on the Supreme Council between November 1643 and August 1644, perhaps reflecting a desire to distance himself confederate government while in the presence of the king. Ohlmeyer describes Alexander as acting as a "watchdog" for his brother's interests. Ohlmeyer Civil War and Restoration p.153 n.9

⁸⁹From September 1644 Bolton was engaged in complex negotiations with Patrick Darcy over constitutional issues. Commission for confederate delegates, 31 Aug. 1644 in Gilbert (ed.) Irish Confederation iii p.269, Peace debates, Sept. 1644 in Ibid. pp280-1

⁹⁰This autonomy was best illustrated when in 1645 the earl of Glamorgan insisted on excluding the General Assembly from negotiations on religious concessions, and dealing instead directly with the Committee of Treaty. Lowe "Negotiations between Charles I and Confederates" p.341

independent of parliament but (like the confederate Supreme Council) could not decide on matters of war or peace. A bitter dispute erupted in Westminster over whether the members of the committee should be bound by an oath of secrecy. The House of Lords vehemently opposed this move, arguing that such an oath impinged on the sovereignty of parliament, but only succeeded in delaying its introduction⁹¹. The issue of secrecy surfaced in Ireland soon afterwards, with the confederate council and committees accused of misleading the General Assembly over the peace treaty. Whether influenced by developments at Westminster or not, committees increasingly dominated confederate politics from 1644 onwards⁹².

Although the General Assembly nominated the Committee of Treaty, the lord lieutenant exercised a significant influence over the selection, albeit indirectly. As Rinuccini explained, the confederate leadership persuaded assembly members to choose people who were either connected, or on good terms, with Ormond to facilitate the talks process⁹³. From the outset, therefore, the majority on the confederate negotiating teams sympathised with the royalist position and favoured an early peace, to the exclusion of other vital interests. This was to have disastrous repercussions for confederate unity after the declaration of the treaty terms in August 1646.

The problem was further exacerbated by the unacceptability to Ormond of catholic bishops as members of the negotiating teams⁹⁴. Leaving aside the lord lieutenant's intolerance of catholic clergy, it certainly would have been difficult for him politically (particularly following Inchiquin's desertion to the parliamentary side in July 1644) to negotiate directly with representatives of the Catholic Church. Nonetheless, his stipulation effectively sidelined from the talks one of the most

⁹¹Roberts, C. The Growth of Responsible Government in Stuart England (Cambridge 1966) pp 145-6; Morrill Revolt of the Provinces pp 57-8

⁹²Walter Enos makes the specific charge that the peace treaty published in August 1646 was not the same as "that which then (in the month of February and August) was in agitation and publicly read in the assembly". Enos 'Survey' in Gilbert (ed.) Irish Confederation vi p.394. It is interesting that the establishment of committees in Kilkenny occurred shortly after the return of the confederate delegation from England in June 1644.

⁹³Aiazza (ed.) Embassy p.133

⁹⁴On 9 August 1644 Ormond wrote to Muskerry anxious that no clergy be selected onto the confederate negotiating team. Gilbert (ed.) Irish Confederation iii pp 251-2; Earlier that same year, the earl of Clanricarde wrote to the confederates, that as a public minister "it will not be allowed me to receive and entertain any of the clergy". Lowe (ed.) Clanricarde Letter-Book p.76

influential groups in confederate politics, and contributed greatly to clerical resentment. In order to mollify clerical opinion and save face, the General Assembly insisted on appointing the aged archbishop of Dublin as one of the delegates, although he never actually participated in any negotiations⁹⁵.

The Committee of Treaty consisted of the seven men who travelled to Oxford, augmented by six new members, including Viscount Mountgarret and the earl of Antrim. These two important noblemen appear to have been little more than figureheads, as neither took part directly in the negotiations, and indeed Antrim left for England shortly after the assembly dispersed in September 1644. Their names alone, however, added considerable weight to any recommendations made by the committee. The assembly also appointed three leading legal figures, Richard Everard of Munster, John Dillon of Leinster and Patrick Darcy from Galway, to assist Nicholas Plunkett⁹⁶. Finally, Mountgarret, Muskerry, Dublin, Plunkett, MacDonnell, Darcy and Browne were all members of the Supreme Council, emphasising the close link between the confederate executive and the various negotiating committees.

The provincial balance was fairly well maintained, except for the over-representation of Leinster with 5 members at the expense of Ulster with only 2. Muskerry, Plunkett, Darcy, Browne, Dillon, Talbot and O'Brien comprised the most active core of the committee⁹⁷. Both the 1645 treaty with the earl of Glamorgan and the 1646 treaty with Ormond were signed by members of the Committee of Treaty alone- 9 signatories in the first case, 7 in the second. Crucially, Walter Enos, in his survey rejecting the peace written in late 1646, claimed that although the Ormond treaty contained the names of Viscount Mountgarret and Dermot O'Brien,

⁹⁵Although the confederates were anxious not to offend Ormond, the fact that Dublin was (according to Rinuccini) "exceedingly corpulent" and travelled with difficulty, undoubtedly affected his contribution to the talks process. Aiazza (ed.) *Embassy* pp 105-7

⁹⁶Antrim left for England having failed to gain absolute control of confederate military forces. Ohlmeyer *Civil War and Restoration* pp 149-51; For full list of appointees see table 5.

⁹⁷Moreover, Ulster's interests did not feature prominently in the objectives of its two provincial representatives (the earl of Antrim, or his brother, Alexander MacDonnell), neither of whom played a leading role in the subsequent talks. The observation on the most active members of the committee is based not only on a knowledge of the negotiations, but also from the number of signatures on Committee of Treaty documents. See Bodl. Carte Mss 16 f.300, 304, 422, 566 etc.

neither had actually signed the document⁹⁸. Therefore, only five of the original thirteen confederate commissioners were directly involved in concluding the Ormond Peace Treaty- hardly a ringing endorsement!

Unfortunately, little is known of the role played by the Committee of Instruction in instructing the confederate negotiators during their talks with Ormond. References to the committees activities are sparse and uninformative, and of its 50 or more members, only the name of Thomas Tyrrell (chairman between 1644-6) is definitely known⁹⁹. It appears that the Supreme Council and Committee of Instruction effectively amalgamated after 1644, as both bodies are usually mentioned in conjunction with one another. Moreover, there were complaints around this time of the council becoming too large and unwieldy¹⁰⁰. The committee disbanded in June 1646 after sanctioning the terms of the Ormond treaty, and reformed two years later during the final assembly to supervise further negotiations with the royalists. Unless some new evidence comes to light, however, the operations (and personnel) of this committee will remain shrouded in mystery¹⁰¹.

⁹⁸A copy of the Glamorgan treaty is in BL Add Mss 25,277 f.62; The only manuscript copy of the Ormond treaty that I have seen did not contain the confederate signatures. Bodl, Carte Mss 176 ff 205-8; Enos made this assertion in the survey of the peace published at the end of 1646. Enos 'Survey' in Gilbert (ed.) Irish Confederation vi p.371. The fact that Enos was anxious to denigrate his peace faction enemies, including Mountgarret, undoubtedly lends credibility to a claim which would have worked in the viscount's favour at that particular time.

⁹⁹Nicholas French referred briefly to the creation of the committee. Bindon Historical Works ii p.43; Ormond wrote of articles appearing "under the hand of Mr Thomas Tirrell who sat in the chair of a committee of instructions appointed by the said assembly". Lowe (ed.) Clanricarde Letter-Book pp 348-9. Richard Blake commented that the committee was comprised of over 50 members of the Supreme Council, without providing further details. Blake to Rinuccini, 19 Oct.1648 in Gilbert (ed.) Irish Confederation vi p.296

¹⁰⁰Rinuccini talked of those "whose office was to hear and examine the conditions of peace, and report on them to the public". He continued that these people eventually joined the Supreme Council as supernumeraries, increasing the size of the council to such an extent that it was almost impossible to pass any decisions. Aiazza (ed.) Embassy p.133

¹⁰¹According to Bellings, in June 1646, the committee "having performed what they were convened for were dismissed". Bellings' History in Gilbert (ed.) Irish Confederation vi p.6; On 15 November 1648, the General Assembly called a meeting of the Committee of Instructions to further the proceedings of the treaty. Order of the General Assembly, 15 Nov.1648 (Bodl. Carte Mss 22 f.625)

After the collapse of the first Ormond treaty, formal negotiations between royalists and confederates ceased for the remainder of 1646¹⁰². The General Assembly in February 1647, dominated by moderates, reopened channels of communications with Dublin. Negotiations were conducted on an ad-hoc basis by Hugh Rochford, Geoffrey Barron and Gerald Fennell, among others, as Plunkett and French sought to include both confederate factions in the talks process¹⁰³. Nothing was achieved, however, except for the re-establishment of a truce and in July Ormond left Ireland, handing Dublin over to the forces of the English parliament. For the rest of the year military considerations proved paramount, until a couple of disastrous defeats forced the confederates to reconsider their strategy.

The General Assembly in November 1647 appointed delegations to Rome, Paris and Madrid, although the latter never left the country. Throughout most of the 1640s, confederate diplomatic postings were reserved primarily for the clergy, presumably because of their command of Latin (the language of diplomacy) and the ability to exploit the Catholic Church's extensive network of contacts. Luke Wadding in Rome was the most famous of these clerical diplomats, along with Hugh Bourke in Flanders and Spain, and Matthew O'Hartegan in Paris¹⁰⁴. Special missions, however, tended to be entrusted to the laity, as when Richard Bellings, secretary of the Supreme Council travelled to the continent in 1645 to seek much needed financial and military assistance. In late 1647, the confederate delegations included members of the clergy and representatives of the leading factions¹⁰⁵.

In early 1648, shortly after the departure of the delegations to the continent, the Supreme Council instructed three Munster men to negotiate a cease-fire with Lord Inchiquin. They were John Walsh, who had negotiated the first truce with Ormond in September 1643, Richard Everard, a former member of the Committee of Treaty,

¹⁰²The marquis of Clanricarde attempted to forge a compromise settlement with Rinuccini and the clerical faction during the assault on Dublin in November 1646, but failed. These negotiations are described in chapter 4 pp 125-6

¹⁰³Peace negotiations, 1647 (Bodl Carte Mss 20 f.315, 372-4)

¹⁰⁴Captain Oliver French was the accredited confederate agent to the United Provinces in 1648, as a catholic clergyman would not have been acceptable in this protestant state. Speech delivered by Captain Oliver French, agent of the Supreme Council to the States General of the United Provinces, 5 May 1648 (Bodl. Carte Mss 22 ff 91-2)

¹⁰⁵The controversy over the selection of the delegates and the course of their various missions are discussed in chapters 5 and 6.

and Patrick Gough, a supernumerary member of the Supreme Council¹⁰⁶. Their agreement precipitated a complete rupture in confederate ranks, which resulted eventually in a civil war. The following September, the last General Assembly met in Kilkenny and reactivated talks with Ormond who returned to Ireland in October. For practical purposes, assembly members appointed commissioners (as before) to conduct the negotiations, but on this occasion the Committee of Treaty had to report directly to the assembly, rather than the Supreme Council¹⁰⁷.

This final team, consisting of 12 men, represented in some way a fresh start, as only Geoffrey Browne and Robert Talbot had been involved in the earlier treaty negotiations. Viscount Muskerry, perhaps wisely considering his previous experience, declined an offer to be directly involved¹⁰⁸. Other delegates included Viscount Taaffe for Connacht, and the earl of Westmeath for Leinster, both late converts to the confederate cause. Phelim O'Neill and Miles O'Reilly represented the 'deserving Irish' of Ulster, anxious now for a settlement with the king. Another crucial member of the group was John Bourke, archbishop of Tuam. Predictably, Ormond proved reluctant to negotiate with a member of the catholic hierarchy, but unlike 1644, the assembly refused to compromise on the issue and selected the most senior and prominent prelate from among their ranks¹⁰⁹.

Despite a strong peace party presence, the negotiations quickly became bogged down on the familiar constitutional and religious themes. In an effort to break the deadlock, a number of leading confederates joined the negotiations, including Nicholas Plunkett (recently returned from Rome) and Patrick Darcy¹¹⁰. Both sides finally reached an agreement in January 1649, after news of the king's trial undermined confederate determination to press for further concessions. The treaty

¹⁰⁶The truce was signed by the three men on May 20. Articles of Agreement, 20 May 1648 (Bodl. Carte Mss 22 f.99)

¹⁰⁷Viscount Taaffe explained this new policy in a letter to the marquis of Ormond. The Committee of Treaty was not allowed to make any alterations in the confederate terms until they first returned to the General Assembly with Ormond's answers. Taaffe to Ormond, 11 Oct. 1648 (Bodl. Carte Mss 22 f.347)

¹⁰⁸*Idem*.

¹⁰⁹Ormond to Inchiquin, 12 Oct. 1648 in Carte *Ormond* vi pp 568-9; Viscount Taaffe convinced the lord lieutenant that a treaty had a much better chance of being accepted if a leading bishop was party to the settlement. Taaffe to Ormond, 11 Oct. 1648 (Bodl. Carte Mss 22 f.347)

¹¹⁰The assembly created a number of special committees to help the negotiating process. The assembly orders survive in Bodl. Carte Mss 23 f.48, 58; Gilbert (ed.) *Irish Confederation* vi, pp 154-5

was not signed by any delegation or committee, however, but by Richard Blake, chairman assembly, on behalf of the entire association¹¹¹. Despite this admirable show of unity, the confederates remained divided and hostilities continued until the intervention of Cromwell. His arrival in Ireland signalled the end of the negotiating era as military affairs moved centre-stage.

What conclusions can be drawn from the negotiating process and those involved in it? Despite the various military and political upheavals of the period, the personnel involved remained remarkably consistent. Until 1646, the peace faction dominated the confederate side of the talks process through controlling the various committees as much as the Supreme Council. The predominance of lawyers, and those with previous parliamentary experience, ensured that the negotiations concentrated on legalistic and constitutional issues, largely to the exclusion of all others. The needs of many confederates, particularly in Ulster, were largely ignored, a fact cleverly exploited by the opponents of peace in 1646.

Crucially, the Catholic bishops took no part in negotiations, despite the clergy's pivotal role in underpinning confederate authority, and the importance of religious issues throughout the process. Their absence resulted not only from Ormond's desire to exclude them, but also from the lack of decisive leadership among the bishops themselves (at least until 1645). Similarly, Ulster remained poorly represented, a fact which reflected the deep suspicion and hostility with which the Ulstermen were regarded by their fellow confederates.

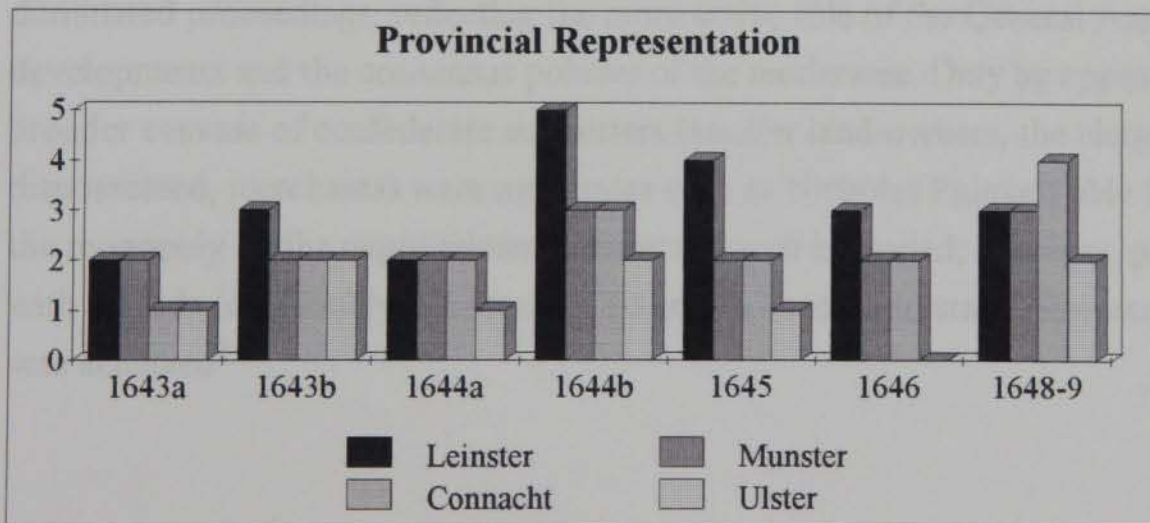


Table 6: Committees- Provincial Representation

When serious peace negotiations started again in September 1648, after a gap of two years, the situation had changed dramatically, not only in England with the

¹¹¹Gilbert (ed.) *Irish Confederation* vii p.179
262.

collapse of the royalist position in the second civil war, but also in Ireland. The clerical faction was in open opposition to the government in Kilkenny, but the moderates still succeeded in setting the confederate agenda despite the resurgence of the peace faction. The role of the General Assembly proved crucial in this regard, retaining a tight control on the talks process, and ensuring that the bishops, plus a more representative group from Ulster, were fully involved in the process. As a result, the second Ormond treaty reflected a wider range of confederate demands, particularly over the issues of religion and plantations. This agreement proved a more practical and popular basis (despite the continued opposition of Rinuccini, Owen Roe O'Neill and others) on which to dissolve the confederate association, than its ill-fated predecessor.

As for the personalities active on the confederate committees, Viscount Gormanston, a conservative land-owner from the Pale, dominated the initial contacts with the royalists. After his death in July 1643, Viscount Muskerry, an enthusiastic advocate of peace with the king, effectively replaced him, with a number of lawyers and former parliamentarians, principal among them Nicholas Plunkett and Patrick Darcy, also proving increasingly influential. Their preoccupation with legal and constitutional issues influenced the talks process, and shaped the first peace treaty with the lord lieutenant.

After August 1646, the moderates attempted to involve all confederate factions in the negotiations with Ormond. When talks resumed in 1648, no one personality dominated proceedings, reflecting the more active role of the General Assembly in developments and the consensus policies of the moderates. Only by appealing to a broader canvass of confederate supporters (smaller land-owners, the clergy, the dispossessed, merchants) were moderates such as Nicholas Plunkett able to break the monopoly on the negotiations. Further research is needed, however, particularly with regards to assembly membership, to enable us to understand how exactly this was achieved¹¹².

¹¹²Using the existing assembly lists, it should be possible to identify each individual member, and to start compiling their educational, personal and political backgrounds. This information would provide a detailed profile of the assembly, and of the forces which influenced confederate politics.

CHAPTER 8: Reform or Revolution? Political and Constitutional Issues

"These days are shaking and the shaking is universal: the Palatinate, Bohemia, Germania, Catalonia, Portugal, Ireland, England".

(Jeremiah Whittaker, sermon to the English House of Commons, 23 January 1643)¹

The upheaval in Ireland during the 1640s was by no means a unique experience at a time of general crisis throughout the continent of Europe. Jeremiah Whittaker's sermon at Westminster outlined the extent of the upheaval, with the vast empire of the Spanish Habsburgs suffering more than most. The kingdom of Portugal declared independence in 1640, followed shortly afterwards by Catalonia's switch of allegiance to France. A few years later in 1647, already threatened with bankruptcy, the Habsburgs were dealt a further blow by a revolt in Naples². The rulers of multiple kingdoms elsewhere (including Charles Stuart) proved equally vulnerable to a variety of destabilising developments.

Many eminent scholars have debated the causes of this general conflagration with no consensus as yet emerging. According to Hobsbawm, the crisis was economic in origin, starting during the 1620s recession, reaching its peak between the 1640s and the 1670s, before a recovery in the latter part of the century restored some degree of stability. Trevor-Roper describes it as a crisis in the relationship between society and the state, caused primarily by the expansion of a parasitic bureaucracy. Such growth could only be tolerated in a society expanding in wealth and numbers, which was clearly not the case in the Spanish empire (or indeed the Stuart kingdoms).

According to Trevor-Roper, governments, not their opponents, constituted the revolutionary element in society. This thesis is developed by Parker and Steensgaard, both of whom claim that the innovative policies of government, especially in the fields of finance and religion, caused the general crisis. Elliott argues, however, that the increased scale of warfare created problems of a new

¹Ohlmeyer, Jane (ed.) *Ireland from Independence to Occupation, 1641-1660* (Cambridge 1995) p.1

²The main revolts during the 1640s are neatly chronicled in a single volume in Merriman, R.B. *Six Contemporaneous Revolutions* (Oxford 1938)

magnitude, forcing governments to exercise greater control over the state. The methods employed in this task, however, failed to provide sufficient resources to ensure obedience to their will, leading to conflict³.

Despite the general nature of these arguments, they are nonetheless applicable to developments in Ireland during the seventeenth century. Unquestionably, the dynamic administration of Thomas Wentworth was widely perceived as threatening customary laws and the existing social balance in Irish society. Catholics and protestants, settlers and natives, were all targeted by the new lord-deputy in various ways, as he sought to maximise the return to the royal coffers. As a result of his policies, Wentworth succeeded (remarkably) in alienating politicians and interest groups across the ethnic and religious divide, a fact which contributed ultimately to his downfall⁴.

Apart from Wentworth, Scottish covenanters and the English parliament also posed a serious threat to the catholic landed elite. Already excluded from public office, this group faced the prospect of losing their precious estates, and with that any remaining political influence. Below them, the small farmers and land-less peasants (who were largely catholic) suffered increasing hardship as the economy slumped in the late 1630s. Despite this shared catholic heritage, the ordering of society in early modern Ireland, as elsewhere in Europe, tended to militate against cross-class solidarity⁵. By the early 1640s, however, the indebtedness of landholders, the discontent of the lower social orders and the common threat to their catholic identity, helped overcome many of these social barriers and create a powerful alliance in the confederate association.

But is it possible to describe the confederates as nationalists, or were they merely disgruntled catholic subjects? Nineteenth century accounts, in portraying Irish

³ For writings on the 'General Crisis' see in particular two collections of essays, Aston, T. (ed.) Crisis in Europe 1560-1660 (London 1965). Parker, G. and Smith, L.M. (eds.) The General Crisis of the Seventeenth Century (London 1978).

⁴ Clarke, A. "Ireland and the General Crisis" Past and Present no.48 (Aug. 1970) pp 79-99; Wentworth's tenure in Ireland is described in detail in Kearney, H. Strafford in Ireland (1989)

⁵ Clarke describes how the gentry in Ireland was comprised of social equals of different religious and national origins. Clarke, "Ireland and the General Crisis" pp 89-90. According to Gillespie the Irish economy was in poor shape by late 1641, due to political problems and a succession of poor harvests. Gillespie, "Irish Economy" Independence to Occupation p.162

history as a relentless march towards self-determination, discredited and oversimplified a complex phenomenon. Later historians, in rejecting this idealised version of events, have denied the possibility of any nationalist tendencies in Ireland prior to the United Irishmen in the 1790s⁶. Elliott, however, identifies a new phenomenon in the early modern period, which he describes as corporate or national constitutionalism. This constitutionalism was essentially the preserve of the dominant social group in the state, acting as defenders of a community whose rights and liberties were enshrined in a written constitution or a body of law. Not surprisingly lawyers played a leading role in all of this, helping establish the idea that each nation had a distinct historical or constitutional identity⁷.

The political elite in Ireland, both catholic and protestant, aggressively defended the constitutional privileges of the Irish kingdom, from the impositions both of central government and of Westminster. During the 1640-1 parliament in Dublin, Patrick Darcy argued that Ireland was a separate and distinct kingdom, though subject to the crown of England. This doctrine received broad support across the political and religious divide, although the outbreak of the rebellion in October 1641 once again led to a split in Irish politics along sectarian lines. Nonetheless, the protestants (as well as the confederate catholics) remained steadfast in their support of Irish parliamentary privileges throughout the 1640s and beyond⁸.

The constitutionalism of the catholic elite, combined with the widespread resentment of the religious and plantation policies of the state, and a fear of outside intervention from both England and Scotland, produced a common patriotism among confederates, evident at all levels of the association⁹. Richard Bellings

⁶According to Foster, for example, the confederates "were very far from nationalist revolutionaries, even if increased parliamentary independence was an important part of the package". Foster, Roy Modern Ireland 1600-1972 (London 1988) p.96

⁷Elliott "Revolution and Continuity" in Parker and Smith (eds.) General Crisis pp 110-33. Lawyers were also to play a crucial role in the development of the confederate association. See chapter 7

⁸Darcy, Patrick An Argument Delivered by Patrick Darcy esquire by the Express Order of the Commons in the Parliament of Ireland, 9 June 1641 (Waterford 1643 - reprinted 1764); The issues raised by Darcy are discussed later in the chapter. See also Clarke "Colonial Constitutional Attitudes" PRIA pp 357-75

⁹The threat from Westminster and Scotland is referred to in all early petitions of the rebels. For example, the Remonstrance of the Catholics of Ireland on 28 December 1641 in Gilbert (ed.) Contemporary History i pp 360-1. In their demands presented to the king in Oxford on 28 March 1644, the confederates declared that "the parliament of Ireland is a free parliament of itself, independent of and not

described graphically how, at the dramatic meeting on the Hill of Crofty in December 1641, Roger Moore's statement that the inhabitants of Ulster and the Pale were "of the same religion and the same nation" was greeted with wild applause. Leading confederates perceived themselves first and foremost as Irishmen, with for example Owen Roe O'Neill opposing moves in the General Assembly to appoint a foreign protector, by declaring that "they were no mercenary soldiers but natives of the kingdom". Even among the lower social orders evidence exists of the emergence of a common national identity¹⁰.

The confederates espoused an inclusive form of national identity, demanding that the king make no distinction between his Irish subjects on the basis of ethnicity or Christian denomination, treating all equally before the law. The confederate motto, "Hiberni unanimes pro Deo Rege et Patria", which means literally "Irishmen of one mind for God, King and Country", epitomised this ideal¹¹. Elliott refers to the increasing usage of the term 'patria' from the sixteenth century onwards, but cautions that supposed allegiances to national communities sometimes turn out to be nothing of the kind¹². The confederates, however, unquestionably shared a national vision, incorporating the entire kingdom of Ireland.

subordinate to the parliament of England; and that the subjects of Ireland are immediately subject to your Majesty as in right of your crown". Gilbert (ed.) Irish Confederation iii pp 128-33

¹⁰The close social links between the leaders of the Ulster rising and the Pale gentry undoubtedly reinforced this sense of common identity. Bellings' History in Gilbert (ed.) Irish Confederation i p.37. O'Neill and the other exiles appear to have developed a particularly strong nationalism during their years on the continent. Journal of Colonel Henry McTully O'Neill in [Lodge, John (ed.)] Desiderata Curiosa Hibernica vol.2 p.497. Thomas Preston, in an early appeal to Clanricarde to join the confederate association, wrote "remember you are an Irishman". Preston to Clanricarde, 18 Jan.1643 in Carte Ormond v pp 384-5. The French traveller, Francois le Gouz, wrote in 1644 that invariably the people he met on his journey through the kingdom described themselves as *Éireannach*. Lenihan "The Catholic Confederacy" p.13

¹¹This motto appeared on various official confederate documents and flags. Ignatius Fennessy, from the Franciscan Library in Killiney, clarifies the exact meaning of the motto in his letter to History Ireland vol.2 no.3 (Autumn 1994) p.9

¹²Elliott gives as one example the rebels of Ghent in 1578, who spoke of their 'patrie', and referred to themselves as 'patriotes'. Elliott, "Revolution and Continuity" in General Crisis pp 121-2

Place of birth, rather than blood, now provided the essential criterion for membership of the Irish nation¹³. As a confederate delegation explained to the marquis of Ormond in 1644: "For he that is born in Ireland, though his parents, and all his ancestors were aliens, nay if his parents are Indians or Turks, if converted to Christianity, is an Irishman as fully as if his ancestors were born here for thousands of years and by the laws of England, as capable of the liberties of a subject"¹⁴. This remarkable statement, promoting a relatively inclusive vision of Irishness, predates by almost 150 years Wolfe Tone's own efforts at uniting catholic, protestant and dissenter!

Despite the confederates' attempts at forging a common Irish identity, local and provincial sentiment continued to exercise an important influence (they still do today). Nonetheless, the shared experience of creating, and maintaining, an alternative government during the 1640s, helped break down many traditional barriers. The alliance proved fragile at times, however, and class hatred in particular caused much internal strife. The catholic elite played a delicate balancing act, attempting to control social unrest, while also negotiating a settlement with the state which would in essence preserve the existing order. As Elliott argues, a group (like the confederate leadership) that thinks in terms of restoration of traditional rights, is likely to balk at innovation¹⁵. This fact limited the scope of confederate

¹³John Morrill, in a recent essay, writes how in "Ireland and in the Western Highlands, the sense of Gaelic and of sept or clan identity retreated as a sense of inhabitant-of-Ireland and inhabitant-of-Scotland identity strengthened". Morrill, John "Historical Introduction and Overview: The Un-English Civil War" in Celtic Dimensions p.13.

¹⁴Confederate explanation of propositions, 28 Sept.1644 in Gilbert (ed.) Irish Confederation iii pp 298-305. The confederates, although suspicious of radical strains in protestantism, were not adverse to an alliance with the established church. A declaration in 1644 states clearly "that each man known to be a moderate conformable protestant, may as well as the Roman Catholic respectively, and enjoy their freedom of their own religion, and peaceably and quietly enjoy their own estates, so far forth as they or any of them shall join with us". A Declaration of the Lords and Gentry and others of the provinces of Leinster and Munster in the realm of Ireland of their intentions towards the English and Scottish Protestants inhabiting in the Kingdom London 1644 (R.I.A. vol.41, box 37, tract 1)

¹⁵The correspondence of the catholic gentry immediately after the outbreak of the rebellion indicates how concerned they were at the breakdown in social order. Muskerry to the earl of Barrymore, 17 March 1642 (BL Add Mss 25,277 f.58); Clanricarde to Charles Coote, 17 March 1642 in Bourke Clanricarde Memoirs p.95 etc.; Elliott "Revolution and Continuity" in Parker and Smith (eds.) General Crisis p.129

actions, at least until August 1646, when the more radical clerical faction briefly seized power, but even the peace faction's attempts to return to 'old ways' led to some startling new departures, and the rebellion at times assumed the characteristics of a revolution.

Whether events in Ireland in the 1640s constituted a rebellion or a revolution is an important and complex question. The confederates strongly objected to the term 'rebels', insisting they only fought to defend the royal prerogative, religious freedom and the constitution of the kingdom¹⁶. Almost all rebels in the early modern period, however, claimed to be loyal subjects, fighting in defence of traditional privileges. Heinz Lubasz provides an excellent and succinct definition of the difference between a rebellion and a revolution. He identifies a rebellion as opposition directed at particular laws, practices or individuals, which aims at specific and limited change (for example the replacement of the personnel of government) rather than the transformation of the system of domination. A revolution occurs when the demand for the particular is replaced by demands for more general and fundamental change. In addition, a revolution, to be more than a sequence of violent events, must result in effective change for a sustained period, even if the old power system eventually reasserts itself¹⁷.

The problem in Ireland is that a number of different, and sometimes competing processes, occurred almost simultaneously. The initial uprising on 22 October 1641 was in essence a pre-emptive strike by catholic Ulster landowners, to counter the perceived threat from the English parliament and Scottish covenanters. In the process, they hoped to create for themselves a strong bargaining position in the ensuing negotiations with the king. The failure to capture Dublin, however, created a political vacuum in rebel held areas, as increasing numbers of people took advantage of the collapse of central and local authority to settle old scores, and

¹⁶The first official contacts between the confederates and the royal commissioners were almost cancelled because of the latter's use of the term 'rebels' to describe the Irish catholics in arms. The Supreme Council wrote to the commissioners on 9 Feb. 1643, refusing to meet, "until that foul imputation of rebellion, most undeservedly laid to our charge be taken away". They only relented when informed that the king himself had used the term in the original commission. Gilbert (ed.) *Irish Confederation* ii pp 157-9, 163-4

¹⁷Lubasz, Heinz *Revolutions in Modern European History* (New York 1966) pp 1-7. According to this definition, therefore, events in Ireland in 1798 constituted a rebellion rather than a revolution as the United Irishmen (despite their revolutionary agenda) did not effect change in the system of government for a sustained period.

overturn the plantation policies of successive administrations. This development threatened to destroy the existing political order, and many catholic landowners felt obliged to join the rebels or be swept away by them. What Charles Tilly has termed a revolutionary situation now began to emerge, with the existing polity fragmenting into two or more blocs¹⁸.

The early months of the uprising were characterised by confusion and chaos, as the disturbances began to spread throughout the country. Catholic leaders, terrified of the consequences of a truly populist uprising, but at the same time repulsed by the violent counter measures of the state, desperately sought to regain the political initiative. They gradually succeeded during the course of 1642, mainly through the catholic clergy imposing an oath of association. Proposals also emerged for the establishment of an alternative government to the corrupt and hostile administration in Dublin. These efforts culminated in the meeting of the first General Assembly of the confederate catholics of Ireland in Kilkenny on the 24 October 1642¹⁹.

Although the confederates never claimed sovereignty at any time during the 1640s, they often acted in a sovereign manner, summoning a parliamentary style assembly, raising taxes, creating a mint and negotiating with foreign powers²⁰. The fact that they were ultimately prepared to accept Charles as head of state does not negate the radical nature of their actions. The outbreak of civil war in England muddled the

¹⁸ Tilly, Charles European Revolutions 1492-1992 (Oxford 1993) p.10

¹⁹This developments are outlined in some detail in chapters 1 and 2. This 'two risings' theory was first espoused by the catholic elite to distance themselves from the bloody consequences of the initial revolt. Writers like Nicholas Plunkett explained how the rising "was only the act of a few persons of broken and desperate fortunes", followed by "a rude multitude". Presentation by Nicholas Plunkett, Sept. 1661 (BL Add Mss 4,781ff 155-61). Although this interpretation is largely accurate, recent research shows that the leaders at local level came from the gentry class, and not from the lower social orders. Lenihan "Catholic Confederacy" p.80. Nonetheless, the widespread perception at the time was that the rising had got out of control, hence the efforts by the Catholic Church and others to re-establish some form of order throughout 1642.

²⁰All these measures were implemented at the first General Assembly in October 1642. Orders of the General Assembly met at Kilkenny, 24 Oct. 1642 (BL Add Mss 4,781 ff 4-11); Gilbert (ed.) Irish Confederation ii pp 73-90. Confederate sensitivity on the issue of sovereignty was reciprocated at the English Court. On 30 May 1645, for example, the Venetian ambassador in France reported that Queen Henrietta Maria opposed the idea of the papal nuncio (Rinuccini) residing in Ireland, as such a move "amounts in a way to declaring them sovereign". Gio. Battista Nani to the Doge and Senate, 30 May 1645 in Calendar of State Papers, Venetian, vol.26 p.192

waters still further, and enabled Kilkenny to seek an alliance with the king against their common enemy, the English parliament. From early 1643, with a brief interlude after the rejection of the first Ormond peace treaty, confederates of all political persuasions proved anxious to reach a speedy accommodation with the state, and therefore cannot be termed revolutionaries²¹.

The ultimate priority for the majority of the confederate leadership throughout the 1640s was constitutional reform. They sought to resolve a number of long standing political disputes, ranging from abuses by the Irish executive, to the plantation of Connacht by Thomas Wentworth. The constitutional status of the kingdom of Ireland, or more precisely, the Irish parliament's relationship with the Stuart dynasty and the English state, was of particular concern. This question had occupied a great deal of time in the 1640-1 parliament, and as most of the catholic members of that parliament became active confederates, it not surprisingly also figured prominently in negotiations during the 1640s²².

The main areas of contention were the operation of Poynings' Law and claims of jurisdiction by the English parliament over its Irish counter-part. Lord-Deputy Edward Poynings introduced his famous law in 1494, primarily as a check on Geraldine power in Ireland. The previous lord-deputy, Gerald FitzMaurice Fitzgerald, eighth earl of Kildare, had used the Irish parliament to challenge the authority of Henry VII in Ireland, and legitimise the claims of the Yorkist pretender, Lambert Simnel. Under the provisions of this new law, the lord deputy and the Irish council certified to the king and his council, under the seal of Ireland, the reasons for holding a parliament and drafts of the intended legislation. In return, they received a licence under the great seal of England to hold a parliament, introducing those bills approved by the king and council²³. In this manner, Henry VII hoped to keep the earl of Kildare, reappointed as lord-deputy in 1496, under closer supervision.

²¹Even at the height of its success, during the offensive against Dublin in late 1646, the clerical faction was still prepared to contemplate a further deal with the royalists. See chapter 4 pp 126

²²For a detailed account of the 1640-1 parliament see Perceval-Maxwell *Irish Rebellion* (1994). The list of active confederates who had parliamentary experience is in appendix 1. According to Clarke, Irish legislative independence became a catholic cause in the 1640s. Clarke "Colonial Constitutional Attitudes" p.360

²³The full text of the law is reprinted in Quinn, D.B. "The Early Interpretation of Poynings' Law, 1494-1534" *L.H.S.* II no.7 (March 1941) pp 241-54

The subsequent history of the law, described by Richardson and Sayles as nothing more than an opportunist and transient expedient, has been examined in a series of articles by Quinn, Moody, Edwards and Clarke. A consensus of opinion exists among historians that the law was used in a number of different ways, from its inception in 1494 until the 1640s, as circumstances demanded. According to Richardson and Sayles, unforeseen changes in the structure and make-up of that parliament in the sixteenth and seventeenth centuries meant that the effect and conception of Poyning's Law altered with each generation²⁴.

As long as the earls of Kildare retained royal favour the application of the law proved extremely flexible and uncontroversial. After the collapse of Geraldine power in 1534-6, however, the opposition in the Irish parliament began to exploit the provisions of Poyning's Law in order to obstruct the legislative initiative of the new generation of English governors in Ireland. The parliament would refuse to consider bills that had not received prior certification in England, and then use their contacts in the English court to try and have the bills modified or rejected. The Dublin government attempted on a number of occasions, therefore, to have the law suspended or modified, to allow for the introduction of legislation without the hazard of seeking royal approval. The last time the government succeeded was in 1569, but only after agreeing to a compromise, whereby any future proposal for the repeal or suspension of the act required the consent of a majority in both houses²⁵.

The Poyning's issue re-surfaced at every parliament from 1536 onwards, but acquired a greater urgency as a result of Thomas Wentworth's aggressive tactics in the 1630s. Wentworth, as Aidan Clarke has outlined in some detail, used the act as a means of stifling domestic criticism, denying parliament any role in the drafting of the legislative programme for certification in England. Working in close co-operation with the king, the lord-deputy cynically manipulated the 1634-5 parliament, securing the passage of a generous subsidy bill in the first session, on

²⁴Richardson, H.G. and G.O. Sayles *The Irish Parliament in the Middle Ages* (Philadelphia 1960) p.273, 280; Quinn "Early Interpretation of Poyning's" (1941); Edwards, R.D. and T.W. Moody "The History of Poyning's Law: Part I, 1494-1615" *I.H.S.* II no.8 (Sept. 1941) pp 415-24; Clarke, A. "The History of Poyning's Law, 1615-1641" *I.H.S.* XVIII no.70 (Sept. 1972) pp 207-222

²⁵Quinn "Early Interpretation" p.247; Edwards and Moody "History of Poyning's" pp 420-1; Lord Chancellor Richard Bolton resurrected this act during negotiations in 1644-5, to frustrate confederate demands for the suspension or repeal of Poyning's Law. Peace debates, Sept. 1644 in Gilbert (ed.) *Irish Confederation* iii pp 280-1

the promise of concessions to the catholics in the second. Needless to say, having obtained the subsidies, Wentworth no longer felt obliged to concede anything of significance. As a result, proposed amendments to Poynings' Law during the 1640-1 parliament received strong support from catholic opposition members²⁶.

Clarke argues that the members of the 1641 Irish parliamentary delegation in England (including many future confederates), requested nothing more than a clarification of the act, believing its true nature had been subverted by Wentworth. In this way, they wished to curb the potential for abuse by the Dublin government, without challenging the principal that bills needed prior royal approval. According to Clarke, these limited demands failed to recognise that Poynings' Law no longer benefited parliament, being based on the false presumption that the distinction between the king and his representatives in Ireland was still politically important. The reality finally dawned when the English Privy Council refused, on 16 July 1641, to allow the Irish parliament to transmit its own draft bills, and thereby by-pass the Dublin administration²⁷.

Clarke's interpretation, however, implies a remarkable political naiveté on the part of the Irish parliamentary delegation, given their recent experiences with Wentworth and the number of leading constitutional lawyers in their ranks²⁸. It appears rather more likely that the delegation realised that a demand to repeal Poynings' Law threatened to split the fragile alliance between catholic and protestant interests in parliament at a particularly sensitive time. The immediate concern of the parliamentary delegation was to overturn Wentworth's policies, and to open a direct line of communication to the king, goals on which both factions could agree. This could be achieved, they believed, by the less divisive approach of seeking a restoration of former rights, under the guise of clarification.

They demanded the restoration of the convention whereby the lords and gentlemen of Ireland (including catholics) were consulted on all bills prepared in advance of parliament, and that the Irish executive be denied the right to prevent the

²⁶Wentworth's tactics during the 1634-5 parliament are described in Kearney, *Strafford in Ireland* pp 42-68; Clarke "History of Poynings' Law" pp 211-5

²⁷Clarke "History of Poynings' Law" p.222

²⁸The delegation included Nicholas Plunkett, described by one source as "one of the great lawyers of this last age". Account of the War and Rebellion in Ireland since the Year 1641 (NLI Mss 345 f.57). Patrick Darcy, only took his seat in parliament in May 1641 (after a bye-election), and did not travel to England. However, he would unquestionably have influenced the delegation's strategy.

transmission of bills prepared by the parliament itself, once in session. Clarke denies the radical intent of these amendments, claiming the delegation merely sought to restate the original provisions of Poynings' Law beyond any possible doubt²⁹. Nonetheless, had the king accepted the delegation's proposals, it would have led to a significant shift in the balance of power in Ireland, with the legislative initiative passing from the executive to the Irish parliament. In that sense, the changes proposed by the delegation in May 1641, *were* radical, as they called for fundamental changes to the existing interpretation and implementation of the law.

The desire in Ireland to curtail administrative abuse led indirectly to the issue of parliamentary independence. As Clarke explains, the primary focus of Patrick Darcy's "Argument" addressed to the Irish House of Lords in June 1641, was to address the illegality of various governmental practices. Darcy claimed, however, not only that Ireland was "annexed to the crown of England", but also that the kingdom enjoyed legislative autonomy³⁰. The Irish parliament agreed, declaring in July 1641 that

*"The subjects of this his Majesty's kingdom of Ireland are a free people, and to be governed only according to the common-law of England, and statutes made and established by parliament in this kingdom of Ireland, and according to the lawful customs used in the same"*³¹.

The Irish parliamentary delegation in England during 1640-1, however, singularly failed to convince the king and his council of the validity of these constitutional claims. Catholics in Ireland, increasingly concerned at developments in England and Scotland, bitterly resented Charles' refusal to compromise on either issue. In the

²⁹Clarke "History of Poynings' Law" p.220. Perceval-Maxwell agrees with Clarke, describing the demands as conservative, an attempt "to return to the Irish parliament some of the initiative it had lost under Wentworth". Perceval-Maxwell *Irish Rebellion* p.166. The right of the parliament to transmit bills once in session without executive interference was not part of the original bill, but included in a 1557 amendment. To what extent this consultation process ever operated is unclear, but the confederates clearly believed it was their right. Quinn "Early Interpretation of Poynings" p.242; Edwards and Moody "History of Poynings' Law" pp 419-20

³⁰Darcy, Patrick *An Argument Delivered by Patrick Darcy esquire by the Express Order of the Commons in the Parliament of Ireland, 9 June 1641* (Waterford 1643 - reprinted 1764); According to Clarke, Darcy made the latter point "incidentally", after discovering no evidence of the legal authority of the English parliament within the kingdom of Ireland. Clarke "Colonial Constitutional Attitudes" p.359

³¹Clarke "Colonial Constitutional Attitudes" p.359

face of Westminster's determination to legislate for Ireland, it became vital to proclaim the independence of the Irish parliament, and to clarify the exact nature of the constitutional link with England. Throughout the tense summer of 1641, with the parliamentary leadership making no progress, the Pale lords began to contemplate the idea of a revolt³².

Conversely, as Perceval-Maxwell illustrates in his latest book, Strafford's replacement as lord-lieutenant, the puritan earl of Leicester, agreed with the catholic position regarding both Poynings' Law and the independence of the Irish parliament. Leicester wrote in the margins of his diary that Poynings' Law showed the "dependence of Ireland upon the king and not upon parliament" and that English acts were of no force in Ireland until "resolved and confirmed by the parliament of Ireland". His stance may have been instrumental in the Palesmen's decision to break contacts with disaffected elements in Ulster, and return to the parliamentary fold³³.

The outbreak of the Ulster revolt in October 1641 destroyed the immediate prospects for political progress on constitutional issues, although the suspension or repeal of Poynings' law and an act declaring the independence of the Irish parliament resurfaced as key confederate demands during the 1640s. All early petitions from Irish catholics to the king proclaimed the legitimacy of their cause and demanded a redress of grievances through the Irish parliament, "without dependency of the parliament or state of England". In the oath of association, agreed upon in the summer of 1642, confederates swore to "defend, uphold and maintain...the power and privileges of parliament of this realm"³⁴.

The nature of the relationship between the Irish parliament and the English state assumed even greater significance when, on the 19 March 1642, Westminster passed the Adventurers Act, specifically designed to finance English military involvement in Ireland through the large scale confiscations of catholic estates. In the remonstrance, presented to the royalists at Trim on the 17 March 1643, the confederates retorted that the Irish parliament since the reign of Henry II had been

³²Developments in Ireland prior to the outbreak of the revolt in October 1641 are described in chapter 1 pp 13-6

³³Perceval-Maxwell *Irish Rebellion* pp 176-7; The full extent of Pale involvement in the various plots during the summer of 1641 is unclear, but plans seem to have existed for using the remnants of Strafford's army in some way. *Ibid.* pp 199-204

³⁴The Stowe collection in the British Library contains numerous examples of confederate oaths. BL Stowe Mss 82 f.66, 92, 303 etc.

"qualified with equal liberties, powers and privileges and immunities with the parliament of England and only dependent of the Crown of England and Ireland", and that no record or authentic precedent existed to prove that statutes made in England were binding in Ireland until they had been established by the parliament in Dublin. Nonetheless, both sides of the argument could in fact claim the support of historical precedents³⁵.

The confederate delegation repeated the demand for fresh parliamentary elections, "and that in the said parliament a statute made in this kingdom commonly called Poynings' Act, and all acts explaining or enlarging the same be by a particular act suspended during that parliament". This call for a temporary suspension of Poynings' Act constituted nothing new, but the remonstrance contained the further clause, "that your Majesty, with the advice of the said parliament, will be pleased to take a course for the repealing or further continuance of the said statutes as may best conduce to the advancement of your service here and the peace of this your realm"³⁶. If, as Clarke suggests, the 1641 Irish parliamentary delegation misinterpreted existing political realities in only demanding a reinstatement of the original provisions of Poynings' Law, the confederates, by placing the issue of repeal firmly on the agenda, were not about to repeat the error. As the civil war raged in England, the inadvisability of sending bills to the king, particularly those granting concessions to catholics, no longer appeared in any doubt³⁷.

Ormond rejected demands for fresh elections during the truce negotiations in June 1643. As he explained to his relative Colonel John Barry, with the protestant community driven from most of the kingdom, "few but themselves [the confederates] are like to be of that parliament". For Ormond, the constitutional debate proved an unwelcome distraction from the task of securing a truce in Ireland, and transferring troops over to England. The confederates angrily demanded an explanation for the refusal to call new elections, but shortly afterwards accepted that present circumstances in the three kingdoms precluded such a

³⁵Remonstrance of Grievances, 17 March 1643 in Gilbert (ed.) Irish Confederation ii pp 226-42. The confederates did not take a year to respond to the Adventurers Act, but the remonstrance at Trim represented the first official contact with the royal court. See chapter 2 pp 58-61. The confederates were at a distinct disadvantage in these negotiations, not having access to parliamentary records in either Dublin or London.

³⁶Remonstrance of Grievances, 17 March 1643 in Gilbert (ed.) Irish Confederation ii pp 226-42

³⁷Clarke "History of Poynings' Law" p.222

development. Instead they would "in due time expect his Majesties pleasure therein"³⁸. Without an agreement on a parliament, nothing could be decided concerning Poynings' Law, and for the remainder of the year both sides concentrated on consolidating the truce signed in September.

Unknown to the confederate leadership, however, Charles had already ordered Ormond, as far back as July, to assure the confederates that a new parliament would be called before November 10, with no obstacles placed in the way of catholic attendance. The lord chancellor, Richard Bolton, replied on September 11 explaining the inconvenience to the administration in Dublin "if this present parliament should be determined". Bolton outlined the difficulties of holding elections with the majority of the electorate (the freeholders) in open rebellion, and counselled instead to continue the present parliament. The following month, the king sent a commission to this effect, with Secretary Nicholas assuring Ormond that his "prudence in insisting so much for the continuance thereof is here [Oxford] very much approved of"³⁹.

Despite the royal approval, the policy of continuing the parliament clearly originated in Dublin, and undoubtedly assisted Irish protestant interests, rather than those of the king, a recurring theme in subsequent peace negotiations. Ormond, however, while keeping most of the Kilkenny leadership in the dark as to the king's original concession, exploited divisions in his opponents ranks. In October, the earl of Clanricarde informed Ormond that certain confederates had expressed fears "of some tumultuous elections likely to be made of their own side". Clanricarde suspected that they would prefer to gain concessions by agents "until it might be confirmed in a more settled time by act of parliament"⁴⁰. The peace faction were more confident of controlling a committee than a full parliament (or General Assembly for that matter).

³⁸Cessation debates, June-Aug. 1643 in Gilbert (ed.) *Irish Confederation* ii pp 284-5, 308, 351, 353

³⁹Carte *Ormond* v pp 455-6 (Charles to Ormond, 2 July 1643), 475-6 (Secretary Nicholas to Ormond, 17 Oct. 1643); Bolton was responding to the king's concession on behalf of an administration increasingly dominated by Ormond. Bolton to "your lordships", 11 Sept. 1643 in Rushworth, J. *Historical Collections* v p.546

⁴⁰These 'well-affected' confederates almost certainly included Ormond's brother-in-law, who shortly afterwards led a delegation to Oxford. Clanricarde to Ormond, 3 Oct. 1643 in Carte *Ormond* v pp 472-4. Clanricarde's letter is further evidence of the divisions in confederate ranks, long before the start of official peace negotiations and the arrival of Rinuccini in Ireland.

With the support of influential individuals in Kilkenny, Ormond officially attributed the rejection of elections to the king. The lord lieutenant reacted angrily, therefore, when news leaked from the royal court that the opposition to the confederate demand was based on his advice. In a letter to George Digby, he wrote how

*"my advice for the continuance of the parliament came to be known to some about the court, that gave intimation of it to the Irish. I shall notwithstanding continue to deliver my opinion freely and faithfully. But if I be not unnecessarily represented to them as a hinderer of their desires, I shall the better be able to serve the king in what he expects. I suspect Sir Brian O'Neile, but wish that none of the Irish be made acquainted with my dispatches"*⁴¹.

The following spring, in March 1644, confederate agents, led by Viscount Muskerry, arrived in Oxford with an extensive list of demands for the king, prominent among them the suspension of Poynings' Law, with the more sensitive issue of repeal to be "further considered". They also sought "that an act shall be passed in the next parliament, declaratory that the parliament of Ireland is a free parliament of itself, independent of and not subordinate to the parliament of England, and that the subjects of Ireland are immediately subject to your Majesty as in right of your crown"⁴². From the confederate perspective Ireland constituted a separate distinct kingdom, with its own rights and privileges. Westminster enjoyed no jurisdiction in Ireland, as the constitutional link with England passed through the king alone.

This claim may well have appealed to Charles, embroiled in a bitter civil war with the English parliament, but other advisers appeared less impressed. Members of the Dublin administration, summoned to Oxford by the king, vehemently opposed the confederate proposals, declaring that the granting of a new parliament and the suspension of Poynings' Law would allow Irish Catholics to "assume all power into their own hands". They explained to the king that few Protestants remained in the country, and that the Confederates controlled the machinery of local government, through which election writs would be issued. As a result, "that which they call a free parliament must consist of Papists for there can be very few or no Protestants in

⁴¹Ormond to Digby, 13 Jan. 1644 in Carte *Ormond* vi pp 4-10

⁴²Confederate Demands, 28 March 1644 in Gilbert (ed.) *Irish Confederation* iii pp 128-33

it"⁴³. The idea of a more representative parliament proved abhorrent to these guardians of the English interest in Ireland.

The Dublin administrators denounced the suspension of Poynings' Law as "of a most dangerous consequence". They challenged the confederate argument that a suspension would speed up the ratification of the peace, and advised Charles to use the existing parliament in Dublin instead. This recommendation conveniently ignored the reality that without fresh elections, the Irish parliament (full of protestant members intensely hostile to the confederate association) was unlikely to ratify any peace treaty. The delegation equivocated on the question of the independence of the Irish parliament. Although suspicious of any confederate demands, the Dublin administration could hardly ignore the constitutional (and practical) implications of the Adventurers Act. The council members who travelled to Oxford eventually decided not to commit themselves, announcing that the proposition "concerns the high courts of parliament of both kingdoms and is above our reach, and therefore we humbly desire to be excused and not to intermeddle therein"⁴⁴.

Another protestant delegation, from the Irish parliament, arrived unannounced in Oxford on April 17, and presented Charles with a list of their own propositions. On the issue of repealing Poynings' Law, the delegation argued that the king should "resent and reject all propositions tending to introduce so great a diminution of your royal and necessary power for the confirmation of your royal estate and protection of your good protestants subjects both there and elsewhere"⁴⁵. With the political and military situation in the three kingdoms so unstable, the protestant community in Ireland proved unwilling to contemplate such a radical restructuring of the parliamentary system.

The delegation also sought the continued sitting of the Dublin parliament (from which the catholic members had been outlawed in 1642), to guarantee protestant supremacy in the Irish kingdom. Moreover, in future only those "as shall take the

⁴³The delegates from the Irish Council were William Stewart, Gerard Lowther, Philip Percivall and Justice Donelan. Answer to confederate propositions, April/May 1644 in *HMC Egmont* vol. 1 part 1 (London 1905) pp 212-29

⁴⁴*Idem*. See also Clarke "Colonial Constitutional Attitudes" pp 360-1

⁴⁵The names of the protestant agents were Francis Hamilton, William Ridgeway, Charles Coote, Captain Parsons and Mr. Fenton. Propositions of protestant agents, April 1644 in Rushworth *Historical Collections* v pp 953-71

oaths of allegiance and supremacy" would be permitted to vote or take their seats in parliament. Compare this intolerance with the inclusive vision of Irish identity promoted by the confederate leadership during the 1640s, and the real obstacle to a peace settlement becomes clear⁴⁶. As for the independence of the Irish parliament, Irish protestants had plenty to gain from a declaratory act, but only in a situation where they controlled the parliament. For the moment, therefore, like their colleagues in the Dublin administration, they offered no opinion.

The uncertainty of the protestant delegations on the status of the Irish parliament reflected developments in Dublin during April 1644. Stringent opposition emerged to the Adventurers Act during a meeting of parliament, with members condemning the act as having "entrenched on the honour and independency of this kingdom". The protestants undoubtedly feared that their estates might one day be confiscated by Westminster. On April 27, Ormond informed George Digby of a parliamentary declaration "that laws made in England bind not the subjects of the kingdom, unless such laws pass the parliament here"⁴⁷. The lord lieutenant sought advice from Digby who conceived

"the thing fitter to rise there by way of declaration of right, as it seems it does, that the parliaments Ireland are independent upon the parliament of England, [rather] than either to be granted by the king as an article"⁴⁸.

Despite the continued convergence of opinion of the catholic and protestant interests in Ireland concerning the status of the parliament, the delegations from Dublin and Kilkenny agreed on little else⁴⁹. Charles dismissed most protestant

⁴⁶See above p.268

⁴⁷[Sir William Usher] to Percivall, 23 April 1644 in HMC Egmont vol.1 pt.1 pp 210-2; Ormond to Digby, 27 April 1644 in Carte Ormond vi pp 99-102. The language and content of this declaration echoes those of the 1640-1 parliament, and various statements by the confederates. For example, the confederate remonstrance at Trim in March 1643 also denied the right of the English parliament to legislate for Ireland. Remonstrance of Grievances, 17 March 1643 in Gilbert (ed.) Irish Confederation ii pp 226-42

⁴⁸Digby to Ormond, 9 May 1644 in Carte Ormond vi pp 114-20. This reply formed the basis of the royalist negotiating position on the issue throughout the 1640s.

⁴⁹This convergence is well illustrated by the appearance in 1644 of a tract entitled "A declaration how, and by what means the laws and statutes of England, from time to time, came to be of force in Ireland". This stated that an act of the English parliament (except those declaratory of the common law) had no force in Ireland unless confirmed by the Irish parliament. The manuscript was ascribed at various

demands as totally unrealistic, although he had no intention of conceding any ground to the confederates on the vital issue of Poynings' Law⁵⁰. Nonetheless, following the death of deputy-governor Christopher Wandesford in December 1640, the king harboured genuine doubts about the legality of the existing parliament in Dublin, and favoured summoning a new parliament, but only on condition "that all particulars be first agreed on, and the acts to be passed to be first transmitted according to custom (for his Majesty will by no means consent to the suspension of Poynings' Act) and the proposers giving his Majesty security that there shall be no attempt in that Parliament to pass any other act than what is agreed on, and first transmitted, or to being any other prejudice to any of his Majesty's protestant subjects there"⁵¹. This answer failed to address the problem of bills being altered in England during the certification process, but represented a minor victory over Ormond's obstructionist tactics.

As for the independence of the Irish parliament, the king's position as the constitutional head of both the English and Irish kingdoms, presented him with an unusual dilemma. He tried, therefore, to steer a middle course, referring the question "to the free debate and expostulation of the two parliaments". Charles declared his neutrality on the issue "being so equally concerned in the privileges of either that he will take care to the utmost of his power that they shall contain themselves within their proper limits, his Majesty being the head and equally interested in the rights of both parliaments"⁵². This declaration sounded hollow in view of the fact that Charles had already signed the Adventurers Act into law, allowing the English parliament to redistribute over 10 million acres of Irish land.

times to the lord chancellor, Richard Bolton, and Patrick Darcy, but as Clarke writes "the views expressed, in short, seem equally attributable to the establishment and to its critics, to those in authority and those in rebellion, to the Old English and the new English". Clarke "Colonial Constitutional Attitudes" p.358. While agreeing with this opinion, I would replace the term Old English with confederate.

⁵⁰Considering that civil war raged across the three Stuart kingdoms, Charles presumed heavily on the continued loyalty of Irish protestants. He informed the delegations that no aid was available to send to Ireland, but refused them permission to form an alliance with the Scots in Ulster. Unsurprisingly, not long after the Oxford meeting, protestants in Munster switched their allegiance to the English parliament. Charles answer to the protestant agents, 9 May 1644 in Rushworth Historical Collections v p.963. See also chapter 2 p.75-6

⁵¹Answer of Charles I to the confederates, May 1644 in Gilbert (ed.) Irish Confederation iii pp 175-7

⁵²Idem.

After the Oxford conference, negotiations shifted back to Ireland, with talks resuming early in September 1644. Once again, Viscount Muskerry led the confederate team, while the lord chancellor, Richard Bolton, put the royalist case. The confederates argued for a suspension of Poynings' Law (at the very least), to speed up the process of ratifying the peace terms in the Irish parliament, and to protect against any alteration of the bills in England. The lord chancellor outlined how the compromise agreement in the 1569 parliament meant in effect "that no bill be certified into England for the repeal or suspending of Poynings' Act before the same bill be first agreed on, in a session of parliament to be held in this realm....and then to be transmitted to his Majesty according to Poynings' Act, for it does not rest in the king's power alone to do it". This procedure, the lord chancellor argued, would delay ratification of any treaty by up to four months⁵³.

Moreover, Bolton dismissed fears that bills would be changed in England, as any alterations would be a breach of legally binding treaty. The confederate delegation remained unconvinced by the lord chancellor's interpretation of the 1569 amendment, and Patrick Darcy delivered a further report clarifying their position. He demanded an immediate suspension of the act in the first session of the new parliament, "without which those bills to be now agreed upon could not pass in the new parliament without a new transmission". To allay royalist suspicions about confederate intentions, Darcy continued "that they desired it should only be suspended as unto the ratifying of the matters to be agreed on upon the treaty and to no other purpose"⁵⁴.

This 'clarification' actually represented a major concession by Darcy and his colleagues. In return for satisfactory treaty terms, ratified by the Irish parliament and accepted without alterations in England, the confederate leadership would drop demands for the repeal of Poynings' Law. This move, prompted by confederate anxiety for a speedy settlement, proved a serious tactical blunder. For the next six months, Ormond engaged the Committee of Treaty in a futile debate as to the most efficient method of ratifying treaty terms. The wider issue of who possessed the legislative initiative in Ireland (parliament or the administration), disappeared from

⁵³Peace debates, Sept. 1644 in Gilbert (ed.) *Irish Confederation* iii pp 279-81. The 1569 agreement on Poynings' Law is described above. See page 272.

⁵⁴*Idem*. The confederate and royalist legal teams would have known each other well, and Bolton appears to have been accepted by both sides (including Darcy) as *the* expert in constitutional law. The fact that he had access to parliamentary records undoubtedly helped in this regard.

the agenda. By May 1645, Ormond confidently predicted no further trouble from the confederates on the issue of Poyning's Law⁵⁵.

On the question of a new parliament, the confederate delegation expressed concern at the practicality of holding elections, as numerous catholic lords, gentry and freeholders remained outlawed, and therefore barred from voting or taking their seats. The Committee of Treaty wanted all records of outlawry removed from the files "and that in such cases formalities of law ought to be laid aside". In times of crisis, even the renowned constitutional lawyer Patrick Darcy preferred not to be constrained by the strict letter of the law. In reply, Bolton cautiously suggested introducing a bill to the present parliament in Dublin. Darcy agreed with this approach but, conscious of the parliament's hostility towards catholics, hoped "that some more speedy way might be thought of for removing the attainders"⁵⁶.

The following week, on September 16, the debate shifted onto the issue of the constitutional status of the Irish parliament. The confederate negotiators favoured a declaratory act of independence, while Bolton argued that a simple declaration of both Houses would be sufficient. Although the lord chancellor explained (correctly) that the English parliament would not be bound by an Irish act, an act of parliament nonetheless carried more weight than a simple declaration, principally because it required the king's consent⁵⁷. After the formal submissions by both sides, the subsequent negotiations progressed slowly, with neither the royalists or confederates willing to make any meaningful concessions.

⁵⁵The confederates, perhaps uncertain as to the best approach on the issue, appeared worn down by Ormond's persistent opposition to any changes. The lord lieutenant informed the king that "after much discourse upon it, they [the confederates] seem convinced that what your majesty intends them may be as speedily and securely conveyed to them, without the suspension as with it". Ormond to Charles I, 8 May 1645 in Carte *Ormond* vi pp 278-83

⁵⁶Gilbert (ed.) *Irish Confederation* iii pp 278-82. A large number of catholics were outlawed during the 1640s, although not all the records have survived. Five counties (Dublin, Cork, Meath, Kildare and Wicklow) are included in "Oireachtas Library List of Outlaws, 1641-1647" presented by R.C. Simington and John MacLellan. *Analecta Hibernica* no.22 (1966) pp 318-67. Between 1641-7, these counties constituted the core of royalist and parliamentary influence in Ireland.

⁵⁷Peace debates, Sept. in Gilbert (ed.) *Irish Confederation* iii pp 286-7. As Clarke has outlined, the administration adopted a pragmatic position, with officials stating that "it was to be wished that there were such an act, but the time was not seasonable to desire it". Clarke "Colonial Constitutional Attitudes" p. 361. The confederates, however, clearly hoped to force the king to take sides, and recognise the independence of the Irish parliament.

Ormond intervened at this stage of proceedings to restate the king's public position, probably more to reassure his own supporters in Dublin than make any positive contribution to the talks process. A new parliament would be summoned, only if the prospective bills were transmitted to England first, but Charles, "for diverse weighty considerations, will be further advised before he do consent to the suspension of Poynings' Act". Moreover, the lord lieutenant pledged to maintain a strict neutrality regarding the relationship between the two parliaments⁵⁸. Undeterred, the Committee of Treaty persisted with demands for an unconditional meeting of parliament, and the suspension of Poynings' Law.

On the question of Irish parliamentary independence the confederate commissioners adopted more aggressive tactics. Darcy and the others dismissed the notion of the king's constitutional neutrality as he "was drawn to give the royal assent to the acts of subscription" (i.e. Adventurers Act). The confederates repeated the demand for a declaratory act, and stated that given the self-evident nature of Ireland's independence from Westminster's jurisdiction, "to draw this into any debate or question might prove of most dangerous consequence to this nation". Nonetheless, Ormond refused to contemplate any further concessions, and continued to argue the point⁵⁹.

Ormond faced the unenviable task of trying to agree acceptable terms with the confederate catholics, while at the same time protecting protestant (and personal) interests in Ireland. He compounded these difficulties, however, by a stubborn refusal to grant any meaningful concessions to Kilkenny, regardless of the changing circumstances, both in Ireland and England. This stance frustrated the hopes of the peace faction for an early settlement, allowing time for the catholic clergy to organise an effective opposition group. Unable to find any common ground, the peace negotiators made little progress until well into the following year.

Apart from the peace faction in Kilkenny, the king also grew increasingly irritated at Ormond's delay in reaching a settlement. As the new campaigning season

⁵⁸Answer of Ormond to the confederates, Sept. 1644 in Gilbert (ed.) *Irish Confederation* iii p.294. With the Irish protestant community fragmenting during the course of 1644 (between royalist and parliamentary supporters), Ormond came under increasing pressure not to concede ground to the confederates in the negotiations. See chapter 2 pp 75-6

⁵⁹Peace debates, 1644 in Gilbert (ed.) *Irish Confederation* iii pp 307-11, 313-9

approached in England, Charles finally decided that his desperate need for troops warranted some form of concession to the confederates. In a letter written to the lord lieutenant on the 27 February 1645, the king indicated that if a suspension of Poynings' Law facilitated the conclusion of a treaty, he would "not think it a hard bargain". Ormond decided not to inform the Committee of Treaty of the king's initiative, claiming later that the confederates would not have been satisfied with this concession alone⁶⁰.

Instead, on 6 May 1645, the lord lieutenant insisted that a suspension of Poynings' Law would cause serious delays in ratifying the peace, and that the confederates had the king's word (for what it was worth!) not to alter the treaty bills in England. Moreover, Ormond questioned the necessity in law for an act declaring the independence of the Irish parliament, convinced that the granting of it by the king "at this time would bring exceeding great prejudice upon his affairs"⁶¹. Only on the issue of outlawry did any agreement prove possible, with all indictments to be vacated and taken off the files (allowing catholics to vote and sit in the parliament), as soon as was practical.

Ormond's tough negotiating stance appeared to pay dividends, when on June 21 the confederate Committee of Treaty indicated a willingness to drop certain demands, offering some hope of breaking the stalemate. The commissioners requested "that the acts to be agreed upon in this treaty, if of necessity they must be transmitted into England, may receive no alteration or diminution there, and this to be expressed in the Articles of the Treaty", conceding in effect the principle that the treaty terms had to receive approval in England, as required by Poynings' Law. On the other main issue, instead of a declaratory act, the confederate leadership agreed to settle for a declaration of "the independency of our parliament of the parliament of England"⁶². In his reply, six days later, Ormond, not surprisingly, provided assurances that the articles of treaty would not be altered in England. Moreover, the lord lieutenant consented to any declaration made by both houses of Parliament

⁶⁰Charles to Ormond, 27 Feb. 1645 (Bodl. Clarendon Mss 98 f.63-4); Ormond also felt reluctant to make concessions as with an assembly about to meet, confederate commissioners "would not venture to conclude anything without their approbation". Ormond to Charles, 8 May 1645 in Carte *Ormond* vi pp 278-83

⁶¹Peace debates, May/June 1645 in Gilbert (ed.) *Irish Confederation* iv pp 245-7

⁶²*Ibid.* pp 293-4

"agreeable to the laws of the land....and therewith the persons formerly attending us from your party declared that they were satisfied"⁶³.

The total capitulation on constitutional issues by the Committee of Treaty, after months of tough negotiations, must be seen in the context of internal confederate politics. The General Assembly had finally met on May 15 in Kilkenny, where the ferocity of clerical opposition to the religious concessions offered by Ormond caught the ruling peace faction hopelessly unprepared. The bishops enjoyed significant support among assembly members, frustrated by the lack of progress towards a settlement with the king, and suspicious of the secretive manner in which the negotiations were being conducted⁶⁴. The entire peace process appeared to be in jeopardy, with clerical opposition set to intensify, bolstered by news of the papal nuncio's imminent arrival in the kingdom. As a result, the peace faction desperately tried to remove any remaining obstacles to concluding a treaty with Ormond⁶⁵.

A rapid conclusion of the treaty with the royalists, at this time, might well have silenced the newly emerging opposition. The General Assembly in particular, however, proved unwilling to surrender the political initiative back to the peace faction. In early July 1645, the confederate leadership was forced to issue a denial (through the assembly) of rumours that the impending peace settlement would be contrary to the oath of association⁶⁶. As the atmosphere in Kilkenny grew increasingly tense, the Committee of Treaty, anxious to deflect criticism from angry assembly members, tried to recover some lost ground in the negotiations with Ormond.

The publication by the parliamentarians of the king's letter of February 1645 (offering among other things to suspend Poyning's Law), discovered in his baggage

⁶³Ibid. pp 317-8

⁶⁴The clergy denounced any treaty concluded "for temporal points", without insisting on significant religious concessions. Declaration by the Clergy, 1 June 1645 (Bodl. Carte Mss 15 f.3), Unanimous Resolution of the General Assembly, 9 June 1645 (Bodl. Carte Mss 15 f.50); Lowe (ed.) Clanricarde Letter-Book pp 155-7, 167-8

⁶⁵News of Rinuccini's appointment had reached Ireland as early as February 1645. Clanricarde informed Ormond of rumours of "a large relation of a rich Italian prelate styled bishop of Fermo, that is ready to come over to spend his revenue in this holy war". Lowe (ed.) Clanricarde Letter-Book p.147

⁶⁶Order by the General Assembly, 4 July 1645 in Gilbert (ed.) Irish Confederation iv pp 323-5

after the defeat at Naseby, further outraged opinion in Kilkenny. General Assembly members accused the lord lieutenant of deception and duplicity, in attacks which provided encouragement to those described by Clanricarde as "not well affected persons"⁶⁷. The signing of the Glamorgan Treaty at the end of August helped defuse the religious controversy, but constitutional issues remained a significant stumbling block to peace⁶⁸. In September, when negotiations with Ormond resumed after the dispersal of the General Assembly, the Committee of Treaty resurrected the demand for a suspension of Poynings' Law, "until the articles of pacification be established and confirmed by Parliament and until acts of parliament be passed according to the purport of the said articles"⁶⁹.

With negotiations apparently back where they started in September 1644, the lord lieutenant's confident predictions to the king, before the assembly met, seemed entirely misplaced. Nonetheless, Ormond believed that as soon as the peace faction regained the initiative in Kilkenny, the treaty commissioners would not force the constitutional issues. As a result, he refused to agree to a suspension of Poynings' Law, but added that he would "cause whatsoever shall be further directed by his Majesty to be passed in parliament for and on behalf of his subjects, to be accordingly drawn into bills and transmitted according to the usual manner, to be afterward passed in parliament". In this way, any further concessions promised in the treaty could (in theory) be passed by parliament, though the legislative initiative would still lie with the king and his deputy. Ormond also denied the demand for a declaratory act, "that point being held unfit for any other determination than what his Majesty in his high wisdom hath declared in his answer to that proposition"⁷⁰. The confederates would have to be content with a simple declaration by the Irish parliament.

⁶⁷According to Clanricarde, the published letters arrived in Ireland from France. Clanricarde to Ormond, [22 Aug. 1645] (Bodl. Carte Mss 15 ff 478-9);

⁶⁸Glamorgan's treaty (BL Add Mss 25,277 f.62) was concerned solely with religion. See chapter 3 pp 93-4

⁶⁹Enlargement of concessions desired by the confederates, 11 Sept. 1645 in Gilbert (ed.) *Irish Confederation* v p.88

⁷⁰With the peace faction back in control after the dissolution of the General Assembly, Ormond was able to report in late 1645 that the suspension of Poynings' Law "was denied upon such important reasons of law and state as hath given that satisfaction therein, as their agents insist no further upon it". Treaty negotiations in *Ibid.* pp 115-6, 191

After Rinuccini's arrival in October 1645, the confederates became increasingly concerned with religious matters, to the detriment of constitutional issues, as is evident from the articles of peace, signed on the 28 March 1646. The treaty, concluded after over two years of negotiations, contained no provision for a review of Poynings' Law. The relevant clause declared that "his Majesty is graciously pleased to call a new parliament to be held in this kingdom, on or before the last day of November next ensuing, and that all matters agreed on by these articles to be passed in parliament, shall be transmitted into England, according to the usual form, to be passed in the said parliament, and that the said acts so to be agreed upon, and so to be passed, shall receive no alteration or diminution here or in England". The lord lieutenant had successfully deflected demands for a suspension of the act, inserting instead an assurance not to tamper with the articles of treaty in England. Moreover, there would be no declaratory act, confirming the independence of the Irish parliament, but merely a declaration "as shall be agreeable to the laws of the kingdom of Ireland"⁷¹.

On the positive side, the treaty included a clause to vacate all attainders and indictments enacted since the 7 August 1641, at least 40 days before the next parliament. This measure, along with a number of others, effectively removed any impediments on catholics voting or sitting in parliament. No indication is given in the treaty terms (or indeed the negotiations) as to whether the franchise in the forthcoming elections extended to those catholics actually in possession of the land, or the original freeholders prior to the revolt. The balance of probabilities, however, favours the latter group, which fact (along with the large number of protestant boroughs) would ensure the catholics did not control parliament. Further reforms dealt with residency issues and the use of proxy votes, in an attempt to eradicate the worst abuses prevalent before 1641. It is difficult to see the benefit in all this for the confederate catholics, as long as the king and his deputy in Ireland maintained a firm grip on the legislative process⁷².

The failure to obtain (at the very least) a suspension of Poynings' Law constituted one of the main accusations levelled by Rinuccini and his supporters against the architects of the peace treaty. Walter Enos, in his survey of the peace treaty written

⁷¹Articles of Peace, 8 March 1646 (Bodl. Carte Mss 176 ff 205-8). Such a declaration did not in fact require royal approval in the first place.

⁷²*Idem*. The large number of new Ulster boroughs in effect guaranteed a protestant majority in any Irish Parliament. See map 2 p.232 for the distribution of parliamentary seats.

late in 1646, was particularly damning in his assessment of the role of the treaty commissioners. He accused them of perjury (breaking the oath of association), having rejected the king's offer to suspend Poynings' Law. He added that nothing had been done to dissolve the new corporations, mainly in Ulster, "as were unjustly erected to gain voices in the parliament". Enos also expressed outrage at the fact that noblemen without estates in Ireland were to be permitted to sit in the parliament⁷³.

The clerical faction adopted an uncompromising position on constitutional issues. The propositions presented by the Ecclesiastical Congregation to General Assembly on 10 January 1647 included the demand for "a free parliament independent of the parliament of England"⁷⁴. The rejection of the articles of treaty by the assembly ruled out any prospect of resurrecting the peace settlement, although the majority of confederates remained anxious for some form of settlement with the royalists. Circumstances, however, dictated that influential moderates had little opportunity to enter into serious talks with Ormond before his surrender of Dublin to the Westminster parliament in June 1647. Negotiations did not resume, therefore, for almost two years, by which time civil war had already broken out in confederate ranks, with the peace faction very much in the ascendancy⁷⁵.

Ormond arrived back in Ireland in September 1648, facing the difficult task of creating a new royalist alliance from among the disparate groups opposing the parliamentarians. On the constitutional question, the lord lieutenant pledged to defend the privileges of parliament and the liberty of subjects, but offered no guidelines as to how this could be achieved⁷⁶. Confederate propositions, presented to the lord lieutenant on 17 November 1648, called for a parliament within six months, or failing that a general assembly within two years, for "settling the affairs of the kingdom, without any transmission into England, and that an act shall pass in

⁷³Enos 'Survey' in Gilbert (ed.) Irish Confederation vi p.337

⁷⁴Bodl. Carte Mss 20 ff 100-1

⁷⁵The confederates sent a delegation (Muskerry, Antrim and Browne) to the court of Queen Henrietta Maria in early 1648, but no real negotiations took place. Ormond simply advised the queen to inform the confederate agents of his impending return to Ireland. Memorial by Ormond, 26 March 1648 (Bodl. Carte Mss 22 ff 58-9). See chapter 5 p.188

⁷⁶Declaration by Ormond, 6 Oct. 1648 in HMC Report on the Manuscripts of the Marquis of Ormonde (1899) vol.2 p.81. Ormond made this declaration to Inchiquin's troops at Cork, illustrating once again the convergence of protestant and catholic interests on the issue of parliament.

the next parliament enacting, establishing and confirming the peace to be concluded, and all the articles thereof; and Poynings' Act to be repealed"⁷⁷. With the king a prisoner of the English parliament (implacable enemies of Irish catholics), transmission to England no longer appeared a feasible option. Moreover, by insisting on the repeal of the act, rather than suspension, the supporters of peace protected themselves against accusations of breaking the oath of association.

On the issue of the independence of the Irish parliament, however, the confederates simply requested that the king would "leave both houses of parliament in this kingdom to make such declaration therein as shall be agreeable to the laws of the kingdom of Ireland"⁷⁸. This decision, not to insist on a declaratory act, is difficult to explain, considering that the ever increasing threat from Westminster. Perhaps the confederates finally accepted the argument that such a demand would prove of no immediate use to them, delay the conclusion of the treaty unnecessarily, and cause severe problems for the king in England. Whatever the reasoning behind the confederate decision, the lord lieutenant had no difficulty in agreeing to a declaration by the Irish parliament.

Despite the desperate plight of the king, however, Ormond still refused to concede on the crucial issue of the transmission of bills. He agreed to hold a parliament within six months of signing a treaty, or an assembly within two years, but added "we do not understand nor conceive there can be any way found by an act of parliament to establish and confirm the peace to be concluded, and all the articles thereof, without transmission into England, nor that Poynings' Act can be suspended or repealed until a bill for the same be first agreed on in a session of parliament to be held in this kingdom and then transmitted"⁷⁹. Considering the king's present predicament, the lord lieutenant singularly failed to explain how (and to whom) these bills were to be transmitted. Fortunately for the royalists, the confederates, shocked by the news at the end of December of the king's impending trial, chose not to pursue the point⁸⁰.

⁷⁷Propositions from the confederates, 17 Nov. 1648 in Gilbert (ed.) Irish Confederation vii pp 134-6

⁷⁸Idem.

⁷⁹Ormond to Richard Blake, 21 Dec. 1648 in Gilbert (ed.) Irish Confederation vii pp 161-2

⁸⁰On 28 December 1648, the chairman of the General Assembly, Richard Blake, abruptly informed Ormond of the confederates' decision to accept the terms on offer "upon consideration of his Majesty's present condition". Bodl Carte Mss 23 f.123. See chapter 6 pp 218-9

The peace treaty, signed on the 17 January 1649, contained a clause for the holding of a parliament within six months, or an assembly within two years. The articles of the treaty (as Ormond hoped) would be "transmitted into England, according to the usual form, to be passed in the said parliament, and that the said acts so agreed upon, and so to be passed shall receive no disjunction or alteration here or in England". The formula appeared almost identical to that used in 1646, except for an amendment declaring that "both houses of parliament may consider what they shall think convenient touching the repeal or suspension of the statute commonly called Poyning's Act"⁸¹. This in fact guaranteed very little, as the king retained the power to veto any future act of the Irish parliament calling for a repeal of Poyning's Law. Short of breaking the constitutional link with the monarchy that possibility always existed, but Charles would certainly find it difficult to ignore repeated demands from parliament to repeal the act.

With the issue of a declaratory act no longer on the agenda, the royalists recognised the right of both houses of parliament in Ireland to make any declaration regarding the independence of that parliament "as shall be agreeable to the laws of the kingdom of Ireland"⁸². The 1649 treaty also retained the original clauses requiring lords to be estated, and members of the House of Commons to be estated and resident, in the kingdom. Regarding the elections, "all impediments which may hinder the said Roman Catholics to sit or vote in the next intended parliament, or to choose, or be chosen knights and burgesses to sit or vote there, shall be removed, and that before the said parliament"⁸³. Catholics, therefore, would be returned in significant numbers to the next parliament, though the existing structures guaranteed that protestants would remain dominant.

This brief narrative sketch really raises more questions than it answers. From the beginning, the main thrust of confederate policy regarding constitutional reform was to secure a suspension (and possibly the repeal) of Poyning's Law, and legal recognition of the independence of the Irish parliament from the jurisdiction of Westminster. This dual strategy sought to protect the integrity of the Irish kingdom, and thwart the aggressive tendencies of the puritan faction in England. Although the confederates may well have believed this simply marked a return to an earlier

⁸¹Articles of Peace, 17 Jan. 1649 in Gilbert (ed.) *Irish Confederation* vii pp 184-211

⁸²This represented no gain on the position prior to the revolt. In July 1641, the Irish parliament had issued a similar declaration without royal authority. See p.274

⁸³*Idem.*

golden age, in fact they promoted a radical vision of an Irish kingdom, strong and independent, but still subject to the Stuart monarchy. More than anything else, the implementation of these reforms would have enabled the catholic land-owning and professional classes to play a leading role in the politics of the kingdom.

The confederates faced the problem (along with the parliamentary party in England) of how to guarantee the implementation of treaty terms. Their political instinct, as outlined by Clarke, involved gaining royal concessions and consolidating them by parliamentary enactment⁸⁴. In response to the king's deteriorating authority in England, the peace faction in Kilkenny indicated a willingness to compromise on constitutional issues, in order to ensure that the Irish parliament speedily ratified a settlement without any alterations in England. Ormond exploited confederate anxiety for peace by offering only the minimum of concessions in the 1646 treaty, a fact which contributed to its rejection. During the resumed negotiations in 1648, confederate moderates tried to recover some lost ground, but news of the king's trial undermined this strategy. Although Irish catholics made some gains in the 1649 peace treaty, a resolution of the major constitutional issues remained outstanding.

⁸⁴Clarke "Colonial Constitutional Attitudes" p.368

CONCLUSION:

"This union was our onlyest bulwark, and would prove (if not subverted) formidable to our enemys at home and abroad: that commonwealth doth prosper, whose citizens are of one accord".

(Bishop French, The Unkind Deserter of Loyal Men and True Friends 1676)¹

The primary goal of this thesis has been to correct certain misconceptions (or perhaps oversimplifications might be a better word) common to most previously published research on the nature and operation of the confederate association. These misconceptions originate in a failure to accurately classify the different social and cultural groups who formed that alliance, leading to a misunderstanding of the relationship between them and more importantly, a misunderstanding of what originally united and ultimately divided them.

Because of the over-simplified bi-polar classification of the confederate allies (Old English and native Irish), insufficient attention has been paid to how the political process within the association actually operated. In particular, the evolution of a sophisticated parliamentary system, based on the General Assembly, has been largely ignored, while the emergence of a highly influential group of moderates, led by Nicholas Plunkett, which sought to chart a political course between the extremes of the war party and peace party, has not hitherto been recognised.

In summarising the conclusions of this thesis, therefore, it is necessary to start with the question of identity: who were the confederate catholics? Previous accounts have answered this question in terms that were predominantly ethnic or religious. Internal confederate tensions have been ascribed to antipathy between the Old English and native Irish, with the religious question dominating the negotiations².

¹Reprinted in Bindon, S.H. The Historical Works of the Right Reverend Nicholas French D.D. vol.2 p.151

²Corish "Ormond, Rinuccini, and the confederates, 1645-9" in NHI iii pp 317-35; Ó hAnnracháin "Far From Terra Firma" (PhD thesis 1995); Jane Ohlmeyer talks of the confederate ranks being "irremediably split" between the Old English and the Old Irish. Ohlmeyer Civil War and Restoration p.182

There is an element of truth to such claims, enough at any rate to give them some credibility. There were clearly major internal tensions within confederate ranks, but it is too simplistic to ascribe them simply to racial and religious tension.

Among the land-owning elite, intermarriage and shared interests had broken down traditional racial divides to the extent that the native Irish Donough MacCarthy, Viscount Muskerry was accepted without question as the head of the so-called Old English party. Strenuous efforts were made to ensure ethnic harmony in confederate ranks, and where tensions did exist they were based mainly on social status. There are numerous accounts of the excesses of the 'rude multitude' or 'land-less sort' by both native Irish and Old English leaders³. While the majority, though by no means all, of the lower classes were native Irish, the objection towards them was based on the practical threat they posed to the existing social order, rather than on ethnic grounds.

Confederate criticisms of the Ulster forces of Owen Roe O'Neill support this interpretation. Having lost most of their land through plantation, the Ulstermen were a potentially disruptive element in Irish society. The hostility displayed towards them had more to do with the destructive behaviour of their army and demands for large scale redistribution of lands than any ethnic considerations. They were vilified by people as diverse as Clanricarde and the papal nuncio, Rinuccini, as well as more moderate figures like Nicholas Plunkett and Nicholas French, and physically attacked by bands of peasants in Connacht⁴. Moreover, Ulster landowners, and indeed the native Irish of the other provinces, were not targeted in a similar manner.

³Henry McTully O'Neill, an officer in Owen Roe O'Neill's army, blamed many of the early atrocities of the rebellion on "some of the loosest of the Irish rabble". [Lodge, John (ed.)] *Desiderata Curiosa Hibernica* vol.2 p.485; The earl of Clanricarde used similar language in November 1641, condemning the rebels as "loose people". Bourke *Clanricarde Memoirs* p.14. Bellings, colourful as ever, describes attempts by the confederates to contain "the rascal multitude". Bellings' History in Gilbert (ed.) *Irish Confederation* i pp 14-5

⁴In February 1644, Clanricarde reported to Taaffe the destruction caused in Sligo by "those rude, barbarous people", while Rinuccini also denounced them as "barbarous". Lowe (ed.) *Clanricarde Letter-Book* p.46; Aiazza (ed.) *Embassy* pp 281-4. During the early part of 1647, the excesses committed by the Ulster troops near Kilkenny shocked the moderate leadership. Plunkett informed Thomas Preston of their departure, "after much evil committed". Plunkett to Preston, 27 April 1647 (PRO SP Ire. 263/124 f.209)

Although clearly the confederate association did not function as a homogeneous entity, a remarkable degree of unanimity emerged on constitutional issues. A return to the old Gaelic political order held no appeal for conservative catholic landowners. Their loyalty was a personal one to the crown of England and its appendage, the kingdom of Ireland, with a strong parliament operating independently from the jurisdiction of Westminster⁵. The problem for the confederate leadership was how to ensure any constitutional agreement incorporating these principles would be adhered to by the king, and not undermined by hostile elements in England.

This thesis argues that the conflict in Ireland during the 1640s was a national struggle in which religion and ethnicity constituted important, though by no means decisive, factors. The confederates were on the whole politically and socially conservative, not seeking to overthrow the existing order but rather to consolidate their position within the system. Nonetheless, the criteria for membership of the political elite were the ownership of property and loyalty to the crown, not religious affiliation or ethnic background. In the context of the politics of the three Stuart kingdoms in the seventeenth century these were radical proposals.

The outbreak of the rebellion in Ulster in October 1641 forced the catholic elite to adopt radical measures to retain (and legitimate) control over the waging of war. These measures included providing essential governmental and judicial services at both central and local levels. The confederates established a national parliament (the General Assembly) which provided a forum for political debate, implemented various policy measures (including taxation), initiated contacts with foreign courts and sanctioned negotiations with the king⁶. An elaborate administrative system, with councils at national, provincial and county level, further underpinned the

⁵During the Restoration period, Nicholas Plunkett stressed the point, in a petition to Charles II, that at no time did Kilkenny enter into a treaty abroad that would have diminished royal rights in Ireland. Presentation by Nicholas Plunkett, Sept. 1661 (BL Add Mss 4,781 ff 155-61). Although this statement is technically correct, the confederates *were* willing to offer the protectorship of the kingdom to Innocent X in return for massive financial and military aid. See instructions given to the agents travelling to Rome in January 1648. BL Stowe Mss 82 ff 155-6

⁶The parliament in 1613-5 was the first to include representatives of all 32 counties, but as with those of 1634-5 and 1640-1, the protestants had an artificially created majority. The figures are given in Clarke *Old English in Ireland* p.255. The confederate General Assemblies at least reflected the numerical domination of catholics in the kingdom of Ireland, if not the social structure.

representative nature of their government. Against the backdrop of a major conflict, confederate achievements in this area proved truly remarkable.

By contrast, whereas the confederates had ample experience in legal and legislative affairs, they were totally lacking in any executive experience, after decades of official discrimination. Executive inexperience manifested itself not only in poor financial administration but more crucially in the conduct of the war, where the Supreme Council failed to develop a consistent national strategy. Although creating four provincial armies made both tactical and strategic sense, attempts at co-ordinated campaigns proved disastrously ill-conceived. The problems were exacerbated by the council's ineffective control over the various armies once a campaign began.

Confederate politics were divided, as in England and Scotland, along party lines, with the major divisions confined to the issue of settlement terms with the king. The idea of political parties, however, tightly controlled by a leader, and with a fixed ideology or agenda, was alien to the seventeenth century. In the confederate General Assembly, as at Westminster, 'parties' consisted of loose groups of individuals, dominated by one or two personalities, sharing a common goal. The vast majority of members were uncommitted, ready to be swayed by the arguments of the day and generally more concerned with local rather than national issues⁷. The problem in the case of Kilkenny during the 1640s is to correctly identify the various parties.

This thesis has outlined the existence of three main groupings in confederate politics, rather than two as is traditionally argued. These were the peace party, the clerical party, and a small but influential group of non-aligned moderates. The peace party favoured a limited settlement that would guarantee religious toleration, allowing catholics to worship in private without hindrance. The primary concern of the members of this faction was to preserve their estates and to gain access to public office. On the question of safeguards, they wanted all concessions to be ratified in the Irish parliament, but were also willing to accept the good faith of both the king and his Irish deputy, James Butler, the marquis of Ormond.

⁷This was true also at Westminster. Hexter *Reign of King Pym* p.63-7; Morrill *Revolt of the Provinces* p.93

The leaders of the peace faction had extensive parliamentary and legal experience, and provided an element of continuity in confederate politics. They dominated proceedings in Kilkenny until the signing of the first Ormond treaty in August 1646. Principal among them were Viscounts Mountgarret and Muskerry, Richard Bellings, Gerald Fennell and Geoffrey Browne. Their close links with the marquis of Ormond, influenced many contemporaries (and ultimately historians) to christen the peace faction 'Ormondists'⁸. This term is misleading, however, as securing an acceptable peace rather satisfying than the political ambitions of the lord lieutenant provided the dynamic for this group. Another description, 'Old English', is equally flawed, as apart from Muskerry, a number of other native Irish (including Donough O'Callaghan and Daniel O'Brien) were prominent in this faction.

On the opposite political wing was the clerical party, which began to emerge in 1644. This group favoured a more radical religious settlement, arguing (not illogically) that only a full restoration of the Roman Catholic Church, along with an independent Irish parliament, could guarantee security for catholics⁹. After the collapse of the first Ormond peace in August 1646 the clerical party (under the dynamic leadership of the papal nuncio, Rinuccini) briefly seized power, insisting that only by driving all the English and Scottish forces out of Ireland would the confederates be in a strong enough position to dictate terms. Rinuccini, at least at first, could rely on the support of the majority of the bishops, but eventually became closely associated with Owen Roe O'Neill and the Ulster Irish.

This association between Rinuccini and O'Neill resulted in many contemporaries (and historians) talking of the native Irish or clerical faction. While the term 'clerical' is acceptable as the leaders were predominantly catholic bishops, and religious issues dominated their agenda, the native Irish label is misleading. True, many of the nuncio's supporters were native Irish, but they also included Oliver Plunkett, 6th baron Louth, Piers Butler and many others of Old English extraction. The more radical politics of the clerical faction found favour among the dispossessed catholics

⁸The papal nuncio, Rinuccini, the author of the *Aphorismical Discovery*, and other opponents of the peace faction used the terms "Ormondist" or "Ormond's faction" in a derogatory sense, as a means of identifying the group of individuals who favoured a speedy settlement with the marquis of Ormond. *Aphorismical Discovery* in Gilbert (ed.) *Contemporary History* i p.40; Aiazza (ed.) *Embassy* p.238; O'Ferrall and O'Connell *Commentarius* i p.425. Considering the dominance of the Butler family in Irish politics, such links were somewhat inevitable.

⁹The Clerical Congregation specifically listed their demands to the General Assembly on 10 January 1647. Bodl. Carte Mss 20 ff 100-1

(particularly the Ulster exiles) who hoped thereby to regain their estates. The powerful influence of the priests at local level also ensured a ground swell of popular support.

Between both extremes lay a group of moderates, led by Nicholas Plunkett, Patrick Darcy and Nicholas French, the bishop of Ferns. Plunkett had attempted to steer a middle course from the early days of the uprising, supporting the peace proposals of the royalist earl of Clanricarde. After the collapse of this initiative, however, he disappeared temporarily from public view, before reappearing in Kilkenny in October 1642. Plunkett's popularity can be gauged by the fact that, despite his initial reluctance to commit himself to the confederate cause, he was elected immediately to the powerful position of chairman of the General Assembly, and retained the post in every subsequent assembly, except for the last, summoned during his absence in Rome.

Plunkett was also one of only two confederates (the other was the bishop of Clogher) nominated or appointed to all nine Supreme Councils between 1642-9¹⁰. Moreover, with Patrick Darcy, he sat on the crucial Committee of Treaty, and helped negotiate the Glamorgan and Ormond treaties. In August 1646, sent by the Supreme Council to moderate clerical opposition to peace, both he and Darcy switched sides, in a move which greatly facilitated Rinuccini's seizure of power. For most the next twelve months, however, Plunkett, Darcy and another leading moderate, Bishop French, effectively dictated confederate strategy, and set the agenda for the final peace negotiations with the marquis of Ormond in late 1648. No other confederate can match Plunkett's record of active involvement and political influence, which considering the various upheavals during the 1640s, was a remarkable example in the art of survival (even the earl of Antrim must have been impressed!).

Despite his high political profile and controversial switch of allegiance in 1646, Plunkett appears to have alienated few people, even among his confederate colleagues. Although Rinuccini blamed him retrospectively for the collapse of clerical supremacy, the nuncio's tone was more disappointed than bitter. Before 1646 at least, Ormond had no objections to dealing with Plunkett, despite the

¹⁰Darcy sat on eight councils. The one exception, the brief administration formed by the clerical faction in September 1646, was due to his appointment to the judicature. Order by the Ecclesiastical Congregation, 26 Sept. 1646 in Gilbert (ed.) *Irish Confederation* vi pp 144-6

latter's reputation for extreme catholic devotion¹¹. During the long years of Cromwellian exile, Plunkett retained the respect of most Irish catholics, who exhausted much creative energy venting their spleen against former colleagues. In 1660 he returned to the Stuart court in London, to argue the case for the restoration of catholic estates in Ireland¹². This enduring influence and prestige (as well as an ability to appeal to all sides) enabled Plunkett to exploit the widespread dissatisfaction with the excesses of the more extreme factions after 1646, and move the confederate association towards the political middle ground.

The grouping of moderates is the most difficult of the three factions to pin down. They exercised influence usually by throwing their support behind either the peace or clerical parties. The only structure as such was provided by Plunkett's unofficial, informal leadership. Nicholas Plunkett's allies on the political middle ground were a mixed group from a variety of backgrounds, such as Roebuck Lynch from Galway, Randal MacDonnell, earl of Antrim, and Phelim O'Neill of Ulster, along with an assortment of the more moderate bishops, including the influential John Bourke, archbishop of Tuam.

Plunkett, however, would not have achieved much without the support of Patrick Darcy and Bishop French. Plunkett and Darcy enjoyed a common legal and parliamentary background, and were both involved during the early days of the uprising in the Connacht peace initiative. Darcy's power base was in the town of Galway, which exercised a hugely disproportionate influence on confederate proceedings. Bishop French only rose to prominence in 1645, as a spokesman for the clerical faction, but provided an invaluable link between the moderates and the more conciliatory clerics, which proved crucial once the nuncio split with the council. The triumvirate of Plunkett, Darcy and French proved more than a match for their confederate opponents.

Even accepting the evidence of ethnic intermarriage, and a clear ethnic mix in all three factions, the question remains why did contemporary commentators persist with the terms Old English and native Irish? This fact alone appears to justify their

¹¹Aiazza (ed.) *Embassy* pp 509-11; Ormond wrote to Muskerry on 22 April 1646 that Plunkett was the ideal choice to conduct negotiations for the confederates. Bodl. Carte Mss 17 f.208.

¹²Various papers presented at the court of Charles II are preserved in BL Add Mss 4,781 (Papers Relating to Ireland 1642-8)

continued usage by modern historians¹³. The terms, however, as used during the confederate period, had a political not ethnic explanation. Rinuccini's criticisms of the Old English centred on the group's supposed indifference to the needs of the Catholic Church, and a willingness to reach a speedy settlement with the king. But these attitudes were common to all existing catholic land-holders regardless of their ethnic backgrounds. United by status, Miles O'Reilly, the former sheriff of Cavan had much more in common with the Old English gentry of the Pale than most of his fellow native Irish.

Similarly, the term native Irish was used to describe those people who favoured a more radical solution to the crisis in Ireland during the 1640s, regardless of ethnicity. As already outlined, the opponents of the peace faction included people from Old English and native Irish backgrounds¹⁴. The confederates were well aware of the ethnic divisions in their ranks but successfully avoided resurrecting old rivalries. Many historians have not been as fastidious, often accepting complex political labels as a simple mark of ethnic origin. The power base of the different factions, however, largely determined their policies, not the ethnic balance of members.

The peace faction was supported by the existing land-owning class, which had provided the catholic leadership since the beginning of the seventeenth century. Their concerns centred on land and political office (i.e. conservative). The clerical faction's authority came from the enormous prestige enjoyed by the Catholic Church and the papacy, and its concerns were primarily religious (i.e. radical). The moderates, on the other hand, sought to balance both concerns without according primacy to either. Nicholas Plunkett exploited his position as chairman of the General Assembly in an effort to lead the confederates on this particular path. The assembly itself, had become an increasingly vocal element in confederate politics from 1645 onwards, embroiled with the Supreme Council in a struggle for control of the peace process

¹³Bellings and Rinuccini were bitter enemies who agreed on little, the nuncio reporting to Rome on one occasion that "no one speaks or writes more discredibly than he does". Nonetheless, both men believed in the existence of two distinct ethnic groups in the confederate ranks- the Old English and native Irish. Bellings' History in Gilbert (ed.) *Irish Confederation* i p.2; Aiazza (ed.) *Embassy* pp 251-2, 485-6

¹⁴The full list of council members is in appendix 2.

According to the 1642 'model of government', the confederate legislature was at the apex of the new political structure with the ultimate responsibility for peace or war¹⁵. In reality, however, although the assembly met nine times between October 1642 and January 1649, it was only in session for 15 months during that period. As a result, the Supreme Council, which was in continuous session, quickly assumed the dominant political position in Kilkenny¹⁶. Moreover, within the council itself, the peace party wielded considerable power and influence, increasingly to the exclusion of all others. The creation of powerful committees to conduct negotiations with Ormond further concentrated power in a few hands.

Opposition to factional government resulted in a number of reform measures being adopted by the General Assembly between June 1644 and November 1647 in an effort to make the various councils and officials more accountable for their actions¹⁷. By supporting the notion of the primacy of the legislature over the executive branch of government, Nicholas Plunkett promoted the middle path of consensus politics. Prior to the summer of 1646, Plunkett's loyalties may have been somewhat divided, as chairman of the General Assembly and leading peace negotiator on behalf of the peace faction. After the rejection of the peace treaty, however, in August of that year, he became an undeviating advocate of compromise, a popular policy with the majority of confederates.

One of the main obstacles faced by the moderates lay in the tactics of the marquis of Ormond. The marquis has excited little critical comment among modern historians, who apparently accept the image portrayed by his eighteenth century biographer Thomas Carte, of an honourable (if limited) man, operating in extremely difficult circumstances¹⁸. Contemporary critics, however, were scathing of the Ormond's destructive role during the 1640s, and an examination of the peace process illustrates clearly that the lord lieutenant has a case to answer¹⁹.

¹⁵Orders of the General Assembly met at Kilkenny, 24 Oct. 1642 (BL Add Mss 4,781 ff 4-11)

¹⁶This fact was acknowledged by Richard Bellings in his memoirs. Bellings' History in Gilbert (ed.) *Irish Confederation* iii p.3

¹⁷For various reform documents see (1644) Marsh's Library Mss z 3.1.3; (1646) Bodl. Carte Mss 16 ff 470-80; (1647) Gilbert (ed.) *Irish Confederation* vi pp 208-23

¹⁸Carte, Thomas *History of the Life of James the First Duke of Ormond* 6 vols. (Oxford 1851). An good example of the favourable treatment the Duke has received of late is Beckett's hagiography. Beckett, J.C. *The cavalier duke. A life of James Butler first duke of Ormond, 1610-1688* (Belfast 1990)

¹⁹Bishop French, for example, bitterly criticised Ormond as the man that "let fall the

Unable to satisfy the conflicting demands of the king and Irish protestants, Ormond's policies helped undermine the prospect of a peace settlement, and fatally delayed assistance reaching the beleaguered Charles I in England. The lord lieutenant, mainly for domestic political reasons, encouraged confederate divisions and refused to make any concessions on religious issues, confident that the peace faction's eagerness for a treaty would force them to moderate their demands. Although this assumption proved accurate, confederate frustrations at delays in the treaty were eagerly exploited by the clergy, enabling them to form an effective opposition, and when agreement was finally reached, it proved too late to be of any assistance to the king²⁰.

Despite growing evidence of a confederate rupture by early 1646, the lord lieutenant still insisted the peace faction sign a treaty which was obviously unacceptable to the clergy, thus provoking a further crisis in August 1646. On this occasion, Rinuccini and the bishops seized power, and the confederates were only prevented from capturing Ormond and the city of Dublin by appalling weather and chronic indecision²¹. Although it would be unfair to blame all confederate and royalist misfortunes on the lord lieutenant, his misdirected strategy contributed enormously to the failure to provide the king with any assistance from Ireland during 1644-6.

Events in early 1647 further damaged Ormond's reputation in Ireland at least. Although the seventh General Assembly confirmed confederate rejection of the peace treaty, the clerical faction no longer dominated in Kilkenny. A group of moderates, led by Nicholas Plunkett, a man held in high regard by the lord lieutenant, controlled the new Supreme Council. With another peace deal a distinct possibility, the moderates attempted to resurrect the talks process. Instead (against all advice), Ormond decided to surrender Dublin to the English parliament, who already held the king captive. This action, prompted by concern for Irish protestants, but also by monetary gain and religious intolerance, proved

venomous apple of discord in the middle of that united body". Bindon (ed.) Historical Works vol. 2 p.151

²⁰Clanricarde's letters from the 1645 General Assembly describe the confederate frustration at delays in the treaty and the role of the clergy in fomenting dissatisfaction. Lowe (ed.) Clanricarde Letter-Book pp 155-76

²¹Having arrived outside Dublin at the beginning of November, the confederate ground to a halt, with the leadership unsure of how to proceed.

catastrophic for royalist interests in the kingdom, and destroyed any prospect of assistance from the confederates.

Royalist plots, encouraging and rewarding treachery within confederate ranks further undermined the authority of the moderates in Kilkenny. Crushing military defeats at Dungan's Hill and Knocknanuss, coupled with a severe financial crisis, finally forced Nicholas Plunkett and Nicholas French into a major reappraisal of policy²². With no sign of the money promised by the nuncio, both men resolved to travel in person to Rome in a desperate last ditch effort to raise cash and supplies. If the pope was unable or unwilling to help they would have no alternative to seeking a new treaty with the royalists. The moderates had done everything in their power to maintain confederate unity, and promote the primacy of the legislature, but royalist intrigue and the treacherous behaviour of many in the peace faction destroyed much of the good work.

The outbreak of civil war in May 1648, after Rinuccini's flight to the army of Owen Roe O'Neill, appeared to have destroyed the policy of consensus so carefully constructed by Plunkett. Moderates, however, continued to set the political agenda, as the peace faction proved particularly anxious not to alienate the 'deserving Ulster Irish', or those bishops opposed to the nuncio. Rather than simply resurrect the treaty of 1646, Ormond was forced on his return to Ireland to re-negotiate the crucial religious and constitutional clauses. Admittedly, news of the king's impending trial moderated confederate demands, but nonetheless, the second Ormond treaty in January 1649, was a major improvement on the previous settlement²³. Much of the credit for this lies with Nicholas Plunkett.

Hexter is credited with identifying the existence of a middle party in the Westminster parliament during the 1640s, led by John Pym²⁴. Nicholas Plunkett played a similarly pivotal role in confederate Ireland, emerging in the process as one of the most influential Irish catholic politicians of the seventeenth century. His espousal of consensus politics, and support for the primacy of the legislature (and

²²Patrick Darcy, outraged at the activities of the Ulster army, had already defected to the peace faction, offering his services to Muskerry, prior to the General Assembly in November 1647. Darcy to Muskerry, 6 Nov. 1647 (Bodl. Carte Mss 21 f.517)

²³The two peace treaties are published in Gilbert (ed.) *Irish Confederation* v pp 286-310 (1646), *Ibid.* vii pp 184-211 (1649)

²⁴Hexter *Reign of King Pym* (1941)

the need for an accountable executive), illustrates a level of political sophistication not hitherto associated with the confederate period. After years in exile during the Cromwellian era, Plunkett returned to prominence during the Restoration, arguing that the Stuart monarchy was obliged to implement the terms of the 1649 peace treaty. Charles II had some sympathy for this position, but vested interests, none more powerful than the marquis of Ormond himself, ensured that any recovery would be modest in comparison to catholic expectations²⁵.

The ensuing settlement essentially degenerated into a sordid scramble for land, with Ormond's old confederate allies in the peace faction. (Richard Bellings, Geoffrey Browne, Lucas Dillon and Geoffrey Fennell) proving the main catholic beneficiaries²⁶. Given the limited and disappointing nature of the settlement, it is hardly surprising that widespread grievances persisted. Catholic land-owners were quick to exploit the flight of James II from England in 1688 to resurrect a number of old claims. The Jacobite parliament, held in Dublin the following year, was the last Irish parliament in which catholics participated until the meeting in the Mansion House in January 1919.

The Jacobites controlled the administrative centre of the kingdom, something the confederates singularly failed to achieve. The physical presence of James II in Ireland, while creating other difficulties, removed the problem of gaining access to the king. The Irish parliament demanded a reversal of the Acts of Settlement, the suspension of Poyning's Law and significant religious concessions, similar to many of the confederates' demands²⁷. Unfortunately, Nicholas Plunkett did not live to see this renewed attempt by the Irish catholic elite to consolidate their power, but he would certainly have approved of the Irish parliament's actions. The subsequent victory of William of Orange, however, finally destroyed all that this talented and influential man had worked so hard to achieve.

²⁵RIA Mss H.V.I (Documents of 1660s relating to the settlement of Ireland); BL Add Mss 4,781 is another copy of the same documents.

²⁶The list of those who recovered their estates is in the appendix to the 19th report of the Deputy Keeper of the Public Records in Ireland pp 41-87. Plunkett was declared innocent, recovered some land but not his principal residence near Trim.

²⁷Simms, J.G. *Jacobite Ireland, 1685-91* (London 1969) and *The Jacobite Parliament of 1689* Irish History Series no.6 (Dundalk 1974). See also his two chapters in the *NHI* iii pp 420-453 and pp 478-508. Simms is the only historian to have examined the Jacobite parliament in any detail.

APPENDIX 1: General Assembly Attendance Lists

The General Assembly of the Confederate Catholics of Ireland met on nine occasions between August 1642 and January 1649. Elections to the assembly were based on the existing franchise (excluding the protestants of course), using the parliamentary boundaries. The Irish parliament had grown considerably during the early part of the seventeenth century with the creation of new peers and the addition of new boroughs, mainly in Ulster. Between 1613 and 1634, membership of the House of Lords trebled to 123 lords spiritual and temporal, the vast majority of which were protestant. 256 MPs were returned to the Commons in 1634, a 10% increase on 1613- 106 members from Leinster, 56 from Munster, 28 from Connacht and 66 from Ulster. Thomas Wentworth subsequently disenfranchised seven catholic boroughs, but this process was effectively overturned in 1640-1¹.

Considering the confederates desire to model their government along parliamentary lines, attendance figures at the confederate assemblies probably approximated those of the 1634 parliament, although in the absence of full electoral returns, this is impossible to verify². Large areas of Ulster and parts of Connacht remained outside confederate control throughout the 1640s and probably under-represented as a result, while the major towns appear to have returned more than their share of members. Moreover, the proceedings of the assembly tended to be a bit chaotic, with complaints of non-elected individuals sitting in on meetings³.

The reason this opening description sounds imprecise, is that with the destruction of confederate records in 1711, official attendance lists for the General Assemblies (if

¹Two books examine parliamentary membership prior to 1641. Kearney, H. Strafford in Ireland pp 223-63; Clarke, A. Old English in Ireland pp 255-61

²For the confederate desire to copy existing governmental practices see chapter 1

³Galway for example returned at least 14 representatives to the first assembly in 1647- Anthony Martin, Nicholas Lynch, Patrick Kirwan, Christopher French, Patrick Darcy, Robert Blake, John Bermingham, Roebuck Lynch, Christopher Lynch, James French, Geoffrey Browne, Francis Blake, Edward Browne and Dominick Bodkin- compared to 8 members of parliament in 1640-1. Oaths of association in BL Add Mss 4,781 ff 12-34; Bellings criticised what he saw as an unusually large attendance at the same meeting, while admitting that little could be done to rectify the situation. Bellings' History in Gilbert (ed.) Irish Confederation vii p.1. See map 2 (p.232) for the parliamentary constituencies.

they had ever existed) disappeared. Until now, historians believed that only two lists of any sort had survived. Thomas Bourke, official printer to the confederates, printed the first of these, for the assembly of July 1644. Bourke's original pamphlet no longer exists, but Peter Walsh reproduced a copy in his *History and Vindication of the Loyal Formulary or Irish Remonstrance* in 1674. This version later appeared in J.T. Gilbert's *History of the Irish Confederation* at the end of the nineteenth century. As Walsh was copying from a printed source one may assume his list is relatively accurate⁴. Gilbert also published the second list in *History of the Irish Confederation*, a shorter version of which appeared over a century earlier in the supplement to a historical compilation (by yet another Thomas Bourke) entitled *Hibernia Dominicana*⁵. The origins and dating of this second list will be discussed at a later stage.

The 1644 document is reasonably straightforward, although a number of the names appear twice. Making allowances for this, according to the list 13 bishops, 18 lords and 166 knights, citizens and burgesses attended the assembly in July of that year⁶. This is a credible figure, if a bit low for the knights and burgesses. The assembly met primarily to select a Committee of Treaty to negotiate with the marquis of Ormond. A number of assembly delegates may simply not have bothered to travel to perform such a relatively straight-forward task. Furthermore, the confederate forces were in the process of launching a major offensive in Ulster which would have engaged the time and energies of many members⁷.

Finally, the possibility exists that the list is not complete. For example, correspondence between the Supreme Council and Ormond indicates that James Sall attended this assembly and yet his name does not appear here- a simple printing error perhaps, or his name may have been purposely removed after his subsequent defection to the royalist side⁸. Another problem, apart from Sall's omission, is Bourke's inclusion of the names of lords "now absent, by reason of impediments",

⁴Walsh *Irish Remonstrance* appendix 1 pp 31-2; Gilbert (ed.) *Irish Confederation* iii pp 212-6

⁵Gilbert (ed.) *Irish Confederation* ii pp 212-9; Bourke, Thomas (ed.) *Hibernia Dominicana, Supplementum* pp 882-5

⁶Walsh *Irish Remonstrance* appendix 1 p.31-2

⁷This fact is confirmed by the low percentage of Ulster members at the assembly. See chapter 7 p.234 (table 2)

⁸Supreme Council to Ormond, 21 Jan.1645 (Bodl. Carte Mss 13 f.476); Advice tendered by James Sall, 20 June 1644 (BL Stowe Mss 82 f.136). Cokayne *Complete Peerage* vi (1926) p.23

like the earl of Castlehaven who led the expedition into Ulster that summer⁹. Nonetheless, these anomalies aside, it is possible to accept the 1644 list as both authentic and accurate.

The second printed list is more detailed, giving the place of origin of all those people who subscribed to the revised confederate oath of association (including the four religious articles). It clearly relates, therefore, to the crucial assembly held early in 1647 (the date given in *Hibernia Dominicana*), and not 1643 as Gilbert suggested¹⁰. This assembly list includes 11 bishops, 16 lords and 292 commoners—very credible figures once again. There are a few problems, however, with some of the names, principally the inclusion of Viscount Gormanston who died in July 1643 and Viscount Taaffe who did not take the confederate oath until the summer of 1647¹¹. An examination of the manuscript in Dublin City Library (the one used by Gilbert), shows that Gormanston's inclusion was simply a transcribing error¹². In the case of Taaffe, his name may have been added to the existing list when he joined the confederate association.

The 1647 assembly list printed by Gilbert is part of a contemporary manuscript, consisting of four rolls, each one preceded by an oath of association. Near identical copies of the four rolls survive in the British Library, Bodleian Library, and Royal Irish Academy, as well as the Dublin City Library¹³. The information was collected and transcribed with great care by the Cromwellian regime to incriminate leading Irish Catholics, and the following statement appears at the end of each manuscript—"a true copy of an alphabet of the subscriptions made by the Irish to the Oath of Association, remaining in the chief remembrancers office"¹⁴. Roll 1 (the one used by Gilbert) is clearly associated with the 1647 Assembly because of the oath that

⁹Walsh, *Irish Remonstrance* appendix 1 p.31

¹⁰Gilbert (ed.) *Irish Confederation* ii pp 212-9; Bourke, Thomas (ed.) *Hibernia Dominicana, Supplementum* pp 882-5. The latter version is shorter than Gilbert's copy and includes no extra names.

¹¹Taaffe took the oath of association on assuming command of the confederate Munster army, shortly after Ormond fled the country at the end of July 1647.

Aiazza (ed.) *Embassy* p.300

¹²Dublin City Library, Gilbert Collection Mss 219

¹³Bodl. Carte Mss 70 ff 64-85; BL Add Mss 4,781 ff 12-34, Mss 35,850 ff 12-34; RIA Mss H.VI.I ff 15-48; Dublin City Library, Gilbert Collection Mss 219

¹⁴*Public Records in Ireland* 20th Report of the Deputy Keeper (Dublin 1888), appendix 4 pp 25-7

precedes it. Roll 4 is very short and probably incomplete, and impossible to identify with any particular meeting or assembly.

Rolls 2 and 3, however, are full lists similar to Roll 1 except that they contain the original oath of association, prior to the 1647 amendments. Although Gilbert (or anybody else for that matter) failed to recognise them as such, they are in fact assembly attendance sheets, increasing, therefore, the known number of surviving lists from two to four. Each one includes the names of the leading confederates, lords spiritual and temporal, knights and burgesses from the four provinces, similar in size and composition to the 1644 and 1647 models. Assembly meetings constituted the only place where such a large and diverse group of confederates came together, at which time they would renew their oath of association. The difficult part, however, is to identify from which assembly each roll originated. Examining the names, it may be possible to pinpoint a particular assembly, although (as with the lists in Walsh and Gilbert) there are problems associated with this approach.

The evidence from Roll 3, the more straightforward of the two, suggests that it is a list of those who attended the General Assembly during the summer of 1645, when peace negotiations with both Ormond and Glamorgan were at their most intense. Whereas between 1642 and 1644 the General Assembly usually sat for four weeks, this particular assembly session lasted over three and a half months, with a one month adjournment in the middle¹⁵. This might explain the exceptionally large numbers- 12 bishops, 13 lords and 417 knights, citizens and burgesses- in attendance. Furthermore, the controversy over the various peace treaties would also have ensured a large turnout, not all of them elected representatives.

Supporting this dating is the inclusion of the earl of Westmeath who only joined the confederate association during the summer of 1645, and Viscount Mayo, reconciled with Kilkenny in March of that year after years of conflict¹⁶. Nicholas French is described as bishop of Ferns, although he was not consecrated until December 1645. Nonetheless, he had been nominated to the post in January of that year. Richard O'Connell is styled bishop of Ardfert and Heber MacMahon bishop of Clogher, both of whom were consecrated in June 1643, so their inclusion is

¹⁵See chapter 7 p.229 (table 1)

¹⁶King's Inns, Prendergast Papers iv ff 426-30; Lowe (ed.) *Clanricarde* pp 148-50
308.

consistent with a 1645 dating¹⁷. Furthermore, the meeting could not have been any later than the summer of 1645 because Malachy O'Queely, archbishop of Tuam (killed in October of that year) is on the list. Also included is Piers Crosby who returned to Ireland from France in 1643, having converted to catholicism, and died in a confederate prison late in 1646¹⁸.

The only problems with this particular dating concerns the inclusion of Richard Bellings (abroad on a mission throughout 1645), and the absence of a number of the Committee of Treaty (Viscount Muskerry, Alexander MacDonnell, Lucas Dillon, Geoffrey Browne, John Dillon and Dermot O'Brien) who certainly resided in the confederate capital at various stages during the summer. Bellings' inclusion is understandable as he figured prominently in every other assembly and he may simply have added his name to the list on resuming his post as secretary to the Supreme Council late in 1645. The omission of certain members of the Committee of Treaty may be due to the fact that the secret negotiations with Ormond and Glamorgan during most of the summer would have restricted their attendance at the assembly. In any case the balance of evidence, from those included (rather than those absent), supports a 1645 dating.

Roll 2 is a list of those who attended a General Assembly either in 1642 or 1643. Allowing for those whose names appear twice, it includes 8 bishops, 13 lords and 318 knights, citizens and burgesses- very similar figures to the 1647 assembly. An examination of the names on the list narrows the date range considerably, particularly the inclusion of William Tirry, bishop of Cork and Cloyne who died in March 1646 and Viscount Castlehaven who deserted to the royalists in August of that year¹⁹. This means the roll belongs to one of the earlier assemblies, a fact confirmed by the presence of Malachy O'Queely, archbishop of Tuam (killed in October 1645). Also on the list are the former members of parliament Adam Cusack and Theobald Purcell, both of whom died in 1644, which pushes the date back further again²⁰.

¹⁷Cregan, "Counter-Reformation Episcopate" p.87

¹⁸I am grateful to Bríd McGrath, who is preparing her own thesis, for information on members of the Irish parliament.

¹⁹Cregan, "Counter-Reformation Episcopate" p.87; Tuchet, Castlehaven's Review pp 125-33

²⁰Once again, Bríd McGrath is the source here.

Richard O'Connell, listed as bishop-elect of Ardfert, was nominated to this post in September 1641 and consecrated on 10 June 1643. This would appear to limit the number of possible assemblies to just two, October 1642 or May 1643. Supporting this hypothesis is the naming of Heber MacMahon as bishop of Down and Connor, whereas he was transferred to Clogher in late May 1643²¹. Gormanston's name is there yet again (on the Bodleian and British Library rolls but not the Dublin City Library version) which once more suggests a pre-July 1643 date.

Against that, we know for a fact that Owen Roe O'Neill arrived in Waterford in November 1643. In May 1643 the general remained in Ulster, while Phelim O'Neill visited Kilkenny²². Owen Roe O'Neill, not Phelim, is listed on Roll 2 which suggests the second assembly in 1643 may be correct. Evidence from the Depositions, however, favours an earlier dating, most likely May 1643. William Stafford of Wexford, who admits to being at the Waterford assembly (and is named on roll 2) also identifies two colleagues, Thomas Rosceter and William Hore, who accompanied him, neither of whom are included on the list. Another deposition names the entire Connacht delegation to the first assembly, half of whom do not appear on any of the surviving lists²³. The absence of bishops (particularly Armagh) further diminishes the possibility that this is a list of the first assembly²⁴.

Finally, there are an unusually high number of delegates from Waterford city listed, while the mayor of Waterford, Francis Briver, is the only civilian to be given a title. The problem with this interpretation is that Briver's term of office expired in September 1642, and he may well have been removed before that for his refusal to admit confederate forces into the city²⁵. The confusion of evidence suggests therefore that Roll 2 is probably an assembly list for the period 1642-3, but until more evidence comes to light it is impossible to be any more precise.

²¹Cregan, "Counter-Reformation Episcopate" p.87

²²TCD Mss 1071 (Cín Lae Ó Mealláin) f.32; Journal of Henry McTully O'Neill in [Lodge, John (ed.)] *Desiderata Curiosa Hibernica* vol. 2 p.497

²³TCD Mss 819 f.226 (William Stafford, Jan.1653), f.266 (William Stafford, Dec.1653), Mss 831 f.170 (Walter Bourke, 12 Dec.1642)

²⁴Armagh mediated in a dispute in the assembly between Phelim O'Neill and Heber MacMahon representing Owen Roe. Bellings' History in Gilbert (ed.) *Irish Confederation* i pp115-6.

²⁵Smith, C. *The Ancient and Present State of the County and City of Waterford* (Dublin 1746) pp 159-66; *Historical Manuscripts Commission, 10th Report, Appendix 5* (London 1885) pp 279-80; Power, P. *History of Waterford City and County* (Dublin 1990) pp 77-8

Table 7: Regular General Assembly Members

Members whose names appear on all four lists

Bishops: Cashel; Clogher; Clonfert; Killaloe -total 4

Lords: Clanmalier; Fingal; Louth; Mountgarret; Netterville; Upper Ossory -total 6

Commons: Baggot, John; Bagnall, Walter; Bellings, Richard; Bellew, John; Berford, Richard; Birne, Brian; Bryan, Patrick; Butler, Edmond; Butler, Piers; Carroll, John; Cheevers Arthur; Comerford, Edward; Comyn, George; Cruise, Walter; Cusack, James; Darcy, Patrick; Dongan, Edward; Doyne, Terence; Duff, James; Duff, Paul; Fennell, Gerald; Ferrall, Francis; Fitzgerald, Edmond; Fitzgerald, Gerald; Fitzgerald, Maurice; Fitzgerald, Thomas; Fleming, Thomas; Haly, John; Hartpole, Robert; Higgins, Daniel; Hore, Matthew; Lacy, John; Lynch, Robuck; MacDonnell, James; Netterville, Patrick; Netterville, Robert; O'Connor, Teig; O'Neil, Turlough; Plunkett, Ambrose; Plunkett, Nicholas; Power, David; Power, John; Preston Thomas; Shee, Robert; Slingsby, Henry; Talbot, Robert; Wadding, Richard; Wadding, Thomas; Wall Edward; Walsh, John; Warren, Alexander; Wogan, Nicholas -total 52

Members whose names appear on three lists

*(the date after each name indicates the assembly list from which they are missing)

Bishops: Ardfert (1644); Armagh (1642/3); Leighlin (1642/3); Tuam (1647); Waterford (1642/3) -total 5

Lords: Castlehaven (1647); Fermoy (1642/3); Ikerrin (1645); Iveagh (1642/3); Muskerry (1645); Trimleston (1647) -total 6

Commons: Allen, John (1642/3); Barnewall, Richard (1647); Barron, Geoffry (1644), Bath, James (1647); Bellings, Barnaby (1647); Birmingham, William (1645); Birne, James (1644); Blackney, George (1647); Bodkin, Dominick (1642/3); Bourke, John (1644); Brown, Geoffrey (1645); Butler, James (1645); Butler, Theobald (1645); Butler, Thomas (1642/3); Colclough, Anthony (1644); Creagh, Pierce (1647); Darcy, Thomas (1647); Dempsey, Barnaby (1644); Dowd, Edward (1642/3); Dowdall, Lawrence (1642/3); Doyle, James (1644); Esmond, Thomas (1642/3); Everard, Richard (1642/3); Fallon, Stephen (1642/3); Fitzgerald, Piers (1642/3); Fitzpatrick, Florence (1642/3); French, Christopher (1642/3); Gough, Patrick (1642/3); Gould, John (1642/3); Grace, Robert (1647); Green, George (1647); Haly, Nicholas (1642/3); Henes, Thomas (1642/3); Hollywood, Nicholas (1647); Hore, John (1647); Hore, Philip (1644); Kealy, Edmund (1642/3); Kearney, Philip (1644); Lacy, Walter (1647); MacCarthy, Dermott (1642/3); MacCarthy, Donough (1647); MacCarthy, Florence (1647); MacCarthy, Teig (1642/3); MacGeoghegan, Conly (1644); O'Boyle, Turlough (1642/3); O'Brien, Conor (1644); O'Brien, Daniel (1642/3); O'Brien, Dermott (1645); O'Callaghan, Callaghan (1644); O'Callaghan, Donough (1642/3); O'Connor, Don (1644); O'Rody, Thaddeus (1644); O'Sullivan, Daniel (1644); Power, Edmond (1647); Prendergast, James (1642/3); Preston, James (1642/3); Preston, Robert (1644); Rochford, Hugh (1645); Ryan, Thomas (1642/3); St Leger, George (1647); Stafford, William (1647); Stanley, John (1647); Strange, Richard (1644); Tyrrell, Thomas (1644); Warren, Edmond (1644); Warren, William (1644); Wolferston, Francis (1644); Young, William (1642/3) -total 68

Table 8: General Assembly Members with Parliamentary Experience
(the number of assembly lists they appear on is indicated after each name)

Lords: Antrim (2); Brittas*(1); Cahir*(1); Castlehaven*(3); Costello-Gallen (1); Dunboyne (1); Fermoy (3); Fingal (4); Gormanston (1); Ikerrin (3); Louth (4); Mayo (3); Mountgarret (4); Muskerry (4); Netterville (4); Slane (1); Taaffe (1); Trimlseton (3); Westmeath (1)- **total 19**

(* Both Brittas and Castlehaven had a right to sit in parliament from 1634, Cahir from 1640, but it is unclear if any of them did so)

Commons: Archer, Henry (2); Ash, Richard (2); Barnewall, Richard (3); Barron, Geoffrey (3); Bellew, John (4); Bellings, Richard (4); Blackney, George (3); Blake, John (2); Blake, Richard (1); Blake, Valentine (1); Bourke, Theobald (3); Bourke, Thomas (2); Browne, Geoffrey (3); Browne, William (1); Butler, Piers (4); Butler, Richard (2); Butler, Thomas (3); Byrne, Bryan (4); Byrne, James (3); Cheevers, Marcus (2); Clancy, Boethius*(1); Clinton, Peter (2); Coghlan, John (1); Coghlan, Terence (2); Comerford, Edward (4); Creagh, Pierce (3); Crosby, Piers (2); Cruise, Walter (4); Cullen, John (1); Cusack, Adam (1); Cusack, James (4); Darcy, Patrick (4); Dempsey, Barnaby (3); Dillon, Henry*(2); Dillon, James (2); Dillon, John (2); Dillon, Lucas (2); Dowdall, Laurence (3); Esmond, Thomas (3); Fitzgerald, John (1); Fitzgerald, Lucas (2); Fitzgerald, Maurice(4); French, Patrick (2); Grace, Robert (3); Haly, John*(4); Haly, Richard (2); Hartpole, Robert (4); Hennessy, Thomas (3); Holliwood, Christopher (1); Hope, Alexander(2); Hore, John (3); Lynch, Nicholas*(2); Lynch, Robert (4); MacMahon, Coll. (1); Martin, Richard (2); Nugent, John (3); Nugent, Thomas*(2); O'Brien, Dan. (3); O'Brien, Der. (3); O'Brien, Don. (3); O'Connor, Teig (4); O'Neill, Phelim (3); O'Reilly, Philip (2); Plunkett, Nicholas (4); Power, John (4); Purcell, Thomas (1); Rochford, Hugh (3); Roche, Redmond (1); Rothe, Peter (1); Shee, Robert (4); Sherlock, Christopher (1); Stanley, John (3); Strange, Richard (3); Sutton, Nicholas (2); Talbot, Robert (4); Walsh, John (4); Warren, John*(1); White, Dominick (3); White, Henry*(1); White, Nicholas (1)- **total 80**

(*These names appear but it is not clear if they refer to the M.P.s in question)

A number of former M.P.s were active in confederate ranks, but their names do not appear on any of the surviving lists: Browne, Dominick; Cappock, Thomas; Christabel, James; Davills, Thomas; Kavanagh, Morgan; Maguire, Roger; Nettervill, Lucas; Walsh, Walter²⁶.

²⁶Roger Maguire was almost certainly present at the assembly in October 1642, while Walter Walsh is listed for the 1648 assembly. Acts of the General Assembly, 24 Oct. 1642 in Gilbert (ed.) Confederation ii pp 73-90; The names of the lords and others now assembled in the Assembly at the city of Kilkenny, 10 Oct. 1648 (Bodl. Carte Mss 22 f.339)

Table 9: General Assembly Members with Legal Training

(the number of assembly lists they appear on is indicated after each name)

Baggot, John (4); Barnewall, George (2); Bellings, Richard (4); Berford, Richard (4); Birmingham, William (3); Blake, Richard (1); Bourke, Thomas (2); Bourke of Castleconnell (2); Browne, Geoffrey (3); Bryan, Patrick (4); Butler, Edmund (4); Butler, James (3); Butler, Piers (4); Butler, Richard (2); Cheevers, Marcus (2); Clinton, Peter (2); Comyn, George (4); Cusack, Adam (1); Cusack, James (4); Darcy, Patrick (4); Dillon, James (2); Dillon, John (2); Dillon, Lucas (2); Fennell, Gerald (4); Fitzgerald, Gerald (4); FitzPatrick of Upper Ossory (4); Haly, Richard (2); Hore, John (3); Hore, William (2); Kealy, Edmund (3); Lynch, Nicholas (2); Lynch, Robert (4); MacDaniel, James (1); Martin, Anthony (2); Martin, Richard (2); O'Callaghan, Callaghan (3); O'Flynn, Fiachra (2); O'Neill, Phelim (2); O'Reilly, Philip (2); O'Rourke, Hugh (1); Plunkett, Nicholas (4); Purcell, Thomas (1); Roche, John (1); Rochford, Hugh (3); Rothe, Peter (2); Ryan, Thomas (3); Shee, Edward (1); Tyrrell, Thomas (3); Walsh, John (4); White, Dominick (2); White, John (1)- **total 51**

Table 10: Continuity of Membership

***1634 Parliament:** 115 catholics in the Commons

1640 Parliament: 101 catholics in the Commons

183 catholic members of the House of Commons in total, 82 of which, or 45% sat in confederate assemblies²⁷.

(33 of the 115 catholic members in 1634, or 29%, were returned again in 1640)

1642/3 General Assembly: 318 Commoners

146 (46%) do not appear on any other list

1644 General Assembly: 166 Commoners

17 (10%) do not appear on any other list

82 (50%) attended previous assembly (1642/3)²⁸

1645 General Assembly: 396 Commoners

152 (38%) do not appear on any other list

195 (49%) attended previous assemblies

(111 or 28% in 1644, and 84 or 21% in 1642/3)²⁹

1647(Jan.)General Assembly: 292 Commoners

91 (31%) do not appear on any other list

201 (69%) attended previous assemblies

(112 or 39% in 1645, and 89 or 30% in either 1642/3 or 1644)

²⁷Including Muskerry and Dunboyne who sat in the Commons before moving to the Lords

²⁸1644 is the first assembly for 67 people (40%), who also appear on later lists (1645 & 1647)

²⁹For 49 people in 1645 (12%), the only other list they appear on is the following one in 1647

APPENDIX 2: Membership of Supreme Councils 1642-1649

For much of the 1640s the Supreme Council, functioning as the executive arm of government, dominated confederate politics. And yet, despite the council's pivotal role from 1642 onwards, acknowledged by all historians, no definitive membership list exists. Without knowing who was present at meetings, it is difficult (if not impossible) to interpret the Supreme Council's actions. Dónal Cregan did some excellent research in this area but it is by no means complete and there are problems with some of his conclusions¹. Nonetheless, Cregan's list is an obvious starting point for anybody determined enough to undertake such a daunting task.

The immediate problem is a familiar one for anybody involved in research on confederate Ireland, namely that the bulk of the records no longer survive. As a result, most of the information concerning Supreme Council elections has been lost. In only three cases do the sources provide a full list of elected members- for the first council elected in October 1642; the council appointed by the war party after the rejection of the Ormond peace in September 1646; and the final council, nominated in acrimonious circumstances in December 1647². For all the others, the researcher must rely on signatures appended on to Supreme Council documents³. This method is surprisingly comprehensive, but nonetheless, must be approached with some caution. Contemporary complaints exist of non-elected members sitting in on council meetings, particularly during the period 1644-6, when the Committee of Instruction probably amalgamated with the Supreme Council, making the identification of council members all the more difficult⁴.

¹Cregan, Dónal 'The Confederate Catholics of Ireland: the personnel of the Confederation, 1642-9' *I.H.S.* vol. XXIX No. 116 (Nov. 95) p.490-512

²Gilbert (ed.) *Irish Confederation* ii pp 73-90 (Oct.1642); vi pp 144-6 (Sept.1646), vi pp 208-23 (Dec.1647);

³The most valuable sources for these documents are the Carte manuscripts in the Bodleian Library, Oxford, and the State Papers relating to Ireland in the Public Records Office, London. Gilbert's printed collections and the *Commentarius* also provide much information.

⁴Rinuccini identified the growth of the Supreme Council as a major impediment to decisive government. Aiazza (ed.) *Embassy* p.133. Further adding to the confusion, most of those involved in the treaty negotiations were also members of the Supreme Council, making it easy to confuse the council with the Committee of Treaty.

Finally, there is the question of provincial representation. The first assembly, in October 1642, elected six members from each province, but the next four councils (elected between 1643-5) do not seem to have adhered to this model⁵. Both Leinster and Munster gained seats at the expense of Ulster. It is just possible that each province continued to elect six members each but that the Ulster delegates, far from the confederate heartland in south Leinster and east Munster, had a poor attendance record. Their places on the council board may well have been taken on an informal basis by the extra Leinster and Munster delegates whose names appear on the documents. It is more likely, however, that the more populous and prosperous provinces began, after October 1642, to increase their numbers on the council, at the expense of Ulster.

The accompanying table outlines the membership of each Supreme Council from 1642 until 1649, and differs most noticeably from Cregan's model in that whereas he identified 10 councils, there were in fact only 9⁶. The problem arises with the second General Assembly of 1647. According to normal procedures, the assembly selected a new council of 12 resident members to replace the existing body, but the elections proved contentious and civil war threatened to engulf the confederate association. Eventually a compromise was reached with the addition to the council of 36 supernumeraries (or alternates) to fill the gaps in the case of absentees⁷. When the confederates did split into warring factions over the truce with lord Inchiquin, in May 1648, a number of these supernumeraries began to sit at the council board⁸. This development led Cregan to the mistaken conclusion that a new Supreme Council had been elected. The final General Assembly, from September 1648 until January 1649, dissolved the confederate association and did not appoint a new council.

Elections to the first 4 councils, between 1642-5, were relatively non-contentious. Each council had 24 members, most of whom have been correctly identified by Cregan. In fact, research indicates only two changes from Cregan's list before 1645. The first concerns the council elected in November 1643. The name of one of the Munster representatives, Viscount Roche, has been omitted, although his signature

⁵Acts of the General Assembly, 24 Oct. 1642 in Gilbert (ed.) *Irish Confederation* ii pp 73-90. See chapter 7 p.246 (table 4) for provincial representation.

⁶Table 11 (p.316) provides a full list of Supreme Council members from 1642-9.

⁷Orders of the General Assembly, 12 Nov. 1647 in Gilbert (ed.), *Irish Confederation* vi pp 208-23; Aiazza (ed.) *Embassy* pp 343-6

⁸See council documents in Bodl. Carte Mss 22 f.99, 115-20 etc.

Table 11: Supreme Council Membership 1642-1649

	1642	1643a	1643b	1644	1645	1646a	1646b	1647a	1647b		province
<i>Clogher</i>	X	X	X	X	X	X	X	X	X	9	U
Plunkett N.	X	X	X	X	X	X	X	X	0	9	L
Darcy P.	X	X	X	X	X	X		X	0	8	C
Bellings R.	X	X	X	X	X	X			X	7	L
Dillon L.	X	X	X	X	X	X			X	7	C
<i>Mountgarret</i>	X	X	X	X	X	X			0	7	L
O'Neill T.	X	X	X	X	X			X		6	U
Fennell G.	X	X	X	X	X				X	6	M
Browne G.	X	X	X	X	X				0	6	C
Comyn G.	X	X	X	X	X				0	6	M
<i>Dublin</i>	X	X	X	X	X				0	6	L
O'Brien Dan.	X	X	X	X	X				0	6	M
<i>Clonfert</i>	X	X	X				X	X	0	6	C
<i>Tuam</i>	X	X	X	X	X					5	C
Fitzmaurice E.	X	X	X	X					0	5	M
<i>Roche</i>	X	X	X				X			4	M
<i>Armagh</i>	X	X		X	?					3*	U
Magennis E	X	X							0	3	U
<i>Mayo</i>	X								0	2	C
<i>Gormanston</i>	X									1	L
Lombard R.	X									1	M
MacMahon Coll.	X									1	U
Cusack J.	X									1	L
O'Reilly P.	X									1	U
Lynch R.		X	X	X	X		X	X	X	7	C
<i>Cashel</i>		X	X	X	X		X		0	6	M
<i>Muskerry</i>		X		X	X	X		X	0	6	M
<i>Netterville</i>		X	X	X	X					4	L
<i>Castlehaven</i>		X	X	X	X					4	L
Fleming T.		X	X	X						3	L
Preston T.			X	X	X		X			4	L
<i>Antrim</i>			X					X	0	3	U
<i>Iveagh</i>			X						0	2	U
MacDonnell A.				X	X	X	X	X	0	6	U
O'Shaghnessy D.				X	?		X	X	0	4*	C
O'Callaghan D.					X	X				2	M
Bryan P.					X				X	2	L
<i>Ferns</i>							X	X	0	3	L
O'Sullivan Br. D.							X	X		2	M
Butler P.							X	X		2	L
<i>Louth</i>							X	X		2	L
O'Neill O.R.							X	X		2	U
O'Neill P.							X		0	2	U
<i>Glamorgan</i>							X			1	M
Rinuccini							X			1	
O'Boyle T.								X	X	2	U
<i>Limerick</i>								X	X	2	M
<i>Athenry</i>								X	X	2	C
Blake R.								X	0	2	C
Geogh P.								X	0	2	M
Everard R.								X	0	2	M
O'Brien Der.								X		1	M
Rochford H.								X		1	L
Dillon J.								X		1	L
Barron G.									X	1	M
O'Neill H. og									X	1	U
Devereux R.									X	1	L
Barnewall R.									0	1	L
Talbot R.									0	1	L
<i>Costello-Dillon</i>									0	1	L
Nugent T.									0	1	L
Dungan J.									0	1	L
Bagnal W.									0	1	L
<i>Killala</i>									0	1	C
Blake V.									0	1	C
Burke J.									0	1	C
<i>Dunboyne</i>									0	1	M
Walsh J.									0	1	M
Cahan J.									0	1	U
<i>Down/Connor</i>									0	1	U
O'Reilly M.									0	1	U
Maguire R.									0	1	U
	24	24	24	24	24*	9	17	24	49		

appears on a council document in June 1644⁹, while Ever Magennis of Ulster is mistakenly included. Magennis was a member of the first two Supreme Councils and helped negotiate the cessation with Ormond in September 1643, but it is not possible to confirm his involvement after November of that year. He next appears on the council lists as one of the alternates nominated in December 1647¹⁰.

The mistaken titles on certain documents has caused some confusion. The signatures of Richard Barnewall, Robert Talbot and John Walsh appear on what Gilbert identifies as Supreme Council documents, in November 1643, during the third General Assembly. In fact, these letters were not council documents but deal instead with matters arising from the truce agreed with the royalists in September of that year. The three people mentioned above were part of the confederate delegation which signed the agreement with Ormond, and not members of the Supreme Council¹¹.

The second divergence from Cregan concerns the council elected in August 1644. Nicholas Plunkett of Meath, chairman of the General Assembly, is absent from Cregan's list, although named as a member of every other council. Plunkett was one of the most popular, and influential, Leinster representatives and it is extremely unlikely that he would not have been nominated to the council in 1644. Although usually one of the most active members of the council, after August 1644 he became increasingly involved in the tedious peace negotiations, spending a lot of his time in Dublin. This might explain the absence of his signature on council documents during much of this period. In early 1645, however, Plunkett wrote to the confederate agent Matthew O'Hartegan in Paris on behalf of the Supreme Council, and his name appears on other council documents that year¹².

Although John Walsh's name appears on Cregan's list, his council membership in the period 1644-5 must be considered doubtful. Walsh was elected as judge of the new judicature established by the General Assembly in August 1644. The bishop of Clonfert resigned his seat on the council after his appointment to the judicature, but

⁹Supreme Council to Urban VIII, 14 June 1644 in Bourke, Thomas (ed.) *Hibernia Dominicana, Supplementum* p.877

¹⁰O'Ferrall and O'Connell (eds.) *Commentarius* iii pp170-1

¹¹Gilbert (ed.) *Irish Confederation* iii pp 41-3, 50

¹²Appointment of Michael Walsh by the Supreme Council, 9 Aug. 1645 (PRO SP Ire.260/145 f.401); Plunkett to O'Hartegan, 9 Jan. 1645 in Gilbert (ed.) *Irish Confederation* iv pp 119-21

would hardly have done so had Walsh remained at council board. None of the other judges (Richard Berford, John Dillon and Richard Martin) were members of the Supreme Council, perhaps reflecting a desire of the confederates to separate the judicial and executive functions of government¹³.

The establishment of the Committees of Treaty and Instruction, also by the assembly in August 1644, further complicates matters. Created to undertake treaty negotiations with the marquis of Ormond, these two committees worked closely with the Supreme Council to the extent that the three groups to all intents and purposes amalgamated. A number of prominent individuals sat as members of at least two of the bodies, signing documents on behalf of 'council and committee'¹⁴. As a result of this confusion, Cregan can only provide 21 names for the council elected in 1645, one of which (Robert Talbot) is almost certainly wrong. Although a leading member of the Committee of Treaty, it is not possible to confirm Talbot's membership of the Supreme Council until his nomination as an alternate in December 1647.

Two of the missing members are Malachy O'Queely, archbishop of Tuam, and Daniel O'Brien from Munster. O'Queely, one of the most prominent and powerful figures in confederate politics, sat on every Supreme Council until his death following a skirmish with forces loyal to the English parliament in October 1645. Similarly, Daniel O'Brien, who had been a member of parliament as far back as 1613 (representing County Clare), was also elected onto every single Supreme Council until the General Assembly in February 1646¹⁵.

That leaves two places unaccounted for. The pattern of provincial representation on the council suggests one more person from both Ulster and Connacht- Ulster had four members on the council since June 1643, with Connacht always represented by six people. The most obvious candidates are Dermot O'Shaughnessy for Connacht and the archbishop of Armagh for Ulster. O'Shaughnessy replaced the bishop of Clonfert on the council the previous year. Considering the remarkable stability in Connacht representation, it is not unreasonable to assume that retained his seat in 1645, especially as he sat on every subsequent council until 1649 (bar the truncated

¹³Order by the commissioners of the General Assembly, 30 Aug. 1644 in Gilbert (ed.) *Irish Confederation* iii pp 266-7

¹⁴See PRO SP Ire 260/154 f.423, 261/5 f.6, 261/12 f.76 etc.

¹⁵Rinuccini describes Tuam's death as a great loss to the Supreme Council. Aiazza (ed.) *Embassy* p.88

version in 1646). Ulster appears a little less clear-cut, but as the archbishop of Armagh sat on 3 of the previous 4 councils, and was present at the 1645 assembly, he is the most likely candidate¹⁶. Admittedly, this is all pure speculation, however plausible!

Concerns about the size and effectiveness of the Supreme Council, and the influence of non-elected individuals sitting in on meetings, led the General Assembly to streamline its membership. As a result, only 9 people were elected onto the council by the assembly in February 1646¹⁷. Cregan provides 9 names, but the inclusion of Geoffrey Browne of Galway is a mistake. Browne was a prominent member of the Committee of Treaty, and had been elected to every previous Supreme Council. The two Connacht representatives in 1646, however, were the celebrated lawyer Patrick Darcy and Lucas Dillon. The ninth member of this truncated council, was in fact Viscount Muskerry, representing Munster along with Donough O'Callaghan. Muskerry proved extremely active in the military, administrative and diplomatic spheres throughout 1646 and his name appears on most official confederate documents of the period¹⁸.

Later that same year the clerical party led by Rinuccini, assumed control of confederate affairs and appointed a new Supreme Council of 17 members, all correctly listed by Cregan. A number of Supreme Council documents from this period, however, were signed by people not in this original group- the most common signature being that of the Cistercian priest, father Patrick Plunkett, who the following year was appointed as bishop of Ardagh. Plunkett, along with Terence O'Brien (later bishop of Emly), the Jesuit Robert Nugent and others, representing the Ecclesiastical Congregation, which governed in association with the Supreme Council. These clerics were not, however, strictly members of the council¹⁹.

In early 1647, the General assembly rejected the first Ormond Peace Treaty, but exonerated its authors from any blame. A group of moderates, centred around Nicholas Plunkett and Bishop French, tried to forge a compromise, reflected in the

¹⁶Dublin City Library, Gilbert collection Mss 219. In appendix 1, roll 3 (the list for the 1645 assembly) includes the name of the archbishop of Armagh. The archbishop also signed the document in Kilkenny reappointing the treaty commissioners on 13 June 1645, during the assembly's session. Gilbert (ed.) *Irish Confederation* iv p.209

¹⁷Orders of the General Assembly, Jan.1646 (Bodl. Carte Mss 16 ff 470-80)

¹⁸See Bodl. Carte Mss 17 f.160; PRO SP Ire. 261/23 f.100, 261/27 f.105 etc.

¹⁹See PRO SP Ire. 262/14 f.148, 262/31 ff 193-4, 262/56 f.223, 262/66 f.243 etc.

composition of the new Supreme Council. This council included members of both the peace and war factions and, for the first time since 1642, the 4 provinces were equally represented. Cregan supplies the names of 21 of the 24, to which can be added Turlough O'Boyle and Owen Roe O'Neill, both of Ulster, and Donal O'Sullivan Beare representing Munster²⁰. According to Inchiquin, Richard Bellings of Leinster sat on the council during 1647, but this is highly unlikely. As a leading supporter of the first peace treaty his election in March 1647 would surely have been remarked upon (as was that of Muskerry) by various contemporary commentators such as Rinuccini²¹.

Further confusion arises in that the signature of a 'John Butler' appears on a Supreme Council document (dealing with military matters) in July 1647²². As the six Munster representatives have already been identified perhaps this John Butler attended meetings in some military capacity. Similarly, a document in the Carte collection records the election of a Teig O'Connor Roe to represent Connacht. This name does not appear on any Supreme Council document during the year, and as six Connacht members are otherwise accounted for O'Connor's inclusion must simply be a mistake, or else somebody else took his place during the course of the year²³.

Finally, as already mentioned, only one Supreme Council existed between December 1647 and January 1649. The full list of members, resident and supernumeraries, totalling 49 people, 12 from each province, plus Robert Devereux of Wexford as one of the 3 Leinster residents, is published by Gilbert, and in the *Commentarius*²⁴. In the table of Supreme Council membership, the resident members for this final council are marked with an 'x' and the alternates with an 'o'.

²⁰Bodl. Carte Mss 21 f.571 provides an almost complete list of council members; Supreme Council to Andrew Lynch, 9 April 1647 (NA Miscellaneous Doc., Old Series 64-91, no.83), Supreme Council to Henry Talbot, 28 March 1647 (Bodl. Carte Mss 20 f.558), Supreme Council to Taaffe, 27 Sept. 1647 (Bodl. Tanner Mss 58/2 f.529) complete the list.

²¹Inchiquin to Lenthall, 18 Nov. 1647 in McNeill (ed.) *Tanner Letters* pp 274-8; Aiazza (ed.) *Embassy* pp 347-8, 509-11

²²John Butler of Folsterstown in Tipperary sat in the General Assembly earlier that year, while Viscount Mountgarret's brother John had served as a colonel in the Spanish army. Supreme Council to Preston, 13 July 1647 (Bodl. Carte Mss 21 f.296); Assembly list (BM Add Mss 4781 ff 12-34); Perceval- Maxwell *Irish Rebellion* pp 185-6

²³List of Supreme Council members, 1647 (Bodl. Carte Mss 21 f.571)

²⁴O'Ferrall and O'Connell (eds.) *Commentarius* iii pp 170-1; Orders of the General

This table of membership provides a full list of Supreme Council membership from 1642 to 1649, but it is hardly a definitive list. Apart for the two names missing in 1645 (for which Dermot O'Shaughnessy and the archbishop of Armagh are the most likely candidates), the gaps in documentary evidence, the problems concerning the period 1644-6 when a multiplicity of councils and committees abounded, and the odd inexplicable inclusion, would undermine any such claims. Nonetheless, the additional information gathered here provides a further valuable insight into the functioning of confederate government²⁵.

Assembly, 12 Nov. 1647 in Gilbert (ed.) *Irish Confederation* vi pp 208-23. The last Ulster name in the *Commentarius* is given as 'Emerus MacMahony', whereas the original document in the Carte collection, reprinted by Gilbert, correctly identifies this person as Ever Magennis.

²⁵Any corrections to this latest model, by sharp-eyed historians, would be much appreciated as the topic has become something of a personal obsession.

APPENDIX 3: Memoirs of Nicholas Plunkett & Nicholas French

In the decades following the Cromwellian conquest, a number of confederates sought solace in writing their memoirs. Often the author merely sought to apportion blame for disastrous defeats and ruinous exile, or else hoped to ingratiate himself with the new regime. The account entitled *Aphorismical Discovery* belongs in the first category, Richard Bellings' narrative in the second. Two documents in the National Library of Ireland dealing with this period, entitled "An Account of the War and Rebellion in Ireland since 1641" and "A Light to the Blind", have been ascribed to a Nicholas Plunkett¹. Unfortunately, internal evidence suggests both documents were written at the beginning of the eighteenth century, decades after the death of the renowned lawyer and confederate of that name in 1680.

Nicholas Plunkett of Dunsoghly is the known author of the 'Account', although the latest book on the 1641 uprising persists with the theory that the manuscript was written by the confederate Plunkett². A detailed article by Patrick Kelly in *Irish Historical Studies* clearly refutes this suggestion. There are a number of references in the 'Account' to events in the early eighteenth century, although Kelly concedes that the narrative of the 1640s may well be older or "based on material committed to writing a long time before". It is possible, therefore, that Nicholas Plunkett of Dunsoghly had access to material belonging to his confederate namesake which he used in compiling his own history³.

Unfortunately, even if this were the case, it would be of little use in attempting to discover the political philosophy of the confederate Plunkett. The opinions of the eighteenth century author, blatantly pro-Ormond and bitterly anti-clerical, pervade the narrative. Rinuccini is described as "the fatal and pestilent nuncio", while Bishop French, Plunkett's great ally during the 1640s is dismissed as "that upstart mean creature". Even the confederate Plunkett does not escape criticism, proclaimed as "one of the great lawyers of the last age", but "who in his bigotry was a while of the

¹NLI Mss 345 (An Account), 476-7 (Light to the Blind)

²Perceval-Maxwell *Irish Rebellion* p.79

³Kelly, Patrick " 'A Light to the Blind', the Voice of the Dispossessed Elite in the Generations after the Defeat at Limerick" *I.H.S.* XXIV no.96 (Nov. '85) pp 431-62. It is possible that Nicholas Plunkett may have been a grandson, or some other relation of the confederate Plunkett who was also from Dunsoghly.

nuncio's party"⁴. These clearly were not the opinions of the leading political moderate of the 1640s.

The authorship of the second document, "A Light to the Blind", is as yet undetermined. Written shortly after the 'Account', it is markedly different in tone, calling for Irish catholics of all backgrounds to unite, and help restore the Stuart monarchy with the support of the French. Although Plunkett, a powerful advocate of confederate unity, would have sympathised with such sentiments, he did not write this tract. Again the document appeared long after his death, and the most likely author (according to Kelly) was Colonel Nicholas Plunkett, brother of the third earl of Fingal⁵.

It may seem pedantic and unnecessary to clarify these points, but given Plunkett's central role in the events of the 1640s, and the evident confusion which still exists on the subject, it is vital to ascertain if either of these works can be ascribed to him. The answer is in the negative, and Plunkett's memoirs (if they ever existed) probably have not survived. All that remains seemingly, are a few official letters, written in his capacity as chairman of the General Assembly, or as a member of the Supreme Council⁶. On reading through a number of documents in the British Library, however, another source recently came to light.

Between 1660 and 1662, Irish catholics engaged in negotiations with the recently restored Stuart monarchy. They were seeking a royal commitment to honour the terms of the second peace treaty signed with the marquis of Ormond, Charles I's lord lieutenant at the time. With Charles' son back on the throne and Ormond reappointed as lord lieutenant, Irish catholics hoped to recover at least some of their estates. Their delegation was headed by none other than Nicholas Plunkett, who presented a variety of documents at court, outlining the case for restoration, while at the same time repudiating the charges of disloyalty brought by the protestants of Ireland⁷.

⁴NLI Mss 345 ff 24-5, 57, 63, 559

⁵NLI Mss 476-7 ff 50-270; Kelly, "A Light to the Blind" p.443

⁶See for example, PRO SP Ire. 263/31 f.48, 263/110 f.184, 263/124 f.209; Bodl. Carte Mss 20 f.133, 207 etc.

⁷BL Add Mss 4781 (Papers Relating to Ireland 1642-1648) contains documents and papers presented at the court of Charles II in 1660-2.

Plunkett's submissions dealt at some length with the causes and course of the uprising, and although his arguments were constructed with a very specific audience in mind (mainly English protestant royalists), they nonetheless shed an important light on his attitude to events in the 1640s⁸. Despite his central role in defending the Irish catholic interest, Plunkett was eventually banished from the Stuart court early in 1662. This followed the discovery of the instructions from the confederate Supreme Council and catholic hierarchy, to offer the protectorship of the kingdom to Innocent X, which he brought to Rome in 1648⁹.

Many of his ideas are echoed in the writings of his great ally, and companion on that mission to Rome in 1648, Nicholas French, Bishop of Ferns. French was a prolific writer during his twenty five years in exile, producing 'A Narrative of the earl of Clarendon's Settlement and Sale of Ireland' in 1668, 'The Bleeding Iphigenia' in 1674 and finally 'The Unkind Deserter of Loyal Men and True Friends' published in 1676, two years before his death. Some of these works appear to contradict one another, and it has been questioned whether they were all by the same individual. Claims, however, that Peter Talbot wrote "The Sale and Settlement of Ireland" were strenuously denied by the eighteenth century antiquarian Walter Harris. Samuel Bindon, who published a collected volume of the bishops writings in 1846, agreed with Harris, and in the absence of any definite evidence to the contrary, French is still accredited as the author of all three books¹⁰.

Unlike Nicholas Plunkett, bishop French, in exile in Louvain, felt no need to pander to the sensibilities of English royalists. Deeply disappointed at developments in Ireland after the restoration of the Stuarts, he retrospectively blamed the duke of Ormond for the collapse of the catholic interest. French's bitterness distorts much of his writings, but nonetheless, the memoirs are a valuable source of information concerning moderate confederate opinion.

⁸References are made to his submissions throughout the main text.

⁹Supreme Council instructions to agents travelling to Rome, Jan. 1648 (BL Stowe Mss 82 ff155-6); BL Add Mss 4781 f.146

¹⁰Bindon, S.H.(ed.) The Historical Works of the Right Reverend Nicholas French D.D. 2 vols. (Dublin 1846). Once again, references are made to his works throughout the main text.

CONFEDERATE IRELAND, 1642-49

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