

A Rage Without a Home: toryism in Restoration Ireland

Stephen H. M. Furlong

School of Histories & Humanities

University of Dublin, Trinity College

Supervisors: Professor David Dickson and Professor Aileen Douglas

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Summary

The present work is a study of toryism and rappareeism, especially with regards to their place in public discourse, between the years 1660 and 1695, encompassing Restoration Ireland, the War of the Two Kings and the initial years of the Williamite dispensation.

Beginning with an overview of relevant historiography and an historical introduction, the study proceeds to analyse the toryism of the 1660s in the context of early Restoration politics, with particular reference to the crisis years of 1666-7. Chapter two reviews the progress of toryism in the second decade of the Restoration with special concern for counterinsurgency tactics and the strategies of state-building deployed by a succession of Stuart viceroys. Chapter three deals with the role of literary texts in setting the tone of late Restoration toryism, using the lens of one text in particular. Chapter four spans the reign of James II as well as the War of the Two Kings and traces the history of toryism as it became increasingly radicalised to the point that it earned a new title, that of rappareeism.

The study analyses toryism in its historically contingency, while exposing the subject to the theory and methodologies developed in the study of cognate modalities of dissent, especially banditry and forms of insurgency. The work concludes by noting the significant shift in counterinsurgency practice from that influenced by Stuart royalist ideology to that of Protestant constitutionalism at the beginning of the long eighteenth century.

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Abbreviations

Carte MSS Report - Charles William Russell, John P. Prendergast, Thomas Carte and the Bodleian Library, *The Carte Manuscripts in the Bodleian Library, Oxford: A Report Presented to the Right Honourable Lord Romilly, Master of the Rolls. London: Printed by Eyre and Spottiswoode for H.M.S.O, (London, 1871).*

Clarendon Papers - Calendar of the Clarendon State Papers, preserved in the Bodleian Library, (Oxford, 1970).

CSPD - Calendar of the State Papers Preserved in the Public Record Office, Domestic Series, (London, 1860-1965).

CSPI – Calendar of the State Papers Preserved in the Public Record Office, Relating to Ireland, (London, 1905-10).

Dictionary of Irish Biography - James McGuire and James Quinn (eds.), *Dictionary of Irish Biography, (Cambridge, 2009).*

EEBO Periodical – All periodicals or newssheets prefixed as such are to be found on the online database *EEBO: Early English Books Online*
[http://eebo.chadwyck.com.elib.tcd.ie/periodicals_date_browse/datebrowse.pl?EXPAND=&YEAR=&MONTH=]

HMC Buccleuch and Queensberry - HMC, Report on the Manuscripts of the Duke of Buccleuch and Queensberry, (London, 1899).

HMC Egmont - Manuscripts of the Earl of Egmont, (London, 1923).

HMC Ormond - Calendar of the manuscripts of the Marquess of Ormonde, K.P., preserved at Kilkenny Castle, New Series, presented to Parliament by command of His Majesty Great Britain, Royal Commission on Historical Manuscripts, (London, 1902-20) [Searchable Text Edition].

HMC Portland - 13th Report, Appendix, Part 1, The Manuscripts of his Grace the Duke of Portland, (London, 1891).

HMC Sixth Report - The Royal Commission on Historical Manuscripts, Sixth Report, (London, 1887).

Rawdon Papers - Edward Berwick (ed.), The Rawdon Papers, consisting of letters on various subjects, literary, political, and ecclesiastical, to and from Dr. John Bramhall, primate of Ireland, including the correspondence of several most eminent men during the greater part of the seventeenth century, (London, 1819).

The Proclamations of Ireland - James Kelly with Mary Ann Lyons (eds.), The proclamations of Ireland: 1660-1820, two volumes (Dublin, 2014).

Thurloe Papers - John Thurloe, A Collection of State Papers of John Thurloe, Esq., T. Birch (ed.), seven volumes (London, 1742) [Digital 'Searchable' Edition].

Introduction

I. Historiography

Tories and their historians

To a great extent, the academic study of Irish toryism has always been determined by its choice of beginnings, its ‘start dates’. It has proven extremely consequential, for example, that the first serious attempt at the scholarly characterisation of toryism, provided by the Herculean archivists of late Victorian Irish historiography, was shaped by a chronological paradigm that viewed the mid-seventeenth century Cromwellian conquest and the ensuing land settlement as the defining rupture between modern and pre-modern Irish history. For John Prendergast, James Froude and William Lecky, the tories were fundamentally the creatures of this epochal moment in Irish history. According to the picture painted by these formative historians, the tories were the sparks that flew up when Cromwell’s New Model Army broke Gaelic Ireland upon its anvil, first with war and later with plantation. According to the Victorian narrative, the tories were ‘bands of desperate men’¹, chiefly staffed by the unreconstructed Gaelic aristocracy – ‘ejected proprietors whose names might be traced in the annals of the Four Masters’² – who led a despairing ‘war of plunder and assassination’³ against those who displaced them.

The grandees of Victorian Irish historiography were not unanimous on every point. Whereas Prendergast took a somewhat romantic view of the activity, Froude was less predisposed to be kind, referring to the tories disdainfully as ‘disorderly elements’ whose ‘extirpation was a tedious process’.⁴ Meanwhile, Lecky steered a middle course between these two standpoints. Yet each of these historians nonetheless imposed an essentially negative definition on the activity, representing the tories as the dying embers of an old-world order who, though already confined

¹ John Prendergast, *The Cromwellian Settlement of Ireland*, (Dublin, 1875), p. 190

² William Lecky, *A History of Ireland in the Eighteenth Century*, five volumes, vol.1 (London, 1892), p. 355

³ James Froude, *The English in Ireland in the Eighteenth Century*, three volumes, vol.1 (London, 1872), p.135

⁴ *Ibid*

to the dustbin of history, were nonetheless hell-bent upon exacting revenge upon those who had replaced them. In this view, the gradual decline of Irish toryism over the course of the late seventeenth and early eighteenth centuries, especially its de-politicisation and increasingly plebeian character in the latter century, was seen as a sort of life monitor for aristocratic Gaelic Ireland; when one went quiet the other was presumed to have passed away. Until relatively recently, this Victorian paradigm enjoyed uncontested academic acceptance, aided not least by the persistent strength of the broader frame of analysis which undergirded it: a two-nation view of Irish history that presented the Cromwellian settlement as the defining moment in the transfer of power from Gaelic chieftains to Anglo-Protestant landlords.⁵

In recent years, however, the ground has begun to shift from underneath the Victorian edifice. Recent studies of the mid-seventeenth century conflicts have, for example, uncovered considerable evidence pointing to the fact that toryism first emerged *during* the Wars of Religion and not after Parliamentarians' ultimate victory, as previously had been assumed. And while these sources generally paint toryism as an inchoate form of apolitical brigandage, it has also been pointed out that the same tactics deployed by tories in 1640s (i.e. ambush and evasion) were later adopted by large parts of the regular Confederate-Royalist forces, who increasingly deployed 'partisan' or 'guerrilla' tactics in response to the superior firepower wielded by Cromwell's New Model Army (for more on this see the second part of the introduction).⁶ By this analysis, the toryism of the early-1650s was a legitimate tool of political resistance and the consequence of a positive

⁵ See for example, J.C. Beckett's account of the emergence of toryism: 'Even after formal hostilities had everywhere ceased, there were many areas in which the broken remnants of the Irish forces maintained a guerrilla warfare that rapidly developed into brigandage. It is at this period that the ominous name 'tory' first appears in the state papers, and until almost the end of the century the suppression of toryism remained one of the constant problems of Irish government. The tories were outlaws whose natural taste for robbery was strengthened by resentment against the new settlers and the régime that supported them. In spite of their depredations, they acquired something of a patriotic character among the native Irish...' J.C. Beckett, *The Making of Modern Ireland 1603-1923*, (London, 1966), p. 105. See also: Edward MacLysaght, *Irish Life in the Seventeenth Century*, (Dublin, 1979), p. 277

⁶ Micheál Ó Siochrú, *God's Executioner: Oliver Cromwell and the Conquest of Ireland*, (London, 2008); Éamonn Ó Ciardha, 'Tories and Moss-Troopers in Scotland and Ireland in the Interregnum: a Political Dimension' in John Young (ed.), *Celtic Dimensions of the British Civil Wars: Proceedings of the Second Conference of the Research Centre in Scottish History, University of Strathclyde*, (Edinburgh, 1997), pp.141-163

strategy on the behalf of Irish Catholic combatants, a view which is distinctly at odds with that of Lecky, Froude and Prendergast. An even more significant revision of the Victorian narrative has emerged as the consequence of renewed academic interest in the early seventeenth century Ulster plantation. In recent years historians of the early Stuart period have unearthed a history of depredations committed upon Protestant settlers by elements of the Irish Catholic population, usually referred to either as ‘kern’ or ‘woodkern’. The fact that the kern’s mode of operation bore close resemblance to that of the mid-seventeenth century tory has led at least one historian to posit a line of continuity between these modalities.⁷

At the far end of the chronological spectrum, a rolling battle fought between early eighteenth century historians has opened up questions about the political motivations of Irish tories, or ‘rapparees’ as they were more commonly known from the late 1680s onwards. The main contestants in this debate, Éamonn Ó Ciardha and Sean Connolly, have succeeded in re-energising the study of Irish toryism by deconstructing key elements of the Victorian historiographical paradigm. On the one hand, Éamonn Ó Ciardha, who has also championed the historical continuity between the early Stuart kern and the mid-seventeenth century tory, has marshalled extensive evidence linking the rappareeism of late-seventeenth and early-eighteenth-century Ireland to the ideology of Jacobitism, the political cause which sought the re-instatement of the exiled Stuart monarchy.⁸ Ó Ciardha convincingly argues both for the prevalence of rapparee activity, which he shows to be much more considerable than historians have generally acknowledged, as well as for the fact that rappareeism was closely linked to the rhythms of Jacobite agitation, in Britain as well as in Ireland. In so doing, Ó Ciardha has represented rappareeism not as a form of social recidivism, as the Victorian paradigm implicitly asserted, but as a mode of genuine political dissidence intimately tied up with a trans-national ideology.

⁷ Éamonn Ó Ciardha, ‘Toryism in Cromwellian Ireland (1650-60)’, *Irish Sword*, vol.19, no.78 (Winter 1995), p.291; Raymond Gillespie, ‘Success and Failure in the Ulster Plantation’ in Éamonn Ó Ciardha and Micheál Ó Siochrú (eds.), *The Plantation of Ulster: Ideology and practice*, (Manchester, 2012), pp.108-112

⁸ Éamonn Ó Ciardha, *Ireland and the Jacobite Cause, 1685-1766: a fatal attachment*, (Dublin, 2001)

Like Ó Ciardha, Sean Connolly has framed Irish tories and rapparees in a long-term analysis of early modern Irish history. Unlike Ó Ciardha, however, Connolly has represented the history of toryism not as evidence of long-standing Irish resistance to English colonial rule, but as the by-product of modern state-making.⁹ In Connolly's opinion the emergence of toryism in the 1650s and 1660s should not be seen as the consequence of land confiscations and religious persecution (i.e. resistance to colonialism), but as a result of 'the extension to the country as a whole of a new and more rigorous definition of what types of behaviour put a man outside the law'.¹⁰ Although Connolly's point of view, which effectively represents toryism as a form of apolitical and opportunistic predation, positions him closer to the Victorian standpoint, his macro-structural frame of analysis has opened up the subject to a diverse and rich strain of international academic scholarship, that of 'bandit studies'. The historiography of banditry will be discussed in greater length below. For present purposes, however, it will be important to note that although Connolly lifted his frame of analysis directly from *Bandits* (1969), the seminal work of Eric Hobsbawm, father of modern bandit studies, he deployed this methodological toolkit in a manner completely at odds with the revolutionary Marxism of Hobsbawm's text. Whereas Hobsbawm was motivated by a conviction that international banditry comprised a legitimate form of political protest against universal forms of injustice (i.e. the growth of the modern nation state and the expansion of the market economy), Connolly has interpreted Irish toryism as a variety of international banditry in order to represent it as an undifferentiated form of opportunistic predation, something that fed off the 'gap between aspiration and effective power'.¹¹

In a direct refutation of Connolly's work, Éamonn Ó Ciardha has vigorously rejected the validity of importing an international theory of banditry to Irish history, arguing that historians have been too quick to represent 'the Irish rapparee as an

⁹ Sean Connolly, *Religion, Law and Power: the making of Protestant Ireland*, (Oxford, 1992), esp., pp.198-262

¹⁰ Sean Connolly, 'Violence & Order in the Eighteenth Century', in, Patrick O'Flanagan, Paul Ferguson and Kevin Whelan (eds.), *Rural Ireland: modernisation and change*, (Cork, 1987), p.43

¹¹ *Ibid*, p.43

Irish variant of the Hobsbawmian bandit'.¹² The only historical comparisons with Irish toryism which Ó Ciardha will entertain are the 'moss-troopers' of mid-seventeenth-century Scotland and certain modes of liminal dissent in early eighteenth-century Britain (such as smuggling in Sussex and cattle rustling in Scotland).¹³ In the former case, Ó Ciardha allows the comparison in order to suggest a common Gaelic essence in both Scottish and Irish martial cultures, whereas the latter are presented as a catalogue of politico-criminal activities proving the vitality of Jacobite resistance. Moreover, Ó Ciardha believes that by representing toryism as a form of depoliticised criminality modern historians (i.e. Connolly) have been guilty, not only of ill-advised internationalism, but of carrying over the residue of seventeenth-century counterinsurgent discourse.¹⁴ It is a grand irony of Irish historiography that the historian most inclined to vindicate toryism as a legitimate mode of political resistance has also forcefully renounced the applicability of a body of theory that was originally conceived in order to perform exactly the same service for international banditry. Meanwhile, the scholar who has expended the most ink denigrating toryism as a form of common criminality has constructed his argument on the basis of a thesis compiled by a revolutionary Marxist.

Theory and methodology

The central purpose of Eric Hobsbawm's *Bandits* (1969), first elaborated in *Primitive Rebels* (1959), was to identify a species of socio-political activity which, although known by myriad different names (often 'banditry' in the English-speaking world), occurred throughout history, in different places and different times, in almost identical form.¹⁵ Broadly speaking, the basic rudiments of this trans-national and trans-historical activity, as identified by Hobsbawm, was the forceful acquisition of economic assets through the threat or actual use of physical violence by individuals or small groups of men who relied on the continued existence of large tracts of unoccupied land into which they could 'disappear' and evade authorities. Influenced by Marxist historical materialism, as well as by the work of

¹² Éamonn Ó Ciardha, *Ireland and the Jacobite cause, 1685-1766: a fatal attachment*, (Dublin, 2000), pp.52-3

¹³Ibid, p.37; Ó Ciardha, 'Tories and Moss-troopers in Scotland and Ireland in the Interregnum period'

¹⁴ Éamonn Ó Ciardha, 'Tóraíochas is Rapairíochas sa seachtú haois déag / Tories and Rapparees in the Seventeenth Century', *History Ireland*, vol.2, no.1 (Spring 1994), p.25

¹⁵ Eric Hobsbawm, *Primitive Rebels*, (London, 1959); Eric Hobsbawm, *Bandits*, (London, 2001)

Fernand Braudel, who first noted the similarities between disparate forms of brigandage occurring in the sixteenth century Mediterranean basin, Hobsbawm argued that the critical factor determining the emergence, growth and disappearance of banditry in a given area at a given point in time was the waxing and waning of centralised political power.¹⁶ This conceptual framework led Hobsbawm to identify what he believed to be the root cause behind the profusion of bandit-type activities in early modern Europe: the symbiotic development of the territorial national state and the capitalist market economy.¹⁷

As well as locating banditry within a macro-structural historical framework, Hobsbawm was also determined to show that bandits, or at least some of them, were not merely predatory criminals but legitimate political actors who resisted the impositions of centralising authorities and extractive economies. It was this aspect of Hobsbawm's work, his so-called 'social bandit' thesis, which drew the most criticism. In particular, Hobsbawm was lambasted for a naïve use of source material, especially folk song and popular print. In one sense, this critical backlash served to substantiate bandit studies as a domain of intellectual inquiry.¹⁸ On the other hand, however, it also led scholars down a somewhat fruitless *cul de sac* of arguing whether bandits were "good or bad", "political or criminal". Fortunately, bandit studies since the 1980s has largely moved on from this dualistic and narrow focus. Moreover, modern scholars of banditry have also tended to forgo the mechanical-material conception of power inherent Hobsbawm's approach, emphasising instead the 'soft power' dimensions of the subject, especially with regards to ideology and discourse. Of particular interest to the present work is the work of scholars such as Paul Sant Cassia, John Dickie and Irene Polverini Fosi, each of whom has focused on the role of language in shaping responses to banditry, both within insurgent and counterinsurgent communities (although for obvious reasons first-hand evidence tends to be more common for the latter).¹⁹

¹⁶ Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, three volumes, vol.2 (London, 1973), esp., pp.734-756

¹⁷ Eric Hobsbawm, *Bandits*, (London, 2001), esp., p.15

¹⁸ For a good overview of these debates, see: Brent D. Shaw, 'Bandits in the Roman Empire', *Past & Present*, no.105 (November 1984), pp.3-52

¹⁹ Paul Sant Cassia, "'Better Occasional Murders than Frequent Adulteries': Banditry, Violence & Sacrifice in the Mediterranean", *History and Anthropology*, vol.12, no.1 (2000), pp.65-99; John

Restoration toryism: a neglected history

Despite extensive analysis of the subject, neither Ó Ciardha nor Connolly have had a great deal to say about toryism in the Restoration period. This, it can be argued, is something less than a coincidence. For Ó Ciardha, toryism's ambivalent political status under Charles II, being directed neither against the draconian Cromwellian regime nor the penal Hanoverian State, is an awkward fit for a concept of the activity that stresses its continuity and anti-colonial essence. Hence, when Ó Ciardha refers to Restoration toryism, he does so only obliquely, contrasting its putative depoliticisation with its subsequent resurrection as a form of pro-Jacobite political protest.²⁰ On the other hand, by making the Restoration the departure point of his narrative, Connolly has yoked the toryism of late seventeenth century Ireland to that practiced in the subsequent century. By doing so, Connolly presents the history of toryism as a smoothed arc of steady depoliticisation, while avoiding the difficulty of reconciling this apolitical categorisation of the activity with the profound hostility that existed between the Irish Catholic population and Cromwellian regime in the 1650s. In essence, whereas Ó Ciardha implicitly represents the Restoration as a brief hiatus in an otherwise continuous clash between Gaelic and British society, Connolly makes Charles II's reign a sort of curious prelude to the 'long eighteenth century' and the creation of the modern Irish state.

In contrast to the approaches taken by Ó Ciardha nor Connolly, recent trends in Restoration historiography have tended to view the reign of Charles II as either a unique political project distinct from the long eighteenth century or as a recommencement of the structural tensions that animated early seventeenth century politics.²¹ While Irish historiography has been slower to take up this gambit there has

Dickie, 'A Word at War: The Italian Army and Brigandage 1860-1870', *History Workshop*, no.33 (Spring 1992), pp.1-24; Irene Polverini Fosi, 'Justice and Its Image: Political Propaganda and Judicial Reality in the Pontificate of Sixtus V', *The Sixteenth Century Journal*, vol.24, no.1 (Spring 1993), pp.75-95. See also, Shaw, 'Bandits in the Roman Empire'

²⁰ Ó Ciardha suggests, for example, that 'the Jacobite cause served to politicise predatory crime in the seventeenth and eighteenth centuries' and that James II's reluctant endorsement of rappareeism 're-animates' the activity. Ó Ciardha, *Ireland and the Jacobite cause*, pp.85-6

²¹ Ronald Hutton, Tim Harris, Richard L. Greaves, and Jonathon Scott have been three prominent proponents of the stand-alone Restoration. See, for example: Ronald Hutton, *The Restoration: a political and religious history of England and Wales, 1658-1667*, (Cambridge, 1993); Tim Harris, *Politics Under the Later Stuarts: party conflict in a divided society*, (Harlow, 1993); Richard L.

been some encouraging work in this direction.²² The present work may be understood as an attempt to fill a gap in our knowledge by providing the first dedicated study of Restoration toryism. In so doing, this study will treat its subject as something that was deeply influenced by the events and cultural baggage of preceding decades, but which was also fundamentally determined by the historically specific political project that was Restoration Ireland, beginning with the ‘restoration’ of Charles II in 1660 and ending in the War of the Two Kings (1688-91).

From a theoretical point of view, aspects of both Ó Ciardha and Connolly’s work are embraced here. On the one hand, Ó Ciardha’s central claim, that Irish toryism cannot be studied separate from either its political or colonial contexts, is taken as a starting point. Given that the overwhelming majority of kern, tory and rapparee attacks were performed by Irish Catholics on Protestant settlers, soldiers and civil officers, and given that both sides of this ethno-confessional divide saw themselves as engaged in a zero-sum contest for power, political agency and economic rights, it is taken as given that such attacks could not have been apolitical in any meaningful definition of the term. It is therefore a fundamental principle of the present study that Irish toryism must be understood as historically contingent and as something that cannot be explained away by a general theory. On the other hand, Connolly’s contention that Irish tories and rapparees had close analogues elsewhere in the world is equally taken as fact. In its basic rudiments Irish toryism and rappareeism clearly share certain characteristics with, for example, the history of Italian banditry. To deny this fact is to preclude the possibility of translating a rich body of theory for the study of Irish toryism, without which our scholarship will be much poorer. It is the contention of the present work that the history of Irish toryism and rappareeism cannot be furthered without entering into more sophisticated analysis of discursive and ideological practices.

Greaves, *Deliver us from evil: the radical underground in Britain, 1660-1663*, (Oxford, 1986). Jonathan Scott has argued convincingly for a more holistic approach to the British seventeenth-century: Jonathan Scott, *England’s Troubles: Seventeenth-century English political instability in European context*, (Cambridge, 2000), esp. p.3

²² Coleman Dennehy (ed.), *Restoration Ireland: always settling and never settled*, (Oxford, 2006); see especially: Tim Harris, ‘Restoration Ireland – Themes & Problems’, in Dennehy (ed.), *Restoration Ireland*, pp.1-17; Toby Barnard, ‘Conclusion: Restoration Ireland’, in Dennehy (ed.), *Restoration Ireland*, pp.179-193

II. Ireland before the Restoration

Pre-Stuart Gaelic Ireland

There are a number of points to be made about pre-seventeenth century Ireland, especially regarding its political, cultural, military and economic practices, that will inform the study to follow. Irish political life prior to the collapse of the Gaelic order following the Nine Years' War (1592-1603) cannot be spoken about except as a heterogeneous and regionally diversified affair. In the first place, there was during this period no centralised Irish state which regulated the country's political affairs at a national or even a regional level. The closest approximation to such an entity, the English government based in Dublin, was limited both in its sophistication – it was, for example, possessed of only a rudimentary administrative capacity – and the geographical reach of its political influence, which extended only as far as the counties immediately abutting Dublin itself, i.e. the region traditionally referred to as 'the Pale'. Meanwhile, the rest of the country was subdivided into an extensive patchwork of lordships, within each of which the given ruler was effectively sovereign. This tendency to localism was, however, somewhat countered by the existence of a complex meshwork of alliance and vassalage. Most lordships, for example, were linked to several others by bonds of blood and marriage, relationships which to a greater or lesser extent entailed sharing in the friendships and animosities of one's mutual ally. In the case of the FitzGeralds and Butlers, the two most powerful families in medieval Ireland, the networks of allegiance which gravitated around these rival factions operated at almost a countrywide level.

As well as these voluntary alliances between parties of more or less equivalent power, most smaller lordships were held in thrall by their larger, more powerful neighbours, to whom they were expected to pay tribute and provide manpower in times of conflict. Such associations were often softened by relationship-building customs such as fosterage (the practice of sending the offspring of lords to be raised in the households of allies), but they were always enforced in the last analysis by the looming threat of violent force.²³ However, due to the fact that even the most powerful lordships tended not to possess an elaborate administrative organisation,

²³ Kenneth Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages*, (Dublin, 1972), p.26

their hold over their client's territory was inherently limited and prone to collapse.²⁴ Moreover, although there was a tendency for dominant lordships to insert family members and followers into a vassal's territory and to eventually displace the lesser clanship thereby, this trend had not yet tended towards monopoly by the end of the sixteenth century.²⁵ Thus, in pre-Stuart Gaelic Ireland, in David Beer Quinn's words, the 'unit of political authority was small'.²⁶

As well as these political fractures, medieval Ireland was also culturally divided. Prior to the work of Kenneth Nicholls, Katherine Simms and others working from the 1960s onwards, historians of pre-Stuart Ireland tended to represent the country as dominated by two more or less mutually exclusive cultural units, the unreconstructed Gaelic community and the Anglo-Norman settlers who first arrived in the late twelfth century.²⁷ According to this prevailing narrative, Gaelic Ireland rebounded from its initial, catastrophic retreat in the face of the Anglo-Norman invasion to once again subsume much of the country in the course of the fourteenth and fifteenth centuries. By this account the Anglo-Norman lordships lying outside the Pale were not so much disgorged as metabolised by a resurgent Gaelic culture, such that by the beginning of the sixteenth century the descendants of Hugh de Lacy had become 'more Irish than the Irish themselves'. More recently, however, historians have tended to modify this 'either-or' account of medieval Irish history by emphasising the extent to which Gaelic and Anglo-Norman cultures borrowed from each other over the course of several centuries, producing a hybridised and regionally diversified society, which can only be partly accounted for by the two-nation narrative of old.²⁸ Speaking in general terms, Ulster remained the territory upon which Anglo-Norman culture had the least impact, while conditions within the confines of the Pale 'approximated to those of the northern border counties of England', although even these were increasingly penetrated by Gaelic influence in

²⁴ Ibid, p.44

²⁵ Ibid, p.26

²⁶ David Beers Quinn, *The Elizabethans and the Irish*, (Cornell, 1966), p.15

²⁷ See, for example, A.J. Otway-Ruthven, 'The character of Norman settlement in Ireland', in Peter Crooks (ed.), *Government, War and Society in Medieval Ireland: Essays by Edmund Curtis, A.J. Otway-Ruthven and James Lydon*, (Dublin, 2008), p.263

²⁸ James Lydon, 'A land of war', in Art Cosgrove (ed.), *A New History of Ireland: vol. II, Medieval Ireland, 1169-1534*, (Oxford, 1987), p.269

the late medieval period.²⁹ Meanwhile, the Anglo-Norman lordships of Connacht were by the end of the fifteenth century almost entirely translated to Gaelic norms, while Munster more than any other province produced a socio-political ecosystem that was a genuine hybrid of both cultures.³⁰ With this in mind, what were the primary characteristics Anglo-Norman and Gaelic Ireland and in what direction were they evolving before the sixteenth century Tudor revival changed the course of Ireland's history?

By far the most important facet of Irish political life in the medieval period was the sway of clanship over its forms of organisation. Kenneth Nicholls has defined the Irish clan, which was the political elite in a given territory rather than its entire population, as 'a unilineal (in the Irish case, patrilineal) descent group forming a definite corporate entity with political and legal functions.'³¹ Leadership of the clan was determined by election rather than by primogeniture, with every male scion of a common ancestor within four generations eligible for candidacy. The election of a future leader was typically conducted during the tenure of the current chieftain (*taoiseach*) and in theory this leader-in-waiting (*tánaiste*) automatically succeeded upon the death of the former chieftain, although depending on circumstance things might not always run so smoothly.³² Due to its sprawling nature the clan tended to operate as a political and judicial body, rather than as familial unit. Indeed, clans were typically riven with internal rivalries and the natural tendency was for clanships to splinter into two or more groupings once they had reached a certain size.³³

The political authority of the clan was supported by a cultural system designed both to uphold its aristocratic values and trumpet its achievements. For example, the Irish legal system was conducted not on the basis of a formalised court system with institutionally trained lawyers, but through the agency of its hereditary judges

²⁹ Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages*, p.4

³⁰ *Ibid*

³¹ Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages*, p.9

³² *Ibid*, pp.27-9

³³ *Ibid*, pp.11

(*breitheamh*, from which the English ‘brehon law’).³⁴ Evolving out of a tradition of legal scholarship peculiar to Ireland, brehon law in the late medieval period was also considerably influenced by imported strands of both Roman and canon law. A second important class of cultural arbitrator was that of the historian. Unlike modern academic scholars, the historian of medieval Gaelic Ireland was primarily concerned with chronicling the genealogy of individuals and clanships, a fact which is unsurprising given the importance of ancestry to the delineation of political and legal rights. Perhaps the most important member of the Gaelic intelligentsia, however, was the poet. The basic profession of the Gaelic poet, according to Kenneth Nicolls, was ‘the eulogy of the great and the glorification of their deeds’ and to serve as ‘panegyrists of the old order’.³⁵

The Gaelic learned classes were not without a certain amount political agency. Uniquely possessed of arcane legal knowledge, the brehon judge could, for example, insist upon deference to precedent when making contentious decisions. The poet, moreover, was widely believed to possess mystic, priest-like powers and was even ascribed the ability to inflict curses upon those who earned his animosity.³⁶ The Gaelic intelligentsia was, however, deeply invested in the existing political order. Not only were the learned classes hereditary in nature, and therefore disinclined to disturb the wider lineage-based system that was the foundation of their own status, they were also financially reliant on the clan system for their upkeep and prosperity. The poets in particular were by ‘the very nature of their calling’, according to David Greene, ‘the paid propagandists of the existing order of things’.³⁷ Entirely dependent on Gaelic lords for their patronage, Gaelic poets had an existential interest in the maintenance of the aristocratic order.³⁸ The poetic class retained this aristocratic and socially conservative outlook late into the seventeenth century, often denigrating Cromwellian settlers more as social climbers rather than

³⁴ *Ibid*, pp.50-2

³⁵ *Ibid*, p.95

³⁶ *Ibid*, pp.93-4

³⁷ Quoted in *Ibid*, pp.17-8. See also, Brendan Bradshaw, ‘Native reaction to the Westward Enterprise: a case-study in Gaelic ideology’, in K.R. Andrews, N.P. Canny and P.E.H. Hair (eds.), *The Westward Enterprise: English activities in Ireland, the Atlantic, and America 1480-1650*, (Liverpool University Press, Liverpool, 1978), pp.72-4

³⁸ Nicholas Canny, ‘The Formation of the Irish Mind: Religion, Politics and Gaelic Irish Literature 1580-1750’, *Past & Present*, no.95 (May 1982), esp., p.74

as cultural or political enemies.³⁹ As well as the considerable ‘soft power’ support it received from its learned classes, the authority of the clan was also enforced by the ‘hard power’ it possessed in the form of its military retinues.

Precisely because it lacked a hegemonic political centre, pre-Stuart Gaelic Ireland was a heavily militarised society, with every chieftain and his kinship group reliant on a personal retinue of soldiers both to enforce authority within the lordship as well as to defend it from the incursions of rival clans. This was all the more necessary in light of the fact that raiding and counter-raiding was endemic in Gaelic society, not least because of the high value its culture placed on the martial prowess of its political leadership.⁴⁰ The verses of Gaelic poets were, for example, often comprised by lengthily descriptions of successful raids.⁴¹ As a predominantly rural society, with few developed urban centres and a low-density population, little value was placed on the sort of heavily armoured troops that might be used to lay siege to towns or garrison citadels. Instead, the military retinues of Irish lords tended to be lightly armoured, at least compared to their English counterparts, in such a way that befitted the raiding, harrying and evading tactics favoured within Gaelic martial culture.⁴² Perhaps the only significant exception to this rule was the gallowglass (*galloglach*, i.e. ‘foreign warrior’), a class of soldiery staffed by the descendants of Scottish mercenaries who spilled out of the Highlands and Western Isles in the late thirteenth and fourteenth centuries. Wearing coats of mail and armed with a long-shafted ‘spar’ or axe, the gallowglass’ armaments were untypically heavy by Gaelic Irish standards.⁴³ By contrast, the Irish cavalry was very lightly equipped compared to its English or continental analogues. Moreover, because Gaelic culture did not adopt the stirrup prior to the seventeenth century, its mounted troops were next to useless when it came to charging opponents in fixed battle formation.⁴⁴ Another

³⁹ *Ibid.*, p.69; Ellis, ‘The Collapse of the Gaelic World’, p.467

⁴⁰ Quinn, *The Elizabethans and the Irish*, p.2

⁴¹ *Ibid.*, p.15

⁴² Steven Ellis, ‘The Collapse of the Gaelic World, 1450-1650’, *Irish Historical Studies*, vol.31, no.124 (November 1999), esp., pp.457-463

⁴³ Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages*, pp.99-104

⁴⁴ *Ibid.*, pp.96-7. See also, James Lydon, ‘The hobelar: an Irish contribution to medieval warfare’, pp.177-181

lightly armoured combatant, and by far the most common component of Gaelic military retinues was the ‘kern’.⁴⁵

The earliest known references to the kern (‘ceithearn’; pl. ‘ceithearnaigh’) date from the ninth century, when the meaning of the word signified a ‘band of warriors’ or ‘war party’ in a general and morally neutral sense.⁴⁶ In the early thirteenth century, however, the term entered into more widespread use as the name given to the groups of native Irish mercenaries that proliferated throughout the country following the Anglo-Norman invasion. The masterless kern of the thirteenth and early fourteenth centuries initially acted as destabilising force within Gaelic society, inviting particularly strong condemnation from the Irish clergy, who likened them to the ‘díberg’, a pagan warrior cult of the seventh and eighth centuries, and called them ‘meic mallachtain’ (‘sons of a curse’, or ‘damned men’).⁴⁷ Interestingly, the ecclesiastics also labelled the kern ‘latrones’, the Latin for bandits, a rhetorical strategy that will be recalled when we turn to analysing the Catholic Church’s attempt to de-politicise the tories of the late seventeenth century.⁴⁸

In the course of the fourteenth century the Gaelic political system increasingly assimilated this new mercenary class to its normal operation. Indeed, it is probably more accurate to say that the Gaelic political system adapted itself to the kern, insofar as its chieftains increasingly substituted these hired soldiers for their traditional ‘hosting’, the military service due to them from their vassals.⁴⁹ Henceforward, in lieu of this traditional form of fealty, the chieftains instead extracted a tax from the population for the purpose of paying their mercenaries’ wages. Later still, this tax was converted to the ‘bonaght’ (referred to as ‘coyne and livery’ within the Anglo-Norman lordships), a practice whereby mercenaries were billeted on the population from whom they extracted their pay directly.⁵⁰ By the end

⁴⁵ Ellis, ‘Collapse of the Gaelic World’, p.457

⁴⁶ Katherine Simms, *From Kings to Warlords: the changing political structure of Gaelic Ireland in the later Middle Ages*, (Suffolk, 1987), p.120; Fergus Cannan, ‘Hags of Hell’: Late Medieval Irish Kern’, *History Ireland*, vol.19, no.1 (January/February 2011), p.15

⁴⁷ Richard Sharpe, ‘Hiberno-Latin Laicus, Irish Láech and the Devil’s Men,’ *Ériu*, 30 (1979), p.87

⁴⁸ *Ibid*, p.81; Katharine Simms, ‘Gaelic warfare in the Middle Ages’, in T. Bartlett and K. Jeffrey (eds.), *A military history of Ireland*, (Cambridge, 1996), p.101

⁴⁹ *Ibid*, p.106

⁵⁰ Quinn, *The Elizabethans and the Irish*, pp.14-5; Simms, *From Kings to Warlords*, p.127

of the Tudor period the meaning of the word ‘kern’ had acquired the connotations of ‘bully’ and ‘tyrant’ for the population that they were billeted on. *Ceithearn* was even etymologised popularly as *cioth Ifrinn* (‘a shower of hell’), such was the kern’s unpopular status as the oppressive manifestation of aristocratic Gaelic domination.⁵¹ By the fifteenth century the kern had become a standardised component of the Gaelic Ireland’s aristocratic martial culture, with some still acting as mercenaries available for hire on a short or long-term basis, while more still became permanent members of the clan’s retinue.⁵² Historian Steven Ellis estimates that by the sixteenth century over seventy per cent of Gaelic military forces were made up of kern.⁵³

The ruling kinship group derived much of its function from its martial capacities and, as a consequence, did not typically engage in any form of economic labour. Instead, members of the clan tended to live off the proceeds of their subalterns, moving from homestead to homestead where they were entertained at the expense of the host.⁵⁴ This form of exaction was both indicative of and a function of the fact that pre-Stuart Ireland was neither a money nor a marked based economy, with most of its moveable wealth locked up in agricultural assets. Although not legally unfree, the Irish peasantry was generally and severely depressed. Historian Kenneth Nicolls has suggested that this immiseration tended towards serfdom in the course of the sixteenth century.⁵⁵ Intensive agriculture was practiced in areas of Anglo-Norman colonisation, but wherever Gaelic norms persisted or had reasserted themselves it was more common to find modes of pastoralism being exercised.⁵⁶ Most notable amongst these was the ‘creaght’ (‘caoraigheacht’), a nomadic or semi-nomadic pastoral body constituted by a collection of livestock and the aggregate of families that drove, followed and safeguarded them.⁵⁷ As we shall see, Anglo-Protestant

⁵¹ Simms, ‘Gaelic Warfare in the Middle Ages,’ p.100

⁵² *Ibid.*, pp.120-6; Simms, ‘Gaelic Warfare in the Middle Ages’, p.115

⁵³ Ellis, ‘The Collapse of the Gaelic World’, p.459

⁵⁴ *Ibid.*, p.15

⁵⁵ Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages*, pp.77-9

⁵⁶ *Ibid.*, p.5

⁵⁷ John Prendergast, ‘The Ulster Creaghts’, *Proceedings and Transactions of the Kilkenny and South-East of Ireland Archaeological Society*, vol. 3, no.2 (1855), p.423; Katharine Simms, ‘Nomadry in Medieval Ireland: The Origins of the Creaght or Caoraigheacht,’ *Peritia: Journal of the Medieval Academy of Ireland*, 5 (1986), p. 379

commentators often associated these mobile conglomerations with both the tory partisans of the 1650s and the large bands of rapparees which roved the countryside during the War of the Two Kings.

By the sixteenth century creaghting had become a pervasive form of socio-economic practice in Ireland. This was true especially true in the province of Ulster, where it may even have been the primary mode of social organisation.⁵⁸ Although by the Tudor period it had become effectively a form of transhumance, when creaghting first emerged in the late fourteenth century it was as a mode of destinationless nomadry. The creaght's emergence formed part of a broader trend towards pastoralism which persisted over the following two centuries and contributed towards the destabilisation of Ireland's medieval political order.⁵⁹ Throughout the fifteenth century creaghts frequently engaged in the hostile displacement of settled communities, sometimes by purposefully overgrazing their enemies' pastures.⁶⁰ Over time, however, the creaght was increasingly assimilated to the normal operation of Gaelic society, such that by the sixteenth century these semi-nomadic bodies typically operated in concert with its aristocratic political superstructure. After the Nine Years' War, when sir Toby Caulfield investigated the account books of the earl of Tyrone, the rebellion's leader, he discovered a normalised system of taxation existing between the Gaelic chieftain and the creaghts operating within his territory.⁶¹

During the same period creaghting also developed a close relationship with Gaelic Ireland's aristocratic martial culture, becoming a standard component in the cattle raiding and low-level feuding which was endemic to that society.⁶² By the sixteenth century the creaght had become the primary provisioning unit of aristocratic and clan military retinues and these pastoral units were mobilised extensively in the Gaelic aristocracy's war with Elizabeth I. Indeed, they were to be the last lifeline for the earl of Tyrone after his defeat at the Battle of Kinsale and the subsequent

⁵⁸ *Ibid*, p.384

⁵⁹ *Ibid*, p.180

⁶⁰ *Ibid*, pp.390, 382-3

⁶¹ Prendergast, 'The Ulster Creaghts', pp. 425-6; Simms, 'Nomadry in Medieval Ireland,' p. 383

⁶² *Ibid*, p.383

capitulation of his allies. In the final throws of his rebellion Tyrone was described by the triumphalist English government as having ‘nothing to live on but the creaghts which he hath about him and underhand relief of the country.’⁶³

Tudor intervention and the end of Gaelic Ireland

After centuries of neglect and decline, a number of factors combined to revitalise the English government in Ireland in the early sixteenth century. In the first place, the conclusion of the War of the Roses, a series of dynastic conflicts fought in England between the houses of Tudor and York in the latter half of the fifteenth century, freed up the English monarchy to allocate both resources and attention to its westernmost lordship. Moreover, the role played by Ireland as a base for Yorkist intrigue during the course of the English conflict highlighted the importance of the ‘Irish problem’ to the newly ensconced Tudors. The collapse of the Geraldine ascendancy following the arrest for treason of Gerald FitzGerald, the ninth earl of Kildare, and the subsequent rebellion of ‘Silken’ Thomas, Kildare’s bellicose nephew, provided both an imperative and the pretext for the English government to reassert direct control over the reins of government. Importantly, the revival of English government conducted under the watch of the Tudor monarchy amounted not only to a more concerted effort to govern Ireland, but to a revolution in the very nature and conduct of that governance.

The so-called ‘constitutional revolution’ initiated by Thomas Cromwell, Henry VIII’s famous councillor, redefined the English monarchy’s legal relationship with Ireland by designating it a kingdom in 1541.⁶⁴ Previously a lordship held in grant from the Pope, Cromwell’s innovation was largely brought on by Henry VIII’s religious break with Rome, which necessarily complicated his relationship with his Papal feudal lord.⁶⁵ In practice, Cromwell’s ‘constitutional revolution’ was entirely aspirational, as Henry VIII’s Irish government was still nowhere near capable of extending itself into the country’s peripheries. Practically speaking, the transition from lordship to kingdom, and the process of translating Irish chieftains from

⁶³ *CSPI, 1601-3 (with Addenda, 1565-1654)*, p.566

⁶⁴ Brendan Bradshaw, *The Irish Constitutional Revolution of the Sixteenth Century*, (Cambridge, 1979), p.231

⁶⁵ Ciaran Brady, *The Chief Governors: the rise and fall of reform government in Tudor Ireland, 1534-1588*, (Cambridge, 1995), esp., pp.13-44

foreign potentates to domestic landlords, was to be affected by the policy of ‘surrender and regrant’: a formal legal procedure whereby individual chieftains would ‘surrender’ their sovereign claim over their lordship to the English monarch, who would in turn ‘regrant’ the properties to former chieftain under English common law. The purpose of this legal fiction was twofold. Firstly, it entailed recognition of the monarch’s claim to ultimate sovereignty and, secondly, it regularised property rights according to English custom.⁶⁶ This is an important point, for we can see that even in its liberal formula the Cromwellian paradigm aimed at the ‘Anglicisation’ of Ireland.

Despite the initial optimism with which this project was undertaken, the progress of ‘surrender and regrant’ during the sixteenth century was both fitful and patchy, and far from complete by the end of Elizabeth I’s reign. It was also variously received. The old AngloNorman lords took up the king’s offer readily. As we have seen, the long habitation in Ireland of such families had led both to cultural miscegenation and a growing detachment from English norms, leaving them liable to accusations of degeneration by those who had an interest in displacing them. With a new wave of English settlers arriving in Ireland to challenge for Irish lands as well as for political office, ‘surrender and regrant’ represented a timely opportunity for the Anglo-Norman descendants to regularise their relationship with both English custom and the Tudor monarchy. By contrast, much of Gaelic Ireland regarded the project with suspicion, not least because it remained deeply attached to its own political and legal customs. Moreover, because the policy also entailed a commitment on the Gaelic lord’s behalf to demobilise their military retinue in return for protection by crown forces, surrender and regrant also threatened to critically destabilise Gaelic Ireland’s ecosystem of physical force violence.⁶⁷ Most importantly, the inconsistency with which this assimilative project was applied left many Gaelic lords wary of the monarchy’s true intentions. In the end, the Elizabethan regime’s impulsive oscillation between colonial and conciliatory practices would play a significant role in generating a massive rebellion of Gaelic

⁶⁶ Bradshaw, *The Irish Constitutional Revolution of the Sixteenth Century*, pp.196-200

⁶⁷ Ciaran Brady has attributed this instability to the outbreak of the Desmond revolts. See: Ciaran Brady, ‘Faction and the Origins of the Desmond rebellion of 1579’, *Irish Historical Studies*, vol.22, no.88 (1981), pp.289-312

lords, the so-called Nine Years' War.⁶⁸ The Battle of Kinsale, fought on 3 January 1602, ultimately proved decisive, not only of the Nine Years' War, but of the confrontation between Gaelic aristocratic and English statist rule in general. For although the conflict limped on for another year, and even though the Treaty of Mellifont (March 1603) was broadly lenient to Hugh O'Neill and his allies, the Gaelic polity never recovered its pre-war standing. Although it was not entirely obvious at the time, the subsequent 'flight of the earls' (1607), in which O'Neill and many more of the Ulster elite set sail for Europe, and the abortive O'Doherty rebellion of the following year, ultimately sealed the fate of Gaelic Ireland, as it had been known, for good.

Early Stuart Ireland: the kern in New English colonial discourse

One of the most pressing issues for the English government in Ireland in the period following the Nine Years' War was the mass proliferation of demobilised Gaelic soldiery. As the class of combatant making up the bulk of Gaelic military retinues, the kern presented a particularly acute concern for James VI & I's administration. By far the most sweeping of the proposed solutions to this problem was to ship the idle soldiers to the European continent where they could enter military service as mercenaries. The benefits and drawbacks of allowing Irish militants, including kern, Tories and rapparees, to enlist for foreign service would be debated by government officials well into the eighteenth century, with successive regimes forced to decide between the potential costs of furnishing rival powers with large numbers of mercenary soldiers and allowing these men to languish at home, where they might turn their hands to dissident activity. In the immediate aftermath of the Nine Years' War, the Irish administration was content that the measure's social expedience outweighed its potential costs, as they explained in a letter to the English privy council dated to February 1603:

We have often told you of the evils which would ensue from the multitude of idle swordmen if they should be suffered still to continue here and not converted to foreign employment, and we have required Sir George to

⁶⁸ Gerald Hayes-McCoy, 'The Completion of the Tudor Conquest and the Advance of the Counter-Reformation, 1571-1603', in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A new history of Ireland. 3, Early modern Ireland, 1534-1691*, (Oxford, 1976), pp.94-141

reopen the matter. The number of those “unprofitable kerne” increases daily owing to the coming in of the Irish who were in rebellion, and we are sure that many of them would be willing to serve abroad, especially if they were placed under some well-chosen commander such as they do affect. This would rid the country of many hands which if there should be occasion will readily turn to rebellion.⁶⁹

Despite the reservations of some, a large number of ‘loose kerne and swordmen’ were ultimately transported out of Ireland to enlist in the Swedish king’s service.⁷⁰ But while this alleviated the problem in the short-term, it did not solve it completely. For although several thousand kern were transported out of the country, many more remained behind. Moreover, there were already signs of the trouble these rudderless men could cause the regime if left unattended. As the Nine Years’ War neared its end and the earl of Tyrone’s forces were increasingly ground down by Elizabeth I’s armies, the Ulster grandee began keeping his forces in dispersed formation and relying on ‘harass and evade’ tactics to offset his adversary’s advantages. Although no longer posing an existential threat to the government, the disruptive capacity of these cellular units was apparent from early on, as the military commander Henry Docwra reported,

except for Tyrone himself and those who adhere to him in the Glynnns and a party of fifty or sixty kerne who live in woods and subsist only by preying on subject and rebel, there is no one in open action in the whole area of my charge.⁷¹

Similar groupings of kern continued in the field after the earl of Tyrone’s surrender. In April 1603, for example, as many as sixty kern were reported to be active in Connacht, operating under one O’Rourke.⁷² In the same month of the following year ‘Edward M’Brian’ of the O’Byrne family and ‘James M’James’ of the Butlers were in joint command of between eighty and one hundred kern, with whom they set

⁶⁹ *CSPI, 1601-3 (with Addenda, 1565-1654)*, p.568

⁷⁰ *CSPI, 1611-14*, pp.479-80

⁷¹ *Ibid*, p.566

⁷² *CSPI, 1603-6*, p.25

about decimating Wexford.⁷³ On the basis of the fact that the O'Rourkes, O'Byrnes and Butlers were all significant Gaelic and Old English kinship groups, it seems that aristocratic leadership continued to be the common principle of organization for the insurgents who continued in the field after the Battle of Kinsale. It is also clear, however, that these men were no longer attempting to form large battle units, but instead adopted a playbook of guerrilla tactics, based fundamentally on their superior mobility and powers of evasion. The word 'kern', or 'woodkern', became synonymous with this sort of partisan activity in the years that followed. Importantly, the most common victims of these attacks were not the military units retained by the government to keep the peace, but the settlers who began to arrive in Ireland in the early seventeenth century.

For the new wave of settlers who came to Ireland during Elizabeth I's reign, usually referred to as the 'New English', the Cromwellian constitutional paradigm represented a significant and irksome barrier to their acquisition of Irish properties. After all, if the Irish lord possessed the same legal rights as the recently arrived planter, what rationale would there be for his dispossession? In response to this challenge, the New English developed a counter-narrative, one that represented Ireland as a colony rather than a kingdom, and which stressed the 'otherness' of the native Irish.⁷⁴ The old Anglo-Norman lords, with their claim to English values and ancestry, as well as their long-standing monopoly of political and civil offices, also presented a challenge to this new class of settler. Edmund Spenser, the Elizabethan poet and probably the most famous New English spokesman, invented the label of 'Old English' to set the Anglo-Norman lords off against the New English settlers.⁷⁵ First taking form in the late 1570s, New English colonial discourse proved a powerful force in terms of shaping subsequent English attitudes to Ireland. Indeed, historian Nicholas Canny has argued for a direct cultural lineage between the political identity forged in the late Tudor and early Stuart period and the 'settler nationalism' of Irish Protestants in the eighteenth century.⁷⁶ At its point of origin and

⁷³ *Ibid*, p.61

⁷⁴ Nicholas Canny, 'Identity Formation in Ireland: The Emergence of the Anglo-Irish', in Nicholas Canny and Anthony Pagden (eds.), *Colonial Identity in the Atlantic World, 1500-1800*, (Princeton, 1989), p.162

⁷⁵ *Ibid*, p.160

⁷⁶ *Ibid*

for most of the early seventeenth century, the Irish kern was to play an outsized role in the pageantry of New English colonial discourse.

One of the most important features of the discursive materials developed by New English settlers was the attribution of incivility to the Irish, especially by comparing them to the barbarian hordes of the classical period.⁷⁷ In some cases this analogy was even extended to suggest an actual historical derivation. This, for example, was the argument of Edmund Spenser, who posited the Scythian origins of the Gaelic Irish. Of particular interest to Spenser were the apparent similarities between Scythian and Irish modes of warfare, both of which he characterised as based on raiding and plundering.⁷⁸ Here the kern, chiefly used as mobile shock troop by Gaelic lords, was an obvious candidate for comparison, with Spenser noting that the Scythian war cry was not dissimilar from the ‘the Irish hubbub, which ther kerne use at their first incounter’.⁷⁹ By referring to Gaelic modes of warfare as barbaric the New English authors were implicitly making a contrast to the ‘siege and battle’ tactics practiced by most hegemonic European powers, including Elizabeth I’s forces, and the forms of martial discipline that came with them. This is the context for John Derricke’s description of the Irish kern as men ‘estranged fro all good discipline’.⁸⁰ A colonial journeyman and poet of no particular merit, Derricke’s work was enlivened by a series of woodcuts which carried numerous depictions of the kern. Parr Lane, soldier, settler and poet, made a similar observation in 1621 when he described the kern who returned to Ireland after military service on the continent as coming ‘latlie from the Flemish warres/ sparckling with silver as the night with starres’. ‘But marke within this yere and you shall see’, Lane assures the reader,

a lowsy mantell will his wardrobe bee/ and all the discipline that their he
learnd/ the next rebellion you shall see it kearnd.⁸¹

⁷⁷ *Ibid*, p.162

⁷⁸ Kathleen Noonan, ‘The Cruell Pressure of an Enraged, Barbarous People’: Irish and English Identity in Seventeenth-Century Policy and Propaganda’, *The Historical Journal*, vol.41, no.1 (March 1998), p.155

⁷⁹ Edmund Spenser, *A Veue of the Present State of Ireland*, (1596), p.3

⁸⁰ John Derricke, *The image of Irelande with a discouerie of vwoodkarne...*, (London, 1581), p.33

⁸¹ Parr Lane, ‘Newes from the Holy Ile (1621)’, in, Alan Ford (ed.), *Proceedings of the Royal Irish Academy: Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, vol.99C, no.4 (1999), p.127

As well as denigrating their political and economic rivals, the characterisation of the Irish as barbaric also served to paint the New English as the torchbearers of classical Greco-Roman culture. In this sense, the attribution of incivility was not only politically expedient, it was also central to the cultural self-identification of the New English. The New English were hardly unique in this regard. In a sweeping study of the 'wild man' myth in Western civilisation, historian Hayden White argues that 'wildness' belonged to a set of 'self-authenticating devices', including also 'heresy' and 'madness', which do not 'merely serve to designate a specific condition or state of being but also to confirm the value of their dialectical antitheses "civilisation," "sanity," and "orthodoxy"'.⁸² For New English authors, whose narratives were often couched in the language and forms of classical humanism, the very act of representing the Irish as barbaric was substantive of their claims to civility. Referring to the humanist concept of virtue, John Derricke suggested that the 'Woodkarne of all creatures least regardeth virtue, being given wholly to wicked sensualitie and lust, they are of least credite under heaven a notable commendation.'⁸³ Ask one 'whoe reades old stories to discearne manners and men', suggested Par Lane in 1621, and he will tell you 'from Crete [...] came kearne.'⁸⁴ However, although this conceit of the barbaric Irish and civilized English was central to the literature of New English authors during the Elizabethan period, it became increasingly less prominent over the course of the seventeenth century. One reason for the dwindling importance of the conceit may have been the disintegration of the Gaelic polity following the Nine Years' War. Defeated both militarily and politically, Gaelic society increasingly defied characterisation as a unitary entity, a reality which greatly undermined its rhetorical force as the alien 'other'. Moreover, as Elizabethan humanism gave way to early Stuart Baconism, and as the need to justify colonialism was superseded by the desire to effect it, new forms of knowledge would begin to seem more relevant in terms of how the New English made sense of their Irish experience.

⁸² Hayden White, *Tropics of Discourse: Essays in Cultural History*, (Baltimore, 1978), p.151

⁸³ Derricke, *The image of Irelande with a discouerie of vwoodkarne...*, I, p.33

⁸⁴ Lane, 'Newes from the Holy Ile', p.126

A logical extension of representing the Gaelic Irish as barbaric, sensual and wild was to depict them as sub-human and bestial creatures. Sometimes this would be achieved by sleight of hand, as when sir William Herbert, planter and vice-president of Munster, described the Irish mantle (i.e. cloak) as ‘serving unto the Irish as to a hedgehog his skin or to the snail her shell’.⁸⁵ On other occasions it would simply be stated as a matter of fact, as when the New English arriviste, Andrew Trollope, described the Old English as ‘not thrifty and civil or human creatures, but heathen or rather brute beasts.’⁸⁶ Sometimes this conceit provided an almost ecstatic release for the colonial author. Such was the case of Barnaby Rich, a career soldier and prolific writer with long-standing experience in the Irish theatre, who in 1610 described Irish priests as a ‘locust vermine’ that had

so infected the whole Countrey with Toades, Frogs, & padocks, that in the habite of popish priests do keepe such a continuall croking in the eares of the poore people, that they have made them deafe to all good counsell.⁸⁷

It was in this context that the kern really came into its own as a symbol of Irish degeneration in New English colonial discourse. In Derricke’s *The Image of Irelande, with a discoverie of Woodkarne* (1581), for example, the kern are variously described as ‘sencelesse beastes’, ‘pernicious vipers’ and, most frequently, wolves.⁸⁸ In an exhortation to Saint Patrick, who Derricke describes as the ‘chiefe of all these karne’, the author asks why the famous evangelist got rid of the country’s snakes but not ‘the footers of the boggs’, while annotating this comment the remark that the ‘Irishe karne [were] more hurtfull then Serpentes.’⁸⁹ Writing in 1610, poet and planter Thomas Blenerhasset repeatedly equated ‘the cruell wood-kerne’ with ‘the devowring Woolfe’.⁹⁰ A decade later, Par Lane compared the kern to baboons and toads, while warning his fellow countrymen to

⁸⁵ Quoted in: Quinn, *The Elizabethans and the Irish*, p.97

⁸⁶ Quoted in: Canny, ‘Identity Formation’, p.168

⁸⁷ Barnaby Rich, *A New Description of Ireland: Wherein is described the Disposition of the Irish whereunto they are inclined*, (London, 1610), p.80

⁸⁸ Derricke, *The image of Irelande with a discoverie of vwoodkarne...*, *passim*

⁸⁹ *Ibid*, I, p.31

⁹⁰ Thomas Blenerhasset, *A Direction for the Plantation in Ulster*, (London, 1610), p.4

‘not be sheepe where wolves abound’.⁹¹ This dehumanising language was never mere window dressing and was typically deployed in the service of extreme physical violence on the behalf of the New English, the effects of which it served to palliate by denying its victims their status as fellow men. This language became only more ferocious as the Nine Years’ War drew to a close and English forces were left to chase down the last few elusive Irish rebels. After the victory of Kinsale in 1601 the poet Gervase Markham wrote:

The Irish rebels now do keep their caves / Amid the woods like wolves or
ravening beasts; / Where all like outlaws or uncivil slaves / On grass and
shamrocks now they make their feasts. / O England, never better news can
be / Than this to hear, how God doth fight for thee.⁹²

This sort of language became even more important in the wake of the Nine Years’ War, when Irish resistance to English hegemony increasingly took the form of cellular partisan units. In April 1603 the attorney general sir John Davies described the army’s attempts to chase down small parties of kern in the following terms:

they will as soon take them as a hare with a tabor, for they have already
scattered themselves, and are fled into the Butler’s country and into
Mounster; but the soldiers shall be no sooner retired than they will return
with a greater number in the same place.⁹³

The nimbleness of Irish insurgents, especially as they traversed bogs or mountains, was to prove an obsession of considerable longevity for English and Irish Protestant authors in the century that followed, as relevant to their depiction of Tories and rapparees as much as of the kern. Later, when the kern continued to frustrate plans for plantation, several commentators imagined their vicious counterinsurgency as a sort of jolly hunt. When advertising the Ulster plantation to prospective settlers Thomas Blenerhasset asked, ‘Art thou a Gentleman that takest pleasure in hunt?’ If

⁹¹ *Ibid*, p.135

⁹² Quinn, *The Elizabethans and the Irish*, pp.136-7

⁹³ *CSPI, 1601-3 (with Addenda, 1565-1654)*, p. 61

so, he answers, ‘the Fox, the Woofle, and the Wood-kerne doe expect thy coming’.⁹⁴ Writing in the same year, Barnaby Rich made a similar remark, insisting that the Irish rebel ‘must have no leisure to take his breath; he must be hunted like the Fox that is new roused from his den, he must be chased from Covert to Covert’.⁹⁵ ‘Lett us goe forward in this noble worke’, wrote Lane in 1621, ‘to hunt the wolves and foxes that heare lurke/ and whip them out our church and commen wealth/ wherain they creepe like eavs droppers by stealth.’⁹⁶

Another major component of New English colonial discourse, one that was easily woven together with the motifs of barbarism and animalism, was the contrast made between Irish slothfulness and English industry. In this sense the New English viewpoint was deeply conditioned by their experience of England and its agricultural system premised upon enclosed landholding units.⁹⁷ By contrast, Gaelic forms of landholding were essentially corporate in nature with properties redistributed after the death of a chieftain. This apparently chaotic system disturbed the New English planters, who were better accustomed to clearly delineated properties held and inherited on the basis of primogeniture.⁹⁸ English customs also differed from those of the Gaelic Irish insofar as the latter placed much less of an emphasis on the need for an immobile labour force. Indeed, this was a point of profound difference between elite Gaelic and English norms. Historian Christopher Maginn points out that the contemporary Gaelic lexicon lacked a developed terminology for the description of borders precisely because the dominant political paradigm emphasised authority over people rather than physical space, a logical development for a society possessed of a surplus of land and a deficit of labour.⁹⁹ By contrast, English attitudes to labour discipline saw physically mobile populations as difficult to discipline, supervise and control.¹⁰⁰ In England this led to a widespread

⁹⁴ Blenerhasset, *A Direction for the Plantation in Ulster*, p.22

⁹⁵ Rich, *A New Description of Ireland*, p.105

⁹⁶ Lane, ‘Newes from the Holy Ile’, p.129

⁹⁷ Quinn, *The Elizabethans and the Irish*, p.8

⁹⁸ *Ibid*, pp.7-11

⁹⁹ Christopher Maginn, ‘Gaelic Ireland’s English Frontiers in the Late Middle Ages’, *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, 110C (2010), pp.181-2

¹⁰⁰ Quinn, *The Elizabethans and the Irish*, pp.7-11

loathing of ‘sturdy beggars’ and ‘vagabonds’.¹⁰¹ Translated to Ireland where it was infused with colonialist angst, this animosity towards mobile labour necessarily led the New English to despise Gaelic practices such as creaghting, which they closely associated with political dissidence.¹⁰² In the words of Edmund Spenser:

if there be any outlaws or loose people, [...] they are ever more succored and find relief only in these booleys [i.e. creaghts], being upon the waste places, where else they should be driven shortly to starve or to come down to the towns and seek relief.¹⁰³

Pastoralism was not only considered dangerous because of its role in giving succour to dissidents, but also because it was believed to breed laziness in the practitioner, which the New English held to be the very fundament of political dissidence. Hence Spenser stated that the ‘keeping of cows is of itself a very idle life and a fit nursery for a thief’¹⁰⁴, while Fynes Moryson, the famous travel writer, wrote in 1617 that the same ‘men given to spoils and robberies’ were those that

gladly employed themselves in feeding of cows, [for] that course of life was embraced by them as suitable to their innate sloth and as most fit to elude or protract all execution of justice against them, while they commonly lived in thick woods abounding with grass.¹⁰⁵

In the context of continued critical labour shortages, which the Ulster plantation largely failed to resolve, the New English fixation on Irish idleness meant that the kern’s martial occupation and mobile lifestyle were not only a source of complaint because of the depredations it allowed him to commit, but also because of the other work he was not doing as a consequence.

¹⁰¹ *Ibid*, e.g. p.149

¹⁰² *Ibid*, pp.5-11

¹⁰³ *Ibid*, pp.53-4

¹⁰⁴ *Ibid*, p.76

¹⁰⁵ *Ibid*, p.76

The question of physical mobility and the related concern for labour discipline was closely associated with another principal component of New English colonial discourse, that of political and cultural reform. The idea that the English were engaged in a reforming mission, charged with either saving the Irish from themselves, or with saving Ireland from the Irish, was essential to how the New English represented their role in the country. In this context the purported laziness of the Irish, especially their aristocratic and martial classes, was to prove a particularly powerful dimension of New English colonial discourse, for it served multiple purposes. First, by suggesting that the Gaelic aristocratic class were not making the most of their properties, and by raising ‘improvement’ (i.e. productivity) to the level of moral obligation, the New English were preparing an argument for the forceful acquisition of Irish lands. This idea, that Ireland’s economic potential was nowhere close to being realised was particularly exciting for New English writers. With lustful intent, Thomas Blennerhasset, who held a financial interest in the Ulster plantation, imagined both England and Ireland as women and Ulster as their ‘yongest daughter’ who ever since the mass-confiscation of Gaelic lands in 1607, had been left lying in ‘onely the Majesty of her naked personage’.¹⁰⁶ Here too the kern played an important role, for as part of the martial class that did not engage in agricultural labour the Gaelic soldier was represented as a manifest example of Irish society’s proclivity for idleness. Hence Derricke opined that Ireland was a ‘pleasant lande deformed through, the life of Irish karne’¹⁰⁷, while Par Lane suggested that ‘the land will never mend that feedes such swine’, while also arguing that the best way to reform the kern was to drain the bogs.¹⁰⁸

Secondly, by specifically locating Irish idleness in the aristocratic and martial classes, the New English also furnished themselves with a justification for retaining the Irish labouring classes as their tenants. The real genius of this line of attack was that it represented the annihilation of the Irish aristocracy as a sort of liberation. In this sense, as part of the military retinue of the Gaelic chieftains that was traditionally billeted on the Irish tenantry, the kern was a useful symbol of the tyrannous relationship between landlord and peasant. Moryson, for example, wrote

¹⁰⁶ Blennerhasset, *A Direction for the Plantation in Ulster*, p.24

¹⁰⁷ Derricke, *The image of Irelande with a discoverie of vwoodkarne...*, I, p.32

¹⁰⁸ Lane, ‘Newes from the Holy Ile’, pp.123, 124

that the Irish lords were ‘absolut Tyrants over their people, themselves eating upon them and making them feede their kerne or footemen, and their horsemen.’¹⁰⁹ Par Lane made much the same point when he versified that ‘as the Jesuits doe all fryers excell/ soe are the sword kearne vicars here of hell. [...] and keepe but on commandement for ten/ they serve their lord and feare nor God nor man.’¹¹⁰ As we have seen, this representation of the kern was not entirely fanciful, but the point remains that it was ideologically instrumental within New English discourse.

The role of reform in the New English political project was an extremely troubled one, and generally a source of much cognitive dissonance. Numerous New English authors evinced an unresolved tension between the compulsion to destroy Gaelic society and their stated goal of reforming Ireland, Spenser being only the most famous. Although he has little pleasant to say about the kern, Derricke is nonetheless quick to add that when taken out of Irish society at a young age they were often found to be not beyond redemption, as ‘by pollicie brute beastes are brought to a peacable order’.¹¹¹ We find another example of this dissonance in Par Lane’s agonised attempt to answer the question of ‘What sword must cutt the knot of kearne?’ While insisting that it should be far ‘from any Christians minde/ to thinke of the destruccion of their kinde’, Lane says it is not the cutlers’ blade he has in mind, but the sword which is the symbol of royal power, the one ‘that cutts the weede that never will beare flower’.¹¹²

The kern proved an extremely useful means to ease this structural tension within New English colonial discourse. Most importantly, by allowing New English writers to concentrate their most hostile rhetoric on what they saw as an unwelcome symptom of traditional Gaelic culture, the kern made it possible to argue that the violence they advocated was intended only against a small part of that society. Moreover, because of their close association with aristocratic Gaelic culture, the destruction of the kern performed a metonymic role in New English colonial discourse, allowing writers to indirectly discuss the expropriation of the Gaelic

¹⁰⁹ Fynes Moryson, *An Itinerary...*, (London, 1617), pp.101-2

¹¹⁰ Lane, ‘Newes from the Holy Ile’, pp.127-8

¹¹¹ Derricke, *The image of Irelande with a discoverie of vwoodkarne...*, I, p.29

¹¹² Lane, ‘Newes from the Holy Ile’, p.126

nobility without having to explicitly justify the pulling down of a property-owning class, which might have set an unwelcome precedent for what was otherwise a predominantly socially and politically conservative class of author. In this regard the kern was depicted as a sort of tumour within Gaelic society, one that must be violently removed in order to save the patient. Hence Spenser compared the kern, along with other members of the Gaelic martial classes, to the ‘corrupt branches’ and ‘fowle mosse’ covering a tree, which must be ‘pruned’ and ‘scraped away’ before ‘the tree cann bringe forth any good fruicte.’¹¹³ Similarly, Par Lane compared the kern to nettles, writing that ‘they lightly toucht will stinge, hard crushd will dye’, but the middle way ‘which ever yet wee chose/ nor gets us friends nor takes away our foes.’¹¹⁴

A final major component of New English colonial discourse was that of religion. It was a commonplace of New English writing in the late sixteenth century to associate rebelliousness with spiritual depravity. Hence Derricke writes that ‘God hath given up Woodkarne to a reprobate sence infectyng them also with an incurable botche.’¹¹⁵ The religious dimension of Irish dissent became noticeably more prominent in the early Stuart period, especially in the wake of the Gunpowder Plot (an English Catholic conspiracy intended to assassinate the king by blowing up the House of Lords in 1605). From this point onwards, the Irish kern was routinely represented not only as spiritually depraved but as a religiously radicalised agent of the Catholic church. Arthur Chichester, Irish lord deputy between 1605 and 1616, was particularly prone to this mode of thought, as he made clear in a letter to the English privy council in 1606:

There hath of late been sundry small parties of lawless kern put out (as the Council conceive) as forerunners, in sundry corners of the kingdom, and incensed by the priests to disturb the quiet and raise troubles, promising them aid this summer from the Pope and Spain, as hath been confessed by some of them who have been taken and executed.¹¹⁶

¹¹³ Spenser, *A Veue of the Present State of Ireland...*, p.24

¹¹⁴ Lane, ‘Newes from the Holy Ile’, p.127

¹¹⁵ Derricke, *The image of Irelande with a discoverie of vwoodkarne...*, 1: 31

¹¹⁶ *CSPI, 1601-3*, p.481

Writing in 1621, Par Lane wrote that ‘as wolves doe wolves so priestes doe teach the kearne’ and that these ‘greysie pristes’ were wont to make the ‘kerne swell and burst like Aesops toade’.¹¹⁷ The priests, according to Lane, were ‘kindlers of sedition’ who ‘lay about like madmen with their words/ to give kerne corradge for to whet their swords.’¹¹⁸ Hence Lane believed that it was of equal necessity to convert the Irish away from Catholicism as to enact economic and political reform:

Untill you plant religion in the lande/ Iniquity will have the upper hand/ [...]
Religion must be squared by the word/ and that must be maintayned by the
sword.¹¹⁹

The 1620s represented the last major surge of kern activity before the 1641 rebellion, with references to Irish insurgents reducing to a trickle by the 1630s. Raymond Gillespie has argued that this was not because the kern were receding as a phenomenon in general, but rather that they were increasingly reaching private arrangements, akin to organised crime, with the settler communities.¹²⁰

The extent to which the the kern of the early Stuart period amounted to a genuine precursor of the mid-seventeenth century tory remains a contested point amongst modern historians. Whereas Eamonn O Ciardha argues that the depredations committed by Jacobean and Caroline woodkern amounted to essentially the same modality of insurgency as later operated under the name of ‘tory’, others, including Pdraig Lenihan, are less convinced. As things stand, the simple fact of the matter is that we do not know enough about the nature of the early seventeenth century kern to make such judgements. The motivations of individual kern, be they political, economic or religious, remain unelaborated, as do the forms of social organisation that underpinned their existence. Was the typical band of kern operating in early Stuart Ireland organised on the basis of the traditional authority of the Irish chieftain, or was the Gaelic order so fragmented that these men operated according

¹¹⁷ Lane, ‘Newes from the Holy Ile’, p.132

¹¹⁸ *Ibid*, p.142

¹¹⁹ *Ibid*, p.156

¹²⁰ Gillespie, ‘Success and Failure in the Ulster Plantation’, p.112

to some other principle, such as the martial prowess of a particular individual, irrespective of his social class? Such questions fall without the remit of the present thesis. What will bear upon the present work, however, is the extent to which the cultural materials developed in this earlier period bore upon the experience, mentality and, ultimately, the actions of individuals living during the Restoration period. And in this respect, as we shall see, continuity was more often the rule than the exception.

1641 and the Wars of Religion: popular insurgency and toryism

In October 1641 the seeming peacefulness of the country was shattered when a coup begun by northern Catholic Irish gentry quickly evolved into an ethno-confessional uprising. The precise motivations of those who participated in the rebellion of 1641, as well as the extent and character of the violence, remain a topic of much disagreement amongst historians.¹²¹ What is certain, however, is that the popular aspects of the rising that followed did not form part of its instigators' original intentions. Indeed, the ringleaders of the rebellion were notable for their political conservatism rather than for any revolutionary consciousness, with many claiming to be fighting not only for the Catholic religion and their political liberty, but for the Stuart King also.¹²² Once begun, however, the rising quickly became a more sectarian affair, with much greater popular participation than had originally been intended. Writing from the vantage point of 1670, the Old English author Richard Bellings described the rebellion's non-elite participants as 'loose and desperate people'.¹²³ Indeed, according to Bellings, it was precisely with a mind to putting the 'loose swordsmen under regular discipline' (i.e. reasserting control over their

¹²¹ Patrick Corish, 'The Rising of 1641 and the Catholic Confederacy, 1641-5', in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A new history of Ireland. 3, Early modern Ireland, 1534-1691*, (Oxford, 1976), pp.289-316; Aidan Clarke, 'The genesis of the Ulster rising', in Peter Roebuck (ed.), *Plantation to Partition*, (Belfast, 1981), pp.29-45; Raymond Gillespie, 'The end of an era: Ulster and the outbreak of the 1641 rising', in Ciaran Brady and Raymond Gillespie (eds.), *Natives and Newcomers*, (Dublin, 1986), pp.191-214, 235-7; Brian Mac Cuarta (ed.), *Ulster, 1641: Aspects of the Rising*, (Belfast, 1993); Michael Perceval-Maxwell, *The Outbreak of the Irish Rebellion of 1641*, (Montreal, 1994); Aidan Clarke, 'The 1641 depositions' in Peter Fox (ed.), *Treasures of the Library, Trinity College Dublin*, (Dublin, 1986), pp.111-22

¹²² Canny, 'The Formation of the Irish Mind', pp.75-6; Corish, 'The Rising of 1641 and the Catholic Confederacy, 1641-5', pp.289-293

¹²³ Richard Bellings, 'History of the Confederation and War in Ireland (c. 1670)', in, John Gilbert (ed.), *History of the Affairs of Ireland, Irish Archaeological and Celtic society*, (Dublin, 1879), pp.53, 57, 68

subalterns) that the Old English gentry ultimately decided to join forces with rebels.¹²⁴ However, in a telling difference of emphasis, while the Old English author evinced a discomfort with any form of popular political participation, regardless of its motivations, the Gaelic Irish author of the *Aphorismicall Discovery* (1655) was less inclined to frame the rebellion as something that got out of control and more of a mind to justify the uprising as a religious war.¹²⁵ This difference of attitude was to prove extremely consequential later in the conflict, for while the constitutionally minded Old English would consistently seek a peace treaty with the monarchy, many of the Gaelic Irish leadership pursued a more hard-line approach.

The 1641 rebellion received extensive contemporary documentation in the form of ‘depositions’, the sworn testimony of Protestant survivors that was systematically recorded with a mind to future recompense and prosecution. While these documents cannot be taken as unbiased evidence, handled with caution they may provide important insights into how the rebellion was justified by its Catholic Irish perpetrators and experienced by Protestant settlers. Numerous references suggest, for example, that the Irish rebels did not see their actions as anti-monarchical, with many of the insurgents reported to be claiming that they were operating with the sanction of either Charles I or his Catholic wife, Henrietta Maria.¹²⁶ According to Nicholas Canny, however, the most consistent pattern to emerge from the depositions regarding the rebels’ intentions was that of religion.¹²⁷ In this sense, although by no means evidence of fully fledged revolutionary consciousness, the 1641 depositions suggest that the confessionalisation of the Catholic Irish mindset, some evidence of which we discovered in the early Stuart kern, had continued to mature, despite the absence of considerable agitation since the late 1620s.

The 1641 depositions also offer an interesting update on popular conceptions of the kern. In certain instances, as when one deponent refers to an attacker as ‘long before

¹²⁴ *Ibid*, p.65

¹²⁵ Anonymous, ‘Aphorismicall Discovery of Treasonable Faction (c. 1652)’, in John Gilbert (ed.), *History of the Affairs of Ireland, Irish Archaeological and Celtic society*, (Dublin, 1879), pp.7, 11

¹²⁶ Canny, ‘The Formation of the Irish Mind’, pp.75-6

¹²⁷ *Ibid*

a wood kern',¹²⁸ while another describes his assailant 'an old wood kearne',¹²⁹ we discover evidence pointing to a conception of the kern as insurgent or brigand. In most instances, however, the general sense of the word is that it denoted a member of an organised military retinue, such as the kern was generally conceived of in pre-Stuart Ireland. In the deposition of Chidley Coote, for example, the deponent describes killing one 'Captain Tirlagh Mack Lishagh Carroll', a man with 'considerable estates in freehold' who had, along with 'his Kerne aboute him shewed themselues, most bloodily cruell and malitious to the distressed English Protestants.'¹³⁰ Another example of the kern being associated with Gaelic forms of authority is found in the deposition of Mulrany Carroll.¹³¹ Here the deponent describes the McSwenneys ('mc Swyne') as 'those septs being the most cruell & bloody mynded people of any other in that County of Dunegall' and goes on to state that Ervin mc Swyne was 'greatly suspected for a most close cuning, & dangerous Rebell & to be accessory to divers bloody murders Comitted by his Kearns & souldjers.' Similarly, another deponent provides a list of assailants that includes reference to a 'regiment of kerne foote'.¹³² Clearly, in the eyes of many Protestant settlers the concept of the kern in the middle of the seventeenth century was something that was still closely associated with the organised political authority of Gaelic lords and had not become a general, catch-all term for insurgency.

In response to the violence which spread throughout the country in the winter of 1641-2, the Irish government based in Dublin Castle empowered several Protestant commanders with commissions of martial law. The reprisals carried out by these men, especially sir Charles Coote and sir William St Leger, brought the nascent Irish rebellion almost to a halt by the late spring of 1642.¹³³ That the Irish forces

¹²⁸ TCD, 1641 Depositions Project, online transcript January 1970
[<http://1641.tcd.ie/deposition.php?depID<?php echo 835126r178?>>]

¹²⁹ TCD, 1641 Depositions Project, online transcript January 1970
[<http://1641.tcd.ie/deposition.php?depID<?php echo 835209r243?>>]

¹³⁰ TCD, 1641 Depositions Project, online transcript January 1970
[<http://1641.tcd.ie/deposition.php?depID<?php echo 814204r129?>>]

¹³¹ TCD, 1641 Depositions Project, online transcript January 1970
[<http://1641.tcd.ie/deposition.php?depID<?php echo 839134r093?>>]

¹³² TCD, 1641 Depositions Project, online transcript January 1970
[<http://1641.tcd.ie/deposition.php?depID<?php echo 815358r412?>>]

¹³³ Micheál Ó Siochrú, 'Atrocity, codes of conduct, and the Irish in the British Civil Wars, 1641-1653', *Past & Present*, no.195 (2007), p.62

recovered from this nadir is attributable to the deaths of both St Leger and Coote, as well as to the beginning of the English Civil War in August 1642, which diverted resources away from the Irish theatre.¹³⁴ Such was their recovery that in the summer of 1642 the allied Irish forces were able to incorporate themselves into a political body known as the Confederate Association, a broad alliance of Gaelic Irish and Old English leaders bound together by religious affiliation and necessity, if little else.¹³⁵

As well as establishing a coherent political machine, comprised of a legislature and executive council, the Confederate Association also began organising the disparate Irish forces over which it presided into four provincial armies. In this respect they were greatly aided by the return of a large number of Irish soldiers from military service on the continent, including Owen Roe O'Neill, the battle-hardened descendent of Hugh O'Neill, the first earl of Tyrone.¹³⁶ These veteran forces helped to impose the precepts of continental military discipline upon the disorganised and untrained native forces.¹³⁷ According to historian Pádraig Lenihan, the returning veterans had the effect of transforming Irish military tactics from those of insurgency to that of a professionally trained army, organised on the basis of state-of-the-art military drills.¹³⁸ As well as transforming the disciplinary standards and tactics of the Irish forces, the veteran commanders also expected their armies to conduct themselves according to the codes of war expected of continental armies. As a consequence, by the early part of 1643 warfare in the Irish theatre was largely transformed from a no-holds-barred sectarian conflict with a strong popular dimension into one conducted by 'conventional armies' fighting according to 'accepted military standards.'¹³⁹ As Jane Ohlmeyer also points out, however, there would be few set-piece battles in the years that followed. Instead, most violent

¹³⁴ *Ibid*

¹³⁵ Ó Siochrú, 'Atrocity, codes of conduct', p.63; Corish, 'The Rising of 1641 and the Catholic Confederacy, 1641-5', p.298

¹³⁶ Jane Ohlmeyer, 'The Wars of Religion, 1603-60', in Thomas Bartlett and Keith Jeffery (eds.), *A Military History of Ireland*, (Cambridge, 1996), pp.172-3

¹³⁷ *Ibid*, p.174

¹³⁸ Pádraig Lenihan, 'Conclusion: Ireland's Military Revolution(s)', in Pádraig Lenihan (ed.), *Conquest and Resistance: War in Seventeenth-Century Ireland*, (Brill, 2001), p.356

¹³⁹ Ó Siochrú, 'Atrocity, codes of conduct', p.63. See also, Lenihan, *Confederate Catholics at War, 1641-49*, pp.167-70

confrontations tended to take the form of ‘small wars’ dictated by ‘guerrilla tactics’.¹⁴⁰ Moreover, despite the best efforts of the military leadership to impose discipline on their men, errant soldiers and deserters frequently used the disorder and complexity of the war to rob, intimidate and prey upon both fellow soldiers and the civilian population.¹⁴¹ It was in this context that the name ‘tory’ is first discovered amongst contemporary sources.

On 22 January 1646 the Royalist musketeer Paul Congan made a formal deposition before the attorney general sir Paul Davies regarding an assault on his party which occurred earlier the same month. In the course of this deposition, Congan detailed how since Christmas a number of people ‘had been murdered or robbed’ near the hill of Tara, either by a party of ‘Irish troopers’ (i.e. mounted soldiers) who had been raiding the enemy’s quarters or by ‘some others of the Irish called Tories.’ Congan goes on to describe these ‘tories’ as formerly belonging to the forces commanded by the earl of Castlehaven, the Catholic grandee. Castlehaven’s men had marched into Munster with the year before, but, according to Congan:

fourteen of them had now returned to co. Meath. [Congan] knew the names of five of them, of whom three were sentenced to be hanged at Trim for highway robbery, but they had been begged off by Capt. Cox, who had taken them into military service at Dublin. In the summer however they had deserted and were now living as Tories, and doing much damage in Meath.¹⁴²

Congan’s deposition is the earliest recorded use of the word ‘tory’ thus far discovered by modern historians.¹⁴³ It is clear, however, from the manner in which the term is used that it was already familiar to both the deponent and notary. As such we can probably presume that it was in popular oral circulation before 1646. The word’s meaning also seems to have already acquired a settled status in Congan’s account. In the mind of the deponent toryism is associated with serial

¹⁴⁰ Ohlmeyer, ‘The Wars of Religion, 1603-60’, p.168. See also, Lenihan, *Confederate Catholics at War, 1641-49*, pp.138-9

¹⁴¹ *Ibid*, p.182

¹⁴² *HMC Ormond*, vol.1, pp.104-5

¹⁴³ Ó Ciardha, ‘Toryism in Cromwellian Ireland (1650-60)’, p.291

desertion, indiscriminate robbery and murder. Congan's general understanding of the term clearly points to a form of wartime brigandage that was indiscriminate in its appetite and not subject to a supervisory authority. The Gaelic origins of the word further substantiate this account, although its precise etymology is a subject of some ambivalence. While the historian Robert Dunlop locates the origins of the word in the Gaelic *tóruidhe*, which he translates as meaning 'a pursued person, or a robber'¹⁴⁴, it has elsewhere been suggested that it stemmed from *tóraigh*, 'meaning to hunt or pursue'.¹⁴⁵ It has also been suggested that the word derives from *tóraí*, signifying 'harasser'.¹⁴⁶ Despite the differing emphases of these accounts, however, the Gaelic origins of the word appear to corroborate Congan's understanding of its meaning. On this evidence we may derive a popular definition of 'tory' which bore more familiarity to the wartime brigand than the politicised insurgent. Strangely, following Congan's testimony, the word disappears entirely from extant records until it begins to reoccur with great frequency in 1649. This is almost certainly to do with a bias in Catholic Irish sources, which tend to focus more on questions of military strategy and the propriety of rival factions within the Confederate Associations political elite than on petty criminality or forms of small arms combat. When the term does begin to reappear in Catholic Irish sources, however, it is used in a sense that closely corresponds with that discovered in Congan's deposition.

After years of protracted negotiations and one aborted treaty, the 'second Ormond peace' of January 1649 unified the Confederate and Royalist forces in an alliance against the Parliamentarians. The only dissenters to this union were the followers of GianBattista Rinuccini, the Papal nuncio, who opposed the treaty on the grounds that it did not entail an explicit promise of toleration for the Catholic Church.¹⁴⁷ Revealingly, most of those adhering to Rinuccini belonged to the Gaelic Irish component of the Confederate Association, with many of these, including Owen Roe O'Neill, coming from Ulster. Rinuccini's recalcitrance sparked a brief civil war between rival factions of the Confederate Association, but the subsequent death of

¹⁴⁴ Robert Dunlop, *Ireland under the Commonwealth: Being a Selection of Documents Relating to the Government of Ireland from 1651 to 1659*, two volumes, vol.1 (Manchester, 1913), p.5

¹⁴⁵ Micheál Ó Siochrú, *God's Executioner: Oliver Cromwell and the conquest of Ireland*, (London, 2008), p.193

¹⁴⁶ Dáithí Ó hÓgáin, *The hero in Irish Folk History*, (Dublin, 1985), p.178

¹⁴⁷Tadhg Ó hAnnracháin, 'Rinuccini, GianBattista', in *Dictionary of Irish Biography*

O'Neill drained energy from the nuncio party. Soon afterwards the Catholic Irish forces buried their differences and came together under the joint Confederate-Royalist command in order to face off against the English Parliamentary army under the command of Oliver Cromwell that arrived in August 1649.¹⁴⁸

By the end of the 1649, with the Parliamentary forces already in control of the eastern and south-eastern seaboard, the Confederate-Royalist high command frantically sought to bring under its control the nebulous Irish combatants that had drifted from its control in years gone by, including the sort of partisans and brigands described in Congan's deposition. The Catholic clergy assembled at the congregation held in Clonmacnoise in December 1649 roundly condemned the 'highway Robbers, commonly called *Idle Boyes*' who refused to put themselves at the disposal of the Confederate-Royalist high command.¹⁴⁹ The congregation's decree, published in Cork on 25 February 1650, not only threatened all non-incorporated combatants with excommunication from the Church but further warned that anyone who was discovered either harbouring such individuals or purchasing their illicit goods would be liable to the same punishment. Similarly, any ecclesiastic who ministered the sacraments to 'such Robbers, or Idle Boye', or allowed them be buried in holy ground, was to be suspended by their superiors. The same unforgiving spirit informed the terms of the deal agreed with colonel O'Brien, one of the principal Irish commanders in county Clare, and the Confederate-Royalist command in June 1650. Tellingly, included amongst the terms reached with O'Brien was the order that 'the Tories or Idle boyes (who are assembled together in divers corners of the contry) may be comanded to put themselves under comand, in regiments already raised otherwise to give special order for their reduceeding with all severity.'¹⁵⁰ It will be clear from these examples that the common understanding of the terms 'tory' and 'idle boy', at least amongst the Irish Catholic

¹⁴⁸ Patrick Corish, 'Ormond, Rinuccini, and the Confederates, 1645-9', in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A new history of Ireland. 3, Early modern Ireland, 1534-1691*, (Oxford, 1976), pp.330-5

¹⁴⁹ *Certaine acts and declarations made by the Ecclesiasticall Congregation of the archbishops, bishops, and other prelates met at Clonmacnoise, the 4. day of December 1649...*, (Cork, 1650)

¹⁵⁰ John Gilbert (ed.), *A Contemporary History of Affairs in Ireland from 1641 to 1652, with an appendix of original letters and documents*, three volumes (Burlington, 2010) [Digital 'Searchable' Edition] 2.ii, p.431

elite, was that they denoted combatants who were not subject to a supervisory military authority and were often apolitical in pursuing their predatory instincts.

Despite their newfound unity, the Confederate-Royalist forces suffered a costly string of defeats in the spring and summer of 1650, culminating with the Battle of Scarriffhollis, at which sir Charles Coote defeated their last remaining field army. Under pressure from the Catholic clergy, the duke of Ormond was eventually ousted as leader of the Confederate-Royalist alliance and departed the country on 9 December.¹⁵¹ By that stage, moreover, the reputation of Ormond's 'siege and battle' strategy was equally tarnished. By contrast, the partisan units which had begun to operate behind enemy lines in the 'conquered' provinces were acquiring a growing reputation.¹⁵² Disturbed by the impotence of the high command and compelled by the dynamism of the partisan commanders, Irish troops began to break out of Connaught without the endorsement of the central command in order to join the partisans.¹⁵³ In some cases soldiers departed without even informing their immediate officers. Such was the case of Daniel Kavanagh, who was ultimately left to choose between either following his men or staying behind with Clanricarde, Ormond's designated successor, to preside over an empty battalion.¹⁵⁴

Until recently this phase of the war was typically characterised by historians, following the example set by Froude, Prendergast and Lecky, as an unnecessary protraction of the conflict, the outcome of which had already been decided. Understood in this light the partisan units which emerged near the end of the war were painted merely as ragged decommissioned soldiers who had turned to thievery and petty crime.¹⁵⁵ Recent work on the area, however, has begun to revise this received opinion, seeing it as the legacy of biased Parliamentary sources and

¹⁵¹ Corish, 'Ormond, Rinuccini, and the Confederates, 1645-9', p.346

¹⁵² Dunlop, *Ireland under the Commonwealth*, vol.1, pp. 37, 38, 31-32, 34; Gilbert, *A Contemporary History of Affairs*, ii, p.1

¹⁵³ *Aphorismical Discovery*, ii, p.194

¹⁵⁴ *Ibid*

¹⁵⁵ See, for example Edmund Curtis, *A history of Ireland*, (London, 1936), esp. 251; J.C. Beckett, *The making of modern Ireland 1603-1923*, (London, 1981), esp. 105-107

emphasising instead the tactical agency and efficacy of the partisan units.¹⁵⁶ It is also clear, moreover, that the traditional historical account of this period underestimates the extent to which the Confederate-Royalist high command retained an active oversight of the partisan units. After a period of indecision, Clanricarde ultimately embraced the guerrilla tactics championed by commanders such as Scurlock, Grace and O'Dwyer, establishing a regionalised command structure that reflected the zones of influence of the partisan leaders.¹⁵⁷ At the same time, however, although historians such as Ó Siochrú and Ó Ciardha have been astute in detecting strategic intentionality in the partisan phase of the war, it is important to clarify that Clanricarde's embrace of guerilla tactics did not coincide with a revised understanding of the term 'tory', at least amongst the Confederate-Royalist elite. We find no evidence, for example, of a partisan commander self-styling himself as a 'tory'. It should also be noted that Clanricarde's imposition of a regionalised command structure was intended to reinforce the principle of hierarchical control, not to accept its demise. Ultimately, however, the most convincing evidence that the tory remained an essentially negative image in Catholic-Irish discourse during the final phase of the war is discovered in the terms of surrender that various individual commanders reached with the Parliamentarians.

When the town of Kilkenny capitulated to the Parliamentarians in March 1650 its articles of surrender included a stipulation that the departing governor, officers and soldiers would deliver up their arms and munitions 'excepting one hundred muskets and one hundred pikes, allowed them for their defence against the Tories.'¹⁵⁸ When the governor of Ross surrendered on 22 June 1652 he did so on terms that allowed his men to retain '16 armes to defend his souldiers from the Toryes'.¹⁵⁹ In the same month Donnagh O'Hart was granted a similar allowance 'for his necessary defence against tories'.¹⁶⁰ When the partisan commander John Fitzpatrick submitted to the Parliamentarians in March 1653 his terms of surrender included a clause requesting

¹⁵⁶ Especially: Ó Siochrú, *God's Executioner: Oliver Cromwell and the Conquest of Ireland*; Ó Ciardha, 'Tories and Moss-Troopers in Scotland and Ireland in the Interregnum: a Political Dimension'

¹⁵⁷ Gilbert, *A Contemporary History of Affairs*, 2i, pp.2, 36, 47

¹⁵⁸ *Ibid*, 2ii, pp.382-3

¹⁵⁹ *Ibid*, 3i, p.165

¹⁶⁰ *Ibid*, 3ii, p.315

that he be allowed to retain ‘a troop of horse and a foot company in pay in this kingdom, to defend myself and my friends from Tories and malefactors.’¹⁶¹ Clearly, although guerilla tactics were widely adopted by the Confederate-Royalist command structure as the Wars of Religion drew to an end and although these evasive methods bore close resemblance to those practised by so-called ‘tories’ and ‘idle boys’, there does not seem to have been a widespread reappraisal of the meaning of toryism before the conflict reached its conclusion. Moreover, at least some of the Catholic Irish elite who had first-hand experience of the war retained this essentially pejorative definition of toryism for several years after the conflict.

Writing at some point during the mid-1650s, the anonymous author of the *Aphorismicall Discovery* commented extensively on the ‘idle boyes’ and ‘tories’ who operated during the war. On several occasions the author refers to toryism as if it were something to do with unreconstructed Gaelic Ireland, as when he described it as the ‘ancient trade of theeverie’¹⁶² or ‘the ould trade’.¹⁶³ Mostly, however, the activity is defined simply as a form of wartime brigandage, as when it is referred to as a ‘trade of plunderers’.¹⁶⁴ In the same vein, the clerical decree issued at Clonmacnoise is described as ‘an ex-communication against Toryes, or such plunderers as were not under colours’.¹⁶⁵ On another occasion the author refers to the actions of several ‘unchristian and inhumaine Tories’ who had pillaged a monastery at Stradbally.¹⁶⁶ The description of the military career of one Christopher Reilly paints a similar picture. Described as someone who had repeatedly bucked ‘martiall discipline’ and who could not be brought to ‘martiall civilitie’, Reilly is said to have been a drummer in the Royalist army until he abandoned his posting to become ‘a captain of Tories’ in county Sligo, where he committed ‘many mischievous acts to both Irish, English and Scots’.¹⁶⁷ Evidently the reputation of toryism was no more repaired in the mind of this particular author, despite the passage of time, than it had been during the conflict. In general, it seems clear that Catholic Irish and royalist

¹⁶¹ Dunlop, *Ireland under the Commonwealth*, vol.1, p.50

¹⁶² Gilbert, *A Contemporary History of Affairs*, 2i, pp.22-3

¹⁶³ *Ibid*, 2i, pp.39-40

¹⁶⁴ *Ibid*, 2i, pp.137-8

¹⁶⁵ *Ibid*, 2i, p.64

¹⁶⁶ *Ibid*, 2i, pp.22-3

¹⁶⁷ *Ibid*, 2i, pp.39-40

sources dating from the Wars of Religion share an unambiguous understanding of toryism as a form of apolitical brigandage. This narrow definition of the concept was not, however, shared by the other major source of contemporary historical material: the Parliamentarians.

Cromwell's Ireland: the tory in Parliamentary discourse

Reacting to the Clonmacnoise decree, the Parliamentarian William Basil referred to the clerical promulgation as the consequence of the tories having 'behaved themselves so barbarously towards those of their owne party', a description which seems to suggest that he held much the same view of the activity as the Confederate-Royalist leadership.¹⁶⁸ In the years to follow, however, Parliamentarians greatly expanded their concept of toryism to cover the profusion of non-conventional opponents they faced, especially from the summer of 1650 onwards. That the Parliamentarian representation of toryism that emerged from this period bore close resemblance to the early Stuart kern as it was defined in New English colonial discourse is something less than a coincidence, for there was both extensive cultural contact between these groups as well as some cross-over in their personnel. For while the Parliamentarians who fought and settled in Ireland over the ensuing decade would be seen as a class apart by the New English (who now came to call themselves the 'Old Protestants'), the two groups largely worked in tandem first to effect the Parliamentarian military victory and later to staff the Commonwealth and Protectorate regimes. As such, unless stated otherwise, references to Parliamentarians are understood as including both of these groups. If there was one significant point of departure between the Parliamentarian concept of the tory and the New English concept of the kern of the early seventeenth century, however, it was that the extensive anti-Irish propaganda circulated during the course of the 1640s, especially with regard to the 1641 massacres, meant that Irish barbarism was no longer seen as an argument to be won so much as a fact that required action. Particularly in the early part of the 1650s, with revenge for 1641 the rallying call and ultimate justification for all Parliamentarian action, discussions of violence

¹⁶⁸ *Ibid.* 2ii, p.362

committed on the Irish would more often sound like boasting than any sort of self-defence.¹⁶⁹

When the Confederate-Royalist armies first began to break down during the summer of 1650, the Parliamentarians generally viewed the diffuse opposition that began to emerge at this time merely as a derivative of the main conflict and as something less than a critical threat. In September that year, for example, William Basil reported that Ulster was now effectively in Parliamentary control, ‘only much infested with Tories’.¹⁷⁰ A month later, however, the Parliamentary newsheet *A Perfect Diurnall* detected something more intentional when it reported that many of the tories who previously ‘lay sculking in the woods and boggs to surprise passengers and small parties’ had now gathered themselves into larger bodies, especially in Wicklow and Wexford where between two and three thousand of the partisans had put themselves under the command of Scurlock. The author remained sanguine, however, claiming that ‘all the mischief they can do us, if that, will be to spoyle and destroy our Quarters, and in so doing they do but destroy one another, for all that we lose is a little Contribution’.¹⁷¹

Although the Parliamentarians may not have held the Irish partisans in high regard, it was clear from early on that standard ‘siege and battle’ tactics would be of little use against these elusive opponents. One counterinsurgent tactic tested early on in the Parliamentary campaign was the systematic destruction of crops and supplies in areas where partisans were known to operate. This was the case when colonel Hewson marched his troop into Wicklow in July 1650 armed with ‘scythes and sickles’ so that ‘the Tories may be left destitute of provisions, and so forced to submit and quit those places’.¹⁷² These brutal tactics showed their effects later that winter, with one newsheet of January 1651 reporting that many ‘of those Disciples of the Jesuites who call themselves Tories’ had been taken after they were forced to

¹⁶⁹ Sarah Covington, “‘Realms so barbarous and cruell’”: Writing Violence in Early Modern Ireland and England’, *History*, vol.99, no.336 (July 2014), esp., p.501; Canny, ‘Identity Formation in Ireland’, p.198

¹⁷⁰ *HMC Portland*, vol.1, p.535; for another example of the use of ‘infest’ with regards to tories see, for example: *EEBO Periodical: Several Proceedings*, 26 September – 3 August 1651

¹⁷¹ *EEBO Periodical: Perfect Diurnall*, 7-14 October 1650

¹⁷² John Prendergast, *The Cromwellian Settlement of Ireland*, (New York, 1868), p.14

come out of their fastnesses in search of food, ‘and expecting a prey, have been made a prey themselves’.¹⁷³ Another report from the same month happily declared that the ‘Toryes in Ireland do daily suffer’ and were so deprived of necessities that ‘if you will not cut their throats, they are grown so poore, that they will go neer to cut their throats themselves’.¹⁷⁴

The mobility of the assorted Irish partisans continued to cause problems for the Parliamentarians throughout their campaign, with one report from the summer of 1651 complaining that ‘the Tories are everywhere, in divided parties, and having a better knowledge of their native Country, do sometimes endamage us’.¹⁷⁵ By now the Parliamentarian command was beginning to acknowledge that the tories represented a credible threat in their own right and fully expected partisan activity to increase in the conquered territories once the main army marched into Connacht to meet the primary opponent. In anticipation of this, the Parliamentarians established several ‘moving bodies’ under commanders such as sir Theophilus Jones and colonel Robert Venables to deal with the insurgents while ‘the main Body of our Army are most happily compleating the work begun in the Province of Conaught’.¹⁷⁶ A report of May 1651 even suggested that the Parliamentarian soldiers were beginning to ‘get the skill of tripping after them’, while at the same time admitting that ‘if they have time to slip off their breeks, that so they may wade up to the middle, as oft they doe, they thereby avoid us’.¹⁷⁷ These measures were, however, only partly successful in suppressing the insurgents, a fact confirmed by Hewson’s return to Wicklow in August 1651 in order to once again destroy the enemy’s crops and fodder.¹⁷⁸

Where Parliamentarian soldiers failed, their trained dogs were sometimes successful. Such was the case in December 1651, when the *Faithful Scout*

¹⁷³ *EEBO Periodical: Weekly Intelligencer*, 21-28 January 1651

¹⁷⁴ *Ibid*

¹⁷⁵ *EEBO Periodical: Perfect Account*, 25 June – 2 July 1651

¹⁷⁶ *Ibid*; *EEBO Periodical: Several Proceedings*, 12-19 June 1651.

See also: *EEBO Periodical: Every Daies Intelligence*, 20-27 June 1651; *EEBO Periodical: Weekly Intelligencer*, 5-11 August 1651; *EEBO Periodical: Weekly Intelligencer*, 5-11 August 1651

¹⁷⁷ *EEBO Periodical: Several Proceedings*, 1-8 May 1651

¹⁷⁸ *EEBO Periodical: Every Daies Intelligence*, 1-8 August 1651

newssheet reported that ‘for their barbarous proceedings against the English, the mastique Dogs have well paid [the tories] for their pains’, going on to describe how one captain Graham, ‘having made a discovery of the Dens, undertook to hunt these Foxes out of their holes’, setting seven ‘great Mastiffs’ to sniff them out. According to the report the mastiffs ‘rent and tore’ the insurgents ‘lamentably’, such that five of ‘these Villains fell to the mercy of the mercilesse Dogs’ while the rest hopped ‘Badger-like’ to their holes. Clearly delighting in the story, the author declared that the tories were beginning ‘to abhor this Game of Hunting; for it seems as dreadfull to them as the name of O. Cromwell to the Scot’.¹⁷⁹ Despite these various measures, however, the partisans continued causing trouble throughout the winter of 1651-2, eventually forcing the Parliamentarians to undertake a more comprehensive counterinsurgency strategy. Entire zones were declared no-go areas, with anyone discovered within presumed to be partisan and subject to summary justice.¹⁸⁰ The Parliamentarians also began establishing a systematic network of garrisons around these zones, in order to hem the insurgents in, while using ‘scorched earth’ tactics to devastate their supplies.¹⁸¹ Although the partisans continued to cause difficulties for the Parliamentarians, the regular Confederate-Royalist armies proved more tractable. Between the autumn of 1651 and spring the following year a succession of fortified towns fell to Cromwell’s army. In May 1652 one Parliamentarian correspondent proudly boasted that ‘the business of the Field and Garrisons, as to the enemy, is now in a manner quite over’ and that ‘all we have to deal with now are onley Bogs and Trousers, where some of the more desperate sort lye skulking, and will not be reclaimed but by extremity’.¹⁸²

In February 1652 the English parliament began deliberating the terms of the peace settlement that it now expected to be able to enforce unilaterally, although it would be another year before the partisan commanders began to surrender *en masse*.¹⁸³ That this settlement would be punitive in its outlay was determined not only by the fiercely anti-Irish character of the Parliamentarian elite, but also by certain

¹⁷⁹ *EEBO Periodical: Faithful Scout*, 5-12 December 1651

¹⁸⁰ *EEBO Periodical: Mercurius Politicus*, 11-18 March 1652

¹⁸¹ Prendergast, *The Cromwellian Settlement of Ireland*, p.15

¹⁸² *EEBO Periodical: Mercurius Politicus*, 6-13 May 1652

¹⁸³ Patrick Corish, ‘The Cromwellian Regime, 1650-60’, in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A new history of Ireland. 3, Early modern Ireland, 1534-1691*, (Oxford, 1976), p.357

commitments made by the English legislature in the preceding years. In March 1642 the English parliament passed an act promising Irish lands to those who ‘adventured’ capital in advance of the prospective conquest of the country.¹⁸⁴ And while the outbreak of civil war in England later that year had prevented the immediate fulfilment of that promise, Parliamentary victory in Ireland a decade later meant the ‘adventurers’, as they were commonly known, could now expect a return on their investment. The fact that Cromwellian soldiers had since been promised Irish lands in lieu of their arrears of pay meant that by 1652 the stage was set for a massive expropriation of Irish lands.¹⁸⁵ On the basis of the deliberations begun earlier that year, in August 1652 the English parliament passed the Act for the Settlement of Ireland, which apportioned guilt to the Irish population according to their respective involvement in the 1641 rebellion and the ensuing war.

In theory, the terms of the Act of Settlement rendered the large majority of the male Catholic population liable to be tried for murder by the High Court established that December. It also effectively disinherited the entire Catholic landowning class.¹⁸⁶ Although the terms of the Act of Settlement would never be carried out in full, its short-term effect was to stiffen the resolve of the remaining Irish insurgents. ‘The Irish generally are much startled at the late Act against the grand Delinquents’, suggested one report of October 1652, but given that ‘God hath been pleased to fetter them with garrisons upon every passage and Town considerable’, there was ‘no cause to fear them’.¹⁸⁷ Another report of the same month was less upbeat, suggesting that since hearing of the Act, ‘many hundreds’ of those that had formerly surrendered had ran away to the woods. Some of these men rallied around Phelim O’Neill, one of the original instigators of the 1641 rebellion, whose forces grew to an estimated figure of more than two thousand.¹⁸⁸ It was not until the spring and summer of 1653 that the insurgency was eventually suppressed, at which point

¹⁸⁴ *Ibid*, p.360

¹⁸⁵ *Ibid*

¹⁸⁶ *Ibid*, p.357

¹⁸⁷ *EEBO Periodical: Perfect Diurnall*, 4-11 October 1652

¹⁸⁸ *EEBO Periodical: Moderate Intelligencer*, 15-22 October 1652

several thousand 'tories' were admitted on terms of surrender that included their transportation abroad to the continent.¹⁸⁹

As Parliamentary minds turned from war to plantation, the problem of toryism remained foremost in their thoughts, with the crucial difference being that the concept increasingly gained a socio-economic dimension. A committee representing the adventurers which reported its findings in May 1652 was, for example, far from convinced that there were sufficient plans in place for clearing their allotted lands 'of the multitude of Tories that yet swarm in them'.¹⁹⁰ Besides these practicalities, the broader Parliamentary community was also deeply divided on the extent to which the plan for transplantation should be carried out. By this stage the Parliamentarians were largely divided into two sub-categories which, besides differences of politics, largely corresponded with the two primary social groupings within Protestant Ireland. Many of the adventurers and soldiers recently arrived from England carried over with them strains of pronounced political and religious radicalism which, as well as their saturation by anti-Irish propaganda and their vested interest in expropriating the Catholic Irish, inclined them to seek more extreme solutions than the existing peace settlement.¹⁹¹ By contrast, the New English landowners who had lived in Ireland since before the war were relatively politically conservative and more inclined to retain the Irish labouring classes as their tenantry, not least because they remained unconvinced that sufficient numbers of English planters could be enticed to take their place. The extent to which these two groups considered themselves distinct from each other is underlined by the New English rebranding themselves as 'Old Protestants' in order to distinguish them from the more recent émigrés.¹⁹² For most of the early 1650s the radical faction remained in control of the Irish executive, as well as most of the civil and military administration, a fact which necessarily lent itself to a general push for the removal of the entire Catholic population to Connacht. As the difficulties of effecting such a

¹⁸⁹ See: *CSPD, 1652-3*, pp.223, 433, 491, 588; *CSPD, 1653-4*, pp.36, 435; *CSPD, 1654*, p.219; *EEBO Periodical: Perfect Account*, 1-8 March 1653

¹⁹⁰ *HMC Portland*, pp.649-51

¹⁹¹ Corish, 'The Cromwellian Regime, 1650-60', p.360

¹⁹² Patricia Coughlan, 'Counter-currents in colonial discourse: the political thought of Vincent and Daniel Gookin', in Jane Ohlmeyer (ed.), *Political Thought in Seventeenth-Century Ireland*, (Cambridge, 2000), p.56

settlement became clear, however, the moderate faction also became more vocal. These debates subsequently broke into the public sphere in the form of a heated pamphlet debate between Richard Lawrence and Vincent Gookin. For both authors, whether arguing for full or partial transplantation, the question of toryism was central.

According to Gookin, an Old Protestant landowner whose *The Great Case of Transplantation in Ireland Discussed* was published in 1654, by driving many to desperation the Act of Settlement had put the Irish Catholic population in an almost impossible bind.¹⁹³ The government's excessive taxation was removing their basic means of subsistence such that 'necessitie makes them turn Theeves and Tories'. And while those that turned to dissidence were persecuted rigorously by the regime, those that resisted the temptations of predation were either hanged by the English if they refused to discover the tories or were killed by their fellow Irishmen if they cooperated. Gookin goes on to give three reasons why transplantation will 'make many Tories'. Firstly, by driving the Irish from their farms and depriving them of their means of subsistence many would 'rather choose the hazard of Toring, than the apparent danger of starving'. Secondly, 'necessity will enforce to be Tories' those servants who were cast off by the decimated Irish gentry. Finally, by creating a massive population vacuum the government was complicit in creating the ideal conditions for further toryism by enlarging the fastnesses and wastelands into which dissidents could retreat. Those who were already 'acquainted with the service of Tory-hunting,' writes Gookin, 'know much of this difficulty'. With reference to the radical faction, Gookin noted that there were some Parliamentarians who were inclined to treat all the Irish 'as favourers of Tories' and 'coverers of bloud guiltiness'. Gookin called for a less intemperate spirit on their behalf: 'Must we still cry justice, justice?'

Gookin's text soon earned a rejoinder from Richard Lawrence, an officer of Cromwell's New Model Army and the governor of Waterford. Lawrence's text, *The Interest of England in the Irish Transplantation, Stated...*, was conceived as an uncompromising argument for the complete removal of the Irish population to

¹⁹³ Vincent Gookin, *The Great Case of Transplantation in Ireland Discussed*, (London, 1654)

Connacht.¹⁹⁴ Although otherwise at odds with Gookin, on one point at least Lawrence does not quibble with the Old Protestant planter. Namely, that during the late war the English soldiers had been ‘afraid more of Tories than Armies, and Woods and Boggs then Camps’. Lawrence differed, however, in his proposed solution to limit future tory activity, arguing that it was precisely because of the need to prevent toryism that the ‘great work’ of transplantation should be carried out in full. Lawrence admits that the priests, landlords and soldiers should all be removed as a priority, for these men ‘were much more skillfull in the Tory War than the rest are’. But by allowing portions of the Irish to remain behind in scattered formation, Lawrence argued, the government was putting them ‘in a capacity to be skulking Tories’. By contrast, if all the Irish were corralled into one area (i.e. the province of Connacht), then if ‘they will be Torying they may be Torying upon one another’. Toryism, by Lawrence’s count was something natural to the Irish, which could be facilitated or mitigated, but not prevented. Piqued by Lawrence’s accusations that he was ‘an abettor of the Irish rebels’, Gookin published a second text later that year in which he defended his position. On the question of toryism he declared succinctly: ‘Transplantation cannot hinder those that will be Tories; Non-transplanting cannot further those that would not.’¹⁹⁵

Between late 1650, when the Cromwellian regime first established the rudimentary structures of a civil administration, and the middle of the decade, the Parliamentary government in Ireland was firmly in control of the radical faction. By 1655, however, Charles Fleetwood, the radical governor appointed in 1652, still had not managed to put the regime on a steady footing.¹⁹⁶ Not only had Fleetwood’s extreme measures inflamed the Irish Catholic population, most notably in the form of extensive toryism, his administration had also alienated the Old Protestants, without whose assistance his government proved unable to govern effectively. The arrival in Ireland of Henry Cromwell in 1655 signalled a shift in power towards the moderate faction, after which the Old Protestants were increasingly employed and consulted in governance. The civil infrastructure established by the radical faction

¹⁹⁴ Richard Lawrence, *The Interest of England in the Irish Transplantation, Stated...*, (London, 1654)

¹⁹⁵ Vincent Gookin, *The Author and Case of Transplanting the Irish into Connacht Vindicated, From the Unjust Aspersion of Col. Richard Lawrence*, (London, 1655)

¹⁹⁶ Corish, ‘The Cromwellian Regime, 1650-60’, p.366

was largely dismantled and replaced by the return of traditional offices and institutions, such as the justices of the peace, the Four Courts and English common law.¹⁹⁷ This takeover by the moderate faction was eventually consolidated by Henry Cromwell's appointment as lord deputy in 1657.

Despite the increasingly temperate approach adopted by the Cromwellian regime the scale of Catholic Irish resistance to transplantation forced the government to take a number of extraordinary measures, beginning with the establishment of a court martial in the spring of 1655.¹⁹⁸ This, however, did little to lessen the number or ferocity of attacks on Protestant settlers, as two highly publicised incidents in Kildare served to illustrate. In March 1655, the Symonds family were attacked by tories near Timolin in Kildare, leaving one dead and another seriously wounded. That the Symonds had purposefully moved to this settlement in order to be within the protection of the local garrison underlined the government's inability to protect its Protestant civilians. In retaliation for this attack the entire Irish population of Timolin was transplanted.¹⁹⁹ Only months later two more settlers were killed in the nearby settlement of Lackagh. That the victims were ex-armymen and described by one report as 'very active against the Rebels' strongly suggests an element of deliberation on the behalf of the assailants.²⁰⁰ This time the government dispatched colonel Hewson with a commission of marital law. Four Irishmen were ultimately hanged for the murders with another twenty-seven to be sold as bond slaves to the sugar planters in the Barbados.²⁰¹ The Parliamentarian newsheet *Mercurius Politicus* described these measures as 'too much of Clemency to such insatiable blood thirsty villains, who will as soon cease to be, as to change their animosity against the English'.²⁰² In a further admission of its failure to deal with the tory insurgency, in November 1656 the government drew up instructions for provost-marshals that it now planned to impose on designated precincts, apparently on a semi-permanent footing. The abiding note of these instructions was the need for the

¹⁹⁷ Toby Barnard, *Cromwellian Ireland: English Government and Reform in Ireland 1649-1660*, (Oxford, 1975), p.259

¹⁹⁸ Corish, 'The Cromwellian Regime, 1650-60', p.359

¹⁹⁹ Prendergast, *The Cromwellian Settlement of Ireland*, p.191

²⁰⁰ *EEBO Periodical: Mercurius*, 1-8 November 1655

²⁰¹ Prendergast, *The Cromwellian Settlement of Ireland*, p.168

²⁰² *EEBO Periodical: Mercurius*, 1-8 November 1655

provost-marshals 'to take special care to employ them[selves] in suppressing Tories, woodkernes, and those who go out to rob'.²⁰³ Even these measures seem to have had little effect, a fact underscored by the army being called in to protect a plantation in Tipperary in July 1657 after it came under sustained attack from tories.²⁰⁴

Thus, by the time of Oliver Cromwell's death in 1658, toryism, once the bugbear of the Confederate-Royalist leadership, had evolved to become the principle form of opposition to Protestant rule in Ireland. That the activity was highly politicised during the period of Cromwellian rule seems beyond question. Not only were the tories' typical victims universally Protestant, they were often those who had prosecuted the insurgents with the greatest zeal. Meanwhile, Irish Protestants had come to see toryism as the most potent symbol of Catholic Irish animosity, a glowing ember which, if not properly tended to, could once again spring to new flame. As the Cromwellian regime unspooled and it became increasingly clear that the administration could not sustain itself in the absence of its titular leader, the image of the tory would soon find itself at the centre of a very public and very consequential debate about the meaning of the Interregnum.

²⁰³ Dunlop, *Ireland under the Commonwealth*, vol.2, pp.636-7

²⁰⁴ *Thurloe Papers*, vol.6, p.400

Chapter One: Toryism & the vernaculars of early Restoration Ireland

Introduction

In this chapter, which covers the greater part of the first decade of Charles II's reign, we chart the emergence of toryism in the new environs of Restoration Ireland. Beginning with the attempts of the Old Protestant elite to characterise toryism as a measure of Catholic Ireland's disloyalty to the Stuart regime, we follow the rise and fall of the tory as a contested image in the propaganda wars of early Restoration Ireland. After the displacement of Old Protestants from power and the appointment of the duke of Ormond as lord lieutenant we discover the emergence of a new official discourse of toryism, one that emphasised the guilt of the individual dissident over that of the community and the primacy of royalist ideology over that of ethno-confessional sectarianism. Although the toryism witnessed in the first half of the 1660s was limited in scope, that which emerged in the period between the winter of 1665 and the summer of 1667 amounted to a full-blown insurgency. The mental framework of two leaders of that insurgency, Edmund Nangle and Dudley Costello, is the subject of extensive analysis. Finally, the chapter concludes with an analysis of how the Ormond administration used the defeat of that insurgency, and particularly the swollen reputation of Costello, as a means to project an idealised vision of the Stuart polity.

I. The Scramble for Restoration Ireland

New game, new rules

On 3 September 1658 Oliver Cromwell, lord protector of England, Scotland and Ireland, died from complications stemming from malarial and urinary tract infections. In the absence of any deeply or widely agreed political dogma, Cromwell's force of personality had held the Protectorate government together. His departure would lead directly to its unravelling.²⁰⁵ Succeeded by his son, in April 1659 a radical faction of the military intervened decisively, forcing Richard

²⁰⁵ Brendan Fitzpatrick, *Seventeenth-Century Ireland: The War of Religions*, (Dublin, 1988), p.220

Cromwell to resign as lord protector, which title was abolished altogether, while restoring the Rump Parliament and dissolving the House of Lords.²⁰⁶ With a unicameral legislature and an executive committee stacked with hard-line revolutionaries, for a time it seemed as if the Commonwealth was destined to return to its radical origins. But when the radical faction failed to solve either the practical or theoretical problems of sovereign authority that had dogged the Commonwealth political project from its inception the public quickly began to tire of the consequent endemic instability that this bred.²⁰⁷ Encouraged by private assurances from significant power-brokers in both England and Ireland, Charles Stuart made his official overture to the British and Irish public on 4 April that year, laying out what a 'restored' Stuart monarchy might look like. As a political manifesto the so-called Declaration of Breda was strategically vague, purposefully leaving room for a wide array of interest groups to interpret their prospects favourably.²⁰⁸ With the public showing appetite for stability above all else, Charles' gambit was well received. Thus, in a turn of events that could hardly have been predicted only two years previous, on 1 May 1660 the Convention assembly sitting in London voted to restore the monarchy. Two weeks later, on 14 May, a cacophony of bells announced the accession of Charles II in Dublin. Ireland was a kingdom once more.

Although the restoration of monarchy was widely celebrated, quite what was being 'restored' was far from certain. In Scotland and England, questions such as the structure of the national church and the role of parliament in the political process, controversial issues which had helped bring the three kingdoms to war two decades earlier, would have to be ironed out all over again. In the former case, the Scottish Presbyterian community was sufficiently cowed to suffer the reintroduction of episcopacy in 1661, although the Pentland rising of 1666 and the Covenanter rebellion of 1679 would prove the political cost of that imposition. In England, a great game of shadow boxing would commence, whereby Charles II would not openly seek to govern without the legislature while parliament would not clearly state its desire to constrain the royal prerogative, although both parties were perfectly aware of each other's ambitions. By withholding these theoretical debates

²⁰⁶ Ronald Hutton, *Charles the Second: King of England, Scotland and Ireland*, (Oxford, 1989), p.115

²⁰⁷ Fitzpatrick, *Seventeenth-Century Ireland*, p.220

²⁰⁸ Gillespie, *Seventeenth-Century Ireland: Making Ireland Modern*, (Dublin, 2006), p.218

from public discourse, a workable compromise became possible. In practice, the Stuart king's profligacy would force him to intermittently recall parliament to vote upon his stipend, while Charles II's popularity amongst the public made direct criticism of his governance politically inexpedient for some time to come.

In Ireland compromise solutions would not be so easily attained. Firstly, despite the open-ended assurances of the Declaration of Breda that all sides would be accommodated in the new dispensation, it was clear from the beginning that Restoration politics would be a zero-sum game for Ireland's political communities. Questions surrounding land ownership and religious toleration were to prove especially contentious in the years to follow. With respect to the prickly question of property, the Declaration of Breda promised simply to 'settle all land claims', a guarantee that was as imprecise as it was unfulfillable. From two thirds of all landholdings in 1641, Roman Catholic ownership had been reduced to approximately ten per cent in the wake of the Cromwellian settlement.²⁰⁹ While the Irish Catholic population now hoped for full restitution of all their former properties, the Irish Protestant community was equally adamant that landholdings should be frozen as they were in 1659.²¹⁰ In terms of religious toleration, the Declaration of Breda made the more concrete guarantee of providing 'liberty to tender consciences', giving Catholics and Protestant non-conformists alike cause for hope.²¹¹ This wording nonetheless left unresolved the question of whether the Restoration regime would provide official or unofficial toleration. In this regard the Irish Catholic population expected Charles II to honour the terms of the second Ormondist treaty, a military pact agreed in his name in 1649, which had promised official religious toleration.

Adding to the complexity of the situation was the fact that all of these issues were essentially inextricable from each other. Hanging on the distinction between official and unofficial religious toleration, for example, was not just freedom of worship but

²⁰⁹ Tim Harris, 'Restoration Ireland - Themes and Problems,' in Coleman A. Dennehy (ed.), *Restoration Ireland: Always Settling and Never Settled*, (Aldershot, 2008), p.10; Hutton, *Charles the Second*, pp.236-7; S.J. Connolly, *Religion, Law, and Power: The Making of Protestant Ireland, 1660-1760*, (Oxford: 1992), pp.13-15

²¹⁰ John Simms, 'The restoration, 1660-85', in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A new history of Ireland. 3, Early modern Ireland, 1534-1691*, (Oxford, 1976), p.421

²¹¹ Gillespie, *Seventeenth-Century Ireland*, p.218

also questions of access to political, civil and military office, and all the windfalls that came with these stations. As such, any concession to Catholic religious aspirations would by necessity come at the expense of Protestant political power. Finally, the Irish case was distinct from its sister kingdoms in the sense that all of these issues pre-dated the mid-seventeenth century conflict to an extent that could not be said of either England or Scotland. As we saw in the introduction to the present work, the issue of the monarchy's relationship with its Irish Catholic subjects remained unresolved before the interruptions of the 1641 rebellion and Cromwellian regime. Moreover, unlike England, Ireland had no formal body of religious 'penal' legislation to look to for precedent and the innovations of the Commonwealth government were to be rendered obsolete by the Act of Indemnity and Oblivion, which effectively erased the Interregnum from legal memory. Thus the Irish political contract was still unwritten at the dawn of the Restoration. In this context, with everything to play for and little scope for compromise, both Catholics and Protestants alike prepared themselves for a winner takes all contest in which the stakes could hardly have been higher. By the rules of this new game political points were to be won, not by disputing abstract principles in public polemic, but by presenting one's side as being the Stuart king's most faithful, most deserving servants. Past and present misdemeanours, whether real, exaggerated, or entirely fabricated, would be weaponised in a public relations battle that would dominate the first half decade of Charles II's reign. Almost immediately, toryism was drawn into this high-stakes contest.

The Old Protestants draw first blood

In the contest to win the favour of Charles II and secure a sympathetic outcome in any political or religious settlements to follow, Irish Protestants held a considerable advantage over their Catholic adversaries. In particular, and for a variety of reasons, the 'Old Protestants' (i.e. pre-1641 settlers) were especially well equipped to make the transition when the new regime commenced. Since the arrival of Henry Cromwell in 1655 the Old Protestants enjoyed not only a political renaissance but had gone on to become the primary beneficiaries of the Cromwellian land settlement. By purchasing the lands of adventurers and soldiers at rock bottom prices many had amassed enormous property portfolios. Besides their economic clout, several Old Protestant leaders had also been highly influential in securing

Ireland for Charles II. This they achieved firstly by dislodging the radical faction from power in Ireland when they seized Dublin Castle on 13 December 1659, in what Raymond Gillespie has styled a ‘conservative coup’.²¹² Moreover, it was also an Old Protestant institution, the Dublin Convention assembly, which became the ultimate instrument of Restoration when it elected to invite the Stuart claimant back from the political wilderness.²¹³ As the acting stewards of government, with powerful allies in England and an indebted king newly placed on the throne, the Old Protestant community were in a strong position to promote their cause in the early months of the Restoration. In seeking to press home their early advantage in this high-stakes public relations battle, it was to the image of the barbarous and violent Irish tory that they first turned.

On 28 May 1660, just three days after Charles II returned to England, the Dublin Convention issued a proclamation entitled ‘A declaration of the General Convention of Ireland for the suppression of tories and woodkerne’.²¹⁴ According to this document, Ireland was witnessing a sharp rise in dissident activity, with ‘certain persons called tories and woodkerne daily betak[ing] themselves in arms to the woods, bogs, mountains’. A reward of ten pounds was offered for any assistance leading to the conviction of a ‘leading tory or woodkerne’, with a further five pounds set for every ‘common one’ and three pounds for an ‘aider and abettor or reliever.’ Just a few days later, on 1 June, a second text was issued laying out similar claims. Printed in both Dublin and London, ‘Against the rebels in Ireland’ was issued in Charles II’s name, although it was published only three days after the king had triumphantly entered London and was seemingly approved in great haste by the returning monarch.²¹⁵ Indeed, the proclamation twice refers to the fact that the king was acting on the basis of advice from the Lords and Commons and the anti-Irish bias of those institutions is clearly reflected in the language and frame of the text. Echoing the Convention declaration, the Whitehall proclamation claimed that there were of late many in Ireland who had broken out in ‘new acts of force and violence, some murdering, robbing and despoiling’. Far from de-politicising this

²¹² *Ibid*, p.217

²¹³ Simms, ‘The Restoration, 1660-85’, p.420

²¹⁴ *The Proclamations of Ireland*, vol.1, pp.4-5

²¹⁵ *Ibid*, pp.5-6

putative violence, both the Convention and Whitehall texts describe these activities as acutely sectarian in character, describing the attacks as being directed in particular against ‘the English and other good subjects’ and ‘to the great and manifest disturbance and hinderance of our English plantation.’ And while the Convention declaration announced that ‘every person so in arms is a rebel and a traitor’, the Whitehall proclamation went even further, claiming that the individuals responsible for the recent violence were the same ‘natives of that our kingdom’ who were ‘deeply guilty’ of the 1641 rebellion and ‘the innocent blood of so many thousands of our English Protestant subjects’.

Surviving material evidence does not permit a comparison between claims made in the Convention and Whitehall texts and the true levels of violence being perpetrated on the ground. In the confusion and uncertainty of those early months, with no clearly defined political centre for regional figures to report to, locally generated evidence about toryism seems neither to have been recorded nor circulated. That we do not find even a single reference to tory activity beyond either the Convention or Whitehall texts does, however, strongly suggest that the claims made in those documents were at the very least overblown. What is certain is that, taken together, the Convention Declaration and Whitehall proclamation reveal a deliberate communications campaign, coordinated on both sides of the Irish Sea and designed with the intention of establishing a public narrative of renewed political violence committed by Irish Catholics against Protestant settlers. This narrative was crafted with the intention of discrediting the Irish Catholic community at a time when Ireland’s various political tribes expected to be rewarded or punished by the returning Stuart monarchy based on their ability to represent themselves as the regime’s loyal servants.

Protestant control of the Dublin Convention assembly and both houses of legislature in England made it very difficult for Irish Catholics to generate an effective contemporary public response to the claims made in the Convention and Whitehall texts. A lack of access to private printers further compounded this disadvantage and in general Irish Catholics were forced to rely instead on private lobbying to make

their case.²¹⁶ Indeed, the only published account of an Irish Catholic reaction to the Convention and Whitehall texts came several years later in the writings of Nicholas French, the titular Roman Catholic bishop of Ferns. Composed in exile and written from the vantage point of a deep disillusionment with Charles II's regime, *A Narrative of the Settlement and Sale of Ireland* (1668) offers a history of the Restoration settlement as it might have been narrated by a remorseful Protestant.²¹⁷ In the course of this text French makes special reference to the machinations of sir John Clotworthy. Of Old Protestant stock, Clotworthy had been a politically active figure during the Wars of Religion, closely associated with the Presbyterian faction on the Parliamentary side. Like many of his Old Protestant contemporaries, Clotworthy had benefitted personally from the Cromwellian settlement, amassing considerable lands in the Antrim region over the course of the 1650s.²¹⁸ As a 'heretic', political adversary and social interloper, Clotworthy was everything the Irish Catholic elite had come to detest. Unsurprisingly, French has few kind words for Clotworthy, whom he describes as being 'as violent against the Irish, as he was known to be seditious, and ill-affected to Monarchy'. Dispatched to England in March 1660, Clotworthy had been tasked with lobbying powerbrokers in the English capital on the behalf of Protestant adventurers and soldiers, many of whose lands had since ended up in his personal portfolio.²¹⁹ According to French, Clotworthy actively spread false rumours of a fresh Irish rebellion akin to that of 1641, a reference which closely recalls claims made in the Convention and Whitehall texts. In a direct reference to the Whitehall proclamation, French further claimed that it was on the basis of Clotworthy's spurious reports that the English houses of parliament drew up a proclamation 'against the Irish Papists, who were said to be actually in rebellion'. The Whitehall proclamation was published, according to French, 'notwithstanding that it was very well known at that time, that there was not an Irish man in arms in any part of Ireland.'

²¹⁶ Simms, 'The Restoration, 1660-85', p.424

²¹⁷ Nicholas French, *A Narrative of the Settlement and Sale of Ireland...*, (Louvain, 1668)

²¹⁸ Raymond Gillespie, 'Clotworthy, Sir John 1st Viscount Massereene' in *Dictionary of Irish Biography*

²¹⁹ *Ibid*

Taken at face value French's account offers an interesting insight into how the Protestant interest aggressively promoted accounts of seditious Irish Catholic activity in the early months of the Restoration. At the same time, the retrospective character and lamenting tone of French's observations testify to the inability of the Irish Catholic political community to arrest the momentum of these narratives in the crucial early stages of the Restoration. It will also be important to note that however much French decried the slander of Clotworthy and the Protestant legislature, he positions himself quite conservatively with respect to the question of Catholic resistance. French was, after all, writing from the vantage point of 1668, by which time Charles II's regime had already produced a political settlement that was deeply unfavourable to Irish Catholics. Furthermore, as we shall see, French was also writing at the tail end of a two-year tory insurgency, conducted by disenchanting Irish Catholic gentry, which had directly challenged the legitimacy of that settlement. Given his own status as a political exile, we might have expected French to take a more combative tone with regards to Catholic resistance. Instead, in his narrative of events the Catholic bishop makes no specific reference to toryism and his personal position on the legitimacy of the Restoration government went no further than to decry the earl of Clarendon, the king's chief councillor. Ultimately, French's championing of the Irish cause amounted to denying the existence of Catholic resistance rather than defending it as a political strategy; an important indication that in politically conservative Roman Catholic discourse there was still no place for 'heroic toryism'.

The bitter tone of French's riposte, delivered years after the fact, testifies to the success of the Convention and Whitehall texts in discrediting Irish Catholics in the eyes of the king. Indeed, French suggests that the powers of detention set out in the Whitehall proclamation were used to fill the 'prisons of Ireland [...] with the Irish nobility and gentry', something which directly inhibited their ability to lobby Charles II in the early months of his reign.²²⁰ For the Irish Catholic political elite, the effectiveness of the Convention and Whitehall texts in giving the Protestant interest a head start in the race to win Charles II's favour had provided a stringent and costly lesson. Despite, however, the notable success of this early attempt to use toryism as

²²⁰ French, *A Narrative of the Settlement and Sale of Ireland*

a means to tarnish the reputation of Irish Catholics in general, in the years to come the tory was to prove a surprisingly ineffective tool of Protestant propaganda. In general, and unlike the woodkern of the Tudor and early Stuart periods, something about the image of the Restoration tory resisted easy depiction as a symbol of widespread Irish Catholic dissent. Reports of tory-type attacks, which in any case proved scarce in the early years of Charles II's reign, consistently failed to incite the desired punitive reactions from Whitehall and Dublin Castle, and the Protestant interest responded in turn by focusing its attention on other forms of Irish Catholic dissent, whether imagined or real, to forward its agenda. In fact, it is possible to suggest that this emerging strategy is already apparent in the Whitehall proclamation, in which use of the terms 'tory' or 'woodkern' is avoided, with labels such as 'natives' and 'Irish rebels' being used instead.

Old Protestants in power

Throughout 1660 the difficulties faced by Catholics in terms of managing their public relations were further compounded by the increasing consolidation of executive power with the Old Protestant faction. In March 1660 the council of state appointed three commissioners to oversee the Irish government, including Charles Coote, Roger Boyle (lord Broghill), and the comparatively moderate figure of Maurice Eustace. After Charles II's accession these men were continued in their position, with the expectation that they would act only as temporary stewards and until such a time the king set his government on a firm footing. When, however, the king's initial candidate to fill the role of lord deputy, Lord Robartes, was hotly resisted by George Monck, the honorific lord lieutenant, as well as prominent Irish Protestants Charles II was forced appoint the existing commissioners as joint lords justices. A traditional station of office, the lord justice was expected to fulfil the duties of executive authority in the absence of the acting viceroy. Although the position did confer the same level of prestige or authority as an anointed viceroy, it nonetheless carried significant clout. In developments that further enhanced their social status, Coote and Broghill were both raised to the peerage while also being appointed the presidents of Connacht and Munster, respectively, positions which

significantly boosted their standing as regional powerbrokers. The Old Protestants now possessed total control over the Irish executive.²²¹

Whilst these measures settled the question of political authority for the time being, by the late autumn of 1660 there was still no progress in terms of a national land settlement, a state of affairs which inevitably led to mounting sectarian tensions.²²² Tasked with finding a solution to this impasse, the English privy council's committee for Irish affairs convened through November, publishing the ensuing document on 30 November. Despite being almost entirely unworkable in practice, the Gracious Declaration would form the lasting basis of the Restoration land settlement.²²³ Its contents came as a great disappointment to the Irish Catholic community, with Charles II disavowing the Second Ormond Peace of 1649 (which had committed the king to granting them full religious freedom), while generally confirming the beneficiaries of the Cromwellian settlement in their gains. A small measure of hope was held out to dispossessed landowners insofar as the text promised to restore properties to those who could prove innocence of any involvement in either the 1641 rebellion or the Catholic Confederation. But even this slender window for legal restitution was severely mitigated by the proviso that the current landholders would first have to be found compensatory lands before former proprietors could be restored. Having correctly gambled upon the fact that it would be far easier for the crown to leave things as they currently stood than to undertake any major revision of landholdings, the Old Protestants now sought to press home their early advantage even further.

In early December Charles Coote, now the earl of Mountrath, was caused to admonish the mayor of Cashel for his inaction after a recent incident in which a number of 'Old Irish' had entered the town courthouse, then in session, and disrupted its proceedings.²²⁴ According to Mountrath's sources the Irish had 'protested against any one Englishman to be made free and vanted [*sic*] themselves

²²¹ Hutton, *Charles the Second*, pp.138-9

²²² *Ibid*, p.147

²²³ Charles II, *His Majestie's Gracious Declaration for the Settlement of His Kingdome of Ireland and Satisfaction of the Severall Interests of Adventurers, Souldiers, and Other His Subjects There* (London, 1660)

²²⁴ *CSPI, 1660-1662*, p.119

to be his Majesty's only true subjects.' Disgusted that the Irish had 'carried themselves so insolently and expressed such averseness to the English interest', Mountrath commanded the mayor to arrest all of those involved in the affray. Although Mountrath's irritation at this show of Irish Catholic agitation was sincere, he was also quick to spy its political advantage. In the course of the same letter, Mountrath advised the mayor to 'take care not to admit those or any other Irish Papists to be made free of the city until further direction'. Banned from the incorporated towns throughout the Commonwealth, regaining admission was seen as an important political prize for Irish Catholics at the dawn of the Restoration. For besides promising access to material wealth, membership of the corporations also entailed admission to the franchise. As such, controlling the corporations was seen as the first step to controlling the legislature. With a new parliament called for May 1661 in order to vote the Gracious Declaration into law this took on an even greater importance. Although Charles II known to support the readmission of Catholics, Mountrath's clear intention was to resist this development until such a time as a formal order came down. When the king finally did send such an order to the Irish parliament, the ferocity of the Protestant backlash was sufficient to force him to back down.²²⁵ In the same way that putative toryism had provided an excuse for the Protestant interest to block Irish Catholics from lobbying the king upon his return, Old Protestant leaders were now using any report of Catholic dissent to forward their cause at a local level. By contrast, frustrated by the failure of their political leadership to protect their interests, some amongst the Irish Catholic population began to turn to violent agitation.

Just three days after dressing down the mayor of Cashel, Mountrath received a letter from one Robert Clark, apparently a yeoman, regarding tory activity in the midlands, including a recent house robbery committed three miles from Kilkenny town and another attempted burglary occurring at Watercastle, across the county border in Queen's county.²²⁶ Although not especially revealing in terms of tory behaviour or motivations, Clark's report provides a number of valuable insights into how the activity was viewed beyond the walls of Dublin Castle or Whitehall. Of

²²⁵ Hutton, *Charles the Second*, p.174

²²⁶ *CSPI, 1660-1662*, p.122

particular interest is how Clark's perception of localised Tory attacks elides seamlessly with his wider concerns regarding popular Catholic angst. Claiming that the Catholic Irish were talking generally of their 'deliverance from the English yoke', Clark further claimed that it was 'reported "as joy" amongst the Irish children that about Christmas there will be a war, and they say that their parents know it by some news which they have from some who have lately come out of Spain.' 'Our adversaries the Tories are so audacious', voiced an anxious Clark, 'that that they fear not to attempt their mischievous practices at the noon day'. This was to become a common refrain in the years to follow. Because daytime assaults seemed to represent a particularly brazen form of violent confrontation they would be frequently interpreted as portending the beginning of something more dreadful to come. Furthermore, and which was also to form a common trope of Protestant discourse, Clark was quick to posit a link between native Irish disquiet and developments in international affairs, especially with regards to continental Catholic superpowers. As we shall see, this conspiratorial worldview would prove distinctly at odds with official Stuart pronouncements on Toryism, which tended to view the activity as something concerning aberrant individuals with only an oblique relation to wider Catholic discontent.

A closely related point is Clark's clear frustration at the renewed confidence of his Catholic neighbours, which is apparent in his description of the 'general boldness' of the Irish. Throughout the Cromwellian regime, Ireland's Protestant community had enjoyed the better end of a profoundly asymmetrical relationship of power over their Catholic neighbours. The accession of Charles II necessarily brought these two communities much closer together in terms of relative power, simply by changing the balance of expectations. With the nature of the religious and land settlements yet to be decided upon there was yet the prospect that they might be brought even closer still. Of particular concern for Irish Protestants was the fact that their long-term goal of excluding Catholics from political power altogether was being stalled by a lack of political sanction from Whitehall. Generally sympathetic to Catholicism, Charles II was known to support increased religious toleration. And although the king would be repeatedly frustrated in his attempt to produce greater

religious equality, the simple knowledge of his position on the matter was enough to cause great anxiety amongst Irish Protestants.²²⁷

Above all else, Clark's report provides an important insight into how toryism was experienced and perceived by its characteristic victims: those Protestants lying below the gentry class. Informing Mountrath that these late rumours of Irish insurrection had the local Protestant community 'in fear for the loss of our lives and of such enjoyments as the Lord has given us', Clark clearly communicates the raw sense of vulnerability that toryism provoked in those residing in the dispersed farmsteads of plantation Ireland. Clark concluded his letter with an earnest plea for assistance: 'The English in these parts need protection.' But while those in similar positions to Clark may have seen toryism as a fatal threat to their lives, as well as something intimately bound up with the collective hostility of their Irish Catholic neighbours, these isolated instances of violence could not provide the Old Protestant leaders with the excuse they needed to take sterner measures against the Irish Catholic population as a whole. By late 1660 it was already clear to the Protestant leadership that they would require a security crisis of significant magnitude in order to force the king's hand. Ironically, the first such convenient crisis would come, not from an act of political dissent committed by the Catholic community in Ireland, but by means of a desultory revolt led a radical Protestant sect in England.

On Twelfth Night in January 1661, Thomas Venner, head of a small non-conformist church based in London, led thirty-five members of his congregation in a reckless attempt to take England's capital by armed force. Although this pitiful rising posed no real threat to the regime, it nonetheless took the London administration by surprise and it was several days before all the militants were rounded up.²²⁸ With Charles II's security establishment still in its infancy and with limited access to reliable sources within the radical community, many of the king's councillors genuinely believed they were witnessing the opening salvo of a much wider rebellion. But although these fears were soon allayed when the limited extent of Venner's network was made apparent, this did not prevent hawks within the

²²⁷ Hutton, *Charles the Second*, p.153

²²⁸ *Ibid*, p.162

administration from cynically exploiting its aftermath. In England Venner's rising led directly to the mass arrest of Quakers, non-conformists and republicans, while in Scotland former Remonstrants were expelled from the capital while state agents were ordered to break up non-sanctioned assemblies.²²⁹ Although the affair had not occurred within their jurisdiction, the Irish lords justices also took the opportunity to issue a proclamation on 22 January 1661 announcing a general ban on 'sundry unlawful assemblies', claiming that such meetings were being attended by 'divers hundreds and sometimes thousands'.²³⁰ Indeed, the Irish executive went much further than either of its sister administrations, extending the ban on assembly not only to Independents, Anabaptists, Quakers and 'other fanatical persons', but to the Presbyterian and Catholic communities as well. Describing religious non-conformity as incommensurate with political loyalty, the proclamation claimed that those in attendance were 'not afraid to speak evil of dignities, and to cast dirt in the face of the lawful magistrates, yea to usurp the essential rights of sovereignty itself and to inveigh against the known laws of this realm'. The proclamation concluded by calling upon the Anglican episcopate to 'use all due care and industry to gain such as have been seduced into those turbulent and seditious courses to obedience and conformity', while instructing officers of the law and army to enforce the order.

Despite the white-hot language in which the January proclamation was couched, these remained essentially unenforceable orders. Instead, having temporarily secured the political will necessary to sanction an extension of their coercive powers, the Dublin government found its ability to enforce its pronouncements severely limited by the decrepit condition of the law and order establishment. Critically underfunded, the state's forces were too thinly spread to enforce Dublin Castle's policies, a problem that was to persist for the rest of the decade.²³¹ Indeed, this gap between aspirational and real power had already been dramatically exposed in October 1660, when a party of crown soldiers discovered a secret Catholic mass in progress near Belturbet in Cavan. When they attempted to seize the officiating priest the soldiers were quickly overpowered by the assembled parishioners and stripped of their weapons. Counting themselves lucky to have escaped with their

²²⁹ *Ibid*, p.163

²³⁰ *The Proclamations of Ireland*, vol.1, pp.17-8

²³¹ Hutton, *Charles the Second*, p.155; Simms, 'The Restoration, 1660-85' pp.440-441

lives, the soldiers claimed to have been ‘ill-treated and beaten with stones and clubs’ and even threatened with ‘hanging and other torture.’²³² That the January ban on non-sanctioned assembly did not fundamentally alter the balance of forces on the ground is given substance by an intelligence report delivered to Whitehall by the Irish executive in the early autumn of 1661.

On 21 August 1661, the lords justices and Irish privy council reported to the king’s chief secretary Nicholas concerning the ‘great heights and boldness to which many of the Irish Papists of this Kingdom are grown’.²³³ On the basis of several reports coming to them from different parts of the kingdom over the course of the summer, the Irish executive had concluded that the country was witnessing a considerable rise in political agitation and organised dissent. To give substance to their claims they enclosed copies of the original reports and intercepted letters for Whitehall to see first-hand. One report from Arthur Swainwick, a justice of the peace for county Mayo, spoke of ‘great meetings of the Irish there in spite of directions formerly issued against them’. Another relayed the alarming news of a ‘riot’ in Fermanagh involving sixty individuals, not counting ‘women and boys’, which had left one Protestant dead and several more ‘desperately wounded’. From a third source the Irish executive learned of the arrest of a suspected friar by major Folliott, who was posted to Ballyshannon in county Donegal. The suspect had not only since confessed to his vocation under interrogation but was also discovered to be carrying a suspicious letter, which he had tried to slip ‘into an Irish gentleman’s pocket who was present in the room.’ Composed in Gaelic Irish and addressed ‘colourably’ (i.e. falsely) to captain Brookes, a justice of the peace for that County, major Folliot had since spent several days ‘riding abroad’ in an attempt to get the letter translated after the local population refused to assist him. The lords justices and Irish privy council enclosed both the original letter and Folliot’s translation in their packet for Nicholas. Peppered with Latin, the original letter makes oblique reference to some intended meeting that its author wished delayed, which the Irish executive interpreted as an allusion to some seditious design. A fourth report had reached the executive in the form of an intercepted letter. Composed by one colonel Daniel

²³² *CSPI, 1660-1662*, p.54

²³³ *Ibid*, pp.405-409

O’Cahan and addressed to an Owen O’Rourke of Leitrim, the correspondence is described as having been written with the intention of devising ‘places for correspondence between the Irish in various parts of the kingdom’. The lords justices and privy council had originally dismissed this letter’s importance, but in light of the accumulating evidence of burgeoning dissident networks, they were now inclined to detect seditious undertones where before they had seen only innocent content.

For their fifth and concluding report, the executive informed secretary Nicholas of the news that there were several tories active in the Tipperary and Queen’s County region. Having previously been granted pardon these men were ‘now again relapsed into their former rebellious courses and plunder as they did before.’ Drawing a direct connection between this tory activity and organised forms of Catholic Irish agitation, the lords justices and privy council suggested that the tories were being encouraged by ‘Jesuit priests and friars’, whilst also insinuating that some of these dissidents included ‘officers of the King of Spain’s army’ (i.e. Irish mercenaries) that had recently returned to the kingdom. More worrying still was the extreme violence associated with this fresh outbreak of toryism, it being reported that the dissidents had brutally mutilated the body of one their victims.²³⁴ Charles II would later direct secretary Nicholas to thank the lord justices and council for their efforts, their packet having been read before the English privy council.²³⁵ Under direction from the king, Nicholas encouraged the Irish executive ‘to continue their efforts to discover plots and attempts at disturbances in Ireland’, instructing them to make arrests wherever possible. ‘As for the Tories’, Nicholas continued, the Irish administration was to ‘take a good course to arrest them and deal with them exemplarily according to law.’ Despite this encouragement from Whitehall, however, reports of even more extreme violence were to emerge just one month later.

The only member of the lords justices not to sign off on intelligence report of August 1661 was lord Broghill, now the earl of Orrery. Clearly irritated that his

²³⁴ *Ibid*, pp.405-409

²³⁵ *CSPI, 1663-1665* p. 490 (this entry is erroneously calendared in the CSPI volume for 1663-65)

name had not been appended to the report that had drawn the king's praise and ever anxious to justify his utility to the regime, Orrery later explained his absence from Dublin in a letter of 7 September 1661 on the grounds that he had been detained in Munster 'owing to the insolency of the Tories.' Orrery proceeded to inform secretary Nicholas about a particular incident in which two tories had broken into a Protestant homestead during the night, overpowered the husbandman that lived there and forced him 'to hold the candle whilst in his sight they ravished his wife, who then had not lain in a fortnight'. Following this brutal attack, the attackers had unceremoniously 'burned the house over their ears.' Orrery, who had taken deposition from the victims personally, informed Nicholas that the woman was so badly injured by the assault that her life was feared for. Nor was this the first such assault by these men. Just a fortnight earlier, according to Orrery, the same tories had raped another woman 'till she died.' In the hope that they would yet 'root out those villains' Orrery had since 'fixed garrisons in all those places where they haunt'.

Although genuinely appalled by the savagery of the attacks, Orrery, like Mountrath before him, was not above turning the situation to political advantage, launching immediately thereafter into an argument for the abolishment of the Court of Wards.²³⁶ Orrery's politicking aside, these latest attacks were deemed serious enough to warrant an official proclamation, issued from Dublin Castle on 10 September 1661. Naming the suspected culprits as Halsey and Walter Butler, the proclamation described their last known whereabouts as encompassing the counties of Waterford and Tipperary.²³⁷ That the language of the proclamation closely followed that of Orrery's letter to Nicholas suggests that the Munster president was probably its chief author. Despite this, however, the proclamation does not attempt to frame the violence as sectarian in character, with the Butlers described simply as 'rebells and traytors', rather than as tories. Once again, we find that something about toryism seemed insufficient to the needs of the narrative that the Old Protestant administration wished to project. In this particular situation it may simply have been the case that the Dublin Castle executive, in their keenness to see the Butlers

²³⁶ *CSPI, 1660-2*, pp.415-416

²³⁷ *The Proclamations of Ireland*, vol.1, pp.47-8

brought to justice, preferred not to cloak their actions in the divisive language of sectarianism. Whatever the case may be, it is also clear that, despite the extreme savagery of these attacks, these isolated incidents were still deemed insufficient to warrant any wider extension of executive power. An instructive contrast between the political value of toryism compared to other forms of agitation is provided by the scandal surrounding the hoax letter of father Phelan.

In December 1661 four justices of the peace for county Meath delivered a packet to the lords justices, including a seditious letter they claimed to have discovered following the arrest of James Phelan, a Catholic priest for the parish of Kildalky. According to these officials, they had initially arrested Phelan for practising as a Roman Catholic clergyman, but that he had later ‘found means to escape at a back door and so get into a bog near adjoining’. In his hasty flight, however, the priest was supposed to have ‘let fall his Mass book, wherein the said letter was found’.²³⁸ Ostensibly written to Phelan by another clergyman, the letter confirmed the worst fears of Irish Protestants in the plainest possible language. Describing the Irish government as ‘knaves’ and ‘insatiable hell hounds’, the letter spoke of needing to act immediately in order to rescue the Catholic cause. Referring to some ‘great business’, Phelan’s letter further claimed that the government did not yet know the full extent of their ‘plans’. The letter also played upon Protestant insecurities about the king’s stance on toleration, with the author boasting that Charles II privately favoured the Catholic cause.²³⁹

That Phelan’s letter was a forgery and a hoax is now generally accepted as a matter of fact.²⁴⁰ Indeed, it was not long after the scandal first broke before most contemporary observers acknowledged it as a stratagem designed by Protestant radicals to stoke anti-Catholic sentiment. This suspicion was subsequently all but confirmed when Alexander Jephson, one of the same justices of the peace responsible for producing the letter, was later convicted and executed for his involvement in a radical plot to take Dublin Castle in May 1663 (see below). When,

²³⁸ Carte MS 214, ff.313-14 (Quoted in: Anne Creighton, ‘The Remonstrance of December 1661 and Catholic Politics in Restoration Ireland,’ *Irish Historical Studies*, vol.34, no.133 (2004), p.25)

²³⁹ Carte MS 214, ff.313-14

²⁴⁰ See for example, Hutton, *Charles the Second*, pp.177-178; Creighton, ‘The Remonstrance of December 1661’, pp.25-26

however, the letter was first read before the Irish parliament in late 1661 its authenticity was not questioned, nor its utility overlooked. Besides offering a reward of one hundred pounds for any information leading to the recapture of Phelan, the government used the forged letter to legitimatise a raft of measures directed against the Catholic population, including their expulsion from the corporations and army, the confiscation of their arms and horses and the rounding up of their clergy.²⁴¹

The arrests following the Phelan letter hoax made the vulnerability of the Irish Catholic clergy all too apparent. It was clear that for as long as they were protected only by informal toleration they would remain hostages to political fortune and subject to spasms of persecution. This was merely the latest iteration of an on-going problem for the Catholic Church in Ireland. Since the Tudor period Catholic adherence to the principle of Papal temporal sovereignty had been viewed by successive administrations as incommensurate with absolute loyalty to the crown. In particular, the unwillingness of Catholics to take the Oath of Supremacy (which disavowed the spiritual supremacy of any foreign potentate) was widely taken as tangible proof of their infidelity. Moreover, because the Irish kingdom still lacked a formal body of penal legislation, this oath also served as the main bar to entry into public office for secular Catholics.²⁴² As such, the circumnavigation of this thorny issue was considered by many to be the most important project for Irish Catholics at the onset of Charles II's reign. As it happened, the controversy surrounding Phelan's letter and the draconian measures it helped legitimise provided the Catholic leadership with renewed urgency in their faltering attempt to formulate a watertight declaration of commitment to the Stuart crown.

A Catholic solution to a Catholic problem

Led by Peter Walsh, the controversial Franciscan friar, a number of the clergy convened in the final weeks of 1661 to draft a 'remonstrance' or 'loyal formulary'. Described by Anne Creighton as 'potentially the most important political initiative of the period' for the Irish Catholic Church, the Remonstrance was addressed directly to Charles II and explicitly designed to rebut the 'calumnies' with which the

²⁴¹ *The Proclamations of Ireland*, vol.1, pp.65-7

²⁴² Creighton, 'The Remonstrance of December 1661', *passim*

clergy were commonly charged, despite teaching their flock ‘perfect obedience to the King’. The clergy announced their acceptance of Charles II’s authority ‘without equivocation or mental reservation’, while explicitly repudiating ‘any power, spiritual or temporal, which shall pretend to free us from this obligation or shall in any way give us leave of license to raise tumults, bear arms, or offer any violence to your Majesty’s person and Royal authority’. In an attempt to offer a favourable contrast with Protestant resistance theory, the Remonstrance forswore any ‘right to resistance’, accepting that ‘all Princes and supreme governors are God’s lieutenants’, declaring it ‘damnable and wicked to contend that a private person may murder the King.’²⁴³ The Remonstrance amounted to an extraordinarily far-reaching statement of political obedience by its adherents and was produced despite deep divisions within the Irish Catholic church. Although Peter Walsh’s movement would ultimately serve only to widen the existing cleavages within the Irish Catholic clerical community, when the document was first communicated to the Stuart administration it was with high hopes that a long-standing obstacle to toleration had finally been surmounted.

The Remonstrance movement coincided fortuitously with what proved a rare positive political development for the Irish Catholic community.²⁴⁴ Whether it had always been the king’s intention to appoint a more neutral figure to the Irish viceroyship, or perhaps because the incessant politicking of the lords justices had gradually provoked his displeasure, in late 1661 Charles II began to edge the Old Protestant executive from power.²⁴⁵ Certainly, whatever his reasons, the king’s announcement on 4 November that he was appointing the duke of Ormond as the lord lieutenant of Ireland was a major political setback for the Protestant interest in Ireland. Although himself a practicing Anglican, as the leading member of the Old English community Ormond had extensive ties within the Irish Catholic community. Moreover, although Ormond was not in fact the crypto-Catholic that many Protestants suspected him of being, he was zealously devoted to the monarchy and his arrival in June 1662 established a new player at the heart of Irish politics, which can be accurately called a royal interest. Henceforward, although Ormond

²⁴³ *Ibid*, p.17

²⁴⁴ *Ibid*, p.17

²⁴⁵ Hutton, *Charles the Second*, p.189

would often be forced to pander to Irish Protestants out of expedience, he would consistently seek to govern without over-reliance on that community. Related to this point is the fact that Ormond's promotion led directly to the formation of a new official discourse, one that repudiated the sectarian flavour promoted by the Old Protestant executive and which was founded, first and foremost, on the tenets of Stuart royalist ideology. As we shall see, this was to have a considerable impact upon how toryism was portrayed in public discourse over the course of the Restoration.

The Restoration land settlement

If Irish Catholics viewed Ormond's appointment as heralding a new spring for their political ambitions it was not long before their newfound hopes were dashed against the rocks. In March 1662, Orrery revealed to the king a letter dating from 1647 in which sir Nicholas Plunkett, as acting representative of the Catholic Confederacy, had offered to cede Irish sovereignty to the Pope in return for military aid.²⁴⁶ Head of the Irish delegation invited to consult on the Bill of Settlement, Plunkett's subsequent dismissal from court was a disastrous setback for Irish Catholics. Most importantly, the king would forbid them from any further consultation on the land settlement and gave his assent to the bill as it stood. With that the Catholic lobby had bungled their last opportunity to significantly revise the terms of the Gracious Declaration. Clause XI of the Act of Settlement was particularly significant, insofar as this was the section which defined the legal concept of 'innocence' and the limits of how it could be interpreted by the Court of Claims, the judicial authority established to process claims made under the Act. This notorious clause precluded from innocence any person involved in the Irish rebellion before the Confederate-Royalist treaty of 1643, as well as anyone who had participated in the Catholic Confederation before the Second Ormond Treaty of 1649 or had been adherents of the Papal nuncio thereafter. By defining 'innocence' in this narrow fashion clause XI made it virtually impossible for many Catholics to escape a verdict of 'nocent' (i.e. guilty).²⁴⁷ In its final passage the same clause also delivered a definitive official judgement on the morality of anti-Parliamentarian toryism, barring from innocence

²⁴⁶ Hutton, *Charles the Second*, p.175

²⁴⁷ Edmund Curtis and R.B. McDowell (eds.), *Irish Historical Documents, 1172-1922*, (London, 1968), pp.158-169

all 'such persons as have been wood-kerns or tories, before the marquess of Clanrickarde's leaving the government of that kingdom.'²⁴⁸

The Irish Catholic community remembered this final provision as extremely unjust, their protest belatedly registered in 'Case of the Roman Catholics of Ireland', a manuscript treatise drawn up with the intention of justifying the repeal of the Act of Settlement during James II's Irish parliament (see chapter four).²⁴⁹ According to its anonymous author, 'the iniquity of this restriction' lay in the desperation of those who found their country overrun by the Parliamentary army between 1649 and 1652. With the king's forces driven backwards, many of the Irish had been left at the mercy of the Cromwellians, by whom they were 'unmercifully stript of their fortunes and some to their very shirts by the victorious enemy and sent agrazing with Nebuckodnezar [*sic*']'. Having no bread to live off and no way of fleeing to the king's quarters, 'the Irish line being on all sides watch'd and surrounded by Cromwellian garrisons', many were forced to make a

vertue of necessity and of the shifts of despair, taking sanctuary in woods and boggs and catching at what ever they coud [*sic*] take from the Parliamentarians to keep nature alive, when the very hull of the Government was shipwreck'd.

The anonymous author considered it a grave miscarriage of justice that people in such a position as this should have been placed in the same class as 'rebels', simply

because they Endeavour'd to supply the exigencies of Nature by taking part of their own or the like Spoils from arch Rebels and Robbers, or rather because they have been Woodkearns against the Cromwellians.

The 'Case of the Roman Catholics of Ireland' is one of the strongest public statements in defence of toryism made in this or any period. With its use of the

²⁴⁸ *Ibid*, pp.168-169

²⁴⁹ Charles McNeill, 'Rawlinson Manuscripts (Class B),' *Analecta Hibernica*, no. 1 (1930), pp.130-133

phrase ‘Woodkearns against the Cromwellians’ the author comes extremely close to defending toryism not only as a means of self-preservation but as a mode of militant resistance also. Much like Nicholas French’s complaint against the Whitehall proclamation, however, the ‘Case of the Roman Catholics of Ireland’ was composed long after the fact and in 1662 the Roman Catholic community could do little more than privately seethe at the terms set out in the Act of Settlement. Their anger would, however, be somewhat assuaged when the Court of Claims began hearing cases. After receiving submissions throughout the winter of 1662, the Court of Claims began sitting in January 1663. Despite all expectations to the contrary, for the eight months during which the court sat, just one hundred and thirteen persons would be found ‘Nocent’ compared to seven hundred and seven ‘Innocent’. Of the latter, five hundred and sixty-six were Irish Catholics. Unsurprisingly, the court’s unexpected leniency towards Irish Catholics created an enormous backlash of Protestant opinion, with the Irish parliament threatening to impeach the king’s commissioners for the Court of Claims.²⁵⁰ By the late spring of 1663 radical members of the Protestant community were sufficiently mobilised to plan a violent overthrow of the government.

Blood’s Plot and the end of Old Protestant hegemony

The first evidence of this mounting discontent was evident when the government claimed to uncover a plot in April 1663. Evidence for the conspiracy was, however, extremely threadbare, with only one individual, captain William Hulet, ultimately charged with treason. Indeed, such was the uncertainty surrounding the scale and authenticity of ‘Hulet’s plot’ the government was forced to defend itself against claims that it had invented the whole affair for political gain. One month later, however, news of a second conspiracy would emerge, of which no one doubted the reality. Named for Thomas Blood, one of its chief conspirators, the conspiracy had been intended to strike at the very heart of the Irish administration, with elaborate plans to seize both Ormond and Dublin Castle. In total, twenty-four conspirators were arrested, with a further ten escaping the government’s dragnet. Blood’s plot was elaborately organised and although the administration had crushed the conspiracy before it hatched, it had done so only at the eleventh hour, leaving many

²⁵⁰ L. J. Arnold, ‘The Irish Court of Claims of 1663,’ *Irish Historical Studies*, vol.24, no.96 (1985), p.419

with the impression that the executive had been caught off guard. Of even greater embarrassment was the fact that Ormond was reported to have had advanced warning of the affair. By waiting until the last minute to intercept the plot the lord lieutenant had probably hoped to entrap as many of the conspirators as possible, but his apparent inaction was widely criticised for having let the administration drift perilously close to disaster.²⁵¹ Ormond could not, however, have been accused of failing to convert the plot to political capital in its aftermath, with the previously choleric Irish parliament, deeply embarrassed by the revelation that some of its members had been implicated in the plot, mercilessly browbeaten into compliance.²⁵² Nor did the government content itself with victories scored in parliamentary chambers. Instead, Ormond's administration embarked on a sophisticated public relations campaign, using its tight control of the print industry to ensure that the government's narrative of events was given wide and uncontested circulation.²⁵³

As well as issuing a number of proclamations that decried the plotters and set considerable sums of money on their heads, the administration also took the extra step of commissioning an elaborate official account of the plot. Unusually, *The Horrid Conspiracie* (1663) was modelled not as a linear narrative account of the conspiracy, but as a compendium of several texts, with only the two-page prologue and short postscript containing a direct address to the reader. The rest of the document consists of several 'found' texts, including an apparent reproduction of the conspirators' own step-by-step plan for seizing Dublin Castle and the lord lieutenant as well as copies of the ensuing government proclamations and a text listing the names of those who had since been arrested.²⁵⁴ Clearly stung by suspicions concerning the veracity of Hulet's plot, this show-and-tell of material evidence was designed to rebut any claims that the government had fabricated or puffed up the affair. Finally, the postscript warned the reader that any unofficial account of the plot 'must be imperfect and counterfeit, and not as this is'.

²⁵¹ Richard L. Greaves, *Deliver us from evil*, pp.135-57

²⁵² Gillespie, *Seventeenth-Century Ireland*, p.237

²⁵³ Hutton, *Charles the Second*, p.207

²⁵⁴ Anon., *The horrid conspiracie of such impenitent traytors as intended a new rebellion in the kingdom of Ireland with a list of the prisoners, and the particular manner of seizing Dublin-castle by Ludlow, and his accomplices: verbatim out of the expresses sent to His Majesty from the Duke of Ormond*, (1663)

Of particular importance to the present thesis is the fact that Blood's plot provided Ormond's fledgling administration with the occasion to carve out a discourse of dissent defined according to royalist principles. Most importantly, rather than represent the plot as the consequence of factionalism or of seditious forms of association, *The Horrid Conspiracie* located dissent in the hearts and minds of individual deviants. Hence the plotters are variously referred to as 'wicked persons of fanatic and disloyal principles' whose actions were driven by 'the frenzie of their own humours and imaginations'. In line with this, a concerted effort was made to represent the plotters as men possessed by the same dark forces that had first plunged the three kingdoms into civil war, while still representing the problem as one of depraved individuals:

Yet after so long and various Rebellions it cannot seem strange if some wicked and desperate Principles still lurk in those who before were swoln to such prodigious height by Rapine and Bloud.

It will be important to note the strong emphasis that *The Horrid Conspiracie* placed on mental derangement as the root cause of Protestant deviance. This, we will find, was one of the principal differences between how Protestant and Irish Catholic dissent was configured in official discourse. Whereas the spread of Protestant dissent was consistently conceptualised as an 'infection' or 'poison', both of which are essentially somatic metaphors, Catholic Irish dissent was routinely referred to as an 'infestation', with all its associations of husbandry and animalism. Besides being expressive of a relative cultural proximity (one situates the problem in the body, the other at the periphery of the farmstead), the most important difference between these two structuring metaphors is that only one affords consciousness to its subject, albeit one that is disorderly or irrational. Only at the very peak of the tory insurgency of 1666-7 would the leaders of that rebellion be afforded the relative generosity of 'madness' as a motivation for political dissent. We will encounter numerous examples of these propositions in the pages to follow.

Blood's plot would ultimately prove an important watershed for the Ormond administration, giving the newly ensconced royal interest the excuse it needed to push hard-liner Protestants from power. Such was the government's success in excoriating the plot and such was the ignominy attached to the plotters themselves that even moderate forms of Protestant political resistance were remain disreputable for the best part of a decade. By comparison to that of the radical Protestant fringe the Irish Catholic reaction to the Act of Settlement and the proceedings of the Court of Claims was largely subdued. Despite several setbacks and a general disappointment with how the Restoration had panned out, for the time being at least, the majority of Catholics remained persuaded that their best interests were served by seeking legal redress to their grievances. A small minority, however, were persuaded early on that civil arbitration was unlikely to pay dividends. For those disbarred from submitting their case to the Court of Claims by the terms of the Act of Settlement, as well as for those judged not innocent by Charles II's commissioners, this heady mixture of hope followed by despair would lead directly to their taking up arms. The best-documented instance of some who fell into this category is that of the Costigan brothers.

The Costigans and early Restoration toryism

The Costigan family's position at the onset of the Restoration was typical of many of the minor Irish Catholic gentry. Following Parliamentary victory their lands in Queen's county had been granted to major Thomas Davis, a soldier of the Cromwellian army, in lieu of arrears of pay. By the time of the Restoration, however, these properties had changed hands once more, with sir Charles Coote (the future Earl of Mountrath) acquiring the landholdings from major Davis, along with a swathe of adjacent and nearby properties.²⁵⁵ It is not clear whether the Costigans had spent this period as ensignmen fighting under Charles II's banner in Europe or had remained behind where they would have most likely been transplanted to Connacht. What we do know, however, is that at least one family member had become a tory no later than the winter of 1660-1. That John Costigan should have turned to toryism so early on in the Restoration may be due to temperament, or perhaps the fact that dislodging the earl of Mountrath by legal means seemed too

²⁵⁵ John Prendergast, *Ireland from the Restoration to the Revolution, 1660 to 1690* (London, 1887), p.74

steep a challenge to bother trying. Along with Edward Cashen and James Shiren, John Costigan would be one of three tories specifically named in a general offer of amnesty, issued by the government on 19 January 1661.²⁵⁶ In this proclamation all ‘tories and woodkerne’ presently active in the country were given until 18 February to submit themselves to the authorities and give security for their future good behaviour. Those that refused were to be proclaimed as outlaws and placed beyond the king’s protection.

John Costigan seems to have availed of this pardon, but it is also probable that he was one of the same tories referred to in the intelligence report composed by the lords justices and privy council in August 1661 (see above) as having previously been pardoned but who had since returned to toryism. By the winter of 1661-2, moreover, there were now at least two Costigan family members operating as active tories. Ormond would be appraised of these men by a letter dated 27 November.²⁵⁷ Written on behalf of the local gentry and signed by six sitting members of his majesty’s commission of the peace for the Queen’s county, the address opens by informing the Ormond that there were ‘several rebels or (as they are now commonly called) Tories, who have of late committed many robberies, felonies, and other mischiefs in this county and continue in so doing’, naming the offending parties as John Costigan, Gregory Costigan, Hugh Lalor and Martin Connor. About Hugh Lalor we find no corroborative evidence, but it is quite likely that Martin Connor was a relation of the same Patrick Connor whose former lands lay adjacent to the Costigan properties, which now also formed part of Mountrath’s considerable portfolio. Whether ‘out of sense and sorrow for their offences or fear that their deserved punishment may in time seize them’, these tories had recently made an overture to the Queen’s county gentry in order to negotiate their surrender. In return for a general pardon, the tories had offered to submit themselves to the law in order to be charged with any murder that might be laid to them. In the event that they were acquitted, they further promised to give ‘sufficient security’ and to depart his Majesty’s kingdoms no later than the following Easter, not to return without special license. The Queen’s County gentry had since held a public meeting to deliberate

²⁵⁶ *The Proclamations of Ireland*, vol.1, pp.13-5

²⁵⁷ *HMC Ormond*, vol.3, pp.32-3

this offer and, upon consideration, had decided to recommend it to Ormond as ‘being a proposition that may tend to the future quiet of this country and the peace and security of His Majesty’s good people there’. If nothing else their positive recommendation was a testament to how little faith they placed in their ability to bring the tories to justice by regular means.

It is not recorded whether Ormond ever approved of the proposed measure. What we do know is that both John and Gregory Costigan either continued their tory activities until the winter of 1663-4 or returned to this occupation in the same period. This time their renewed hostilities were almost certainly tied to the fate of their family’s estate at the Court of Claims. In early 1663 Florence and Lawrence Costigan, father and brother to Gregory and John, respectively, submitted a claim of innocence to the newly commenced court. Theirs, however, was not to be one of the many successful cases that so unnerved the Protestant landed classes, with both father and brother declared ‘Nocent’ on 18 February 1663.²⁵⁸ Evidently dissuaded that their best hope of justice lay within the legal system, the Costigans renewed their hostilities against the local Protestant population. On this occasion, however, the brothers would attract the concerted attention of the law.

In February 1664 Henry Gilbert, high sheriff for the King’s and Queen’s counties, received a warrant from Dublin Castle empowering him to employ spies as well as to offer pardons to anyone who assisted in taking the Costigan brothers, whose zone of activity is described as encompassing the King’s and Queen’s counties ‘on both sides of the mountain of Slieve Bloom’ as well as ‘on and about the bog of Moneely’ in county Tipperary. This increased pressure was applied with telling effect. Both brothers were captured not long afterwards, with one executed and another left awaiting the same fate.²⁵⁹ Even so, this still was not the last of Costigan toryism. Either the second brother was ultimately reprieved, which is unlikely, or a third relation subsequently took up the family trade, for we hear of a Costigan active as a tory over two and half years later, when Ormond informed an intercessor for the tory James Dwiggin that the latter would only be pardoned if he aided in the

²⁵⁸ Prendergast, *Ireland from the Restoration to the Revolution*, p.73

²⁵⁹ *Ibid*

capture of the tory Costigan. The fact that Dwiggin was reportedly responsible for the murder of one of Ormond's personal retinue has led the historian John Prendergast to suggest that the lord lieutenant's offer of reprieve was a strong measure of the importance placed on finally bringing Costigan toryism to a halt.²⁶⁰

II. Troubled Water

Sir George Rawdon and the gathering storm

Between 1660 and 1663 the restored Stuart regime had successfully prevented the emergence of any major form of political opposition to its rule, whether legal or extra-legal. This had been achieved through a mixture of scare tactics and adroit political maneuvering as well as by drawing upon a not insignificant reserve of goodwill towards the monarchy. By the winter of 1665-6, however, a number of trends converged to the effect that the administration could no longer presume upon the acquiescence of the population. This would be particularly true of the Catholic Irish community, and the following two years would see the most significant phase of tory activity since the anti-Parliamentarian insurgency of 1650-3. Three key factors can be identified as essential for creating this febrile climate. In the first place, war with the Dutch States (1665-7) and the eventual involvement of France in favour of the Dutch in 1666 gave hope to despairing radicals whilst stretching the state's resources to the point of total bankruptcy. Secondly, the progress of the land settlement remained no less contentious heading into the second half of the decade. That its ultimate resolution, via the Act of Explanation (1665) and the second Court of Claims (1666-9), largely upheld the Protestant interest did nothing to alleviate those tensions. Finally, these issues coincided with a major economic crisis, not least due to the effects of the passage of the Cattle Act (1667). At the dawn of this unrest it did not seem particularly obvious to pro-administration observers that they were on the cusp of a major political event. The Hulet and Blood plots had revealed a much lower capacity of radical Protestants to organise and execute massive acts of dissent than had been dreaded in the fledgling years of the Restoration. Similarly, low-level toryism such as the Costigans' had marked the high tide of Catholic Irish

²⁶⁰ Although he does not leave a significant paper trail, we know that Martin Connor also went on to lead a long career as a tory. He was only finally killed in February 1667 by the tory hunter William Carroll. *Ibid*, pp.76-7

violence. Many of those who thought their interests safely secured had already turned their attention to the development of their private interests. One such character was sir George Rawdon, who, although he would become an important commentator on contemporary dissent, was between 1664 and 1665 almost entirely preoccupied with the minutiae of estate development and the distractions of gentrified leisure.

Born to Yorkshire gentry, sir George Rawdon moved to Ulster in the late 1620s where he undertook management of the 1st viscount Conway's estates, which lay principally in the counties of Antrim and Down.²⁶¹ Despite close ties to the staunchly royalist Conways, Rawdon reluctantly elected to fight on the Parliamentary side after the Ormond cessation. Rawdon survived both politically and economically in the years that followed, despite finding himself nestled amongst a triumphant Presbyterian community, by whom he was both mistrusted and disliked. His success under Cromwellian regime did not, however, prevent him from assiduously maintaining his royalist contacts. This would prove a shrewd wager and Rawdon's constancy to the Conways (he would marry the daughter of the 2nd viscount Conway in 1654) saw him particularly well placed to survive the transition to Restoration politics. Highly valued by the Stuart regime as an expert on Irish affairs, the 3rd viscount Conway and Killultagh (later the earl of Conway) was regularly sought out for consultation by both the Irish and English administrations, especially on security matters.²⁶² As the estate manager and local agent for his politically ascendant brother-in-law, Rawdon was expected to be the viscount's eyes and ears on the ground, providing him with regular intelligence updates on regional politics. Rich with commentary on radical elements within the Presbyterian community, Rawdon's letters also provide one of the more frequent commentaries on toryism in the 1660s.

Between the accession of Charles II and the autumn of 1664 Rawdon's correspondence is almost entirely devoid of discussion of dissent, either Protestant

²⁶¹ Patrick Little, 'Sir George Rawdon', *Dictionary of Irish Biography*

²⁶² Toby Barnard, 'Conway, Edward 3rd Viscount Conway 1st earl of Conway', *Dictionary of Irish Biography*

or Catholic. Instead, his letters reveal a man entirely consumed with micro-managing the development of Portmore, viscount Conway's seat, and especially its associated parks. A keen landscaper, gamekeeper, proto-industrialist and all-round 'improver', Rawdon's consuming passions reflect a man very much belonging to the agri-scientific movement of his age. In December 1660, while the repercussions of the Gracious Declaration were still being absorbed by the public, Rawdon could be found obsessing over the layout of Portmore's rooms, even stipulating that the maid's quarters should not be directly above the master bedroom, where the sickly Lady Conway was expected to retire during illness. Indeed, Rawdon's closest remark upon matters of deviance in the first year of the Restoration was to pass comment on the profession of millers, who he described as 'generally knavish'.²⁶³ By the autumn of 1664, with trouble brewing on the horizon, Rawdon was still no more distracted by the prospect of political agitation, busying himself instead with the repair of a major bridge, commenting upon the fine harvest weather and planning an orchard for cider making. 'I wish,' he told the viscount in early October 1664, 'your lordship could find us some young trees of that naughty apple only fit for that use. I have forgot its name.'²⁶⁴

As Christmas approached, however, stirrings of discontent began to demand a growing share of Rawdon's attention. By this stage the problem of internal dissent had gained a much greater significance in light of the severely frayed diplomatic relations between Charles II and the Dutch states. While English privateers harried Dutch shipping and as the situation turned ever more towards war, the Dublin Castle administration was faced with the very real prospect of radical elements receiving both moral and material support from the Dutch. For although the small mercantilist federation lacked the manpower to undertake an invasion of the Stuart kingdoms, they did have another ace up their sleeve. Since Charles II's accession and the relative clampdown on Protestant non-conformists that followed, a sizable community of religious and political radicals, including a large number of hard-line Scottish Presbyterians, had been given refuge in the Dutch states. With war now on the cards, these seasoned radicals provided a ready-to-hand instrument for the Dutch

²⁶³ *CSPI, 1660-1662*, p.137

²⁶⁴ *CSPI, 1663-1665*, p.441

to stoke internal dissent, at no great expense or risk to themselves. Given the close religious, political and social ties between Scotland and Ulster's Presbyterian community, Ireland's northern province was necessarily drawn into this escalating security crisis.

Accordingly, when Rawdon wrote viscount Conway and Killultagh from Lisburn on 20 December in order to update him on various matters, the question of radical Protestant dissent was foremost.²⁶⁵ In the first place there was the rumoured landing from Scotland of several prominent dissidents, including the notorious Thomas Blood. There was also the not insignificant matter of the three hundred firearms of 'Dutch workmanship' that had reportedly been landed on the Ulster coastline. The substance of this rumour was still unclear at the time of writing, but the Glaswegian merchant suspected of ferrying the munitions had since been arrested and Rawdon was preparing to interrogate him personally.²⁶⁶ By the time war was eventually declared on 4 March 1665, Ulster had become a hive for dissident Protestant activity. Writing on 8 April, Rawdon reported that there were 'apprehensions of a fresh fanatic [i.e. Protestant] plot'. Meanwhile, encouraged by the 'expectation of the issue of the war', Presbyterian 'firebrands' had begun to preach privately of deliverance for their party. England's entanglement with a rival nation state, Rawdon forewarned, would give 'every ill-affected person hope to fish in troubled waters.'²⁶⁷

The strategic arithmetic of the Charles II's war with the Dutch state was made considerably more complicated by the looming prospect of French intervention. Louis XIV had earlier entered into a defensive and offensive alliance with the Dutch states, by the terms of which treaty the French king was technically obligated to declare war on the Stuart kingdoms the moment hostilities began. Although Louis XIV had since dragged his heels, there was little doubt but that if the French hegemon decided to enter the affray the war would take on a very different character indeed. In the meantime, it was fully expected that France would seek to sap Stuart strength by any means possible, not least by stoking domestic dissent.

²⁶⁵ *Ibid*, pp.458-9

²⁶⁶ *Ibid*, pp.454-5

²⁶⁷ *Ibid*, pp.565-6

And while the Dutch states were natural sponsors of radical Protestantism, as a Catholic superpower the French were better placed to appeal to Ireland's confessional majority. Like the Dutch states, moreover, the French court was already host to an ex-patriot community of disgruntled Irish Catholics. In the instance of war these exiles would likely lobby for material support in order to equip and organize a rebellion in Ireland. As early as August 1665 Orrery was already writing that he had reason to believe 'that there are endeavours from France to prepare many of the Irish who are apt for mischief to be ready to run into it.'²⁶⁸ According to Orrery's sources, the prospect of material support from France was causing increased agitation amongst Catholic Irish dissidents. In particular, the Munster president had word that 'colonel' Hugh MacPhelim had recently arrived in Tipperary to meet up with a number of Ulster Irish who had relocated to the wooded parts around the Slievefelim mountains. Commander of a Confederate regiment during the Wars of Religion, Orrery counted MacPhelim a 'dangerous fellow', warning that he is 'not come for good to visit those his countrymen.'

Besides the advent of war, the land question was also responsible for raising the political temperature in Ireland. From the moment of its inception the Act of Settlement was generally recognised as unworkable in its original form, not least because there was simply not enough land to satisfy both the owners of confiscated lands and those who could expect restitution as 'Innocents'. The significant proviso that adventurers and soldiers be found compensatory lands before any restitution of former proprietors could occur had effectively brought the entire process to a halt within a year of the first Court of Claim's hearings. Although attempts to amend the Act of Settlement were first introduced to the Irish parliament as early as January 1662 it was not until December 1665 that a definitive piece of legislation was successfully passed into law.²⁶⁹ By the terms of the Explanatory Act, those in possession of confiscated lands would give up one third of their properties in order to create a reservoir of land sufficient to compensate those who were displaced by

²⁶⁸ *Ibid*, pp.621-2

²⁶⁹ Hutton, *Charles the Second*, p.200

‘Innocent’ Catholics. On this basis a second Court of Claims was established, which would ultimately sit from 1666 to 1669.²⁷⁰

In theory the Restoration land settlement should have produced a compromise that was, at the very least, equally disappointing for all of those involved. In practice, however, it had produced a settlement that was extremely lop-sided in its outcomes and which did little to extinguish the rancour of those it had frustrated. In the first place, despite their conspicuous outrage at several junctures, the Protestant interest had been the overwhelming winner of the process. By the end of the decade Catholic landholdings had only been restored to just one third of all lands, half of what it had been prior to the Cromwellian settlement.²⁷¹ Outcomes were also heavily skewed within the Catholic community. Of the 6,756 landholders in 1641, only 1,353 retained or recovered their lands under Charles II. In other words, the total number of Catholic landholders had been reduced to approximately twenty per cent of their pre-rebellion total.²⁷² Of the factors that determined the success or failure of Catholic claimants, wealth and ethnicity were by far the most important. Large landholders would generally fare much better than their smaller counterparts, something that was due in no small part to the comparatively strong influence they could wield at court.²⁷³ For similar reasons Old English candidates were also on the whole far more successful than were Gaelic Irish, with the latter by far and away the biggest losers in the settlement.²⁷⁴ These patterns of success and failure did not escape the notice of contemporaries and one of the important effects of the land settlement was to fuse together a class of disenfranchised Irish Catholic landholders, bound together by a shared sense of injustice. This was to be an extremely important development in the years to come. In the short term these conditions – an increasingly cohesive subsection of the Irish Catholic population embittered by the land settlement and the ever more material possibility of French intervention –

²⁷⁰ *Ibid*, p.209

²⁷¹ Tim Harris, ‘Restoration Ireland - Themes and Problems,’ in Coleman A. Dennehy (ed.), *Restoration Ireland: Always Settling and Never Settled*, (Aldershot, 2008), p.10; Hutton, *Charles the Second*, pp.236-7; Connolly, *Religion, Law, and Power*, pp.13-15

²⁷² Harris, ‘Restoration Ireland’, pp.13-15

²⁷³ Gillespie, *Seventeenth-Century Ireland*, p.235

²⁷⁴ Hutton, *Charles the Second*, pp.236-7

provided the context for a sharp increase in tory-type activities in the lead up to Christmas 1665.

The beginnings of insurgency

On 6 December Orrery wrote to secretary Arlington telling him that ‘many robberies’ were being committed in the kingdom, with parties of up to forty and fifty mounted men carrying out their attacks in the ‘open day’.²⁷⁵ Besides the large numbers involved and the evident brazenness of these dissidents, of particular concern was the fact that the tories were seizing all the good horses they could lay hold of, something which Orrery took as a clear sign that something truly menacing was afoot. Writing on 21 December, Robert Leigh informed Joseph Williamson, Whitehall’s spymaster, that many Protestants heading to their country estates for the Christmas holiday were speaking of ‘daily robberies committed on the road.’ Leigh provided an example from the day of writing in which a convoy of mounted guards were ambushed by fourteen ‘robbers’ while escorting between three and four hundred pounds in money. Although the assailants were eventually beaten off, with one of them killed, Leigh was anticipating more trouble to come. Concluding his letter, Leigh announced that he was making ready his ‘back and breast [armoured plate] to encounter them’ and that he intended to go ‘where my Lord’s concern lyeth which is both for robbers and convenience of doing mischief the remarkable place of Ireland.’²⁷⁶ Although erring on the side of melodrama, nonetheless Leigh’s prediction of a continued rise in tory activity was to prove accurate, with reports of attacks flooding in through the spring of 1666. On 16 January it was reported to Ormond that a band of one hundred tories had gathered at Leighlinbridge in county Carlow under the command of Anthony Kirwan, a smith of that town.²⁷⁷ Just a few days later, on 21 February, Rawdon also reported the discovery of a ‘society’ of tories above one hundred strong, some of whom were thought to have ranged into Ulster. Already there had been two houses broken into in the village of Killultagh, in the course of which one tenant had been assaulted. Rawdon’s agent was investigating the matter but at the time of writing he had ‘made no discovery

²⁷⁵ *CSPI, 1663-1665*, pp.682-3

²⁷⁶ *Ibid*, pp.689-90

²⁷⁷ Prendergast, *Ireland from the Restoration to the Revolution*, p.76

sufficient to hang them yet.’²⁷⁸ A memorandum penned in February claimed that ‘swarms’ of tories were preventing tenants from paying their rents.²⁷⁹

One month later the Quaker community in the south-east of Ireland was disturbed by news that major Robert Cuppage, a prominent member of their congregation, had been attacked in his own home. A report drawn up by Thomas Holme, a community leader and future surveyor-general of Pennsylvania, describes how on the night of 11 March 1666 a party of thirty horsemen had descended on Cuppage’s house. Describing themselves as ‘discontented gentlemen’, the assailants spoke Gaelic amongst themselves whilst refusing meat and eating instead only bread and cheese, a characterisation that seemed to leave little doubt as to their ethnic or confessional identity.²⁸⁰ That the attack was sectarian in nature is also confirmed by the identity of their victim. Cuppage had been both a surveyor for the Down Survey and had held a commission under the Commonwealth to establish a High Court of Justice with which to try individuals for committing murders and massacres in 1641.²⁸¹ The manner in which the ensuing attack unfolded was both typical of the 1666-7 insurgency and reminiscent of the early months of the 1641 rebellion.

Whilst the remainder kept watch outside the house, six of the ‘lusty young men’ had entered the building with pistols and swords drawn. They abused Cuppage verbally, ‘calling him dog, rogue, and bad words’, and then proceeded to ransack the property, ripping open the bolsters and bedding. All told, about three hundred pounds in money, plate, linen and woollens were taken from the house. At Holme’s request his report was forwarded to Ormond by sir Richard Clifton, its original recipient, in the hope that the lord lieutenant and privy council ‘may see in what danger Englishmen in the country are in, and how easy they may in ordinary houses be stripped of all’. By referring to his community as ‘Englishmen’ Holme was most

²⁷⁸ *CSPI, 1666-1669*, pp.44-5

²⁷⁹ ‘Memoranda of things to be done for advancing the Duke of York’s affairs’, in, *Clarendon Papers*, vol.5, p.534

²⁸⁰ The remark upon the assailants’ diet is curious. 11 March 1666 fell on a Sunday, not a regular day of Roman Catholic fasting. Nonetheless, the characterisations we find here were undoubtedly intended to represent the assailants as Irish Catholic.

²⁸¹ Irma Corcoran, *Thomas Holme, 1624-1695: Surveyor General of Pennsylvania*, (Philidelphia, 1992) pp.37-8. The same Robert Cuppage was rumoured to have hosted William Penn in the winter of 1669, *Ibid*, p.63

likely sidestepping the problematic status of Quakerism within the broader mainstream of Protestant identity. Indeed, Holme was at pains to represent the attack on Cuppage as part of a wider movement against English planters, pointing out that several of the English planters in Cork had also been ‘robbed and fired’. Like Holme, Clifton was similarly convinced that the attack was the harbinger of worse things to come and in his cover letter to Ormond he pleaded for the walls of Enniscorthy to be repaired in case matters ‘should proceed to a greater height’.²⁸² Clifton even suggested that those of the town and country who had not yet ‘bowed their knees to Baal’ would pay for the repairs themselves if only Ormond consent to the project. Meanwhile, Clifton also requested thirty-five pounds to repair the walls of Wexford and a half-score of carbines to defend it with.²⁸³

Holme and Clifton were certainly correct in anticipating a marked increase in toryism in the months to come. They were mistaken, however, insofar as they expected to be engulfed by a nationwide rebellion in the manner of 1641. Even at this early stage identifiable geographic patterns of activity were emerging. In the end, the tory insurgency of 1666-7 would not encompass the entire country but would rather form a patchwork quilt with zones of intense activity placed alongside areas of almost total inactivity. For example, while Wexford would see more toryism in the coming months, much of the surrounding country would see little to no action with lord Le Poer reporting in early April 1666 that there was still no sign of tories in county Waterford.²⁸⁴ Similarly, neither Wicklow nor any of the counties surrounding Dublin would report any significant incidence of toryism throughout the first decade of the Restoration. By contrast, the central and southern midlands, stretching from the King’s and Queen’s counties into Tipperary and Kilkenny and parts of north Cork, would form a comprehensive zone of intense tory activity. In late March 1666, for example, James Kearney wrote to Ormond detailing his difficulties with tories active on the border between Queen’s County and Tipperary.²⁸⁵ The central plains of Ulster would constitute another integral zone of toryism, with county Tyrone seeing particularly high levels of activity. On 28 April

²⁸² *HMC Ormond*, vol.3, p.209

²⁸³ *Ibid*, pp.209-10

²⁸⁴ *Ibid*, pp.215-6

²⁸⁵ *Ibid*, pp.213, 214-5

sir Matthew Appleyard reported to Ormond news of an attack in the parish of Clogher. Until recently, according to Appleyard, the region had been surprisingly free from disturbances. On the Sunday previous, however, thirteen men had broken into and robbed the house of the 'Englishman' Zachery Burney. In a scene that closely recalled Cuppage's burglary, Appleyard's report details how five of the assailants had broken down the door and entered Burney's house while the rest kept watch outside. The assailants, all of whom were armed with swords and pistols, had stripped the house bare, carrying away eight pounds in money as well as clothing, linens, woollens, bedding, pewter and brass.²⁸⁶

War and mutiny

Matters became considerably worse for the beleaguered Irish administration when Louis XIV finally elected to honour the terms of his treaty with the Dutch, declaring war on Charles II in January 1666. French privateers now joined the Dutch in strangling the Stuart kingdoms' maritime trade, reducing English customs receipts for 1666-7 to just one third of their already depleted state in 1665.²⁸⁷ The Irish economy, which was highly dependent on its trade with England, felt this constriction terribly. The effects of these privations would be immediately registered both in the volume of Irish Catholic dissent as well as in how it was viewed by Dublin Castle. In mid-March the Irish vice-treasurer, the earl of Anglesey, described the rising tide of political violence and the state's inability to stamp it out in terms that linked both to the denuded condition of the nation's economy:

our wants here increase so fast and the insolency of ill disposed people is so great from the knowledge thereof that small parties begin to pillage the English in many counties, and unless they be suppressed in time, no man can tell what these beginnings of mischief may grow to.

Anglesey begged secretary Arlington for an immediate injection of funds from the Whitehall exchequer on the grounds that it was 'very ill to have an army wholly

²⁸⁶ *Ibid*, p.219

²⁸⁷ Hutton, *Charles the Second*, p.242

unpaid in a country mutinous enough and hard to govern at best.’ If they were not given assistance presently it was expected that ‘disquiets will increase and the country will grow dangerous to live in; and then His Majesty’s revenue here, which depends upon a quiet state of things, will totally fail.’²⁸⁸ One month later, Rawdon would write the viscount Conway and Killultagh making a similar connection between short-term economic stresses and the mounting political tensions:

We are, my Lord, at present very apprehensive of some trouble this year and the Irish are much discontented, most of them, and all trade fails and taxes are great, as I have formerly advised your lordship.

Such was Rawdon’s alarm that he queried the wisdom of proceeding with the development of Portmore house. ‘Who shall maintain this strength,’ Rawdon enquired of the Viscount, ‘for such it will be if any sudden insurrection should happen? Will it not be in danger to be surprized?’²⁸⁹ Considering his singular passion for the estate’s improvement there could be no greater indication that Rawdon was deeply disturbed by the mounting violence.

French intervention in the war also affected the security situation in a more direct fashion. Unlike the Dutch states, the resources available to Louis XIV made it conceivable that he would send a fully-equipped invasion force to land in either England or Ireland, something that Charles II’s depleted terrestrial forces would certainly have struggled to withstand. From this point onwards until the conclusion of hostilities in July 1667 the Irish administration would live under the constant threat of a full-blown French invasion. The first in a series of such scares would come in mid-April 1666, when the earl of Orrery despatched an urgent letter to Ormond in which he conveyed the alarming report that a French man-of-war ‘full of men’ had been seen at the mouth of the river Killmare in county Kerry. Even more worrying was the fact that this vessel was reported to have later joined up with three other large ships further out at sea. And although Orrery was hopeful that the French were only engaged in an exploratory mission, what alarmed him most was

²⁸⁸ *CSPI, 1666-1669*, p.56

²⁸⁹ *Ibid*, pp.94-5

the impunity with which a landing force might undertake the same voyage in the near future. Warning the lord lieutenant about the negligible presence of Crown forces in that region, Orrery claimed there was not a single English garrison for fifty miles in the western parts of Cork and Kerry.

Although Orrery was not yet convinced the French would send a full invasion force to Ireland, he did think it possible that they might seek to create a beachhead in the south-west of the country, from which base they could organise and supply the Irish 'or what other ill-disposed people will join with them'. 'This', Orrery suggested, 'will kindle a fire with very little charge to the French'. In light of this threat the earl asked whether there was 'any better way than to secure all those heads of the Irish who are, on the score of discontent or faction, like to join in such a design? Tis easier' he counselled, 'to prevent a war or rebellion than end it.' Employing a favourite phrase of the moment, Orrery further warned that there was also a 'cruel [*sic*] of desperate English ready to fish in troubled waters'. And whilst he recognised the improbability that Protestant radicals would 'stir' whilst the Irish were in agitation, Orrery nonetheless cautioned against complacency, stating that he had often found 'their malice to be stronger than their judgement'. In a reference to Venner's rising Orrery further mused that 'since six and thirty durst attempt London what extravagances may not be expected from men of the like principles, or rather, Frensyes.' Orrery therefore also advised the internment of the heads of these 'fanatics', concluding his argument with the unconvincing justification that the 'arrest of the heads of the Irish and the fanatics may be as good for them as for the kingdom.' In his concluding remarks Orrery would also call for the formation of a national militia.²⁹⁰ Ormond would remain reluctant to take such extreme measures for some time yet, but would eventually come around to Orrery's view.

The lord lieutenant had taken Orrery's report seriously enough to forward it to secretary Arlington on the day of receipt, sending a further update on 4 May. At this point the lord lieutenant was still awaiting confirmation of the rumoured squadron. He was willing, however, to postulate on its likelihood, suggesting that as 'all hope of accommodation with France is over, it is certain that the French would like the

²⁹⁰ *CPSI, 1666-1669*, pp.91-3

King to receive a diversion by disturbance at home'. Similar to Orrery, Ormond believed the French would find Ireland a happy hunting ground for their intrigues, estimating that 'certainly all the old Nuncio party with those that have no estates, or no hope to recover their estates, will easily be persuaded into a rebellion.' And whilst he expressed confidence that such a rebellion 'must end in their own ruin', this would not be 'without the further devastation of this kingdom, and expense to the King.' In light of this Ormond pleaded for money to be sent from England before autumn, predicting that the 'most seasonable time for such an enterprise will be at the end of harvest when barns are full and the nights grow long'. He further begged for the lifting of trade restrictions, arguing that 'the King must either abandon this kingdom to the consequences of poverty and barbarism or be at a hundred thousand pound a year charge at least to defend and keep up his government', concluding his missive with the warning that Ireland 'must and ever will be an addition and advantage or a perpetual danger and charge to England.'²⁹¹

The deplorable condition of the national revenue and, in particular, its consequences for the state's armed forces was a constant refrain of Restoration officials throughout the early 1660s. Few anticipated, however, that their worst fears would be realised in such dramatic fashion as when the sizable and strategically vital garrison of Carrickfergus mutinied in the spring of 1666, with over one hundred soldiers seizing the town and castle on 20 May.²⁹² Since Ormond's arrival in Ireland the lord lieutenant had made purging the army of ex-Cromwellians a top priority of his administration. Organised, battle hardened and with ready access to military hardware, no other group of potential dissidents excited greater anxiety in Dublin Castle. Yet the mutineers of Carrickfergus were neither republican zealots nor religious fanatics but had rather taken up arms simply to protest their want of pay and provisions. Indeed, they were at pains to represent themselves as possessing no 'evil intent by us to His Majesty'.²⁹³ Convinced the king would intercede on their behalf once he knew of their plight, the mutineers sent emissaries to Charlemont

²⁹¹ *Ibid*, pp. 90-1, 102-4

²⁹² Richard Greaves, *Enemies under His Feet: Radicals and Nonconformists in Britain, 1664-1677* (Stanford, 1990), pp.110-11

²⁹³ *CSPI, 1666-1669*, pp.111-2.

and Londonderry, calling upon their fellow soldiers to join them in their demands for arrears of pay.

The desperate condition of the Carrickfergus mutineers was readily apparent to colonel Mayart, the state's chief negotiator, who described the soldiers as 'all so drunk that no one can make them understand any reason'.²⁹⁴ Sir Arthur Chichester similarly reported the garrison to be 'in great fear and confusion, but mad and resolved to die together'.²⁹⁵ Yet Ormond was still sufficiently concerned to prevent the mutiny from 'spreading' that on 26 May he decided to ride north in order to take personal command of affairs.²⁹⁶ In a letter to Arlington, the lord lieutenant explained the gravity of the situation in terms of the town's proximity to 'the disaffected part of Scotland' and the 'the ill inclinations of many in the province of Ulster'. Nor was Ormond alone in his fears, with the earl of Anglesey suggesting that the Cattle Act had made poverty 'so universal that it is past the skill or power of the government to supply a remedy'.²⁹⁷ Sir George Rawdon was equally despondent, writing that 'the army is reduced to great straits and I fear that the spirit which animated the mutiny now at Carrickfergus will spread'.²⁹⁸

Despite the concerns of many, the mutiny was easily crushed just forty-eight hours after Ormond's son, the earl of Arran, arrived by ship at the head of ten troop of horse and four companies of the regiment of guards. Moreover, because the mutineers were ultimately forced to surrender on mercy, the administration was free to make such an example of the culprits as, in the words of sir George Lane, 'will deter others from such mutinous and disloyal practices'.²⁹⁹ A subsequent court martial condemned all those involved to death, although only ten of the 'chief promoters and actors' would actually be executed. There would be much talk thereafter about what to do with the reprieved soldiers. Ormond's preference was to send them to serve in the West Indies, although this was subsequently deemed impractical. In fact, as we shall see, the repentant mutineers were eventually

²⁹⁴ *Ibid*, pp.116-20

²⁹⁵ *Ibid*, p.119

²⁹⁶ *Ibid*, pp.116-7

²⁹⁷ *Ibid*, pp.120

²⁹⁸ *Ibid*, p.121

²⁹⁹ *Ibid*, pp.121-2

retained in Ireland, where they would be required to seek redemption in the pursuit of tories.³⁰⁰

The importance of the Carrickfergus mutiny to the present study lies in what tells us about official mentality during the first decade of the Restoration and the crisis years of 1666-7 in particular. As well as the genuine fear which informed the initial reaction to the mutiny, the language with which officials interpreted the event closely resembled the administration's reaction to Blood's plot and subsequent rumours of Protestant dissent. Here we find the 'spread' of mutiny configured as an 'animating' and intemperate spirit while the mutineers themselves were depicted as intoxicated, not only with liquor but by a sort of irrational hysteria as well. Once again, we see how elite perception tended to represent the dissent of culturally proximate actors, whether they be radical Protestants or disaffected soldiers, as forms of madness and mental instability. While it can be argued that this structuring metaphor is implicit in terms like 'firebrand' and 'fanatic', it is explicit in Orrery's equation of Protestant political principles with 'Frensyes' of the mind (see above). It is valuable to contrast this with the language applied to toryism, where verbs like 'haunt' and 'swarm' were routinely matched with phrases such as to 'root out', a horticultural metaphor with strong Spenserian pedigree.

Just as revealing is the sense of heightened elation expressed by several figures following the mutiny's suppression. Downtrodden and fatalistic in the lead up to the affair, the governing class immediately regained its *hauteur* in its wake. By 1 June Rawdon was jocularly describing the event as 'our northern wars', while referring to Ormond's march north as 'my Lord Lieutenant's sudden *iter boreale*'.³⁰¹ Indeed, Ormond was only the most significant member of the political elite who rushed to be involved in the drama. As well as the earl of Arran, the earls of Donegal, Drogheda, Fingall and Clanbrassill, as well as the viscounts Dungannon, Dungan and Taaffe, the marquis of Antrim, the bishop of Down and 'several knights and gentleman' all joined the lord lieutenant at some stage along his march.³⁰²

³⁰⁰ *Ibid*, pp.123-5

³⁰¹ *Ibid*, pp.123

³⁰² Although a figure of no great importance at the time, a young William Penn was another who had hurried north to assist with the effort. He enjoyed the occasion enough to briefly consider a career in

Suppressing the mutiny became, in effect, a social occasion of some importance for an elite whose status and function was still in need of reassurance after the rupture of the Interregnum. Nothing better illustrates this point than the musings of sir George Rawdon. As the viscount Conway and Killultagh's representative, Rawdon was visited by Ormond's train as it wended its way back to Dublin. Rawdon proudly recalled how the lord lieutenant (who was only recently recovered from a debilitating spell of gout) had toasted the viscount Conway and Killultagh over breakfast with a 'great glass of claret'. In the end, Rawdon's greatest moment of upset arising from the whole affair was reserved for his woodsman, who failed to secure a deer for the feast. In a subsequent letter to the viscount Conway and Killultagh, Rawdon insisted that he could not forgive the 'knave' for this disappointment, with his narrative trailing off thereafter into a discussion of the hawk's airy he was developing by the lakeshore.³⁰³

III. The Insurgency of 1666-7

The strange case of Edmund Nangle

Although he would go on to become one of the principal leaders of the insurgency of 1666-7, Edmund Nangle was quite unusual compared to most other Restoration Tories. To begin with, although a Catholic at the time of his rebellion, Nangle had only converted from Anglicanism just a year earlier. In fact, it is probably more accurate to describe Nangle's entry into the Roman Catholic faith in 1665 as a reconversion, for it is likely that he was born and raised a Catholic. This we derive from the fact that Bartholomew Nangle, Edmund's father, had been designated a 'papist' when the family property in the parish of Templemichael, County Longford, was assessed as forfeited lands in the Down Survey in 1655.³⁰⁴ It is probable that Edmund originally converted to Anglicanism around this time precisely in order to avoid losing control of the family estate. If this was the case, his manoeuvring was successful enough, at least insofar as we find him still in

the military. Having been dissuaded of this by his father he soon afterwards became enamoured with the pacifist Quakers. Corcoran, *Thomas Holme*, p.63

³⁰³ *CSPI, 1666-9*, p.125

³⁰⁴<http://downsurvey.tcd.ie/down-survey-maps.php#bm=Ardagh&c=Longford&indexOfObjectValue=-1&indexOfObjectValueSubstring=-1&p=templemichaell>

possession of Cloandaragh Castle, the family seat, along with 156 acres of profitable land, at the beginning of the Restoration. By this stage Nangle had also achieved a degree of social integration with the political elite that had begun to constellate around Ormond. He had, for example, acquired a commission in the army, rising to the rank of cornet in sir Arthur Forbes' troop. He was also on visiting terms with lord Dillon and Francis Aungier.³⁰⁵ Most significantly, some time before his re-conversion to Catholicism Nangle had married the sister of sir George Lane, Ormond's powerful chief secretary.³⁰⁶ In other words, unlike most Catholic Irish dissidents of the period, on the eve of his rebellion Edmund Nangle was neither destitute, landless nor without hope of advancement. Instead, his radicalisation can be positively attributed to one single factor only, the intense visionary experience he underwent in the early spring of 1665.

That we possess any detailed knowledge of this intensely private experience is due to the fact that in early April of that year Nangle saw it fit to compose a first-person recollection of his feverish hallucinations, which he subsequently had published. A fifteen-page text, the work carries no title page or imprimatur and is generally of a crude quality, all of which strongly suggests that Nangle had his text printed by a bootleg press, either in Ireland or elsewhere. Certainly, it was highly unlikely that the Stuart administration would have licensed such a work, given its general prudishness towards popular print and especially anything containing political undertones. Centred upon a few days between late February and early March 1665, Nangle's narrative recounts a period during which he was stricken down by an unidentified illness. Whatever his true medical condition, Nangle was in no doubt that his sickness was the work of God:

the King of Kings seeing that I was unworthy the incomparable protection of his glorious colours, admitted certain instruments to devise and prepare for me a poisoned cup.

³⁰⁵ Edmund Nangle, *Narrative of Edmond Nangle of Cloandaragh*, (1665)

³⁰⁶ Tara O'Hara, 'A Vision of Hell in Early Modern Ireland', *Archivium Hibernicum*, vol.51 (1997), p.88

Bedridden and in worsening condition, Nangle declared himself a Roman Catholic before Father Keeran, the Catholic priest who attended his bedside in the early hours of his illness. That evening Nangle experienced the beginning of a series of visions, which he retrospectively attributed to the devil's anger at his conversion to the one true Catholic faith:

Lo then, when Satan saw how likely it was that he should lose one of whom before he was cocksure, upon the circling over my head he shews me a blew beam of about some 7. or 8. foot long, the edge of it as sharp as a sythe, and backward from it went whirling blew beams, and in the middle of it was a half circle as if therein he would have threatned to place my neck, and to chop oft my head...

Believing he was being tormented for abandoning the Anglican Church, Nangle called for Mr. Carre, the Protestant dean of Ardagh, in the hope that he could yet atone for his sins. But the devil once agin appeared before Nangle, this time in the form of Carre, promising to descend into hell where he would 'command the wheels and furnaces that were cleaving me up along the middle of my back-bone, and boyling me in the brass for to cease'. Nangle was saved from this terrible fate only by the intercession of Saint Patrick, who arrived after he had cried out to God begging for mercy. Soon afterwards there also followed an apparition of the Virgin Mary, who appeared before Nangle carrying a pair of scissors with which to 'clip away all the toyes and snares that Satan & his instruments had intangled me in, and set me at free liberty'. The devil, however, was not yet altogether vanquished:

Mr. Carr all this while lay lurking near my bed, just ready to snap off my head, and sink my body down among the terribly wheels, and into the boyling furnaces upon the least advantage of my cogitations which were numberless and very changing, occasioned by the strong and close siege which the nimble and powerfull enemy the Devil had layen to me...

Only by the commanding exhortation of father Keenan was the devil finally sent tumbling down into hell. At mass the next day Nangle would have another vision,

this time of the host turning red while a beam of light entered the room, its shaft bending to land above the officiating priest's head where it remained until the service ended. Later that evening Nangle's cousin, father Garret Nangle, performed an exorcism on Edmund, believing him to be full of impurities. Tied to the bed and whipped on his head and body, Nangle struggled so hard to break out of his binds that he dislocated both his shoulders. Praying to God for relief and 'rehearsing the Lords Prayer, Ave Maria, and the Creed', Nangle was once again saved by the Virgin Mary, at whose intercession a great number of bees entered Edmund, without injury, and carried away all contamination. After recounting a series of further visions Nangle concluded his text by announcing himself a most unworthy sinner, unfit and undeserving of such heavenly interventions. But in light of the Lord's abundant mercy and despite his personal imperfections, he committed himself to the better instructing of himself, his family, relations and acquaintances, 'for the lightening of such as are blinde, for the bringing home of such as are strayed, and particularly of this poor Island'. Dating his text to 1 April 1665, Nangle signed off his work as 'A true well wisher of all the world'. A remarkable primary source, Nangle's visionary narrative has been strangely overlooked as a document pertaining to political radicalism, although it has been examined as a religious work.³⁰⁷ Certainly, as well as offering insights into the intensity and sincerity with which many seventeenth century individuals experienced their spirituality, there can be no doubt but that Nangle's private, revelatory experience had set him upon a course that would culminate in his rebellion and death.

From a document dated 25 March 1666 discovered on Nangle's body in June that year (discussed below) we know that Edmund's commitment to open rebellion was completed no later than the spring of 1666. Although there was some initial expectation amongst government officials that he would quietly transport himself to the continent, on 25 May sir Arthur Forbes informed secretary Page that neither Nangle nor Miles Reilly, one of Edmund's chief collaborators, had departed the country as anticipated.³⁰⁸ Instead, at the time of writing both men were to be found near Strabane in county Roscommon where they presided over a force of up to three

³⁰⁷ *Ibid*

³⁰⁸ *HMC Ormond*, vol.3, pp.221-2

hundred tories. Their original intention, according to Forbes, had been to join up with a number of Ulster-based tories before making an attempt on Longford castle, the author's principle residence. Although this venture was called off after their northern counterparts failed to arrive, Nangle and his men were still active in the area, with Forbes further warning that Jamestown, rumoured to be another of their intended targets, was entirely without a garrison and could easily be overrun.

Despite the large number of men now following him, as well as his evident ambition to take on targets of significant strategic value, at this stage Nangle's basic set of tactics were still those of the tory. Most notably, when not gathering to engage in some raid, he and his fellow insurgents spent their time in dispersed formation in rough terrain. This likely served two functions. Firstly, given the logistical constraints placed on the rebels, who could rely only on the surreptitious support of the local well-wishers (themselves largely immiserated), provisioning a congregated group of several hundred men would have been highly impractical. It made far more sense for Nangle to disperse his men into smaller groups, which individual homesteads could more easily support. Secondly, this tactical formation also nullified the Stuart regime's principal advantage in the fight to come: its superior firepower. For example, although Forbes informed secretary Page that Nangle had spent the night prior in a tenant's house just three miles from the author's own lodgings, the tory had purposefully chosen a location 'where no horse could reach him'. Another one of Nangle's associates, O'Rourke, also spent the night situated nearby where he was attended by only fifteen men, but he too was camped in an inaccessible location. Forbes was surrounded by an enemy that he could not see and who he could not catch. The only way to combat such an elusive adversary, Forbes advised, was to appoint a dedicated counterinsurgent unit specifically equipped to 'hunt him in the bogs'.³⁰⁹

Forbes updated Page on 7 June with news that Nangle's men still evaded state forces, despite having 'hunted' them through the woods and mountains of the northern midlands. The insurgents were now thought to be located somewhere in the woods bordering Longford and Leitrim. Forbes had redoubled his efforts to

³⁰⁹ *Ibid*

subdue the insurgency in light of the Carrickfergus mutiny, fearing that news of the insubordinate garrison ‘might not only encourage Mister Nangle but also others’. Of particular concern were rumours that Nangle was busy nurturing popular support for his rebellion, while also establishing contact with existing dissidents:

Upon the whole he has used all possible endeavours to incite all discontented people to an insurrection, and has his correspondents all the kingdom over. He likewise encourages the common people with vain hopes.

Although Forbes had taken measures to undermine Nangle’s support base by arresting anyone suspected of giving lodging to the insurgents, he once again took the opportunity to urge the government to establish dedicated foot companies:

Horse will never be able to find him out, and if it may stand with my Lord Lieutenant’s pleasure to command two small parties of foot to hunt him in the bogs and woods where he haunts, I am persuaded there may be a short account had of him.³¹⁰

Despite Forbes’ evident concern, Dublin Castle remained conspicuous only for its inaction. On 15 June colonel Robert Sandys, head of the garrison at Lanesborough, updated sir George Lane on Nangle’s progress. Echoing Forbes, Sandys expressed frustration with the central administration, which remained inactive while Nangle ‘prepares and threatens very maliciously’. Sandys was also similarly frustrated by Nangle’s attempt to foment popular rebellion, adding that, ‘by his pious insinuations he grows exceedingly into the kindness and wonder of the common Irish, insomuch that in some parts they fall down on their knees at sight of him.’³¹¹ Clearly Forbes and Sandys were convinced that Nangle’s insurgency represented something altogether different from the toryism of years gone by. Most important was the fact that Nangle’s politically radicalised spirituality inclined him to pursue a form of rebellion that was limited neither by geography nor personnel. As well networking with dissidents in Ulster and elsewhere, the fact that the ‘common people’ were

³¹⁰ *Ibid*, pp.224-5

³¹¹ *Ibid*, p.227

proving receptive to Nangle's cult of the warrior-mystic opened up the possibility of an explosive grassroots rebellion that state forces were ill-equipped to defend against.

Despite these concerns, when Sandys wrote to Lane again just one day after his last letter, he did so with renewed confidence. Word had reached the garrison at Lanesborough of a major naval victory over the Dutch, news that was greeted with bonfires and volleys of gunfire, while the Catholics resident in the town were observed to 'droop much at this intelligence.' Little had been heard of Nangle the previous two days, except that he was presumed to be in the surrounding woods. 'This we certainly know,' Sandys proceeded, 'he has a considerable strength very well appointed, though his whole numbers not at all times about him.' Evidently underestimating Nangle's fervour, Sandys continued by stating that it would be 'very happy if he might yet be reduced to a civil life and obedience to the Government, for 'tis scarce imaginable what terror he strikes into all these neighbour countries.' In the meantime, Sandys warned that the impact of Nangle's attacks would be felt in the tax returns, with 'all buying and selling being almost at a perfect stand, men chiefly considering how they may secure their families from the worst of violence and destruction.'³¹²

In contrast to the impression given to the Protestants of Lanesborough the Four Days' Battle (1-4 June) did not prove a clear-cut victory for Charles II's forces. Having claimed the day on the basis that the Dutch were the first to withdraw, the Stuart fleet was left to count the cost of ten ships lost compared to just four on the opposing side. The reality of the situation was pressed home not long afterwards when news arrived that French forces had seized Saint Kitts, Charles II's West Indian colony, a reversal of fortunes that was further compounded when the Dutch fleet arrived off the English coast and proceeded to blockade the mouth of the Thames.³¹³ By mid-June, Ormond, previously buoyed by his success at Carrickfergus, was despondent once again. 'The want of success in the last fight', predicted the miserable lord lieutenant, 'will have much influence upon affairs

³¹² *Ibid*, pp.227-8

³¹³ Hutton, *Charles the Second*, p.233

here.’ Most importantly, Ormond expected that the recent ascendancy of the Dutch would give courage to restless Catholic dissidents, whilst increased French involvement entailed the possibility of material assistance reaching Irish shores. By Ormond’s estimate, even if the French did not really intend to invade Ireland, they could only benefit from allowing such rumours to circulate. Meanwhile, the mere prospect of French interference would be enough to encourage Catholic dissidents to rebellion, which in turn might cause Charles II’s regime ‘some temporary diversion’. In the end, Ormond mused, the French ‘will not much care what shall become of the instruments’. Crestfallen and pessimistic, Ormond concluded by remarking on the rumour that Irish settlers living on Saint Kitts had assisted the French ‘in that massacre’, while admitting that ‘conclusions are naturally drawn to the effect that their countrymen are ready to do as much here.’³¹⁴

Besides his evident retreat into sectarian siege mentality, Ormond’s conviction that Catholic Irish dissidents were tracking the war’s progress with a view to their own prospects is particularly interesting, especially insofar as it echoes Sandys’ observations with respect to the Catholics of Lanesborough. That Ormond and Sandys were not simply succumbing to paranoia and that their commentary contained at least some grain of truth is borne out by the persistent correlation between international conflicts and rising numbers of tory attacks. This is something we will encounter again in relation to the Third Dutch War and has also been observed by historian Éamonn Ó Ciardha as a feature of eighteenth century rappareeism.³¹⁵ The recovery of private landholdings may well have been the ultimate goal of many Irish Catholic dissidents and the parish was often their theatre of war, but they were never so insular as to be unaware of international developments and their potential knock-on effects in Ireland. As much as future generations, Restoration tories, it would seem, viewed Stuart difficulty as their opportunity.

Prior to 1666 Dublin Castle had combatted toryism by relying on a ragbag of inherited counterinsurgent tactics. Although these assorted methods had proven

³¹⁴ *CSPI, 1666-1669*, p.133

³¹⁵ Ó Ciardha, *Ireland and the Jacobite cause*

incapable of eradicating toryism altogether, they had generally contained the activity enough not to warrant a major revision of strategy. It was immediately apparent to Forbes and Sandys, however, that Nangle's insurgency posed a different order of threat and, as such, required an urgent change of approach. Even so, distracted by financial problems and the threat of a foreign invasion, it was not until the summer of 1666 that Dublin Castle finally stirred into action. The first significant step towards an enhanced counterinsurgency programme was taken on 25 June when a proclamation was issued against Edmund Nangle and his associates.³¹⁶ Setting a deadline of 17 July the proclamation ordered the persons named within to submit themselves to the law, failing which they were to be condemned as 'traitors and outlaws'. A sum of twenty pounds was set 'for each such arrested person or head' brought in after the July deadline and, in an attempt to divide the insurgents from their support base, the proclamation also announced that any 'aiders and abettors' of tories would be charged as 'traitors in the same degree'. Although the proclamation of June 1666 does not state the fact explicitly, the legal instrument on which it was based is the writ of outlawry.

Dating to before *Magna Carta* (1215), outlawry originally emerged as a legal instrument of last resort in a period when the rudimentary condition of the law and order infrastructure combined with low population densities made it all too easy for deviants to escape into the large tracts of unoccupied spaces which persisted in early medieval England.³¹⁷ Outlawry carried a number of serious consequences for the proclaimed individual, as Henry de Bracton explained in his famous thirteenth-century legal treatise *De Legibus et Consuetudinibus Angliae*:

henceforth they bear the wolf's head and in consequence perish without judicial inquiry; they carry their judgment with them and the deservedly perish without law who have refused to live according to law...³¹⁸

³¹⁶ *CSPI, 1666-1669*, p.137; *The Proclamations of Ireland*, vol.1, pp.183-5

³¹⁷ Susan Stewart, 'Outlawry as an Instrument of Justice in the Thirteenth Century', in John C. Appleby and Paul Dalton (eds.), *Outlaws in medieval and early modern England: crime, government and society, c.1066-c.1600*, (Farnham, 2009), p.41

³¹⁸ Henry de Bracton, *Bracton de legibus et consuetudinibus Angliae. Bracton on the laws and customs of England*, George Woodbine (ed.), Samuel Edmund Thorne (trans.), two volumes, vol.2 (London, 1968), p.354

As Bracton intimates, the most important effect of outlawry was to transform the relationship between the proclaimed individual and society at large. By outlawing a suspected deviant, the state obliged its civilian population to ostracise that person completely. Moreover, because the outlaw no longer enjoyed normal legal rights, they could be attacked or killed without trial, not only by state agents but by members of the public also. Indeed, the public was called upon to actively engage in the outlaw's persecution. As Bracton suggests, from the moment of his outlawry henceforward the proclaimed person was to be as a wolf to the village. It is clear from Bracton's description that outlawry involved an implicit admission of the continued existence of tracts of land where the monarch's writ did not run and regular governance did not apply. Indeed, as a legal concept, outlawry was fundamentally constructed on the basis of a spatial metaphor. The internal logic of outlawry was that a deviant who escaped *beyond* the reach of the law could also be placed *outside* of normal legal protections. In this sense, the narrative presented in the proclamation of June 1666, which claimed that Nangle and his adherents had been chased out of normal society into the woods and mountains by 'his majesties good subjects' where they were no longer 'answerable to law', was not so much an historic account of events as a formulaic emplotment, a formal fiction necessary for the application of the legal instrument.

Despite its utility as a tool of law enforcement, several factors conspired to make outlawry increasingly redundant in English legal practice, such that by the end of the thirteenth century its use was already much constrained. In particular, the increasing efficacy of the justice system, rising population densities, and the related contraction of unoccupied territories, all helped to reduce the English state's reliance on the instrument.³¹⁹ Just as importantly, the strengthening of individual legal rights in the wake of *Magna Carta*, including due process and *habeas corpus*, made the writ of outlawry increasingly unacceptable within England's judicial culture.³²⁰ Unsurprisingly, however, this was less true of Irish legal practice, where Dublin Castle's limited territorial reach and the deeply embedded trope of Irish barbarism continued to inform the state's judicial habits well into the early modern era. Certainly, in its use of outlawry as an instrument of law enforcement the

³¹⁹ Stewart, 'Outlawry as an Instrument of Justice...', pp.53-4

³²⁰ *Ibid*, p.54

Restoration government was not exceptional. One of the Caroline administration's early reactions to the 1641 rising was to outlaw a long list of individuals believed to be involved in the insurgency.³²¹ And although the Restoration administration would never have openly admitted to following an example set by the Cromwellian regime, it is noteworthy that in 1656 the Protectorate government issued a proclamation against Dermot Ryan and his adherents, announcing that all such as followed that insurgent's example would receive no 'mercy or favour'.³²² But while its use was not without precedent in Irish legal practice, it was the Restoration regime which, more than any government before or after it, made outlawry its go-to instrument of counterinsurgency. The explanation for this reliance on outlawry is rooted not only in its instrumental expedience, but also in its deep congruence with the core ideological principles of Charles II's government.

On the face of things, Dublin Castle's resort to outlawry as a means to combat toryism represented an admission of desperation on the government's behalf. After all, by empowering laymen to arrest, maim or kill proclaimed individuals the regime was tacitly compromising on its claim to exercise an exclusive sovereign right to wield violence. In other respects, however, the proclamation of outlawry was extremely consistent with royalist ideological principles. Most importantly, the forms of authority implicit in the proclamation text of June 1666 are normative of royal sovereignty. Unlike earlier variations of the proclamation of outlawry published by the Old Protestant lords justices, the text issued against Nangle and his confederates avoided any reference to the social context from which the dissidents sprang. Most pointedly, the term 'tory' is omitted altogether, almost certainly because of its strong ethnic and confessional associations. The insurgents are instead referred by legal terms that defined them in relation to royal sovereignty, such as 'rebells' and 'traytors'. The wider population, referred to as 'his majesties good and loving subjects', is treated in much the same way. Here the populace is understood as a body of individuals, undifferentiated by race or religion, and defined by their imagined personal relationship with the king. In this

³²¹ Robert Steele (ed.), *Tudor and Stuart Proclamations, 1485-1714, calendared by Robert Steele under the direction of the earl of Crawford K.T., vol.II, Scotland and Ireland*, (Oxford, 1910), p.43

³²² Anon., *By His Highness the Lord Protector's Council for the Affairs of Ireland. Whereas Dermott Riane... Imprinted at Dublin by William Bladen...*, (Dublin, 1656)

representational field there is no state and no society. There is merely the sovereign monarch and his dutiful, pliant subjects. It is no coincidence that the June 1666 text, the first proclamation of outlawry issued by the Restoration government which was fully purged of Old Protestant colonial discourse, became the template for subsequent proclamations of outlawry issued over the ensuing decades.

Outlawry was not the only action taken by the government in the summer of 1666. Believing that, in Rawdon's words, 'insurrection and rebellion' was imminent, the government also began taking further measures, some of which were unprecedented for the Restoration era.³²³ In the first place, following the advice of Forbes and Sandys, Ormond notified Arlington on 27 June that he had formed a new company of foot soldiers constituted by sixty of the Carrickfergus mutineers. 'It will be their work all this summer', Ormond wrote, 'to hunt out little rebels and Tories.' Moreover, in what amounted to a major concession to the Protestant interest, the lord lieutenant also finally consented to the commissioning of a militia, although Ormond was insistent that this body would only have temporary existence.³²⁴

The government's step up in pressure took immediate effect, with Robert Leigh soon afterwards describing Nangle's forces as 'a handful of desperate fellows' who,

commit no manner of force, but endeavour to save themselves or get their pardons for having run into this crime (though [*sic*] the desperateness of their conditions and to avoid some debts), for which they are now by proclamation declared rebels and will be easily soon cut off.³²⁵

Just two weeks later, in a major fillip for the government, Nangle himself was killed. In a letter dated 14 July addressed to Joseph Williamson, Leigh reported how Nangle, upon hearing that he had been proclaimed, had thrown caution to the wind and attacked Longford town on 13 July at the head of two hundred Tories. Catching the garrison by surprise, the insurgents killed several of lord Aungier's troop before the soldiers retreated to their commander's fortified house. Nangle's men had then

³²³ *CSPI, 1666-1669*, pp.143-4

³²⁴ *Ibid*, p.140

³²⁵ *Ibid*, pp.144-5

proceeded to plunder and strip the English residents, burning their houses to the ground, while the Catholic Irish were left pointedly unmolested. The tories were eventually driven off by withering fire from Aungier's men but not before they made away with twenty-five of the garrison's horses. Indeed, the considerable reward of military-grade horse may have been the insurgent's intended target all along. In the course of this otherwise successful raid, the tories had suffered only one casualty, that of their leader Edmund Nangle.³²⁶

The Catholic Declaration

If the nature of the Longford raid, especially its scale and audacity, testified to Nangle's outsized ambitions, a paper found on his body following his death fleshes out this impression considerably. Titled *The Catholic Declaration*, the document is dated 25 March and survives to us calendared in the State Papers as a copy of a translation from the Irish.³²⁷ An accompanying note informs us that the original translation had rendered the bulk of the text as one long, single sentence without punctuation. If this format represents a true transcription of the original text then it may have been this lack of standard grammar that led a contemporary to dismiss the text as a 'rhapsody of nonsense'.³²⁸ But while Nangle's adversaries were quick to deny the substance of the text, *The Catholic Declaration* provides the modern scholar with a rich seam of information regarding the character and motivations of the insurgents who subscribed to it.

The document possessed two apparent functions. First, in the tradition of the Presbyterian Covenant and similar texts, *The Catholic Declaration* was drafted with the intention that it be signed by its adherents. With fifty names appended to the text, subscription to the declaration was clearly intended to mark a significant and irrevocable commitment to rebellion. Secondly, the text was composed with a mind to articulating and justifying the insurgency of Nangle and his associates. In line with what we already know of Catholic Irish dissent in general, the text reveals a significant preoccupation with both religion and land. Carrying a religious banner ('Jesus + Maria') and opening with the words 'In the plain appearance of the

³²⁶ *Ibid*, pp.155-6

³²⁷ *Ibid*, pp.62-3. An alternative title, the 'Declaration of the Irish Rebels', is also given in Ormond's handwriting.

³²⁸ *Ibid*, pp.158-9

Heavenly Throne and of the whole world', *The Catholic Declaration* frames the tory insurgency in a religious context. Nonetheless, it is the land settlement that takes up the bulk of the document, which rails against the injustice of a process that indemnified the 'promoters of usurped authorities of states' and 'actors in the murdering of the late King Charles' while at the same time 'innocent Catholic subjects' were for no reason 'kept out of our estates and abridged of our due liberties, but for our being Papists'. In a reference to the Court of Claims, the text goes on to complain that the Protestant parliament had purposefully limited the time within which cases could be heard precisely because they feared that Catholics 'might easily prove their loyalty to a King who was thereby obliged to see justice done them'. Similarly, the land settlement acts are described in general terms as being 'so detestable that the very promoters of them do themselves detect the foulness and tyranny of them'. Finally, although often cited by Protestants as a Catholic ally, Ormond is singled out as someone who had profited by the settlement even though he knew it to be unjust. Having decried the Restoration settlement in almost all its aspects, the text concludes by committing its signatories to total rebellion, affirming the justice of their cause in religious terms:

We therefore do, in the name of Jesus Christ under whose banner we resolve to live and die, unanimously declare that the Pope's Holiness is Supreme Head of Christ's Church militant on earth, that with our sword drawn we will stand against and oppose [such] as believe the contrary and do so unjustly rob us of our due liberties of conscience and rights.³²⁹

Besides offering important confirmations regarding the insurgents' ideology, *The Catholic Declaration* also helps reveal something of their social character. In the course of the text, for instance, there is a telling comment regarding the manner by which the Court of Claims assigned priority to cases:

By bribery the rich man was heard first at this Court even if he had a lame case, and the poor, however strong his case, had to wait till the period for hearing him was elapsed.

³²⁹ *Ibid*, pp.62-3

The signatories self-identified, in other words, as a class apart from the wealthy, well-connected individuals who had successfully manipulated the court to their favour. Aside from the body of the text, some further observations as to the identity of the tories can be deduced from the list of signatories. First, many of the names attached to the document have surnames that are identifiably Gaelic Irish, including O'Neill, O'Donnell and McDonaghue. As the biggest losers of the Restoration settlement it should come as no surprise that this is the case. By far the most conspicuous pattern in this list of names found here, however, is the high repetition of surnames. Of the fifty signatories only eleven of the surnames are not repeated twice or more, with the total list including twelve Farrells, six Reillys, four each of the Hanlys and Reynolds, three O'Neills, and two each of the Byrnes, Bradys, Costellos, Flanigans and Plunketts. This pattern seems to suggest that a large number of the signatories belonged to common kinship groups, although this cannot be taken as definitive evidence of close familial relation given the prevalence of certain surnames within specific regions of early modern Ireland. However, in what is perhaps a further clue to close familial ties, many of those with common surnames are clustered together in sequence. In the twelve instances of the surname Farrell, for example, ten of these occur in combination with another instance of the surname (two groups of two and two groups of three). It is quite possible that close relations, such brothers, cousins, or uncles, would have signed the parchment one after the other. Taken together, the high incidence of common surnames and the possible prevalence of related individuals amongst this group tallies with an observation that can be made of Restoration toryism in general: the strongest predictor for an individual becoming involved in toryism was their being related to someone already involved in the activity. The Costigans provide corroborative evidence of this pattern and we will encounter many more examples as we move forward.

The list of signatories also suggests another important predictor for an individual becoming involved in toryism: the prevalence and incidence of toryism in their locality. The Farrells, for instance, were the most important family in county Longford and the primary landholders there before the Cromwellian confiscation.

As we have seen, Nangle's family were also from county Longford. Similarly, the Reillys were a significant kinship group based in county Cavan, another important zone of activity for Nangle's insurgency, while the Costellos, about whom we will learn more below, were based out of the north-eastern edge of Mayo, including parts of Sligo. In other words, the vast majority of Tories associated with Nangle were drawn from the immediate vicinity of each other, which region also formed the core area of their insurgency. In summary, although Nangle may have had ambitions to grow his rebellion into a national-scale affair, as suggested by his targeting of Longford town, his dissident networking and populist appeal, the core members of his insurgency were men that he was likely to have known personally prior to his radicalisation.

Retrospectively, the Longford raid in many ways represented the high-point of the 1666-7 insurgency. Had Nangle survived it, the raid would only have added to the prestige of the nascent movement and its charismatic leader. As it turned out, however, his death dealt a significant blow to the insurgency at what proved a critical juncture, costing it both leadership and momentum. Regional forces, including the design-for-purpose Carrickfergus company, were to be charged with pressing home the government's good fortune and 'hunt' down the retreating Tories who had been thrown into disarray by the loss of their commander.³³⁰ By 18 July Robert Leigh could confidently tell Williamson that the Tories were 'too few to cause real alarm'.³³¹ By 21 July the Tories had regrouped sufficiently to warrant 'great reports of further mischief'. When they gathered only two miles from the town of Mullingar George Warburton reminded Williamson this was only thirty miles from Dublin. The east midlands town, until then thought well out of reach of the insurgents, was put on high alert whilst Sir Arthur Forbes was sent out to meet the Tories.³³² Their rally was short-lived, however, and only four days later Anglesey could claim that the 'knot of rebels is pretty well broken here', boasting how government forces had begun 'to make them weary of their lives what with killing and hanging and hunting them.'³³³ As the settling of the militia proceeded,

³³⁰ *Ibid*, pp.158-9

³³¹ *Ibid*, pp.159

³³² *Ibid*, pp.162

³³³ *Ibid*, pp.163

Warburton updated Williamson on 4 August stating that he ‘heard nothing of the Tories now, save that they are very fearful of them about Sligo, the most accounts say that they have dispersed and gone home.’³³⁴

Nangle’s death was followed soon afterwards by the St. James’s Day Battle (4-5 August), a convincing naval victory for Charles II’s forces. After watching the glow of celebratory bonfires from Dublin strand Robert Leigh was moved to compare the sight to that of Troy burning, except that the cries emanating from the city were those of joy.³³⁵ As well as sharing in the capital’s relief, on 6 August Ormond could also confidently inform Arlington that the ‘loose fellows who vainly aspired to the title of Rebels, have been so suppressed that their dispersion and the obscurity of their walks are their only security.’ Ormond assured the secretary that every day more of the tories were being ‘brought to justice’ by government forces, while further adding that some of those ‘who are kept alive’ claimed to have been operating under the French king’s commission (something that might have saved them from summary execution as outlaws). Although Ormond still did not believe that Louis XIV ‘would expose his authority or put it into such hands’, he did think it possible that some of the ‘ringleaders may have boasted of or forged such things.’³³⁶

Dudley Costello brings toryism home

A successful reorganisation of the counterinsurgency combined with the favourable turn in the Dutch war had made it possible for government forces to grind down the insurgency formerly headed by Edmund Nangle to the point that in the early autumn of 1666 it looked likely that it might be halted altogether. As it turned out, however, Nangle’s death only paved the way for the promotion of another commander who, if he lacked Nangle’s vision for a nationwide rebellion, nonetheless far surpassed the Longford zealot as a military leader. In many respects Dudley Costello had already overtaken Nangle as a leader of the insurgency even before the latter’s death at Longford. As early as June sir Arthur Forbes had remarked that there was numbered among Nangle’s associates one ‘Dualtache [*sic*] Costello, who has been with him, a man more considerable than himself for matters of action, who is, as I am informed,

³³⁴ *Ibid*, pp.173-4

³³⁵ *Ibid*, pp.174-5

³³⁶ *Ibid*, pp.175-7

engaged to join with him with all those he can influence.’ Perhaps tellingly, in the proclamation of 25 June it was Costello and not Nangle who was given the eminence of being first named amongst the insurgents.³³⁷

The grudging respect that Costello commanded amongst his adversaries had been forged by almost two decades of continuous combat. Costello had been amongst the last of the Confederates to surrender in the mid-century Wars of Religion, being one of those on the island garrison of Inisboffin, the last stronghold to submit in that conflict. Transported to Flanders along with the rest of that garrison, he had spent the rest of the decade fighting on continental battlefields where he earned distinction for his bravery fighting in the duke of York’s Irish regiment.³³⁸ As reward for his constancy to the Stuart cause during its decade in exile Costello was later listed as an ‘ensignmen’ in Charles II’s Gracious Declaration. Although this status briefly seemed to promise a route to restitution, the legal cases of ensignmen would not be heard by either the first or second Court of Claims. To this bitterness was added the fact that Costello could claim a personal rivalry stretching back until at least the 1640s with those who came to possess his family lands. Prior to the Wars of Religion, the chief landowner in the barony of Costello-Gallen, in which the Costello’s traditional family lands fell, was Thomas Dillon, the 4th Viscount Dillon of Costello-Gallen. As a member of a traditionally powerful family in the region, Dudley Costello may well have reserved ambitions to greater authority based on traditional Gaelic principles of election. Whatever his reasons, Costello seems to have borne a grudge against the viscount and took the opportunity provided by the chaos of the 1640s to decimate his adversary’s properties as well as to make a prisoner of Theobald Costello, brother to viscount Dillon of Costello-Gallen.³³⁹ Costello’s vengefulness would come back to haunt him, however, when his chief rival later proved a personal favourite of Charles II. As a token of his favour, viscount Dillon was spared the necessity of submitting to the Court of Claims by a plenary order of the king, granting him immediate possession over a large swathe of

³³⁷ *Ibid*, p.137; *The Proclamations of Ireland*, vol.1, pp.183-5

³³⁸ Prendergast, *Ireland from the Restoration to the Revolution*, p.85; *Carte MSS Report*, p.92

³³⁹ *CSPI, 1660-1662*, p.320; Éamonn Ó Ciardha, ‘Dudley Costello’, in *Dictionary of Irish Biography*

land, including the former Costello properties.³⁴⁰ In January 1662 Dudley Costello, evidently despairing of ever recovering his family holdings, petitioned Charles II for the lease to a four-hundred-acre parcel of land in Roscommon as well as for some eel weirs on the border with Westmeath, both of which were escheated to the crown at the time. So desperate was he to repair his condition, Dudley even offered to pay double the rent formerly reserved to the weirs.³⁴¹ His suit was to no avail, however, and at some point after this final attempt to find a place within regular Restoration society Dudley Costello joined the swelling ranks of Nangle's insurgency.

Costello's journey to hardened rebel was not without its turning points and in the early summer of 1666 he contacted lord Dillon to sound out the possibility of a negotiated surrender. In response to this enquiry lord Dillon promised Dudley in a letter of 23 June to mediate on his behalf if he first submitted himself under promise of protection. Lord Dillon's diplomatic endeavours were to meet a dead-end, however, with Ormond pronouncing that Costello would receive no special favour from the state and that his pardon could only be purchased at the usual price, the betrayal of his fellow tories.³⁴² Evidently, Costello was unwilling to meet these demands and his name was soon afterwards included in the aforementioned proclamation of 25 June. Following this rebuff and with every avenue to reconciliation now shut off, on 18 August Costello penned a furious letter to lord Dillon in which he committed himself completely to rebellion.³⁴³ The overriding theme of this letter is Costello's obsessive concern for social status, at one point declaring that 'my being proclaimed a traitor without questioning or summoning me to my vindication, is so base a practice that a man of honour would die sooner'. Similarly, when contrasting his actions with those of his enemies, Costello frames his behaviour in terms that highlighted his sense of chivalric honour, describing himself as 'walking in my own colours' while his adversaries were 'going under a mask'. Associated with this inflamed sense of social prestige is Costello's theme of acting upon a stage. This manifests itself both as a fundamental attitude and a guiding metaphor. Thus when accusing lord Dillon's agents of using underhand

³⁴⁰ *CSPI, 1660-1662*, p.320

³⁴¹ *Ibid*, p.501

³⁴² *Carte MSS Report*, p.94

³⁴³ *Ibid*, p.94

tactics against him Costello promised to avenge himself in the following terms: 'Now that they have acted their part of the tragedy, it is time I should come and act mine'. Warming to this theme, Costello further declared:

My Lord, I have so much of honour yet left me (which my adversaries know very well, though they will not own it), that I will not, unawares, seek their destruction as they did mine, but do declare by these presents that I will by killing, and by burning both corn and houses, act my part in their destructive tragedy. Let them prevent it the best way they may, now that they have timely notice.

The letter concludes with the grave warning that, even though lord Dillon had threatened the people of Costello and Gallen with destruction if they continued to support him, Costello welcomed such an apocalyptic conclusion:

your Lordship cannot fix upon a more fitting instrument or a man that will be humbler and more fitting to effect it than, my Lord, Your Lordship's most obedient servant, Dudley Costello.

The attitude that Dudley adopts here is at the same time both fatalistic and performative. While differing from Nangle in terms of outlook and personality common ground is found in the religious fervour of *The Catholic Declaration* and the thespian fatalism of Costello's letter. We can see that neither text exhibits any real attempt to justify dissent in terms of proposing an alternative political model. In their own way both Nangle and Costello were engaged in an insurgency without a future. Certainly, from this point onwards, Costello would show no sign of having second thoughts.

After briefly threatening Mullingar, Costello retreated to the Sligo-Mayo region where his traditional family lands lay, there to terrorise the local Protestant population throughout August and September.³⁴⁴ Back in familiar surrounds, the tories could once more rely on superior knowledge of local terrain whilst utilizing

³⁴⁴ *CSPI, 1666-1669*, pp.173-4

their established support networks. Lord Kingston, the acting president of Connacht, admitted as much to Ormond in a letter of late October:

I have not been able by all the skill and interest I have, to apprehend Dudley Costello. His great care to prevent any mischief that might happen to his countrymen hath obliged them to at least prevent his taking, and without them 'tis as impossible to cast him as a wolf.³⁴⁵

Finding it impossible to turn the population against Costello by persuasion, Kingston opted for a different approach, ordering the arrest of Costello's relations as well as of the chief residents of the district. Word was also sent to the Roman Catholic clergy of the region that either they excommunicated Costello, his associates and everyone else who aided them, or they would be harried out of the country. Kingston also set about organising the local state forces, appointing the company of sir Arthur Gore as well as part of captain Deey's [*sic*] company to occupy the barony of Costello-Gallen. This, the Connacht president anticipated, would make it 'very hard for [Costello] to continue long in those quarters, and I think his interest in other parts of the province so inconsiderable that he cannot be sheltered elsewhere.' A clear chain of command was also established, with sir Francis Gore of Fort Dillon given the overall commission for the companies. 'This', concluded Kingston, 'is all I have been able to do to secure those quarters from that so much talked of Tory, and this I am confident will be enough to keep the country from prejudice, though perhaps not from clamour.'

Despite the close attention of Kingston's appointments, Costello was able to make good on his word, spending the winter of 1666-7 waging an increasingly brutal insurgency in his native province, a phase which culminated in the sacking of Castlemore. The traditional seat of the Costellos, Castlemore had since passed into the possession of major Ormsby. This was a state of affairs with which Dudley had apparently not made peace and shortly before dawn on 27 November Costello stormed the fortified village at the head of about thirty men, who set about their task

³⁴⁵ *HMC Ormond*, vol.3, p.246

with a destructive relish.³⁴⁶ In his account of the raid George Warburton attempted to downplay its significance, suggesting that several of the ‘rogues’ had been killed before the castle surrendered.³⁴⁷ Lord Kingston similarly described Castlemore as little more than a thatched cabin without a defensible wall.³⁴⁸ In reality the raid was severely embarrassing for those in charge of directing the counterinsurgency against Costello, who had once again demonstrated his superior mobility and intelligence networks. Of the garrison appointed to guard Castlemore all but two had been seconded to sir Francis Gore’s company, which at the time of the raid was still fumbling after the insurgents.³⁴⁹ The sack of Castlemore was to be Costello’s crowning achievement. Still casting himself as the knight errant, he would permit lady Ormsby to depart safely along with her clothes. Of major Ormsby’s property, however, nothing was spared. Its castle, barns, stables, corn and everything else besides, were all burned to the ground, leaving only the newly built stone tower intact.³⁵⁰ Far from spent by his success at Castlemore, Costello soon afterwards attacked and burned to the ground the village of Ballyhane.³⁵¹

Embarrassed by Costello’s notable string of victories, the government responded by commissioning a further two companies to chase down the tory, whose prize money was raised to the huge sum of one hundred pounds (the same extravagant sum as had been set on Thomas Blood following his failed coup). The local population nonetheless continued in its intransigence, providing government forces with no useful intelligence on Costello’s whereabouts.³⁵² Meanwhile Costello’s forces continued to set the country ablaze. On 11 December Warburton informed Joseph Williamson of the many ‘outrages’ recently committed by the Connacht tories, who had fired several more houses while threatening ‘others that they will shortly “see them.”’³⁵³ Come the end of the month Costello had burned down three more towns as

³⁴⁶ *Carte MSS Report*, p.95

³⁴⁷ *CSPI, 1666-1669*, p.249

³⁴⁸ *Carte MSS Report*, p.95

³⁴⁹ *Ibid*, p.95

³⁵⁰ *CSPI, 1666-1669*, p.249

³⁵¹ *Carte MSS Report*, p.95

³⁵² *CSPI, 1666-1669*, p.252

³⁵³ *Ibid*, p.252

well as at least seven villages.³⁵⁴ As well as making the region uninhabitable for supporters of lord Dillon and his brother Theobald, a report of 21 December suggested that Costello intended to follow up his campaign of fire by houghing his adversaries' cattle.³⁵⁵

The tory insurgency in context

Costello's insurgency was intensely destructive, but so long as it remained geographically localised the government considered it to be ultimately containable. What really worried the administration, however, was that a direct confrontation with France once again seemed likely. If the French made a meaningful intervention, either in the form of a landing force or simply by providing munitions and money to the tories, it was expected the insurgency could metastasize into a nationwide popular rebellion. In early August Ormond had doubted whether Louis XIV would extend his hand so far as to officially commission Irish dissidents. A month later he reiterated this belief, but by this stage tell-tale signs of doubt had entered his assessment. On 4 September he hesitatingly informed Arlington that if:

Ireland be [France's] object, as some would make the discontented Irish and fanatic Scotch and English believe, though I dare not, with some, presume it may be so, yet, if the King shall continue master of these seas, I shall hope by the help of God that this kingdom may be as fatal to them as once it was to the Spaniards or Gigery [*sic*] to the French.

Heartened by what he had seen of the county militias, Ormond estimated they could put five thousand 'good horse' in the field if called upon. A good harvest and a healthy stock of cattle meant these forces could also count on a good amount of supplies, but Ormond was less sanguine about their ability to withstand a well-trained, well-equipped army.³⁵⁶ On 12 October, the lord lieutenant qualified his estimate of the militia's fighting capacity, telling Arlington:

³⁵⁴ *Ibid*, pp.268-9; *Carte MSS Report*, pp.95-6

³⁵⁵ *Ibid*, pp.95-6

³⁵⁶ *CSPI, 1666-1669*, p.206

Nor ought too much to be expected of the militia. All that they can be expected to do is, if the enemy land, to keep the numerous necessitous and therefore discontented Irish from rising and destroying all behind us whilst we have an enemy before us.³⁵⁷

By late November reports pointing to a significant French invasion were increasing in both in quantity and gravity. Through sir James Dillon, a spy on Ormond's payroll stationed in Paris, the lord lieutenant was kept informed of the 'ill affected Irishmen' residing in the French capital who were 'work[ing] to recover their rights in Ireland by French power.' Dillon further reported that there were presently three vessels loaded with arms and ammunition lying off the Brittany coast, where they awaited orders to sail for Ireland.³⁵⁸ Around the same time sir Arthur Forbes received similar intelligence, suggesting that 'the French King has [...] prepared several thousands of saddles and pistols which are in readiness at a town in France by the seaside next Ireland.'³⁵⁹ On 12 December Rawdon described the French invasion as 'expected' and had received orders from Ormond to put the militia on standby. 'If the storm fall here', confided a much-worried Rawdon, 'or we are commanded to march to any other part whilst our men are still far abroad to collect assignments, we shall have very thin troops'. Rawdon further reported that the Tories were 'very strong' in Cavan, where some of viscount Conway's troop had been sent on assignment, such that, 'the soldiers must also be strong to secure the money and themselves.' Rawdon concluded his letter on an anxious note:

We are in a sad posture and general apprehension of this storm of invasion and our poverty. The disturbances by Tories makes the country very fearful. God send us in a better condition and give us help, for we have great need of it.³⁶⁰

Early in the new year, with 'hot alarm of an invasion intended by the King of France', Ormond was sufficiently concerned to concede to the earlier advice of

³⁵⁷ *Ibid*, p.223

³⁵⁸ *Ibid*, pp.246-9

³⁵⁹ *Ibid*, p.248

³⁶⁰ *Ibid*, pp.252-3

Orrery and order the pre-emptive arrest of some of the Irish nobility who were believed to be practicing with the French king.³⁶¹ On 8 January Ormond assured Arlington that whatever came of the threatened invasion, he was convinced ‘the noise of it and of our preparations against it will increase the numbers of a sort of outlaws or rebels already very troublesome in some parts of Connacht and Ulster.’ For this purpose, Ormond requested that ten thousand tents be sent out of England, essential equipment for conducting a wintertime counterinsurgency in the wildest and most sparsely populated parts of the country.³⁶²

The prospect of French intervention in Ireland was further compounded by political developments in Scotland, with the Pentland Rising (15-28 November 1666) stoking fears that Ulster’s Presbyterian community would join their Scottish co-religionists in rebellion. In a draft letter to Arlington, Ormond promised to be watchful of the north where there were ‘many as ill inclined as those in rebellion in Scotland’. The lord lieutenant had already heard of two ministers, ‘pernicious fellows’, who had been preaching ‘all manner of sedition’ since their arrival from Scotland. With orders sent for their arrest Ormond admitted that ‘this is all I can do at present to prevent contagion from Scotland.’³⁶³ In the meantime, whilst the administration watched closely over the Ulster Presbyterians, Catholic Irish dissidents were already causing trouble in the province. The problem was deemed significant enough to warrant the issue of a dedicated proclamation, the third such issued by the Ormond administration. Published on 15 November 1666, the document lists the names of Art Roe Magenis and eleven others, while designating the counties Louth and Down as their principal theatre of operation. As with the proclamation of Nangle and Costello, aiders and abettors were made culpable to the same degree as the tories themselves.³⁶⁴

Tories abounded in western Ulster also, with Rawdon reporting on 29 December that he had marched his troop into Tyrone and Donegal where nearly one hundred armed and mounted tories were known to ‘haunt’. Making mention of Costello’s

³⁶¹ *CSPD, 1666-1667*, p.436

³⁶² *CSPI, 1666-1669*, pp.271-2

³⁶³ *Ibid*, pp.251-2

³⁶⁴ *Ibid*, p.236

forces in Leitrim and reiterating his complaint about the difficulties faced by the viscount's troop in Cavan, where tories continued to harass the soldiers, Rawdon commented that many of the 'farmers are broken and if this war hold I doubt we shall ere long be in a sad condition.'³⁶⁵ By 5 January viscount Dungannon was no more inclined to optimism, telling viscount Conway and Killulta the government seemed 'to be under some sad fate, or permanent black clouds and there is no possible discovery when those clouds will blow over.' Singling out Connacht as the province most 'infested with Tories and robbers', the viscount described Costello as the 'chief of a crew of villains that do much harm and burn many small villages.' Although he discerned some progress in the northern province, the viscount also noted how hard that progress had been won. The 'wandering rogues which are in Ulster', he insisted, 'are quieted merely by the care of those parties which are continually in pursuit of them.'³⁶⁶

By the beginning of 1667 the administration was facing rampant toryism in the western and northern parts of the kingdom, the threat of the Pentland Rising spreading to the Presbyterians of Ulster and the looming possibility of a French invasion. Hard-pressed from every corner, the administration was driven to more determined action. Ormond had already been sufficiently encouraged by the work of the foot company chasing after Costello to request its addition to the troop of guards, the viceroy's permanent retinue, telling Arlington on 4 January 'the company is very useful in a remote part of Connaught, principally infested by the rebels.'³⁶⁷ Viscount Dungannon, in the same letter in which he gloomily lamented the government's 'sad fate', also revealed that Ormond and the privy council had decreed the use of 'kincogish', the counterinsurgency tactic of quartering the army on the family and septs of dissidents in order to pressurise them into surrendering. 'Tis certain', wrote the otherwise despondent Dungannon, that 'this hath been effectual in [former] times, and may succeed now, especially if the rebels have no encouragement from foreign parts.' Although French meddling remained a distinct

³⁶⁵ *Ibid*, pp.256-7

³⁶⁶ *Ibid*, pp.268-9

³⁶⁷ *Ibid*, pp.264-6

possibility, the viscount insisted that for the minute at least was still ‘no evidence of foreign help for the rebels, or of suspicious characters coming to this country.’³⁶⁸

Ormond remained cautious and in the instructions dispatched by the lord lieutenant to the commissioners of the militia on 7 January he counselled constant vigilance against invasion, in order that their forces ‘are not surprised by any disaffected persons.’ In Connacht and Ulster where there were still ‘a few Tories at large’, Ormond ordered the commissioners to establish lines of communication with locally stationed army officers and to contribute between them to a force of men such that could ‘apprehend or cut off those Tories who infest your county or its borders.’³⁶⁹ These measures would give the flagging counterinsurgency some much-needed impetus with lord Aungier reporting to Ormond on 11 January that locally stationed forces had forced Costello’s tories to withdraw from Leitrim and Mayo into the north, boasting that if they returned from there, ‘I doubt not but your Grace shall have a very good account of them.’³⁷⁰

The pressure that this increasingly coordinated campaign exerted was, however, continually undermined by the chronic undersupply of state forces. When not thumping his chest, Aungier would warn Ormond that the militia were without sufficient gunpowder and shot.³⁷¹ Similar complaints arrived from the towns of Wexford and Birr.³⁷² The administration’s financial concerns reached crisis point in January 1667 when the English parliament passed the Importation Act, or ‘Cattle Bill’, a piece of protectionist legislation banning the sale of Irish cattle on the English market.³⁷³ As well as affecting the administration’s ability to fund the counterinsurgency, the Importation Act would also be important in terms of how Irish dissent was interpreted and represented in public discourse. From this point forward, we find a significant increase in the number of statements that linking economic distress to the rising tide of political violence. In an address to the

³⁶⁸ *Ibid*, pp.268-9

³⁶⁹ *Ibid*, p.270

³⁷⁰ *HMC Ormond*, vol.3, pp.252-3

³⁷¹ *Ibid*

³⁷² *Ibid*, pp.253-4, 254

³⁷³ Its passing also represented a political defeat for Ormond, being the project of his great rival George Villiers, the 2nd duke of Buckingham. Hutton, *Charles the Second*, pp.238-40

king and English privy council of 9 February, Ormond warned about the immediate consequences of further economic hardship:

Your Majesty's revenues do fall in proportion to the decay of your subject's traffic. Some who cannot now live by their labour maintain themselves by the spoils of others, and we have too much cause to believe the numbers of such bad people will daily increase as their wants do, whereby while there is need (both at home and from abroad) to augment your Majesty's army, the treasure which should pay it lessens.

Ormond pleaded with the king to offset Ireland's loss of trade with England by suspending the standing embargo on trade with the New World colonies, warning that the English parliament's actions were not only damaging to the Irish Exchequer, they were also causing Irish Protestants to question England's commitment to them.³⁷⁴ An address of 17 February composed by viscount Conway as well as the earls of Anglesey and Burlington made similar claims regarding the circular relationship between economic hardship, political dissent and the state's deteriorating finances:

Many of those who cannot find a livelihood by the breeding of cattle, wherein generally the Irish employed themselves, are already gone into actual rebellion, burning and spoiling the English, and it is no ways to be doubted the necessities and poverty of the generality will daily increase their number, which will disorder and disappoint all payments to your Majesty, weaken the hands of your good subjects, and may invite and facilitate foreign invasion.³⁷⁵

When the Cattle Bill was read before the English House of Commons one speaker gave a stern and simple warning: 'Let the bill pass and there will quickly be found

³⁷⁴ *CSPI, 1666-1669*, pp.289-93

³⁷⁵ *Ibid*, pp.303-4

in Ireland as much discontent both of Protestant and Papist as is possible to be created.³⁷⁶

Costello's death and the tory as public transcript

Costello's insurgents continued to terrorise the northwest midlands throughout the first two months of 1667. On 9 February Rawdon reported that although twenty pounds of Viscount Conway and Killulta's Leitrim rents had eventually been recovered the county was 'all wasted by the Tories'. 'I doubt', warned Rawdon, 'whether more will be paid at present.'³⁷⁷ By the end of the month Rawdon was still not expecting any improvement in circumstances.³⁷⁸ On 27 February Ormond expressed a similar sentiment to Arlington, telling the king's secretary that, 'the little rebels known here by the name of Tories do grow so fast as they are cut off, and have, upon the matter, rendered the whole country of Leitrim unuseful to the King and uninhabitable by any English'. Ormond warned that these bloody disturbances 'will have influence upon many branches of the revenue, and occasion defalcations.' Nor was the lord lieutenant optimistic that the tories could be brought to heel using conventional physical force tactics:

The country is so fitted for their purpose that more of the army than can be spared out of garrisons would not suppress them if it were assigned them for their whole work, so that I shall be compelled to offer good sums of money to get them betrayed by one another.

'This', concluded the lord lieutenant pointedly, 'is a fresh reason for sending over money.'³⁷⁹ Despite Ormond's pessimism, however, just several days later came the unexpected news that Dudley Costello had been killed on the banks of the river Moy in a skirmish with captain Theobald Dillon's company. Testament to how prominent Costello had become in national discourse, the government publicised the event by having an account of his death printed in Dublin by the King's 'Patent Printer', John Crook. This official account describes how, on the evening of 3

³⁷⁶ *Ibid*, p.535

³⁷⁷ *Ibid*, pp.294-5

³⁷⁸ *Ibid*, p.308

³⁷⁹ *Ibid*, pp.309-10

March, captain Dillon had dispersed his troop into small parties in order to resupply after a day spent in pursuit of the tories. It was then that Costello, who evidently had been watching the soldiers from a distance, had descended upon one of these parties, killing one of Dillon's troop and wounding several more. Alerted by the commotion, captain Dillon soon afterwards arrived on the scene with reinforcements, leading a charge at the head of twenty men, against about forty of Costello's tories. Costello was killed by an early volley of shot and his loss immediately put his forces to rout. And although most of the insurgents escaped by cover of night, three more were found dead on the mountain the next morning with another, too severely wounded to flee, later captured.³⁸⁰

Costello's death was a significant and timely victory for the administration. In boisterous mood, Rawdon crowed that with 'great rebel, Costelagh' now dead Leitrim might finally be made 'free of that plague.'³⁸¹ Government forces now harried Costello's fragmented forces relentlessly. On 16 March sir George Lane boasted to Joseph Williamson that 'Costello's party is entirely dispersed and Mayo is so quiet [...] that a single horseman may travel through it without danger.' Lane reported that seven or eight of Costello's 'rabble' had already submitted and since been sent to Dublin 'to be dealt with'.³⁸² By late March Lane reported that most of the tories had already been reduced through submissions and ambushes and that 'several of their secret relievers and preservers of their booty from time to time are detected and will receive their trial at the Assizes, which is to be shortly held in Longford.' Similar gains were reported in Ulster, especially in Tyrone, where several Tories had been 'tried and executed'.³⁸³ By 6 April Rawdon was advising the return of tenants to their lands in Leitrim. Whilst admitting that the region was still dangerous, he was nonetheless confident enough to insist that 'it is time to set the land for next year.'³⁸⁴ On 12 April Lord Aungier updated Ormond on the mopping up operation against the Leitrim tories. His report details his interrogation of James

³⁸⁰ The text is billed as the following: 'A brief account of the killing of Daultagh alias Dudley Costello and the routing and dispersing of the rest of his rebellious confederates on Sunday evening, March 3 1666, by a party under the command of Captain Theobald Dillon, with a further account of some more of those rebels.' *Ibid*, p.315

³⁸¹ *Ibid*, pp.317-8

³⁸² *Ibid*, p.318

³⁸³ *Ibid*, p.331

³⁸⁴ *Ibid*, p.340-1

Nangle, the son of Edmund, and how Costello's party had resorted to mutual accusations as the desperately sought to secure their pardons.³⁸⁵ On 20 April three of Costello's men were reported to have 'skulked and robbed' around Slieve Bawn in Roscommon, but there was no longer any real sense of alarm surrounding such reports.³⁸⁶

After his final stand on the banks of the River Moy, Dudley Costello's head was sent to Castlemore in County Mayo to be mounted on the walls or some other visible location. As the historic seat of the Costello family, now occupied by the pro-government, Protestant Ormsbys, Castlemore was chosen as a symbolically significant site. Certainly, for major Ormsby, whose wife was the only thing spared by Costello after he burned Castlemore to the ground in the winter of 1666, the insurgent's head must have been a highly prized trophy indeed. As for the rest of Costello's body, a contemporary government-sponsored publication informed the public that 'his quarters await such treatment as may be ordered "and may befit so notorious and insolent a traitor."' ³⁸⁷ The very fact that the government should have commissioned, following the example set by *The Horrid Conspiracie*, a printed account of Costello's death, showed an unprecedented concern on the administration's behalf with toryism in general and with the tory as an individual. The text repeatedly reaffirmed the tory's status as a dissident against the State, with the insurgents variously described as 'rebellious confederates', 'rebels' and 'desperate rebels', while Costello himself is memorialised as 'so notorious and insolent a traitor.'³⁸⁸

Such might have been the end of Costello's story except that the insurgent's very notoriety forced the government to reconsider its approach. For a long time before his death Costello had exceeded the status of regional dissident, vaulting himself into national consciousness not only by the ferocity of his insurgency, but also through his deliberate cultivation of fame. As we have seen, Costello's private correspondence with lord Dillon was laced with the language of theatre and

³⁸⁵ *Ormond*, vol.3, pp.265-6

³⁸⁶ *Ibid*, p.267

³⁸⁷ *CSPI, 1666-9*, p.315

³⁸⁸ *Ibid*

spectacle, revealing a man motivated more by status anxiety and a sense of slighted honour than by revolutionary political principles. We also saw how these motivations influenced the form and character of Costello's insurgency. The drafting of a printed manifesto, the so-called Catholic Declaration, the spectacular raids on major midlands towns and the campaign of fire that Costello waged in north Connacht through the winter of 1666-7; these were acts of protest intended for a national audience. In the end such was Costello's success in capturing the public imagination that the government, after some deliberation, reached the conclusion that Castlemore was too small a stage for the grim, triumphal pageantry of the famous tory's final scene. Accordingly, in mid-March 1667 in a report to Joseph Williamson, George Warburton informed Whitehall's spymaster of the Irish government's decision to place Costello's head 'on some of our most remarkable gates.'³⁸⁹

Following this decision the famous tory's head was removed from Castlemore and sent to Dublin where it was finally hoisted on Saint James' gate to be exhibited alongside the head of his erstwhile confederate, Edmund Nangle.³⁹⁰ This was a gesture laden with meaning for, as sir George Lane observed, this was 'the part of the town towards Connaught.'³⁹¹ Without doubt the careful dramaturgy surrounding Costello's death was a testament to the increasing concern of Ormond's administration to dictate the public meaning of toryism and to use the activity as a means to project state power. In the first place, the removal of Costello's head from Castlemore and its fixture in the capital lifted the insurgent's meaning out of its local context, framing the tory's death as a matter of nationwide importance. At the same time, the positioning of his head on the western facing portal, looking in the direction from whence it came, imagined the capital as the head of a body politic directing a message to its peripheries. Moreover, in the context of the state conceptualised as the institutional embodiment of the king, and therefore fundamentally grounded in a somatic metaphor, any manipulation of the dissident's body takes on an especial significance, as Paul Sant Cassia has written with regards to Latin American and Mediterranean banditry:

³⁸⁹ *Ibid*, p.319

³⁹⁰ *Ibid*, p.16

³⁹¹ *Ibid*, p.318

In their public torture and executions bandits, as examples of criminality [...], became spectacles through which the crushing resolute power of the state was manifest and elevated as a theological principle.³⁹²

Costello, who in life became a walking reproach to the Stuart state, had in death been transformed into a rotting monument to the king's peace.

Conclusion

The events recorded in the preceding pages should, if nothing else, warn the reader against viewing Restoration toryism either as an immutable holdover from the Cromwellian era or as a phenomenon following a predictable arc of depoliticisation in the reign of Charles II. Rather, as we have seen, in the first seven years of the Restoration alone, the activity had already undergone a number of mutations, both in terms of how its representation in hegemonic discourse and how it was acted out on the ground. In the first place, a major change was wrought upon the official discourse of toryism after the Old Protestant lords justices were replaced by the duke of Ormond. Whereas the Old Protestant hardliners depicted toryism as a visible sign of Catholic Ireland's innate barbarism, a representation predicated on a 'two-nation' theory of Irish history, the official discourse of toryism promoted by Ormond was constructed purely on the basis of Stuart royalist ideology, which emphasised the guilt of the individual over that of the collective. In terms of the practice of toryism, the dissident activity of the Costigan family in the early 1660s reveals both the socio-economic factors affecting toryism in the early years of Charles II's rule, especially with regards to the land settlement, and the parochial limits of Irish Catholic agitation in that period. By contrast, the toryism emerging in the second half of that decade was of a completely different order. Although neither programmatic nor centrally organised, the copycat robberies of Robert Cuppage and Zachery Burney, and other attacks occurring in the winter of 1665-6, pointed to the emergence of a genuine tory insurgency. For a short period, the militant mysticism of Edmund Nangle even suggested a means by which insurgency could grow to popular rebellion. Although Dudley Costello's leadership led to a contraction of the

³⁹² Paul Sant Cassia, "'Better Occasional Murders than Frequent Adulteries'". Banditry, Violence & Sacrifice in the Mediterranean', *History and Anthropology*, vol.12, no.1 (2000), p.85

north-western insurgency in terms of both its geographical coverage and its popular participation, the intense destructiveness over which he presided caused the state no small amount of concern. Finally, the lengths to which the Ormond administration went in order to control the image of the tory in public discourse, especially in terms of the careful choreography of Costello's body, provides ample evidence that the Stuart state had woken up to both the dangers and opportunities presented by toryism.

Chapter Two: Toryism and Restoration state-building, 1670-1677

Introduction

Although often viewed by historians as a period of rudderless governance, the period between Ormond's recall in 1669 and his reappointment in 1677 were busy years in Irish politics, including an ultimately abortive experiment with religious toleration and a related backlash against those measures. Toryism too would undergo a series of mutations, including a period of de-radicalisation in the years before the Third Dutch War (1672-4), a brief return to insurgency levels of violence in the winter of 1673-4, and a steady transformation in the years that followed into something which bore little resemblance to that of 1665-7. The primary theme of the present chapter is to investigate the evolving relationship between toryism and Stuart state-building, specifically how various aspects of that political project, including both its utopian goals and shabby realities, affected the practice of counterinsurgency and the changing nature of toryism itself. The chapter is structured around the two principal viceroys who governed through this period, baron Berkeley and the earl of Essex. Whereas Ormond's immediate replacement, lord Robartes, proved a short-lived failure, lasting but a few months in office, both Berkeley (1670-2) and Essex (1672-7) made considerable impressions, although not always positive. Berkeley and Essex make for compelling contrast in terms of their approach to counterinsurgency policy, reflecting different aspects, not only of their disparate personalities, but also of the polyvalent political project for which each, for a time, bore responsibility.

I. Berkeley & Plunkett's New Politics

Downsize, Outsource

In seeking a replacement for Ormond Charles II initially alighted upon lord Robartes, the same individual first appointed as lord deputy in 1660 before political opposition forced his withdrawal. Yet Robartes proved no more palatable upon the second occasion of his appointment and departed his post after only a matter of

months, having once again left little impression on the kingdom.³⁹³ In a direct reaction to Robartes' perceived faults, not least his inflexible personality and lack of familiarity with Ireland, the king subsequently turned to sir John Berkeley, 1st baron Berkeley of Stratton. As well as being more genial than Robartes, Berkeley was by the time of his appointment in February 1670 well-acquainted with Charles II's westernmost kingdom. Beginning with his appointment to the presidency of Connacht in 1661 Berkeley had spent the ensuing decade accruing political posts, allies and lands in Ireland. Almost immediately upon his arrival Berkeley began making a better impression than his short-lived predecessor, with a glowing report of June 1670 suggesting 'that all [in Ireland] are pleased with the present Governor', with the exception only of 'some incorrigible fanatics'.³⁹⁴ That Berkeley should have aroused opposition amongst hard-line Protestants was hardly unsurprising.

Berkeley arrived with an established reputation for favouring Catholics and was expected, correctly as it turned out, to enact Charles II's pro-toleration policies with enthusiasm. Moreover, although it was not a matter of public knowledge at the time, the king had granted his new viceroy a broad remit with which to pursue these ends. For although Berkeley's official instructions commanded him to follow the example set by Ormond, offering political protection only to those clergy who subscribed to the Remonstrance, Charles II privately encouraged Berkeley to work with whatever faction seemed best placed to secure the obedience of the greater Catholic community.³⁹⁵ Backed by these flexible orders, Berkeley's administration enjoyed notable success expanding religious toleration in Ireland, with as many as one thousand secular Catholic clergy and six hundred regulars said to be openly practicing during his tenure.³⁹⁶ Subsequent events would prove the shallowness of support was for Berkeley's inclusive politics, but for the meantime dissenting voices were largely quieted. Indeed, at the time of his arrival there remained only one major manifestation of political dissent in Ireland, that of toryism. Over time Berkeley would make the persecution of tories a central component of his

³⁹³ *Ibid*, p.258; John Gibney, 'Robartes, John 2nd Baron Robartes of Truro, 1st Earl of Radnor', in *Dictionary of Irish Biography*

³⁹⁴ *CSPI, 1669-1670 & Addenda 1625-1670*, p.254

³⁹⁵ *Ibid*, pp.78-81

³⁹⁶ Simms, 'Restoration', p.431

governance, providing both a useful contrast to his lenient religious policies and a proud topic of conversation in his letters to Whitehall. At the outset of his tenure, however, the scale of the activity represented little less than a challenge to his authority and rule.

In terms of geographic distribution, toryism at the turn of the decade continued to follow the patterns of distribution established in the second half of the 1660s. Although the north-western insurgency had dissipated sharply following the death of Costello, proclamations issued in the ensuing years attest to ongoing discontent in the region. One such proclamation, delivered on 29 April 1670, lists several tories originating from Mayo, Sligo and Leitrim, while another of June 1670 also names individuals operating out of the northwest.³⁹⁷ That a number of these were reported to originate in the east Mayo baronies of Costello and Gallen, the same districts where Dudley Costello had concentrated his campaign in the winter of 1666-7, suggests some degree of continuity with that notable insurgent. The continued employment of the same dedicated army units first assigned by Ormond to hunt after Costello further confirms this link. In May 1670 Robert Ormsby penned a report detailing how one such army unit, led by sir George Bingham, had 'lit upon the Tories in Mayo and hunted them closely all last winter'.³⁹⁸ Ormsby boasted of Bingham's success in tracking down and killing Donogh and Teig MacNamey [*sic*], who he describes as 'one famous there for the killing of Clun the player'. At the same time, however, Ormsby was forced to admit that a further eight tories had escaped Bingham's attention; poor return for a long winter's work.

Nor was north Connacht the only region in the country still exhibiting levels of tory activity. Frequently cited as a hotbed of Catholic Irish dissent during the 1660s, the midlands continued to produce moderate levels of toryism at the turn of the decade. A proclamation of 17 August 1670 named five tories originating from county Tipperary³⁹⁹ while one month later the earl of Orrery reported the 'barbarous murder'

³⁹⁷ *CSPI, 1669-1670 & Addenda 1625-1670*, p.117; *The proclamations of Ireland*, vol.1, pp.235-9; *CSPI, 1669-1670 & Addenda 1625-1670*, pp.144-5; *The proclamations of Ireland*, vol.1, pp.239-41

³⁹⁸ *CSPI, 1669-1670 & Addenda 1625-1670*, p.653

³⁹⁹ *CSPI, 1669-1670 & Addenda 1625-1670*, p.211; *The proclamations of Ireland*, vol.1, pp.250-1

of one Mr. Freeman in the same county.⁴⁰⁰ Typically, the Munster president's response was both swift and draconian. By the time of writing a number of suspects had already been taken into custody, one of whom had been hanged while the rest expected the same fate presently. If the cases of northwest Connacht and Tipperary testify to moderate levels of tory activity at the turn of the decade, Ulster toryism was in even ruder health.

Tory activity in the northern province first picked up in intensity shortly after Costello's north-western insurgency began to drop off and quickly soared to similar heights. In June 1668 the Ormond administration issued a proclamation naming nineteen tories originating from parishes in Fermanagh, Monaghan, Londonderry and Tyrone.⁴⁰¹ Buoyed by their recent progress against Costello, government officials initially expected to reduce the northern dissidents in similarly swift order. A report of 12 June predicted their imminent demise, stating that 'if the Lord Deputy's directions for suppressing [the northern tories] be diligently put into execution, they will quickly be destroyed'.⁴⁰² By the following February, however, fresh reports were circulating suggesting that the 'old Irish rebels' were abroad again in Tyrone, committing numerous robberies while burning several homesteads and even a whole town to the ground.⁴⁰³ In a further embarrassment to the administration the insurgents had kidnapped a local high-sheriff, whom they had since threatened to hang. Although the official was subsequently released unharmed, this only raised the suspicions of Thomas Crowe, a Protestant layman, who dryly observed that it remained unclear 'on what terms' the sheriff's freedom had been secured. Crowe was generally unconvinced of the government's counterinsurgency efforts, commenting that the same dissidents would never have dared appear under the Cromwellian regime. Nor was he confident that matters were likely to improve any time soon, pessimistically concluding his letter by stating that he did 'not know what course will be taken with [the tories]'.⁴⁰⁴ Crowe's cynicism was not misplaced, with every single dissident named in the proclamation

⁴⁰⁰ *CSPI, 1669-1670 & Addenda 1625-1670*, p.266

⁴⁰¹ *CSPI, 1666-1669*, pp.608-9

⁴⁰² *CSPD, 1667-1668*, pp.434-5

⁴⁰³ *CSPI, 1666-1669*, p.690

⁴⁰⁴ *Ibid*, p.690

of June 1668 surviving long enough to be proclaimed again in the subsequent issue of 29 April 1670, mentioned above.⁴⁰⁵ The Tyrone tories, who continued their violent campaign well into the summer of 1670, represented a particularly troublesome force. Sir George Rawdon reported in June that year how a tenant had been ‘robbed and bruised by Tories’ near Mountjoy in county Tyrone.⁴⁰⁶ The victim of this attack, one Armstrong, had suffered a broken rib in the encounter, but was lucky compared to several individuals who in August were ‘killed upon the Northern Road by those robbers which are called Tories’.⁴⁰⁷

Although geographic coverage remained consistent with years gone by, the total numbers involved, the average size of tory parties and the nature of the attacks generally point to the fact that toryism had receded from the heights of 1666-7. At the same time, however, neither had the activity returned to the low levels of incidence that prevailed prior to Costello and Nangle’s insurgency. In particular, the destructiveness of the Tyrone tories and their continued affronts to state authority demanded a meaningful reaction from the incoming administration. The nature of this response would be shaped by a number of factors. In the first place, Charles II expected Berkeley to curb the excesses of Ormond’s government, especially by reducing the overall cost of the military. This necessarily entailed a moderation of Ormond’s army-driven model of counterinsurgency. Secondly, it was also soon apparent that the existing suite of counterinsurgency tactics, modelled as they were on insurgency levels of toryism, were largely ineffective when applied to the attenuated forms of tory activity that presented themselves at the turn of the decade. While Ormond’s mobile army units had eventually achieved some success in their hunt after Costello’s large parties, which sometimes numbered even in their hundreds, the same regiments proved flatly unsuited to the pursuit of small groups of tories. Not only were these smaller tory parties less inclined to stand and fight, as Costello had done to his great expense, they were also difficult to track down and could more easily camouflage themselves amongst civilian communities. In these circumstances the army was to prove an unwieldy instrument of counterinsurgency. The example of Bingham’s fruitless efforts in the winter of 1669-70 (discussed

⁴⁰⁵ *CSPI, 1669-70 & Addenda 1625-1670*, p.117; *The proclamations of Ireland*, vol.1, pp.235-9

⁴⁰⁶ *CSPI, 1669-1670 & Addenda 1625-1670*, p.156

⁴⁰⁷ *Ibid*, pp.209-10

above) is a case in point. Finally, Berkeley was also required to forge a counterinsurgency policy that was less out of kilter with the crown's new-found preference for religious toleration, while taking advantage of the opportunities provided by this new paradigm.

While Ormond's *force majeure* approach to counterinsurgency may have reflected well upon the glory of the state, as he understood it, it was also expensive. At the turn of the decade, with Whitehall calling for the Irish administration to reduce the size and associated expense of the military, the new viceroy was required to reimagine the basic operating feature of his predecessor's counterinsurgency model. Berkeley's answer to this problem was to vastly expand the existing rewards scheme in order to incentivise the capture and killing of dissidents by non-state agents. Although this policy was chiefly intended as a means to encourage intra-tory betrayals, and to sow dissension amongst their ranks thereby, it also gave rise to a semi-professional class of bounty hunters, men who were more than willing to do dirty work for decent pay. We will meet a number of these figures over the ensuing pages. Moreover, as well as being cost-effective, this strategy had the additional benefit of resolving another problem faced by Berkeley's administration, that of the army's ineffectiveness in dealing with post-insurgency toryism. A newsletter of May 1670 summarised the situation from Dublin Castle's perspective:

The present matters that take up the endeavours of the Lord Lieutenant and Council are to suppress the Tories, for which end all encouragement is given to those that contribute to it by rewarding them; and as every day some reports are brought of the outrages they commit, so every day some of them are killed and, upon due certificate of it, the parties that adventure them-selves in the achieving are well paid for it, so that they are ready to hazard themselves again: and this is the only way of effecting it, because they shelter themselves in bogs and inaccessible places that troops would be consumed and wearied in watching for them; and while the troops attended at one place they would by stealth rendezvous themselves at another place a great way off.⁴⁰⁸

⁴⁰⁸ *CSPI, 1669-1670 & Addenda 1625-1670*, pp.143-4

The financial outlay involved in this approach was meagre compared to the overall expense of keeping entire army units in the field, but the policy nonetheless demanded some fiscal reorganisation. Throughout the 1660s army pay was frequently allowed to slip into arrears. Although this placed severe strain on morale, which came close to collapse at the time of the Carrickfergus mutiny, the military's disciplinary machinery generally succeeded in preventing major disruptions to law enforcement. Unlike the army, however, neither bounty hunters nor repentant Tories, however desperate, would be willing to work for arrears of pay. As such, if Berkeley's rewards-driven counterinsurgency was going to get off the ground the government was going to require ready access of small sums of money. In practical terms this meant securing an increase in the allowance for extraordinary and sundry expenses which Whitehall customarily supplied to the Irish revenue. During Robartes' short tenure this figure had been reduced from nine to four thousand pounds, a sum which Berkeley's thought well below his needs. Accordingly, on 15 July 1670 Berkeley wrote to secretary Arlington requesting that the allowance be once again enlarged to six thousand pounds in order 'to pay out of that fund rewards for suppressing the Tories who infest the country, and to meet other extraordinary expenses.'⁴⁰⁹ In a letter of 14 September the king assented to the lord lieutenant's requested increase for 'the employing and rewarding of persons for suppressing of Tories who infest the country', thereby giving royal assent to the scheme as a whole.⁴¹⁰ Radical in scope if not in its conception, Berkeley's innovations represented a significant break with Ormond's command-and-control counterinsurgency. That the rewards scheme did not cause immediate misgivings, despite the questions it raised about civilian protections and the state's claim to exercise a monopoly of violence, says something about how Whitehall viewed the Irish kingdom as a unique theatre and a place apart from Restoration England, a point we will return to again. There was, however, another aspect of Berkeley's programme that did raise eyebrows from the very beginning.

A second major component of Berkeley's approach to counterinsurgency, designed to complement the rewards scheme, was the delegation of certain powers which

⁴⁰⁹ *Ibid*, p.193

⁴¹⁰ *Ibid*, p.264

were traditionally reserved to the executive. Most importantly, under Berkeley state agents were routinely granted wide latitude to reach private treaties with tories.⁴¹¹ More often than not these deals turned on the condition that the dissidents in question would turn gamekeeper and co-operate with the state in order to secure the capture or killing of their erstwhile associates. In such cases the agreeable tory or tories were often given letters of ‘protection’, official passes guaranteeing their safe passage in the event that they should be accosted by crown officials. We know from complaints later lodged by the earl of Essex, Berkeley’s successor, that the power to grant such passes was vastly expanded in the early 1670s (discussed below). In some cases, however, Berkeley granted his subalterns even more expansive commissions, including the power to offer pardon to convicted dissidents. We know from the case of sir Edward Massy of Abbeyleix that Berkeley began quietly trialling this policy as early as the summer of 1670. A member of the privy council, Massy was commissioned by Berkeley in July 1670 to offer terms of pardon and transportation to three named tories, as well as to any other dissidents who would surrender on similar terms.⁴¹² The open-ended aspect of Massy’s commission is particularly striking. The power to dispense pardon was traditionally associated with the exclusive prerogative of the monarch and delegating this power, even to a member of the privy council, was highly irregular by the standards of the time.

Ultimately, however, what really made this policy controversial was not the legal probity of the measure, but the individual to whom Berkeley most famously granted such a commission. From Berkeley’s perspective, his conscription of Oliver Plunkett, the newly ensconced Catholic archbishop of Armagh, in the war against toryism was merely a logical extension of Charles II’s command to work with whomever was best-placed to serve the state’s interests. What is perhaps more surprising, however, is that a Catholic primate ever agreed to such an arrangement. In order to understand how this otherwise unlikely collaboration came about we will need to chart the church hierarchy’s evolving position with respect to the Stuart regime, as well as the generative experiences behind Plunkett’s own intellectual architecture.

⁴¹¹ The Queen’s County gentry’s remonstrance directed regarding the Costigans is a good example of the Ormond administration’s relative frugality in this regard (see chapter one)

⁴¹² Prendergast, *Ireland from the Restoration to the Revolution*, p.76

Rapprochement

Throughout the first decade of the Restoration several factors conspired to frustrate the Catholic church in its quest for toleration. Besides the virulent opposition of the Protestant interest, Ormond's promotion of the Remonstrance movement had been particularly injurious. Backed by both the lord lieutenant and queen mother, Peter Walsh and his supporters were allowed to become 'the acceptable face of Catholicism' in the 1660s.⁴¹³ Yet the Remonstrance text was worded in such a way that it could never have been supported by the Vatican, with its categorical renunciation of the Pope's temporal authority a particular bone of contention. In the end the text was decisively rejected by the Catholic synod of June 1666.⁴¹⁴ Ormond probably never expected it to be otherwise, having by his own admission used Walsh's movement as a means to keep Catholics divided.⁴¹⁵

The prevailing politics of the Vatican during the same period also did little to soothe relations with the Stuart regime. Pope Alexander VII had, for example, remained steadfastly pro-Spanish during a time of fraught relations between Whitehall and Madrid. No less important was the cloud hanging over the older generation of Irish Catholic bishops, many of whom remained indelibly tainted for their perceived disloyalty during the Wars of Religion. As a consequence, individuals such as Nicholas French, the bishop of Ferns, and Edmund O'Reilly, archbishop of Armagh, remained *personae non gratae* after the return of the monarchy. Several were forced to see out their days in exile. Thus, by the late 1660s the political status of the Catholic church in Ireland was little improved from its depreciated condition at outset of the Restoration. By this stage, moreover, the effects of two continuous decades of suppression were beginning to tell, with many believing the church's infrastructure, both human and material, to be on the brink of collapse.⁴¹⁶

It was in this context that Charles II's newfound ardour for religious toleration was eagerly greeted as timely salvation by many within the church hierarchy. All the

⁴¹³ Fitzpatrick, *Seventeenth-century Ireland*, p.223

⁴¹⁴ Simms, 'The restoration', p.429

⁴¹⁵ Fitzpatrick, *Seventeenth-century Ireland*, pp.228-9

⁴¹⁶ Benignus Millett, 'Correspondence of Irish Interest in the Lettere in Propaganda Archives: vol.38 (1657-64)', *Collectanea Hibernica*, no.31/32 (1989/1990), pp.123-8

more so, indeed, as this softening stance also coincided with fortuitous developments in Rome. Beginning with the election of Pope Clement IX (1667-9) and continuing under his successor, Clement X (1670-6), the Roman Curia came increasingly within the orbit of French influence. In the context of Charles II's improving relations with Louis XIV, the Vatican's Gallic turn had important implications for its attitude towards the Stuart regime.⁴¹⁷ With Ormond's position looking increasingly weakened and the queen mother cooling in her support of Peter Walsh the Vatican sensed an opportunity to make the Remonstrance movement redundant by spearheading a reform movement of its own. The particular focus of this project, bringing errant clergy and chapters back into line, was to serve two mutually reinforcing objectives. On the one hand, enforcing Church doctrine was considered an end in of itself, while on the other hand the same disciplinary practices would be used to advertise the usefulness of a tolerated Church in the battle against political radicalism.

James Taaffe's mission to Ireland was intended to be an opening salvo by the Church reformists. A Franciscan friar with aristocratic Old English lineage, as well as a former chaplain to the queen mother, Taaffe was dispatched to Ireland in 1668 with the expressed goal of leading the attack on the Remonstrance movement. As things worked out, however, Taaffe's mission ended ignominiously after it was discovered that he had forged a Papal bull granting himself greater powers than he had actually been delegated. Just as bad was the fact that immediately upon arriving in Ireland Taaffe had also struck up an alliance with Peter Walsh, thereby compromising the very basis of his assignment. Once exposed, Taaffe was swiftly recalled to Rome where he would spend the rest of his days in disgrace.⁴¹⁸ While still in Ireland, however, and on the basis of his forged credentials, the Papal envoy appointed a number of canonical visitors to inspect the secular clergy in their dioceses. And while the visitations themselves proved a resounding failure, the instructions delivered by Taaffe to the visitors in May 1668 provide interesting insights into both the church's condition and its reformist priorities. Of particular concern for Taaffe, and of close interest to the present thesis, was the persistent

⁴¹⁷ Fitzpatrick, *Seventeenth-century Ireland*, p.228

⁴¹⁸ Terry Clavin, 'Taaffe, James', in *Dictionary of Irish Biography*

rumour that members of the religious community had been involved in the heightened political agitation of recent years. It was with this in mind that the visitors were expected to enquire into clergymen's political beliefs and find out if there was 'any ecclesiastic who has uttered treasonous, seditious, or disrespectful words in public or private against the king, the State, the lord lieutenant, or present government?' This injunction was directly followed by the further request to discover if:

any ecclesiastic be in communication with the Tories (i.e. the bandits in the woods and mountains) and do they know of any secular or regular clerics or any lay person who was deported for conspiring against or making war on the king in England, Scotland, or Ireland, or do they know of anyone who has entered the kingdom to deceive the people or prepare them for rebellion?

Taaffe's instructions are interesting for a number of reasons. Firstly, the implied suggestion that ordained clergymen had been involved in the political unrest of recent years goes some way to confirming the suspicions uttered by Orrery and others that the machinations of Catholic hardliners, often referred to as 'the Nuncio party', had helped fuel the explosive violence that first emerged in the winter of 1665-6. This also chimes with a general conclusion of the preceding chapter, that religion played a bigger role in motivating toryism and associated forms of unrest than has been hitherto acknowledged by historians. Secondly, and a related point, is the fact that Taaffe's instruction concerning the support given by ecclesiastics to tories is constructed in such a way as to leave no doubt but that he, and presumably others amongst the church hierarchy, saw toryism as a form of political agitation and not merely as the activities of self-interested criminals. Although Taaffe's mission ended in failure, the principles revealed in his instructions were to prove central components of the church's reform agenda in the early 1670s, with the commitment to suppressing political extremism proving a recurring theme. In seeking to further refine its reformist message the Vatican increasingly looked not to special enjoys but to the younger episcopal generation, men like Peter Talbot, whose appointment as the archbishop of Dublin in January 1669 was motivated not least for his family's court connections and his apparent suitability to work with

lord lieutenant Robartes.⁴¹⁹ Even more consequential in terms of shaping the Church's reform agenda was the man selected to replace Edmund O'Reilly, the archbishop of Armagh.

Like Talbot, Oliver Plunkett was considered an appropriate candidate for the Irish episcopacy following the death of O'Reilly in March 1669 in part for his family connections. For although several of the Plunketts had served prominently in the Catholic Confederation during the Wars of Religion, the family had largely avoided causing irreparable harm to their relationship with the Stuart monarchy. As a consequence, like many of their Old English peers, the Plunketts had since gone on to recover much of their former lands under Charles II.⁴²⁰ Unlike Talbot, however, Plunkett was selected less for his closeness with the court than for his lack of involvement with Anglo-Irish politics. Having for Rome in 1645, by the time of his return in March 1670 Plunkett had been away from Ireland for the best part of twenty-five years. As such, his election to the Irish primacy represented a clean slate for church-state relations. As well as his political standing, Plunkett was also seen as someone singularly well-suited to the task of putting the church's house in order. Intelligent, ambitious, doctrinaire and authoritarian, once arrived in Rome Plunkett had risen quickly through Vatican offices. Following ordination to the priesthood in 1654 and a further three years of legal training at Sapienza University, in 1657 Plunkett was elected professor of theology for the Collegio di Propaganda Fide, the institution charged with coordinating the church's missionary work.⁴²¹ Thus by the time Charles Stuart made his triumphal return to London in May 1660 Plunkett had already marked himself out as the rising star of the new generation of Irish Catholic clergymen. Plunkett was destined not only to become the church's figurehead for reform but would also become its most vocal spokesman in its drive against toryism.

That the newly elected primate should have taken an especially strong stance against toryism is explainable in part by his absence from Ireland during the preceding quarter century, meaning that he suffered none of the moral ambivalence

⁴¹⁹ Simms, 'The restoration, 1660-85', p.430

⁴²⁰ Raymond Murray, 'Plunkett, St Oliver', in *Dictionary of Irish Biography*

⁴²¹ *Ibid*

bred by intimacy. His aversion to toryism was also almost certainly informed by his own particular experiences during that interim. Firstly, although Plunkett departed Ireland before toryism became an endemic feature of the Irish Wars of Religion, his exposure to analogous forms of activity left him with little sympathy for any manifestation of disorganised violence. When a young Plunkett set sail for Rome in 1645 it was probably with the comforting expectation that he was departing a conflict zone in favour of cloistered scholarship. His passage was not, however, uneventful. After first being chased by pirates in the Irish Sea his party was later captured and held hostage by continental bandits, a traumatising experience which left the young scholar both penniless and brutalised.⁴²² If these experiences provided the emotional reservoir from which Plunkett later drew the strength of his forceful intervention against toryism, his exposure to Vatican law and order ideology provided the intellectual structure with which he framed this stance.

One of the inadvertent effects of the revival of Papal secular authority in the latter half of the sixteenth century was that it had brought the Church into contact with some of the more fractious elements of Roman society, especially as the Vatican's judicial infrastructure pushed beyond the metropolitan walls and into the countryside. Unsurprisingly, this pretention to secular hegemony was met with numerous forms of resistance, ranging from disorganised brigandage to baronial insurrection. Regardless of their specific qualities, the Vatican referred to its various opponents universally as *banditi*. Originally derived from the Latin *bannire*, meaning to proclaim or proscribe, in sixteenth century Italy the term *banditi* (singular: *bandito*) was understood as a specific reference to the *bando*.⁴²³ A decree of banishment, the *bando* was the Italian equivalent of the proclamation of outlawry deployed by successive administrations in Restoration Ireland. In similar fashion to its Irish counterpart, any individual subjected to a *bando* was expelled from normal society while their worldly goods were made confiscate to the state. As with the condition of being outlawed in English law, the *bandito* could be violently attacked

⁴²² Patrick Francis Moran, *Memoir of the Ven. Oliver Plunkett: Archbishop of Armagh and Primate of All Ireland: who suffered death for the Catholic faith in the year 1681*, (Dublin, 1895), pp.4-5, 10

⁴²³ Irene Polverini Fosi, 'Justice and Its Image: Political Propaganda and Judicial Reality in the Pontificate of Sixtus V', *The Sixteenth Century Journal*, vol.24, no.1 (Spring 1993), pp.92-3

by civilian as well as state agents without legal ramifications. The papacy of Sixtus V (1585-90) was particularly famous for its violent repression of banditry.

Under Sixtus V the suppression of banditry became not only a function of state but a justification for its existence and expansion, thereby converting a pressing security concern into a key metric of *Buon Governo* ('good governance'), the Vatican's idealised theory of statehood.⁴²⁴ In a macabre spectacle not without parallels in Restoration Ireland Sixtus V was to spend the first summer of his papacy festooning the Pont Sant'Angelo with the heads of executed bandits.⁴²⁵ And while violent resistance to Papal rule was not fully eradicated under his stewardship, the general attitude to such activities promoted by Sixtus V would live on not only in his counterinsurgency measures but also in the artworks his commissioned to celebrate his war on banditry. By the time of Plunkett's stay in Rome the *bandito* had long since been adopted as a central motif in Vatican law and order iconography, where the outlaw was depicted as something at odds with the church's hierarchical ordering of powers and equated with religious heresy.⁴²⁶ That Plunkett had internalised the essential features of this worldview was confirmed almost immediately upon his return to Ireland.

Just weeks after his arrival in Ulster Plunkett wrote to Federico Baldeschi, secretary of Propaganda Fide, delivering an in-depth report on his archdiocese.⁴²⁷ Composed in Italian, the report reveals a systematic mind, with Plunkett dividing his see into its three constituent counties of Louth, Armagh and Tyrone, assessing each according to its respective manmade and natural geographies. As might be expected, the religious community was evaluated as a category of utmost importance. Plunkett reported, for example, how he had been generally impressed by the clergymen he found in Louth, with the exception of only two individuals. And while he describes one of these men as 'harebrained' and 'all for Taaffe and Walsh', the other Plunkett

⁴²⁴ Irene Fosi writes that banditry offered Sixtus V a 'proving ground for a policy of repression based on retributive justice'. *Ibid*, p.78

⁴²⁵ Peter Blastenbrei, 'Violence, arms and criminal justice in papal Rome, 1560 -1600', *Renaissance Studies*, vol.20, no.1 (2006), p.87

⁴²⁶ Fosi, 'Justice and Its Image', *passim*

⁴²⁷ John Hanly (ed.), *The letters of Saint Oliver Plunkett, 1625-1681: Archbishop of Armagh and primate of all Ireland*, (Dublin, 1979), p.74

considered reformable. The archbishop was also struck by the religious devotion of the parishioners, admiring their willingness to walk many miles to hear mass, sometimes even in the rain. At the same time, however, he relayed serious concerns about the community's spiritual health. He was particularly shocked to learn that many of the parishioners, some as old as thirty or forty years of age, had never been confirmed into the faith. If there were no immediate improvements to the institutional infrastructure, especially the provision of schools, Plunkett feared that many would be lost to Protestantism. With striking similarity to a habit of Protestant discourse identified in the previous chapter, Plunkett uses the metaphor of poison to discuss the possibility of religious perversion. 'If the holy see does not come to the aid of this country,' predicted Plunkett, 'we shall little by little suck in heresy despite every diligence.'

In his analysis of secular matters Plunkett's high regard for the traditional Gaelic nobility of the region is evident throughout, with the O'Neills of Armagh coming in for especial praise. Plunkett marvelled that the 'ancient vassals' of these 'truly accomplished gentlemen' continued to contribute to their former lords' upkeep, despite now having to pay rent to their Protestant landlords also. The sway of Gaelic lords over their tenantry was a long-standing refrain of Protestant commentators, who typically represented this as a tyrannous relationship, but to Plunkett's mind the perseverance of hierarchical norms was exclusively a cause for praise. In this sense Plunkett was merely revealing himself as a product of his cultural upbringing, coming as he did from a conservative Old English background in which a respect for traditional forms of social authority was normatively held. Rather than see the old Gaelic nobility's authority as something to be supplanted or reformed, Plunkett viewed it as a force to be harnessed. It was in line with this sentiment, for example, that he lobbied Baldeschi to provide for the education of two O'Neill kinsmen who had 'a vocation to the clerical state' on the grounds that 'they would do great good because of the affection which the people have for this family.'

Plunkett's admiration for the Gaelic nobility also entailed a measure of sympathy for their depreciated condition. Certainly, he was unreserved in depicting their fallen down circumstances, noting that many of these families had 'lost everything

in this recent war'. Importantly, however, while Plunkett lamented the condition of these once-great houses he also came up far short of blaming the Stuart regime for their plight. Indeed there was probably a note of measured criticism in his comment that the O'Neills were 'very attached the nuncio, Rinuccini', with the Archbishop seeing this as the principle reason why 'the king did not give them back an inch of their lands.' Of course, it is also possible that Plunkett was unwilling to commit to paper everything that he thought, especially as long-distance correspondence ran a higher risk of interception. Based on the evidence here, however, we do not find any questioning of the king's absolute prerogative to judge on matters of justice. If there is any trace of an implicit criticism of the prevailing distribution of economic resources to be found in Plunkett's report it is to be located in the description of those resources themselves. Plunkett describes the natural environment in bountiful terms, with Louth depicted as 'fertile in grain', 'full of herds' and as a place where trout and pike were so plentiful that fish could be had 'for a song'. Even Armagh's southern parts, which Plunkett admits are 'rather hilly', were not without their own bounties, being 'full of herds, pigs and tribes of horses'. However, no direct contrast is made between the natural fecundity of the region and the immiserated condition of the Gaelic nobility and it is not entirely clear whether Plunkett intended his reader to make this connection.

By contrast with both Louth and Armagh, Plunkett's report on Tyrone is comparatively light on detail, which he excuses this on the grounds that he had not been able to secure a fixed residence in the county 'for fear of the bandits who disturb the area' (*per pavura de banditi che molestano il paese*).⁴²⁸ The 'bandits' of which Plunkett speaks are the same Tyrone tories encountered in the preceding pages, now at the very peak of their power and destructiveness. It is noteworthy that Plunkett's earliest recorded statement on toryism comes in the form of an expression of concern for his personal safety. We may excuse some part of this fearful reaction on the grounds of Plunkett's unfamiliarity with toryism, the reputation of the Tyrone tories in particular, as well as his own personal experience with continental bandits. Yet the fact remains that an archbishop of the Catholic Church entertained the thought of his harm by Catholic Irish dissidents and the

⁴²⁸ Hanly, *The letters of Saint Oliver Plunkett*, pp.74-5

strangeness of this should not be dismissed too readily. It certainly speaks loudly of the breakdown between the Church hierarchy, who were mostly Old English, and radicalised segments of Catholic society. As we shall see, Plunkett's later experiences gave some credence to his early trepidations. For purposes, however, the most pertinent aspect of Plunkett's commentary is not the sentiment it conveyed but the language used to express it.

Of particular interest is the archbishop's use of the term 'banditi'. Composed in Italian and intended for an audience that probably had little familiarity with toryism, Plunkett's use of the Italian phrase could be interpreted as little more than a consideration for his correspondent, if it were an isolated incident.⁴²⁹ On the contrary, however, this was to prove a constant feature of Plunkett's private correspondence. In his letters to Baldeschi and later to Sebastiano Antonio Tanari, the internuncio in Flanders, Plunkett consistently avoided any use of the term 'tory', instead referring variously to the '*gentil huomini banditi*' (outlawed gentlemen)⁴³⁰, '*de Banditi o rebeli cattolici*' (the Catholic bandits or rebels)⁴³¹, '*il capo Bandito*' (the chief bandit), '*i banditi armato*' (the armed bandits)⁴³², and '*confederato de banditi*' (an associate of the bandits)⁴³³. The consistency with which Plunkett prefers the Italian '*bandito*' to the Anglo-Irish 'tory', which he does not use once in his private correspondence, reveals to us something more than idle or haphazard word choice. Influenced to no small extent by his exposure to continental banditry and Vatican law and order discourse, Plunkett was absolutely consistent in his refusal to recognise toryism as something specific to Gaelic culture or as a legitimate form of resistance to English colonial rule, designating it instead as something belonging to a universal category of criminality. This 'analogical' perspective on toryism, and its implicit disavowal of the activity's legitimacy as a form of political dissent, would form the keystone of Plunkett's public relations campaign against toryism.

⁴²⁹ *Ibid*, p.75

⁴³⁰ *Ibid*, pp.164-7

⁴³¹ *Ibid*, pp.158, 159, 160

⁴³² *Ibid*, 539-544

⁴³³ *Ibid*, pp.552-7

Plunkett's first major step towards shaping the Catholic Church's public stance on toryism was taken when he called a general synod of Irish bishops. The statutes agreed upon by the bishops who convened at Dublin in June 1670 were immediately afterwards conveyed to the Holy See. They were also subsequently adopted and published by the provincial synod of Clones, as well as, presumably, by other diocesan assemblies throughout the country.⁴³⁴ Although most of the ten statutes issued by the bishops were concerned with matters of religious discipline, the ninth of these was dedicated solely to the problem of toryism:

all the ordinaries shall command, in their respective dioceses, the Parish Priest and preachers to admonish and warn, under threat of divine vengeance, the people, subject to their charge, to give no favour, aid, or assistance to robbers, highwaymen, and other disturbers of the public peace, who are known as Tories.⁴³⁵

As with the declaration made at Clonmacnoise in 1649, the stance adopted in 1670 left no room for ambiguity. That Plunkett's view on toryism prevailed is apparent in the noticeable circumspection concerning the term 'tory', which is cradled gingerly by the phrase 'who are known as', a rhetorical construction designed to suggest that this was merely another name for a common sort of criminal. This idea was also reinforced by the Latin editions of the same statute, which was published alongside the English: '*latronibus aut viarum grassatoribus aliisque publicae quietis perturbatoribus (vulgo Tories dietis.)*' The term used here to describe the tories, '*latronibus*', is the same as that used in the Vulgate translation of Bible when discussing the criminals who were crucified alongside Christ: '*et cum eo crucifigunt duos latrones unum a dextris et alium a sinistris eius*' ('with Him they also crucified two robbers, one on His right and the other on His left.')⁴³⁶ Whether or not contemporaries would have made this connection, it is clear that the intended meaning of the statute, in both its English and Latin renderings, was that toryism should be considered an undifferentiated iteration of a universal category of criminality.

⁴³⁴ *Ibid*

⁴³⁵ *Ibid*, pp.132-3

⁴³⁶ Mark 15:27

Such a forceful denunciation of toryism was not only intended for the better instruction of the Catholic masses. Rather, it was also issued as a lusty advertisement to Dublin Castle that the Catholic hierarchy would be a willing partner in its work to suppress the tories. That such diplomatic signalling was a primary concern for the synod is confirmed by the fact that, as well as producing statutes concerned with Church discipline, the attending bishops also took the time to agree upon a declaration of loyalty to the crown.⁴³⁷ When the ensuing text was warmly greeted by Berkeley it was much to the delight of Plunkett, who understood the viceroy's approval as tacit confirmation that the administration no longer considered subscription to the Remonstrance as the only acceptable test of political loyalty short of the Oath of Supremacy.⁴³⁸ Whether or not Berkeley interpreted his gesture in the same way, it was on foot of this synod that Plunkett struck up a close working relationship with the lord lieutenant, which ultimately resulted in their otherwise unlikely collaboration on the issue of toryism.⁴³⁹

As we can see, by the time Berkeley found a willing partner in Plunkett, a number of factors had colluded to make the archbishop's cooperativeness less surprising than at first it might seem. Most important was the fact that the church hierarchy had come to view toryism, as well any other form of Catholic dissent, as both a major obstacle to its toleration as well as a valuable opportunity to display its utility as a bulwark against radicalism. Moreover, once certain political obstacles to their co-operation had been removed, both church and state discovered much by way of common ground. The absolute obedience to secular authority preached by Plunkett and his fellow Old English reformists was, for example, very much in line with Stuart teachings on the subject. Clearly, the emphasis placed by both parties on subaltern discipline and hierarchical supervision was a mutually shared conviction. There is, for example, an appealing analogy to be made between that which infuriated the church hierarchy regarding the peripatetic habits of Franciscan friars and the reason why numerous institutional authorities, including the military, state and church, detected something particularly loathsome in hyper-mobile forms of

⁴³⁷ Moran, *Memoir of the Ven. Oliver Plunkett*, p.134

⁴³⁸ Hanly, *The letters of Saint Oliver Plunkett*, p.156

⁴³⁹ Murray, 'Plunkett, St Oliver', *Dictionary of National Biography*

dissent such as toryism. Certainly, the frequent pairing of the two in the church's disciplinary announcements should be seen as something other than a coincidence. Finally, the Vatican's history of treating secular banditry as a form of heretical practice was easily married to the Stuart discourse of dissent, which elevated the moral necessity of obedience to the monarch to an almost theological principle. Their shared tactic of de-legitimising the particular by describing it in the general (i.e. representing tories as bandits or outlaws) is another notable crossover.

A Match Made in Heaven?

Although Berkeley and Plunkett's partnership eventually proved a remarkable success, the endeavour was initially complicated by the fact that the viceroy had not sought prior approval from Whitehall for what was, even in the context of Charles II's religious policies, a highly sensitive undertaking. Being seen to show too much leniency to tories or to be working too closely with a Catholic archbishop was not likely to go down well in some circles and the lord lieutenant was duly cautious about breaking of his scheme to the king. The groundwork for openly admitting the policy was initially laid by secretary Frowde, who hinted at the measure when he informed Joseph Williamson in passing that there were 'many Tories in different parts of Ireland who desire to leave that life and come in on condition they may be pardoned for what is past.'⁴⁴⁰ A fortnight later Berkeley mustered up the courage to inform the king himself, but even then he would not disclose the identity of his collaborator. 'We have no news here,' writes Berkeley coyly, 'but one I have employed has lately brought in fifteen of the chief Tories, who are ready to be transported'.⁴⁴¹ It was another ten days before the lord lieutenant came clean about his collaboration with Plunkett and only then when he was absolutely convinced of the policy's success. On 24 September Berkeley and his secretary sir Ellis Leighton sent three letters to Whitehall in which the scheme is revealed and justified. In one of these letters Berkeley sought to convince Arlington of the policy's merits by describing the archbishop as a man 'of a more moderate temper than either of the two Peters', a reference to Walsh and Talbot, while affirming that Plunkett's work had already convinced fifteen of the tories' 'principal leaders' to submit on the condition that they quit 'His Majesty's European dominions' within the month. 'If

⁴⁴⁰ *CSPI, 1669-1670 & Addenda 1625-1670*, p.243

⁴⁴¹ *Ibid*, pp.263-4

this can be done throughout Ireland,' pressed the lord lieutenant, 'it will be of some use and advantage to this poor harrassed kingdom.'⁴⁴² In a letter addressed to Arlington on the same day, Leighton presented the case for the policy in terms that were distinctly less flattering to Plunkett:

The Tories are in a great part reduced by Mr. Oliver Plunkett's apostleship. The poor man hath an ecstasy of passion for the King's service, yet my Lord, to draw him down from those clouds, hath sent him 100*l.* for an encouragement.⁴⁴³

In a third and final letter Berkeley broached the matter with the king himself, once again comparing Plunkett favourably to Walsh and Talbot, who he described as "'bonerges" (or son of thunder)', while justifying his approach as a measured use of coercion and incentive:

I have supplied the utmost severity, and no less of lenity to reduce [the tories], and both have had their effects in a good degree, but especially the latter.⁴⁴⁴

Although Berkeley did not immediately secure retroactive sanction from Whitehall the number of tories submitting on terms continued to grow in the ensuing weeks, as sir Ellis Leighton informed Williamson in early October:

Every day some Tories are taken and some come in. Lord Charlemont does not send their names, but we shall know the names of those that are hanged at the [As]sises and of those that, have rendered themselves to be transported, when they come here. I hope those vermyn will be quite rooted out and afford us no more news nor memory of them.⁴⁴⁵

⁴⁴² *Ibid*, pp.270-1

⁴⁴³ *Ibid*, pp.269-70

⁴⁴⁴ *Ibid*, p.271

⁴⁴⁵ *Ibid*, p.278

When a list was produced on 19 October containing naming the tories then awaiting transportation in Dublin it numbered twenty-six.⁴⁴⁶ Amongst these were several of the same men that had been named in the proclamation of 29 April 1670, including Gilesprig McDonnell, Owen Duff McDonnell, Ferdorrough MacDonnell and one of either Randell McDonnell or Rory McDonnell. We also find a number of the tories named in the proclamation of 1 June 1670, including Redmond McQuade, Brian MacGilligan, Rory McQuade and Neale McGill. What years of conventional counterinsurgency tactics had failed to achieve, Berkeley's pragmatism had managed in a matter of months. Although the project ground to a standstill in November when the Dublin authorities were left anxiously waiting for Whitehall's sanction, by that time the number of tories awaiting transportation had grown to thirty-seven and Berkeley was sufficiently confident of the policy's merit to encourage Arlington to hasten the privy council's deliberation in grandiose terms. 'We are so partial to ourselves as to believe' insisted the cocksure viceroy, that it 'would be much to the quiet of this country.'⁴⁴⁷

Thus, for a short time the unlikely collaboration of lord lieutenant and Catholic primate on the issue of toryism seemed to point the way to a new way of doing politics, one in which the church hierarchy purchased its toleration from the Irish administration by guaranteeing the good behaviour of its parishioners. In return the church expected to practice in the open and, crucially, to be free to enforce conformity on its clergymen and orders. That both state and church shared a deep conception of authority, based fundamentally on a hierarchical ordering of powers, even made the marriage seem something more than convenient. In September 1670, in the letter in which Berkeley sought to persuade the king of the merits of his collaboration with Plunkett, the lord lieutenant presented his case in the following terms:

I hope that, by God's blessing on your Majesty's reign, we shall be rid of those Kernes and Toryes that have so many ages infested this country. [...] I now hear that the Tories are coming in more and more since the surrender of

⁴⁴⁶ *Ibid*, p.287

⁴⁴⁷ *Ibid*, pp.304-5

their leaders. If it shall please God to bless this beginning with an answerable conclusion, I think I may affirm to your Majesty that the kingdom, though consisting of several nations and religions, is as much united in their duty and obedience to your Majesty and is as ready to be disposed of by your Majesty upon all occasions as ever they were since they were under the Crown of England.⁴⁴⁸

It is hard to imagine a less muddled articulation of the utopian Stuart state than this, with Berkeley happily predicting a day when opposition to the monarchy melted away and all the crown's various subjects relegated their tribal identities in favour of a universal and pliant deference to the king. In practice, of course, it might not actually have been preferable for toryism to completely extirpated, but rather maintained as a low-key phenomenon, contained in its meaning as well as its magnitude. In this way toryism might have become a routine aspect of governance and a perpetual testament to Stuart *Buon Governo*. Leighton had already given casual expression to this idealised reality in an earlier letter of 7 June 1670:

We are busy with a Committee of Council for regulating Corporations, the more effectual suppressing of Tories, some matters of trade, in order to weights and measures, and the marking of the merchandise to be exported from hence, but principally the rendezvousing of the army.⁴⁴⁹

The Irish administration may have exuded confidence in relation to its tory policies, but there were turbulent undercurrents running beneath the calm surface of Berkeley's pro-toleration politics. In the first place, Plunkett's collaboration with the lord lieutenant had stretched the church's enthusiasm for co-operation to its very limit. For Plunkett's rivals within the church the policy proved a convenient means with which to attack the archbishop. In this context, Peter Walsh's followers were not the only adversaries with whom Plunkett had to reckon. During the Dublin synod of 1670 Plunkett and Peter Talbot had engaged themselves in an unseemly contest over precedence and the latter's political exclusion under Berkeley only

⁴⁴⁸ *Ibid*, p.271

⁴⁴⁹ *Ibid*, p.150

deepened this animosity.⁴⁵⁰ Upon hearing of Plunkett's commission from the viceroy to treat with the tories Talbot immediately set about using this as an opportunity to undermine his rival. Accusing Plunkett of being a government spy, Talbot went on to say that it 'is now commonly said that Oliver Plunkett is not the archbishop of Armagh (*Armachanum*), but the bishop under arms (*armatum*).' Talbot also informed Carlo Francesco Airoidi, the internuncio of Flanders, that 'the ambition and imprudence of this man has done us considerable harm, and has given the occasion to the Protestants to discredit as a laughing-stock the Catholic bishops, commanding them, as chiefs of police or marshals, to seek out bandits.'⁴⁵¹ Talbot's barbs found their mark, causing Plunkett to be temporarily frozen out by both Airoidi and Baldeschi, although both men later regretted their criticisms. Airoidi announced his change of heart in a letter to Baldeschi of 22 November 1670, stating that he could not 'find fault with the good zeal of the archbishop of Armagh to gather in the scattered sheep into the fold'.⁴⁵² While Plunkett eventually won over his superiors, it is significant that he was initially censured not only for having worked so closely with the government, but also for being seen to deal with 'bandits' in any shape or fashion. Such was the opprobrium attached to toryism in conservative Catholic circles that engaging with tories even just to secure their surrender was considered unseemly work for a Catholic prelate.

Not only did Berkeley's sponsorship of Plunkett test the limits of the church's willingness to work hand in glove with the government, other aspects of the lord lieutenant's counterinsurgency programme were bringing the state into disrepute. Undoubtedly, Berkeley's combined measures, including both his conscription of Plunkett and his extension of the pardon and rewards scheme, had produced some notable short-term results, not least the collapse of the Tyrone tories. At the same time, however, by out-sourcing the state's prerogative to employ violence Berkeley had given license to anarchic forces over which his pared-back government had less and less control. And while this lack of central oversight was in many senses the principal strength of Berkeley's model, it was also a state of affairs containing the possibility for unsavoury incidents. The case of Mulmurry O'Hossa provides a

⁴⁵⁰ Simms, 'The restoration, 1660-85', p.431

⁴⁵¹ Hanly, *The letters of Saint Oliver Plunkett*, p.157

⁴⁵² *Ibid*, p.158

particularly gruesome example of the direction in which Berkeley's de-regulated counterinsurgency was headed.

Like Dudley Costello, Mulmurry O'Hossa was amongst those who had served in the duke of York's regiment in Flanders during the 1650s before returning to Ireland at the beginning of Charles II's reign.⁴⁵³ Finding himself maladjusted to the realities of the Restoration settlement, O'Hossa had since turned his hand to bounty hunting at the encouragement of William Archdall, Esq., a justice of the peace for county Fermanagh. O'Hossa seems to have discovered a vocation in the emerging counterinsurgency industry fostered by Berkeley's policies for soon afterwards he had hunted down and killed two 'notorious tories', Daniel O'Roarty and James O'Loughnane. The severed heads of these men O'Hossa subsequently brought to Enniskillen, where he duly presented them in open court in order to collect the bounty that he believed was his due. At this point, however, a complication arose on the basis that neither O'Roarty nor O'Loughnane were proclaimed outlaws at the time of their death. As such, O'Hossa was not considered entitled to any reward money. That the extra-judicial murder of two individuals who had not been placed beyond normal legal protections did not automatically instigate a murder trial against O'Hossa is indicative of the deregulated legal environment that Berkeley had fostered. Not to be deterred, O'Hossa subsequently took the tories' heads to Dublin where once again he caused some consternation by presenting his 'evidence' in open court. While it is not recorded whether O'Hossa was eventually compensated for his work, his actions did have other, unintended, consequences. In response to O'Roarty's killing one of the slain man's brothers had himself turned tory, joining up with the proclaimed tories Edmund M'Gillaspie and Hugh M'Nelagh, with whom he pursued a vendetta against O'Hossa, making several attempts on the bounty hunter's life.⁴⁵⁴ Clearly, by privatising aspects of counterinsurgency work that previously had been reserved to the state Berkeley had opened the door to vicious tit-for-tat reprisals. Nor was the O'Hossa case entirely unique. In a separate incident propelled by similar dynamics, one Christopher Bamsay had his house in county Carlow burned to the ground by the confederates

⁴⁵³ Prendergast, *Ireland from the Restoration to the Revolution*, pp.103-5

⁴⁵⁴ Prendergast, *Ireland from the Restoration to the Revolution*, pp.103-5

of three ‘notorious tories’ after he assisted the state in their capture. That the attack was carried out on the same night as the tories’ arrest gives some idea of the spiralling violence which Berkeley’s policies had engendered.⁴⁵⁵

Ceding the state’s claim to exert a monopoly of violence had ideological as well as practical implications. Most importantly, by inviting rough-hewn men such as Mulmurry O’Hossa to fill the void left by the government, the Berkeley administration relinquished a great deal of control over the spectacle of violence, a far cry from the tightly controlled system of signs that Ormond had aspired to. Where the latter had been parsimonious in delegating power and assiduous in manipulating the symbolic uses of violence, the former paid little heed to the currency of ideology. Ormond may not have been a great philosopher of stately authority, but his deeply held royalist beliefs and close study of Wentworth’s political theatre provided him with a coherent approach to statecraft. By contrast, to the extent that Berkeley’s style of governance was informed by a general vision of his role, his was the viewpoint of the colonial administrator. That Berkeley saw Ireland less as a kingdom and more as a colony is apparent in the language he used to announce his collaboration with Plunkett. In the same letter of September 1670 in which he heralded a new age where ‘the kingdom, though consisting of several nations and religions, is as much united in their duty and obedience to your Majesty’, Berkeley framed toryism as a staging post in the historic project to civilise Ireland, declaring that he was on the brink of ridding the country of ‘those Kernes and Toryes that have so many ages infested this country’.

Like many governors and colonial theorists before him, including most notably Edmund Spencer, Berkeley believed that the long-term goal of reforming Ireland both required and justified the use of extraordinary measures in the short-term. For men of Berkeley’s view, the ends would always justify the means so long as they produced results. Just as important for defining Berkeley’s tenure were the looseness with which these essentially colonialist concepts were held and the lack of strategy with which they were implemented. Berkeley’s laissez-faire attitude to governance informed every aspect of his administration, from his famous venality to

⁴⁵⁵ *Ibid*, pp.76-7

his careless management of the sectarian divide, as well as his counterinsurgency policies.⁴⁵⁶ Whether delegating the government's 'hard power' capacities to men like Mulmurry O'Hossa or its 'soft power' functions to the Catholic hierarchy, Berkeley consistently outsourced powers that had traditionally been jealously guarded by the state. This hands-off approach to governance inevitably came into trouble when applied to some of the more diplomatically sensitive and technical work entailed in the king's pro-toleration policies. Ultimately, it precisely such an issue which brought his administration down. Having lost his master's confidence little more than a year in office, Berkeley's inept mishandling of the king's corporation policies was enough to force his recall in May 1672.

Despite his self-proclaimed aspiration to rid Ireland of toryism as well as to resolve its sectarian deadlock, Berkeley's policies served neither to eradicate violence nor to ameliorate the country's inter-faith rivalries. Instead, his most lasting contribution to Irish history, as is now generally accepted by historians, was merely to depreciate the value attached to the viceregal office he had inherited in 1670. According to this widely held view, the period between Ormond's recall and his resumption of the lord lieutenancy in 1677 witnessed a steady erosion of both the power and prestige associated with the Irish executive, while the country's centre of political gravity drifted decisively from Dublin Castle to Whitehall. And although exogenous factors, not least the increasing instability of the Stuart regime as a whole, are generally considered to have determined this reality from without, Berkeley's profligate mismanagement is also seen as having played a role. While there is undoubtedly substance to this narrative, an unfortunate corollary has been to yoke Berkeley's tenure to that of his successor, Arthur Capel, the earl of Essex; a coupling that has done much to underemphasise the differences of personality, aptitude and governing style between these two men. For if Essex proved incapable of arresting the forces that were set in train before his assumption of office, it was not for want of trying. Whereas Berkeley fiddled while Whitehall unspooled, Essex stubbornly resisted these centrifugal forces. Indeed, it was his principled opposition to the king's farming out of the Irish revenue that eventually cost Essex his job. Moreover, whereas his predecessor possessed only a jumble of half realised

⁴⁵⁶ John Gibney, 'Berkeley, Sir John 1st Baron Berkeley of Stratton', in *Dictionary of Irish Biography*

predispositions, Essex modelled his administration on the basis of clearly conceived theories of legal ethics and stately authority. As we shall see, the contrast between Essex and Berkeley was nowhere more evident than in their differing approach to the problem of counterinsurgency.

II. Arthur Capel's Kingdom of Men

Picking Sides

Appointed lord lieutenant of Ireland in May 1672 and sworn in on 5 August, the earl of Essex was as much an antidote for the perceived faults of Berkeley as the latter had been for Robartes. Throughout the first decade of the Restoration, and especially in the latter half of the 1660s, Essex sat on a plethora of committees, including those for trade, religion and, interestingly, for the prevention of highway robbery.⁴⁵⁷ Assiduous to a fault, in each of these capacities Essex evinced a consistent concern for procedural legalism as well as for the maintenance of constitutionally strong executives. It was probably this latter habit of mind which first suggested his candidacy for the Irish post to Charles II. Almost immediately upon assuming office Essex seemed to confirm the shrewdness of the king's judgement.

Part of the appeal of Essex's candidacy was his appearance as a compromise candidate with regards to religious affairs. On the one hand, as the son of a martyr to the Stuart cause (his father had been executed by Parliamentarians in 1649) Essex's Royalist credentials were beyond question. On the other, as an outspoken supporter of the Anglican church, his promotion was widely viewed as a concession to the Protestant interest; a sign that the crown intended to slacken, if not reverse, its pursuit of an inclusive religious settlement. In practice, however, it was becoming increasingly difficult to serve both the Royalist and Protestant interests, especially with regards to religious affairs and an early test of Essex's political priorities came in the form of the corporations issue. In the early 1660s Charles II had made an initial attempt to have Catholics reinstated to the corporations, but this had been

⁴⁵⁷ Richard Greaves, 'Capel, Arthur, first earl of Essex (*bp.* 1632, *d.* 1683)', in H.C.G. Matthew and Brian Harrison (eds.), *Oxford Dictionary of National Biography*, (Oxford, 2004)

successfully resisted by the Protestant interest.⁴⁵⁸ The matter seemed settled once and for all when both the Act of Settlement (1662) and Act of Explanation (1665) included clauses that explicitly forbade Catholics from owning corporation properties. When, however, the earl of Orrery, acting in his capacity as president of Munster, sought to enforce this legislation by forcefully expelling both Catholics and non-conforming Protestants, Ormond responded by restoring individual Catholics by executive order.⁴⁵⁹ In effect, the Irish corporations issue was a microcosm of the wider battle being fought between both the royal and Protestant interests in Ireland and the monarchy and parliament in England; an undeclared war for predominance that in many respects a continuation of the same animating disputes that had rent apart Caroline Britain several decades earlier. Although this wrestling match found expression in multiple localised conflicts throughout the 1660s, such as in the Irish corporations, Clarendon's careful management had generally prevented it from spilling over.

Thus the issue stood, unresolved and contentious, until 26 February 1672 when Charles II followed up his wide-ranging Declaration of Indulgence by issuing a letter to the Irish privy council expressing his desire that the relevant article of the Act of Explanation should be revoked. The king justified his command, not by arguing for religious toleration as an end in itself (indeed, the letter pointedly ignores the sectarian dimension of corporation politics), but by citing 'the public good' and suggesting that the prohibition had caused many Catholic merchants to take their business to the continent to the 'considerable loss and damage of the kingdom'.⁴⁶⁰ Pursuant to the king's order, Dublin Castle issued a proclamation on 8 March publicly announcing their intention to readmit Catholics to the corporations.⁴⁶¹ In turn, the earl of Orrery – ever the avatar of Irish Protestant anxieties – reacted to this news by putting the militia on high alert in preparation for a supposed Catholic rising.

⁴⁵⁸ Hutton, *Charles the Second*, p.174

⁴⁵⁹ Simms, 'The restoration, 1660-85', p.424

⁴⁶⁰ *CSPD, 1671-2*, p.166

⁴⁶¹ *The proclamations of Ireland*, vol.1, pp.258-61

A decade earlier, when faced with a similar show of resistance, the king had swiftly backed down. On this occasion, however, Charles II was determined to assert his royal prerogative and delivered a withering rebuke to Orrery. In a letter of 22 June 1672 Arlington informed the Munster president how the king ‘much doubts that your excess of precaution and distrust, putting the parties in jealousy of each other, may create troubles, that neither designed.’⁴⁶² Expanding upon Charles II’s original justifications for the measure, Arlington explained that the benefits of restoring Catholics to the corporations were

most notorious, because it brings home from foreign parts the stocks and industries of many of his subjects, who wholly employed them abroad, not only to the impoverishing of the nation, but to support and animate them against the government, whenever any of our neighbours should design us mischief.⁴⁶³

The argument here deployed by Arlington is highly typical of the Stuart court’s mindset in the years following the Pentland rising and the simultaneous unrest in Ireland. According to this line of thought, it was precisely the exclusionary character of Clarendon’s political architecture that had created the conditions for widespread resistance to the Stuart monarchy. By the end of the decade Charles II had concluded that the only way to guarantee the tranquillity of his kingdoms was to relax the religious settlement and encourage a greater proportion of his subjects to become invested in everyday socio-economic structures. As these previously marginalised communities benefitted from a sense of social security and gained in material wealth, it was thought, they would be increasingly unwilling to risk their place in society by entering into dissident behaviour. Meanwhile, their gratitude would be registered in the state revenue. It is worth pointing out the distinctiveness of this perspective on political dissent, which is more or less unique to the removed metropolis. Unlike the security assessments produced by Dublin Castle and its various provincial agents, which were predicated on an intimate knowledge of Irish affairs and its sectarian rivalries, Whitehall tended to take a point of view that

⁴⁶² *CSPD, 1672*, pp.269-70

⁴⁶³ *CSPD, 1671-2*, p.185

viewed dissent as a problem of political economy, to be solved by social engineering and the manipulation of macro-political structures.

Charles II's firm response to Orrery insured that the Protestant backlash was successfully withstood this time around, but when Berkeley proved incapable of drafting his new corporation policy it was left instead for Essex to formalise the issue. And it was here the new lord lieutenant confirmed the cleverness of Charles II's appointment. For rather than recommend that Catholics be debarred altogether, as Irish Protestants hoped, Essex instead proposed to limit the effects of the legislative ban by reserving to the lord lieutenant the right to exempt individuals from the Oath of Allegiance, the restrictive bar to entry for conscientious Catholics. By making both sides of the sectarian divide dependent on the discretion of the viceroy, Essex's so-called 'New Rules' were designed specifically with a mind to strengthening the central executive.⁴⁶⁴ While Essex's behaviour may have been surprising in light of his reputation for religious partiality, in other respects he was merely following form. In his capacity as a member of the committee for expanding trade, for example, Essex had personally reported to the English House of Lords in December 1669 the recommendation that the English penal laws be relaxed as a means to improve the state's revenue.⁴⁶⁵ And while that measure was proposed with English nonconformists in mind, the logic was much the same as that which he subsequently applied to the Irish case. Whatever his religious beliefs, here as elsewhere in his Irish appointment, Essex gave priority to his secular principles.

That this was the same man who became, subsequent to his stint as Irish viceroy, a vocal opponent of governmental overreach even to the extent of his entanglement in the Rye House Plot, a conspiracy to overthrow the Stuart monarchy, presents an intriguing paradox. And yet, Essex's progress from faithful statesman to treasonous plotter is barely understood, not least because he has attracted scant attention from historians. Similarly, as we have seen, Essex's viceroyalty has received little by way of dedicated treatment and has more usually been lumped together with that of

⁴⁶⁴ Hutton, *Charles the Second*, p.300

⁴⁶⁵ Greaves, 'Capel, Arthur, first earl of Essex', *Oxford Dictionary of National Biography*

Robartes and Berkeley.⁴⁶⁶ It will be the contention of the present thesis that Essex's eventual involvement in anti-Stuart conspiracy is not as anomalous as first it may seem and, indeed, that early signs of the mental habits which brought him to that juncture were already apparent in how he approached his Irish viceregal duties. And whereas it has often been assumed that it was his pro-Anglican, anti-Catholic convictions that drove Essex to plot against the monarchy, it will be argued here that the conclusions he drew his secular principles, which were in no small part influenced by his experience of Irish affairs, were no less germane of his rebellion.

While the corporation issue revealed the Essex of the early 1670s as a firm upholder of executive powers and a man determined discharge his duties to the king, subsequent events also made evident the increasingly limited capacity of the lord lieutenant to affect events in the Irish kingdom. In the months that followed, Essex's New Rules were initially suspended by Charles II following public criticisms and later swept away altogether as the tide turned against toleration in the autumn of 1673.⁴⁶⁷ In the end the only tangible effect of Essex's intervention was to earn him the lasting enmity of certain influential Irish Protestants, including the burgher Adam Loftus, whom we shall meet again.⁴⁶⁸

Essex's Wartime Counterinsurgency

Ultimately, the beginning of the end of Charles II's pro-toleration policies came, not in the form of a domestic broil, but through developments in international affairs. By the terms of his secret alliance with France, the Stuart king had agreed to joining Louis XIV in the latter's anticipated conflict with the Dutch. It was in accordance with this commitment that on 7 April 1672, a day after the French declaration of war, Charles II entered his kingdoms in what would be the third Anglo-Dutch conflict in as many decades. Five years earlier, during the Second Anglo-Dutch War, the Stuart crown found itself ranged against the combined forces of both France and the Dutch States. With a depleted revenue and a decrepit military

⁴⁶⁶ Besides his entry in the Oxford and Irish Dictionaries of National Biography Essex has received no dedicated biographic treatment. Similarly, there exists only bit part analysis of his tenure as Irish viceroy. See: John Gibney, 'Capel, Arthur earl of Essex', in *Dictionary of Irish Biography*; Clement E. Pike, 'The Intrigue to Deprive the Earl of Essex of the Lord Lieutenancy of Ireland', *Transactions of the Royal Historical Society*, vol.5 (1911), pp. 89-103

⁴⁶⁷ Hutton, *Charles the Second*, pp.292, 300

⁴⁶⁸ *CSPD, 1673*, pp. 527, 528, 592, 601

establishment, the regime was forced to hold its breath in anticipation of a French invasion which, had it materialised, could well have overrun the three kingdoms. For Charles II, who already knew the experience of losing a kingdom, this sense of precariousness was keenly felt and did much to encourage his subsequent determination to prise apart the Franco-Dutch coalition. In 1672, by contrast, Charles II found himself siding with the French superpower against an opponent who, however capable at sea, lacked the manpower to mount an invasion by land. As such, the Stuart king fully expected to fight the Third Anglo-Dutch war on the front foot.

In anticipation of a triumphant, and profitable, seizure of Dutch coastal towns Charles II assembled a large invasion force in England, including twelve foot companies sequestered from the Irish army. Despite early advances, however, neither England nor France proved capable of delivering a fatal blow. Dutch land forces survived the initial French onslaught while their admiralty prevented the combined naval forces of Charles II and Louis XIV from imposing an effective coastal blockade. By the time of Essex's arrival in Ireland in August 1672 the conflict had already ground down to an interminable and costly stalemate. By early 1673 the financial requirements of conducting an increasingly expensive war were such that Charles II was forced to recall parliament, something he had avoided doing in the cash-rich years following the secret Treaty of Dover. By this stage, moreover, the war had become distinctly unpopular with the public, leaving the Commons in a particularly strong bargaining position. In no humour and under little obligation to compromise, parliament made it clear that the price of the war supply would be the total reversal of the king's religious policies. The second Declaration of Indulgence was an early victim of this about-turn. An executive order issued while the legislature was kept prorogued, Protestant parliamentarians detested the Indulgence as something both politically unconstitutional and religiously unconscionable. No less consequential was the passage of the Test Act in March 1673.

By requiring those in public office to receive Anglican communion and to deny belief in transubstantiation the Test Act led directly to the resignation of the Duke of

York, thereby making it a matter of public knowledge that the king's brother and heir presumptive was a Roman Catholic. By exposing York's Catholicism, this fateful piece of legislation, in Ronald Hutton's words, 'almost blew away the foundations of the regime'.⁴⁶⁹ It would render English politics highly unstable for the best part of two decades. Henceforward the English public's deeply seated anxieties regarding Catholicism and political absolutism, which previously was projected onto the king's French alliance, now found residence in the idea of a Catholic heir. In the years to come the exclusion of York from the line of succession became a *cause célèbre*, providing clarity and purpose to the emergent opposition movement that would later be known as the Whig party. Another important consequence of this development was increasing willingness of English Anglicans to work together with non-conforming Protestants in order to square off against the more menacing threat of Catholicism.⁴⁷⁰ This too weakened Charles II's position.

Inevitably, the consequences of this shift in the balance of power were felt in the Irish theatre also, where almost immediately Protestant hardliners began building a case for the reversal of Charles II's religious policies. The red-blooded language of sectarianism, largely suppressed since the scandal caused by Blood's plot, once again returned to public discourse. In March 1673 sir Henry Ingoldsby wrote to lord O'Brien accusing archbishop Talbot of colluding with the Catholic justices of the peace admitted under the New Rules to use 'the civil authority to force obedience to a foreign jurisdiction' (i.e. to enforce obedience to the Catholic Church).⁴⁷¹ Special mention was reserved for John Fitzpatrick, a close ally of Ormond and a supporter of Plunkett,

whose mother was hanged for making candles of the grease and fat of Englishmen, who himself was also an eminent bloody rebel, is now made a justice of the Queen's County.

Ingoldsby called for the wholesale expulsion of Catholics from the judiciary, expressing his hope that knowledge of the abuse of power by Catholics 'being

⁴⁶⁹ Hutton, *Charles the Second*, p.301

⁴⁷⁰ *Ibid*, p.306

⁴⁷¹ *CSPD, 1673*, p.108-9

known will, I hope, take off those crowds of justices that have been lately put into the Commission, that refuse to take the oath of supremacy.’

Under mounting pressure, Essex was eventually forced to take action to assuage Protestant anxieties. One measure taken by the lord lieutenant was to issue a recall of Roman Catholic arms and munitions. Essex did, however, qualify the effects of this measure by limiting the confiscation to ‘offensive Arms’, on the grounds that he could

not find any President of [the] Papists having their defensive Arms taken from them, save only in [the] Time of [the] usurpation, when none either of them, or Protestants who had served [the] King, were suffer’d to weare Swords, wch I looke upon as no Presidt.⁴⁷²

The scope of the confiscation was further restricted by the inclusion of an allowance for Catholic peers, as well as some lesser gentry, to their retain firearms by special license from the lord lieutenant. Once again Essex expressed his commitment to

observe former Presidts & grant particular Licences, with such limitations as to [the] numbers of Arms, as I shall see cause, respecting each man’s qualitie & condition.

Besides wishing to avoid alienating Catholics *en bloc*, Essex’s concern to frame any confiscation of munitions according to legal precedent was to be a consistent refrain of his governance.

A second and more consequential measure taken by Essex was the banishment of Roman Catholic priests and members of religious orders from the country. As a consequence of this commandment, the large majority of the clergy, including Peter Talbot, either went into exile or were forcibly expelled in a round of persecution that lasted through most of 1674.⁴⁷³ For the Catholic Church the edict of expulsion

⁴⁷² Osmond Airy (ed.), *Essex papers, vol.1: 1672-1679*, (London, 1890), pp.134-5

⁴⁷³ Simms, ‘Restoration’, p.432

brought to an end the brief window during which it had been able to operate in the light of day. For although tacit toleration prevailed again after 1674, there would be no return to official toleration during Charles II's reign. Amongst those who elected to remain in Ireland despite the edict was Oliver Plunkett. Reacting to the persecutions, the archbishop lamented that 'the clergy are thus *achepali* [without a head] and are like to *scopae dissolute* [untied brooms]' while 'all the convents were destroyed, and all the novices scattered about in the houses of the laity.'⁴⁷⁴

Even in extreme hardship, however, Plunkett did not let up on his reform campaign. Indeed, he could even see a bright side to the persecution insofar as it had the inadvertent effect of expelling from the country many of the irregular elements that he himself had attempted to purge. Moreover, Plunkett was exposed to great hardship by edict, he refused to blame either the lord lieutenant or king for his misfortune, reserving all blame instead for the English parliament:

The Government here dare not moderate in any way our sentence of banishment, or give us a longer respite than the 1st of December, through dread of Parliament, which is so severe against the Catholics.⁴⁷⁵

Plunkett was not entirely misgiven in this assessment and even at the height of the persecution he continued to enjoy the tacit protection of the lord lieutenant, a favour he interpreted as the consequence of his resolution to take no 'part in political or civil affairs.'⁴⁷⁶ With the benefit of hindsight it is easy to view Plunkett's continued adherence to the Stuart monarchy as foolish or even as evidence of an underdeveloped political consciousness, especially in light of his eventual death at the hands of the same regime.⁴⁷⁷ As we can see, however, his commitment to a policy of political neutrality was born out of a rational assessment that understood the monarch as a bulwark between Irish Catholics and a deeply hostile Protestant

⁴⁷⁴ Moran, *Memoir of the Ven. Oliver Plunkett*, pp.81-2

⁴⁷⁵ *Ibid*

⁴⁷⁶ *Ibid*

⁴⁷⁷ Nicholas Canny makes a similar argument in his interpretation of why Gaelic poets clung to their support of Charles II through all except the very height of the Popish Plot. See: Nicholas Canny, 'The Formation of the Irish Mind: Religion, Politics and Gaelic Irish Literature 1580-1750', *Past & Present*, no.95 (May 1982), p.73

interest. In the face of persecution Plunkett's answer was not to fight politics with politics but rather to adopt a stance of quietist stoicism, an attitude in which we may detect the seed of his later embrace of martyrdom:

I exhort my brethren to constancy, and not to abandon their flocks, but, imitating the pastors of the three first centuries, to retire to some corner of their districts till the storm shall have passed. I shall retire to some little hut in the woods or mountains of my diocese with a supply of candles and books.⁴⁷⁸

Although Plunkett remained steadfast in his political stance, the Catholic church's renewed suppression meant that it no longer enjoyed a platform from which to preach obedience to the state, thereby undermining one of the two main pillars of Berkeley's counterinsurgency. The international conflict was about to make a revision of existing counterinsurgency policy necessary in an even more direct sense. For although the Dutch could not threaten an invasion the conflict had created an environment in which a variety of domestic forms of dissent could thrive. Radical Protestant dissent, largely dormant for the best part of a decade, was revived once more by a heady mixture of hope and fear. Many members of the non-conformist community, especially the Presbyterians of Ulster, had interpreted the king's second Declaration of Indulgence as encompassing their own situation as well as that of Roman Catholics.⁴⁷⁹ During Berkeley's administration Ireland's non-conformist communities had once again begun preaching and assembling in the open, leading to inevitable friction with the upholders of the Anglican state religion. At the same time, however, the greater liberties enjoyed by Roman Catholics also gave rise to old fears about sectarian engulfment. Moreover, as in the case of the Second Dutch War, conflict with a Protestant power possessing close ties to radical Protestant communities in Britain and Ireland necessarily carried the threat of increased agitation from that sector of the population, as indicated by the resurgence of non-conformist agitation in Londonderry.

⁴⁷⁸ Moran, *Memoir of the Ven. Oliver Plunkett*, pp.81-2

⁴⁷⁹ Hutton, *Charles the Second*, p.294

On 20 August 1672 Essex forwarded to Arlington a letter from the bishop of Derry. In fear for his life, as well as for the security of ‘the garrison of the greatest consequence in the North’, the bishop reported that great numbers of ‘indigent and bold persons’ in the corporation of Londonderry had been growing ‘so insolent as to revile his Majesty’s peaceable and good subjects’ and to threaten conforming subjects that they would ‘ere long have their church and pulpit from them’.⁴⁸⁰ In his concluding statements the bishop implored Essex to act before the matter got out of hand:

it is very justly to be feared, that the said party being very numerous will, if permitted to assemble within the walls, by the like practices and reproaches give occasion to such disorder and tumult as will render the city very unsafe for the petitioner and others conformable to the laws, some of the ruder of the said party having already declared their malice by words of mischief against him and them; and therefore praying that his Excellency should make such order therein as he in his wisdom shall think fit.

As well as radical Protestant agitation, privateering presented another serious problem for the Irish administration. On 28 April 1673 Essex forwarded a report from Orrery that warned of eight Dutch capers operating off the southern and western coasts of Ireland.⁴⁸¹ In the absence of Stuart maritime forces to defend against these intrusions, two of the Dutch vessels even went so far as to sail into Crookhaven harbour. Orrery expected that the same ships would return again soon in order to seize the unused ordnance that had been set up to defend the port only a year earlier. Nor was Crookhaven’s case unique, with Orrery painting an alarming picture of the state’s coastal defences in the southern province:

we have, not one troop in this province, but Lord O’Brien’s at Limerick, nor any militia, nor indeed any haven which the enemy may not enter and safely ride in, Kinsale itself not excepted.⁴⁸²

⁴⁸⁰ *CSPD, 1672*, pp.513-15

⁴⁸¹ *CSPD, 1673*, pp.189-90

⁴⁸² *Ibid*

Beyond the insufficiency of the crown's maritime defences to deter marauding privateers, the principal problem, highlighted by both Orrery and Essex in his covering letter, was the periodic depletion of the army over the preceding years. Like Berkeley before him, Essex had been commanded at the onset of his tenure to make further cuts to the military establishment. The sequestering of forces in preparation for the invasion of the Dutch States only exacerbated this problem, leaving the state incapable of garrisoning all but the largest settlements.⁴⁸³

Heading into the second year of the war the Irish military establishment was under-resourced, under-staffed and unevenly distributed throughout the country, circumstances that provided ample opportunity for increased toryism. It was perhaps surprising then that throughout 1672 the country remained almost entirely free of tory attacks. For reasons that are not entirely clear, but which are probably at least partly related to the suppression of the Catholic hierarchy, it was in the following autumn of 1673 that toryism re-emerged as a force to be reckoned with. In an early indication of the surge to come, a northern Protestant by the name of James Hicke notified Joseph Williamson on 1 August 1673 that a 'great party' of tories were making 'travelling unsafe' in Fermanagh and Tyrone. Hicke was concerned not only by the numbers of dissidents involved, but also by the politicised character of their actions. 'They not only rob', continued Hicke, 'but murder man and horse, and such villainous outrages.'⁴⁸⁴

By early November the lord lieutenant was reporting that the 'northern parts are miserably infested with robberies and burglaries, and that being done by great troops of people'.⁴⁸⁵ Attacks were occurring in such numbers that the local Protestant population was completely overwhelmed, with Essex informing Arlington that he 'had been forced to send down some troops of horse to prevent these mischiefs.' When news arrived that the king intended to send back two of the sequestered Irish regiments Essex expressed relief, while insisting that he could deal with the 'very many robberies and burglaries' using the forces available to him.⁴⁸⁶ Sir George

⁴⁸³ *CSPD, 1672*, p.477

⁴⁸⁴ *CSPD, 1673*, pp.374-5

⁴⁸⁵ *CSPD, 1673-5*, p.7

⁴⁸⁶ *Ibid*, pp.29-31

Rawdon was less sanguine. Writing on 29 November the Antrim-based land agent commented upon the fact that, despite the government's call for Catholics to submit their offensive firearms, none as yet had been handed over. This was all the more worrisome, Rawdon noted, as 'daily we have news of robberies and burglaries and stealths more than ever' such that 'if the courses now in hand to suppress those Tories be not effectual, it will grow to petty rebellion, especially in Ulster.' Rawdon was at least comforted by news that the lord lieutenant had determined to send army units to be quartered in those districts where the tories 'most usually haunt and are harboured.'⁴⁸⁷ In letters penned over subsequent days Rawdon noted that his own troop had been ordered into Omagh with further deployments sent to Newry, Dundalk, Donegal and Fermanagh.⁴⁸⁸

By resorting to the large-scale use of army forces Essex had in swift order reversed the second fundamental principle of the counterinsurgency programme he had inherited from his predecessor. Berkeley's incentive-driven model, based around a scheme of pardons and rewards, was not designed to deal with insurgency levels of toryism. In circumstances such as those faced by Essex in the winter of 1673 reverting to the army as the principle tool of counterinsurgency was inevitable. For Essex, however, reducing the crown's dependence on privatised violence was more than a matter of short-term pragmatism, as he explained in a letter to the king, dated 1 December 1673. Discussing the 'frequent robberyes that are dayly committed', Essex admitted that

they doe dayly increase, and are, I confess, grown to such an height as they are become a reproach to [the] Goverment, & look almost like petit [//] rebellions, they goeing by 20 or 30 in a company, breaking open Houses even in [the] day Time.⁴⁸⁹

Essex informed the king that in response to this the 'generallitie of [the] Privy Councillrs immediately move for [the] setting up of [the] Militia here in

⁴⁸⁷ *Ibid*, p.38

⁴⁸⁸ *Ibid*, pp.41-2, 48, 52

⁴⁸⁹ Airy, *Essex papers*, pp.146-9

[the] severall Countys, & press it wth great earnestness'. This, however, ran against Essex's considered opinion:

when I reflect upon [the] present posture of affairs, both in England & Scotland, & consider that as to [the] English here, they are many of them [the] remains of Cromwell's Army, & as to y[the] Scotch, they are for [the] most part Presbyterians, & that these are [the] men who will have arms putt into their hands & be formed into bodys, I cannot judge this of all others a seasonable Time to establish a Militia, but conceive it much more advisable for [your] Matie to depend upon [your] Army, whom I look upon as very entire & secure to [your] service.

Recognising, however, that the weight of Protestant opinion could not be resisted entirely, Essex determined to publicly pander to the idea of establishing a militia while privately admitting that really he intended 'nothing less then [the] forming of this Force'. As for the 'suppression of these lawless people', Essex advised a reliance on existing army resources with the significant proviso that

should this evill continue, there must be some sharper course taken to correct it by commissionating Marreschales, wth powr to proceed agt these Malefactors by Martiall law, wch tho' it be not altogether agreeable to [the] Laws of [the] Kingdome, yet in case of necessitie has ever bin indulged & practised here.

As Essex himself admits, the use of martial law in the Irish kingdom was not without controversy. Legal historian J.V. Capua defines martial law as 'a summary form of criminal justice, exercised under direct or delegated royal authority by the military or police forces of the Crown'. Martial law was exercised without regard for normal civil procedure, such as Common Law practice, and was not 'a body of substantive law, but rather summary powers employed when the ordinary rule of law is suspended'.⁴⁹⁰ From the fourteenth century until the mid-Tudor period martial

⁴⁹⁰ J.V. Capua, 'The Early History of Martial Law in England from the Fourteenth Century to the Petition of Right', *The Cambridge Law Journal*, vol.36, no.1 (April 1977), p.152

law was traditionally deployed only as a reactive measure taken in moments of extreme crisis. It was typically used either as a means to suppress rebellion, such as the Peasants Revolt of 1381, or during times of war, as in the case of fifteenth century War of the Roses.⁴⁹¹ In the middle of the sixteenth century, however, both Edward VI and his sister, Mary I, began for the first time to employ martial law as a pre-emptive instrument of social control.⁴⁹² During this period of prolonged instability, often referred to as the ‘mid-Tudor crisis’, martial law was not only used more frequently, but was also expanded in its scope. No longer was it used only to target confirmed rebels and traitors. Instead, ‘unruly persons’, ‘vagabonds’ and ‘rogues’ all became fair game for the commissioners of martial law.⁴⁹³

This newly expanded definition of martial law was first exported to Ireland in 1556, when Mary I empowered lord deputy Sussex to employ it as an instrument for the pacification of unruly Gaelic lordships.⁴⁹⁴ Henceforward, martial law became a staple of English administrative practice in Ireland, not least because it was cost effective. Unlike regular army officers or civil officers such as sheriffs and justices of the peace, commissioners of martial law (known as ‘provost marshals’) were not paid directly by the state but were instead licensed to extract their wages from those they persecuted. According to historian David Edwards, by empowering provost marshals to seize one third of the movable property of those they arrested and executed, commissions of martial law effectively amounted to the privatisation of state coercion.⁴⁹⁵ It was in this sense that martial law took on a life of its own in late sixteenth century Ireland. Deployed in England as a means of social control, in Ireland martial law became an accepted tool for effecting political transformation, with entire regions prepared for assimilation through ‘the unlimited use of terror’.⁴⁹⁶ But while martial law cannily harnessed the entrepreneurial powers and rational self-interest of its executors, it was also ‘highly politically destabilising’ and the

⁴⁹¹ *Ibid*, pp.153-4

⁴⁹² David Edwards, ‘Beyond Reform: Martial Law & the Tudor Reconquest of Ireland’, *History Ireland*, vol.5, no.2 (Summer 1997), p.17

⁴⁹³ Capua, ‘The Early History of Martial Law in England’, p.164

⁴⁹⁴ David Edwards, ‘Ideology and experience: Spenser’s *View* and martial law in Ireland’, in Hiram Morgan (ed.), *Political Ideology and Ireland, 1541-1641*, (Dublin, 1999), pp.128-9

⁴⁹⁵ Edwards, ‘Beyond Reform: Martial Law & the Tudor Reconquest of Ireland’, pp.17-8

⁴⁹⁶ *Ibid*, p.18

mounting instability of the Irish kingdom in the late 1570s and early 1580s eventually created a backlash against its use, to the extent that Elizabeth I ordered its complete abandonment in 1591.⁴⁹⁷ But the security crisis entailed in the Nine Years' War persuaded the Tudor queen to reimpose its use in 1597 and its subsequent utility in quashing the Irish rebellion ensured its long-lasting reputation as a supremely effective instrument of government.⁴⁹⁸ The deployment of martial law as a form of 'state terrorism', became a *cause célèbre* for writers such as Edmund Spenser and Barnaby Rich, who justified the draconian practice as a means to an end in the project to reform Ireland.⁴⁹⁹

In this context, what should we make of Essex's proposed use of martial law as a legal instrument of last resource in late seventeenth-century Ireland? Firstly, while Essex acknowledged that martial law was 'not altogether agreeable' with the laws of the kingdom, and while he also admitted that Ireland had often been governed as a place apart from English legal custom, the very fact that he attempted to frame counterinsurgency practice according to legal precedent marks him out from both Berkeley and Ormond. Whereas the former made little discernible attempt to align counterinsurgency practice with legal norms, the latter's broad interpretation of the royal prerogative meant that he did not feel obliged to frame his actions according to Common Law. Secondly, in stating his preference for the use of martial law over the formation of militia forces Essex was consistent in pursuing the maintenance of strong executive powers that did not share the right to commit violence with the civilian population. Both of these points would continue to be important as Essex refined his theory of counterinsurgency in the ensuing years.

Despite the greater allocation of army resources dedicated to stifling the growing tory problem the situation had become quite serious by the winter of 1673. One correspondent writing in mid-December was still willing to hope that the deployment of army units to troubled districts might be enough that 'the poor

⁴⁹⁷ David Edwards, 'The escalation of violence in sixteenth century Ireland' in David Edwards, Pádraig Lenihan and Clodagh Tait (eds.), *Age of Atrocity: Violence and political conflict in early modern Ireland*, (Dublin, 2007), p.69

⁴⁹⁸ Edwards, 'Beyond Reform: Martial Law & the Tudor Reconquest of Ireland', p.21

⁴⁹⁹ *Idem*; Edwards, 'Ideology and experience: Spenser's *View* and martial law in Ireland', p.148

English there will be preserved.’⁵⁰⁰ Just five days later, however, Rawdon reported the Tories to be ‘in so many parties that many inhabitants came into towns and quitted their own houses.’⁵⁰¹ Moreover, Rawdon continued to take a dim view of Essex’s weak enforcement of both the munitions confiscation and the edict of banishment:

I hear of no arms delivered up anywhere by any Roman Catholics, especially in these parts, and believe it is so in other provinces, nor of any priests, & c, transported, nor is there shipping to carry them into foreign parts, so what his Excellency will do next I foresee not.

As we know, Rawdon was astute in detecting the administration’s lack of enthusiasm for these policies, but it was also true that other aspects of Essex’s counterinsurgency, especially his stated preference for reliance on state forces, were proving inexpedient. In this sense Essex was coming up against precisely the same issues that prompted Berkeley to reduce the government’s dependence on the army in the first place. Not least amongst Essex’s concerns was the fact that his reliance on the military necessarily entailed an increase in spending that his administration could ill afford. It was with some relief, for example, that on 27 December Rawdon reported how the ‘good winter weather here of late’ had permitted the conveyance of seven or eight ‘horse load of money’.⁵⁰² This, he hoped, would hasten the arrival of the Earl of Tyrone’s regiment, ‘for here is want of them to be garrisoned by companies in Ulster to suppress the Tories, which do mischief daily in one place or other.’ In the same letter, however, Rawdon also reported the dilapidated condition of the northern garrisons, stating how his ‘troop complain heavily of their quarters about Omagh for want of hay and stabling, and indeed of all necessary provision for horses and men.’ In a subsequent letter of 3 January 1674, Rawdon further lamented that his troop were ‘almost spoiled for want of horsemeat and stabling at Omagh’ and had since been relocated to Dungannon in hope of better accommodation.⁵⁰³ Besides problems regarding provisions, the army was generally

⁵⁰⁰ *CSPD, 1673-5*, pp.55-6

⁵⁰¹ *Ibid*, p.62

⁵⁰² *Ibid*, p.70

⁵⁰³ *Ibid*, pp.93-4

proving ineffective at tackling the tory problem. For although there had been no robberies in Tyrone since the army had been posted there, neither had any tories been taken. Here Essex was coming up against another of the principle motivations behind Berkeley's adoption of the pardon and reward scheme, that the army was ill-suited to tackle post-insurgency toryism. Despite his reservations, it was clear that Essex would be forced to make some compromise between his preference for a state-led counterinsurgency and the less salutary tactics preferred by his predecessor.

In fact, as early as mid-August 1673 Essex had already begun to make some accommodation of Berkeley's tactics. Evidence of this re-adjustment is suggested in the lord lieutenant's reply to sir Arthur Forbes, who had written the viceroy requesting permission to offer encouragement to two McGuire brothers 'whose brother was lately murder'd by [the] Tories' and who had since offered 'to bring in all that Knott, either alive or dead.'⁵⁰⁴ Revealing some squeamishness, Essex reminded Forbes 'how tender a point it is to put [the] power of killing into any man's hands', while also expressing concern that the McGuires might be using the tory crisis as cover for settling 'some private quarrell' and that 'these brothers may take this opportunitie for revenging it, & justifie themselves by an allowance from me.' Yet in the circumstances Essex could not but concede the potential utility of the scheme:

This I say may, for ought I yet know, be [the] case but, however, [the] destroying of those vile sort of people is; so good a worke as I desire you will give them all [the] encouragement that may be to induce them to apprehend as many of those Tories as they can, & in case any should happen to be killed, if it be made apparent that he is a Tory, it would be but reasonable to pardon them.

By the beginning of the following year, however, Essex was growing increasingly concerned about the ethics and legality of these tactics. While commending sir William Searle for his actions against the tories in a letter of 10 January 1674, Essex

⁵⁰⁴ Airy, *Essex papers*, p.117

made special mention of the role played in Searle's success by one Owen More Magunshannan.⁵⁰⁵ A former tory turned state co-operator, Magunshannan is described as having been 'instrumentall in discovering those sort of people'. And although we no copy of Searle's original letter survives, the implication derived from Essex's communication is that he was seeking the lord lieutenant's permission to offer pardon to Magunshannan in return for his services. Essex, for his part, was willing to countenance an offer of pardon to Magunshannan, as well as to a limited number of others like him, so long as they were not already guilty of murder and were willing to 'doe such considerable services for [the] apprehension of others, who have committed robbery or Facts of that nature'. But, continued Essex, 'I conceive it a [little] too far to engage them to bring in any man dead or alive, being [the] last remedy, [which] I am not willing to apply till I finde other means faile for reducing these lawless people to their due obedience.' The viceroy's misgivings did not, however, prevent him from sanctioning the encouragement of Magunshannan and similar protections would be granted by Essex to at least one other tory in May of the same year.⁵⁰⁶

Essex may have been reluctant to make compromises on matters of principle, but the rewards of his pragmatism were soon apparent when the government began seeing markedly better results through the spring of 1674. On 26 January sir Henry Ingoldsby, baronet of Beggstown, county Meath, reported that a 'cluster' of about thirty 'Irish robbers and Tories' had been captured and summarily executed, a success that was explainable by the fact that Essex had found 'speedy justice necessary for the quiet of this country', a euphemism probably alluding to the use of martial law.⁵⁰⁷ Similarly, following the widespread lack of compliance with the recent proclamation ordering Catholics to hand in their arms and weaponry, Ingoldsby claimed that now 'his Excellency uses all possible means to have them taken from them, it being unnatural for them to practice obedience but when they are forced to it.' A report from the justices of the assizes who went on circuit in Ulster in the spring of 1674 further testifies to the lord lieutenant's success in containing the dissent that had embroiled that province through the winter of 1673-

⁵⁰⁵ *Ibid*, pp.161-2

⁵⁰⁶ *Ibid*, p.231

⁵⁰⁷ *CSPD, 1673-5*, pp. 120-1

4. Upon their circuit the judges ‘found the gaols full of persons committed for murders, burglaries and like offences’, reporting one hundred and fourteen prisoners held in Monaghan county jail, one hundred and thirty in Down and one hundred and thirty-two held in Antrim and Armagh both.⁵⁰⁸ Whilst we do not know what proportion of these prisoners were tories, the sheer numbers involved makes clear both the scale of the disorder and the administration’s success in suppressing it. By the time Charles II granted Essex the power to pardon to some of these prisoners on terms of their transportation to the plantations, many of them had already been executed. Regardless, tories were implicitly excepted from this offer of clemency by a proviso stating that ‘the laws should be severely executed on such of them as had any hand in murders, burglaries, or other notorious robberies’.

Counterinsurgency by the Book

On 9 February 1674 Charles II signed the Treaty of Westminster, bringing to a close the Third Dutch War. After suffering several setbacks through 1673, culminating in the Dutch retaking New York in September, Stuart forces had redeemed themselves sufficiently to secure a respectable conclusion to the conflict.⁵⁰⁹ The war’s end also led to a noticeable decline in tory activity, something which again underlies the correlation between the local practice of toryism and the circumstances of international affairs. At the same time, the post-war reduction in tory activity was neither immediate nor absolute. In a letter of 21 February 1674, lord Herbert requested that some of the troops from the returning sequestered regiments be sent to garrison Ross Castle in county Kerry, where tories were ‘soe numerous [that] they hinder all comerce twixt [the] County of Corke & [that] place’.⁵¹⁰ Toryism also persisted in the mid-northwest, as it had more or less continuously since the insurgency of 1666-7, with a proclamation of 2 March 1674 proscribing several dissidents operating in the counties of Sligo and Leitrim.⁵¹¹ Even Ulster, which had seemed subdued following the allocation of considerable counterinsurgency resources, soon began producing tories again.

⁵⁰⁸ *Ibid*, pp.239-40

⁵⁰⁹ Hutton, *Charles the Second*, pp.309, 317

⁵¹⁰ Airy, *Essex papers*, pp.176-7

⁵¹¹ *The proclamations of Ireland*, vol.1, pp.315-6

Importantly, however, the toryism that persisted after the war bore little resemblance to that which engulfed Ulster through the winter of 1673-4. Henceforward, there would be fewer reports of large tory parties consisting of twenty to thirty dissidents. Similarly, neither did these post-war tories typically engage in the sort of activities, such as the breaking open of houses during the daytime and the conspicuous targeting of military hardware, which in the autumn of 1673 had seemed like harbingers of popular rebellion. Rather, this new generation of tories typically operated in small groups of ten or fewer individuals, engaging in what were comparatively low-risk activities, such as highway robbery and racketeering. As a consequence, some of these men went on to enjoy considerably longer careers than many of their wartime counterparts. During this phase, which lasted more or less until the beginning of the War of the Two Kings, toryism became a routine feature of Irish rural life; an irritant but not an existential threat to the Protestant settler community, a vent but not a revolutionary outlet for the discontented Catholic classes. The archetype of this new generation, and by far the best remembered of Restoration tories, was Redmond O'Hanlon. First proclaimed on 14 December 1674, O'Hanlon was finally killed in April of 1681, after a long and very public manhunt.⁵¹² The career and literary afterlife of this notorious tory will form the central subject of the chapter to follow, but for present purposes it will be sufficient to observe that the variant of toryism typified by O'Hanlon represented a demonstrative change from that witnessed during the winter of 1673-4.

With toryism decreasing in both its volume and destructiveness and in the context of a recovering economy and replenished military, Essex could for the first time begin to conceive of a model of counterinsurgency that was not dictated by expediency. This greater breathing room allowed the lord lieutenant redress some of the niggling concerns that he had consistently expressed in his wartime correspondence. Essex also had less high-minded motivations for modifying his counterinsurgency policies, for their harsher aspects had left him open to attack by his political adversaries. Writing from London in a letter of 17 April 1675 Essex's secretary, William Harbord, informed his master that some of the Irish Protestants, including Adam Loftus, 'did much except & Complaine against Essex for the way

⁵¹² *CSPD, 1673-5*, pp.464-5

that was used to suppress [the] Tories & how bloody it was'. Harbord, however, reassured Essex that he had since acquainted Charles II with

the necessity of it & how impossible it was else to have reduced them considering the many & strong retreats they have; gave him some particular instances of [the] violences they had since committed one upon another, [the] effects it had had, & [the] great peace & security the Country was in by your great care & dilligence in that matter. I left them in my opinion well satisfied in all those things I could then thinke of...⁵¹³

Considering that Loftus was amongst those Dublin burghers who in 1672 had bitterly protested against Essex's proposals for giving Catholics contingent admission to the corporations it is quite unlikely that the welfare of tories was at the heart of these latest complaints. Regardless, news that his policies were being used against him in Whitehall can only have added urgency to Essex's determination to move away from his wartime counterinsurgency tactics.

Even before the complaints of Loftus, Essex had already begun to make adjustments to official counterinsurgency practice, as evidenced in his communication with Richard Power, the newly created earl of Tyrone, in a letter of 10 November 1674. Responding to Tyrone's report regarding the 'severall persons who doe much damnefy [the] people in [the] county of Waterford by robbing & spoiling them', Essex outlined his preferred strategy of commissioning 'Three or four of [the] principall Justices of peace in [the] County, who are most active & diligent, to make it their particular buisnesse to apprehend such mischievous persons'.⁵¹⁴ The lord lieutenant offered to draft such a commission if the earl would name some appropriate candidates, but was reticent regarding Tyrone's request that he should issue a warrant 'to bring men in dead or Alive'. Echoing earlier reservations, Essex suggested it was 'somewhat a dangerous Thing to trust such a power [with] any, till by some Tryall of Law [the] Offenders have bin proceeded [against]', proceeding thereafter to outline his preference for producing a writ of outlawry according to

⁵¹³ Airy, *Essex papers*, pp.318-9

⁵¹⁴ *Ibid*, pp.263-4

due legal process. Recognising, however, that ‘men of this sort are comonly desperate, & not easily apprehended’, Essex reassured his correspondent that ‘if in taking of them such a Accident happens as one of them is killed, if he prove a Tory we take care to indemnify [the] persons who killed him’.

Perhaps spurred on by his detractors at court, in the summer of 1675 Essex began to erect a new legal architecture for counterinsurgency practice, based on the principles he had long advocated in his private correspondence.⁵¹⁵ There would be two components to this restructuring. Firstly, Essex would seek to once again centralise some of those functions that had been delegated to regional figures under Berkeley. Secondly, the role of private subjects in counterinsurgency, which, in the absence of a better-resourced and more sophisticated law and order establishment, could not yet be done away with entirely, would be framed according to legal precedent and legislated for in such a way as to limit its capacity for unwanted excessiveness. On 10 June 1675 Essex’s administration issued a proclamation claiming that ‘divers disloyall persons, commonly called tories,’ had been operating with impunity under cover of the protections which

have been of late, too frequently granted to some of them, by some persons, having or pretending authority from us, the Lord Lieutenant, to grant the same, which protections have been often much abused by those who have obtained the same...⁵¹⁶

A moratorium was called on the issuance of new protections by any body or individual other than the lord lieutenant and privy council. Protections issued prior to 24 June were to continue in force until their given date of expiration but were not to be renewed except by application to the Dublin Castle executive. Importantly this measure was intended not only as a centralisation of power, but also as an indication that the government intended to reduce the overall use of that instrument. In the

⁵¹⁵ In fact, the period between issuing these proclamations (25 June-5 July) Essex would travelled to Whitehall to meet his critics head on. While not conclusive this would suggest that the criticisms of Essex’s wartime counterinsurgency practices formed part of a larger smear campaign and that the lord lieutenant was, at least in part, adjusting his practice in order to deflect those barbs. See: Gibney, ‘Arthur Capel’, *Dictionary of Irish Biography*

⁵¹⁶ *The proclamations of Ireland*, vol.1, pp.347-9

future, instead of relying on protections, local officials were encouraged to renew their efforts to secure tories through normal legal channels and without extensive recourse to extra-State actors. In order to improve the efficiency of the law and order infrastructure the proclamation called for greater synchronisation between branches of the security establishment, with enhanced co-ordination of operations between justices of the peace, members of the army and local sheriffs. Another feature of the proclamation which signalled a departure from existing practice was that it called for an increased emphasis on prosecuting the ‘aiders and abettors’ of toryism. According to the proclamation the government’s over-reliance on protections had led to a pervasive lack of attention to this vital aspect of toryism.

Finally, with regard to the public’s role in counterinsurgency practice, the proclamation strictly charged high sheriffs that ‘they do from time to time as there shall be occasion, raise the power of the said respective counties, for the prosecuting, apprehending, and bringing to justice all such robbers and tories’. The phrase employed here, ‘raise the power or force of the county’, was intended neither as a blank cheque for the enrolment of vigilante groups nor as imprecise usage of common idiom. Rather, this is a specific reference to *posse comitatus*, a legal instrument traditionally belonging to the powers of the county sheriff. Taken from the Latin (the phrase literally translates as ‘the power or force of the county’) *posse comitatus* conferred upon the county sheriff the authority to call upon the private subjects of a certain district where a crime had taken place in order to assist in the taking or killing of criminals and dissidents. Much like the writ of outlawry, *posse comitatus* originally evolved out of exigency. Dating from around the ninth century and usually attributed to the legal reforms of Alfred the Great, *posse comitatus* first emerged after the Anglo-Saxon-Danish wars. When Alfred’s *shire reeves* (i.e. sheriffs) were overwhelmed by the resulting disorder it was deemed necessary to develop a legal mechanism allowing for the periodic involvement of extra-judicial individuals in the execution of law and order tasks.⁵¹⁷ Unlike outlawry, however, *posse comitatus* remained in use in England through to the seventeenth century and was included, for example, amongst the normal powers attributed to the justice of

⁵¹⁷ David Kopel, ‘The *Posse Comitatus* and the Office of Sheriff: armed citizens summoned to the aid of law enforcement’, *The Journal of Criminal Law & Criminology*, vol.104, no.4 (2015), p.789

the peace in Michael Dalton's famous legal encyclopaedia, *The Countrey Justice* (1618).⁵¹⁸ By invoking an instrument with considerable historic pedigree, Essex was able to satisfy his cherished principle of acting according to legal precedent while also meeting the pragmatic necessity of involving private subjects in routine counterinsurgency practice. This nonetheless left unresolved another problematic aspect of public participation in counterinsurgency. Namely, what legal protections were to be provided for private subjects who, in the course of assailing a suspected criminal or dissident, maimed or killed an individual who had not already been placed beyond normal legal protections by a writ of outlawry? The retrospective pardons which Essex had provided during the war were a clumsy sort of justice and precisely the sort of *ad hoc* practice the lord lieutenant wished to move away from.

Essex's answer to this problem was provided in a second proclamation, issued on 7 July 1675.⁵¹⁹ Once again involving the revival of an historic legal instrument, the function of the July proclamation was to resurrect and republish in full a statute dating from the reign of Henry VI 'for the suppressing, taking, and killing of notorious thieves and robbers'. The legal force of the fifteenth century statute was to make it lawful for 'every liegeman of our sovereign lord the king' to assail any person caught in the act of robbing, spoiling or house breaking and

to kill them, and take them without impeachment, arraignment, or grievance to him to be done by our sovereign lord the king, his justices, officers, or any of his ministers for any such manslaughter or taking...

In other words, the fifteenth century statute legislated for situations in which the perpetrator was caught *in flagrante delicto* such that they could be attacked without fear of legal ramifications.

Insofar as Essex aimed to frame counterinsurgency practice according to legal precedent and to strike a balance between the principle of state-directed violence

⁵¹⁸ First published in 1618, Dalton's text was republished numerous times thereafter including in 1666 and 1682: Michael Dalton, *The Countrey Justice: Containing the practice of the justices of the peace as well in as out of their sessions...*, (London, 1666)

⁵¹⁹ *The proclamations of Ireland*, vol.1, pp.349-50

and the necessity of public participation, the remaining years of his lord lieutenancy were a qualified success. To begin with, toryism and the measures taken to suppress it would slip into a sort of rhythm in the post-war years, as evidenced in a letter of Michael Boyle, the Anglican archbishop of Dublin, who, in the summer of 1675, described the country as ‘peaceable but poor’ while giving the following account of the countryside:

The Harvest lookes somewhat propitiously upon us if God continue this good weather to us. The Toryes decrease dayly, at least they hide themselves, and however this last yeare hath proved very severe to a great many, especially to [the] farmers and to [the] meaner sorte of [the] people, yet they already begin to hold up their heads and seeme to apprehend no danger of any other future want but that of money.⁵²⁰

If the archbishop’s wry remark suggesting the tories were merely gone into hiding indicated that he did not yet expect the activity to disappear altogether, it is perhaps more significant that he framed the subject as a factor affecting rural productivity, rather than as something directly related to questions of political stability. Nonetheless, there were still occasional outbursts of extreme sectarian violence. A pitiful example of this came in December 1676, when ‘three Irish men [who] had been drinking and ranting for two dayes together in a house of Entertainment’ burned to the ground the house of one Miller, who lived at Six Mile Water, a settlement located between Mallow and Cork. Miller, his wife and child, as well as two servants, all perished in the fire. Orrery, who relayed the news to Essex, described the scene in typically gruesome detail:

when they searched for [the] dead bodyes they found [the] bones of [the] [said] Miller neer his bed, his wifes bones neer [the] door and [the] [servants] and childes in other places, that they found two of [the] spitts burnt and the woman’s keyes wch she alwaiss wore in a ring together at her girdle in [the] respective locks to wch they did belong.

⁵²⁰ C.E. Pike (ed.), *Selections from the Correspondence of Arthur Capel, Earl of Essex, 1675-1677*, (London, 1913), p.36

A subsequent inquest declared the incident to be murder, laying the charge upon the three Irishmen, apparently *in absentia*.⁵²¹

Neither had Essex's alterations removed every legal crease from routine counterinsurgency practice, as was made clear by an incident reported in December 1676. Here Charles II wrote to Essex informing the lord lieutenant of his decision to reprove captain William Stuart (who had petitioned the king directly) and a number of others for their part in the killing of one Brian McAuley.⁵²² The deceased was a known tory who had assaulted captain Stuart two years earlier in revenge for his part in capturing one of McAuley's confederates. But although Stuart held a warrant for McAuley's arrest of the latter's death, because the tory was not proclaimed at the time the assailants were legally culpable and deemed to be in 'hazard of being tried for their lives'. The problem was resolved by king's grant of retrospective pardon, but this was precisely the sort of clumsy justice that Essex had sought to prevent through careful regulation. Despite his best intentions, counterinsurgency continued to be a brutal and messy business. Even in situations where Essex's policy framework did encompass the needs of the situation the outcomes could still leave a lot to be desired. Certainly, if the lord lieutenant's ambition had been to temper counterinsurgency such that it became something closer to that of contemporary English law and order practice, his failure is perhaps best demonstrated by the case of Thomas Otway.

Prior to being made the bishop of Killala and Achonry in 1671, Thomas Otway had served as chaplain to lord lieutenant Berkeley. Sharing less of Berkeley's pro-toleration politics and more of his hawkish approach to confirmed dissidents, Otway had since taken a keen interest in securing his diocese against dissent, both spiritual and secular.⁵²³ The bishop's active participation in counterinsurgency work even led to his being granted a special mark of Essex's favour and trust, with Otway thanking the lord lieutenant in a letter of 22 January 1677 for 'appointing us a

⁵²¹ *Ibid*, pp.85-6

⁵²² *CSPD, 1676-7*, pp.472-3

⁵²³ John Bergin, 'Otway, Thomas', in *Dictionary of Irish Biography*

Marshall to repress the insolence of the Tories'.⁵²⁴ That Essex had followed through on his promise to grant commissions of martial law in situations where tory activity grew too extreme to be dealt with by normal legal procedures did not necessarily represent a failure by the lord lieutenant's own terms. Nonetheless, Essex may have regretted doing so in this particular case, for he subsequently confided in the earl of Ossory (Ormond's son and sometimes lord deputy) that Otway had applied his commission with excessive violence. On one occasion the bishop had even been 'so indiscreet and violent as to make a tory's head be cutt off in his house, when brought in a prisoner', a scandalous incident which afterwards became 'universally known'.⁵²⁵

Conclusion

In many respects, the years between 1669-77 proved decisive of the course of Charles II's reign. By attempting to push back against the Protestant interest the Stuart king set in train a series of actions and reactions, including the Exclusion Crisis and the royal ('tory') backlash that followed in the early 1680s, movements which would have a considerable bearing on the fate of the Stuart dynasty. In terms of Irish politics, the abortive attempt to secure Catholic pacification through religious toleration and greater access to political and economic rights resulted in a determined response from the Protestant interest (on both sides of the Irish Sea), the force of which soon tore down the pro-toleration legal scaffolding erected during Berkeley's tenure. In terms of toryism, these years saw the greatest level of experimentation in terms of modes of counterinsurgency and styles of governance of any period in the history of the activity. Berkeley's feckless pragmatism could not have contrasted more with the choreographed spectacle of violence presided over by his predecessor, Ormond. Similarly, Essex's attempt to bring counterinsurgency practice within the bounds of legal precedent was not so much intended as a softening of Berkeley's tactics, but rather as an ideological imperative for political action to be channelled through established legal mechanisms and in accordance with basic constitutional tenets.

⁵²⁴ Pike, *Correspondence of Arthur Capel*, pp. 94-5

⁵²⁵ *HMC, 6th Report*, p.725; Although Ossory reported this incident to his father in January 1680 as possible cause to block Otway's translation to the bishopric of Ossory, these concerns were communicated too late and Otway would prove a thorn in the Butlers' side for many years to come. See: Bergin, 'Otway, Thomas', in *Dictionary of Irish Biography*

Chapter Three: Print, plots and tories in the late Restoration

Introduction

On 25 April 1681 Redmond O'Hanlon, who over the course of an infamous career spanning almost a decade became the most renowned tory of the Restoration era, was shot dead by his kinsman near Eight Mile Bridge in county Down. In return for betraying his family member and colleague, Art O'Hanlon received from Dublin Castle the princely sum of one hundred pounds, as well as a pardon for his own transgressions. Meanwhile, Redmond's indignities were not yet at an end. For while Art fled to Newry in order to alert the army attachment that lay in wait there, another member of Redmond's gang, William O'Sheel, set about decapitating his former leader, later fleeing the scene with head in tow. In this fashion, which was not without a certain sense of inevitability, Redmond O'Hanlon's notorious life was brought to its grisly conclusion. Yet unlike most of the tory vocation, whose memory soon vanished from all but local legend, O'Hanlon's nationwide fame did not end with his death. That O'Hanlon's legacy survived while others were quickly forgotten was no doubt testament to the unusually long duration of his real-life career and his particular capacity for outwitting adversaries, something which by the time of his death had become an enormous embarrassment for the government. More than anything else, however, O'Hanlon's notoriety was secured by the flurry of printed texts concerned with his career and assassination that emerged in the years immediately before and after his death. No other tory, including either Costello or Nangle, enjoyed such extensive contemporary coverage and it was these texts that augmented his fame to such an extent that the mythologized Redmond O'Hanlon became a fixture of Irish literature well into the nineteenth century and beyond. One text in particular may be said to have begun in earnest this process of fictionalization.

Published in 1682, a year after Redmond's death, *Life and Death of the Incomparable and Indefatigable TORY Redmond ó Hanlyn: In a Letter to Mr. R.A. in Dublin* was the first work of published fiction to take a tory as its primary subject

or protagonist.⁵²⁶ It was this text which gave Redmond O’Hanlon his formative fictional rendering. Yet despite its status as literary progenitor, *Life and Death* has received little by way of critical attention. Indeed, only two scholars have noted the text’s idiosyncrasies and both have nonetheless passed it over without much delay. In his biographical study of Redmond O’Hanlon, T.W. Moody roundly disparaged *Life and Death* on the grounds that it made no mention of the tory’s political grievances, stating that its author ‘clearly belongs to the Protestant, landowning class’.⁵²⁷ While not sharing in Moody’s tone of condemnation, Niall Ó Ciosáin similarly argues that the portrayal of O’Hanlon found in *Life and Death* bears little relation to the real-life figure. Instead, the primary effect of the text, according to Ó Ciosáin, is to treat O’Hanlon as ‘a conventional picaresque hero’.⁵²⁸ In the analysis of both Moody and Ó Ciosáin, in other words, there exists a fundamental divorce between the historical Redmond O’Hanlon and the one discovered in the pages of *Life and Death*. As such, both historians have been content to dismiss the text as an historical source and, in the case of Ó Ciosáin, to analyse exclusively as a work of fiction.

The present chapter takes an alternative approach to *Life and Death*, providing an in-depth analysis of the relationship between the fictional rendering and the historical reality of Redmond O’Hanlon, as well of late Restoration toryism in general. More than anything else, however, the chapter aims to investigate the most remarkable thing about *Life and Death*, which is that it almost certainly emanated from an Irish Protestant author, a conclusion also reached by both Moody and Ó Ciosáin, while also providing a largely heroic portrait of the famous tory. The following attempt to explain this remarkable juxtaposition will be broken into four sections, each of them corresponding to a major passage in *Life and Death*’s plot, with a summary of the relevant segment of narrative prefacing each section of the analysis.

⁵²⁶ Anon., *Life and death of the incomparable and indefatigable Tory, Redmond ô Hanlyn commonly called Count Hanlyn: in a letter to Mr. R.A. in Dublin, Printed for John Foster at the Kings-Arms in Skinner-Row. 1682*, (1682)

⁵²⁷ T.W. Moody, ‘Redmond O’Hanlon’, *Proceedings & Reports of the Belfast Natural History and Philosophical Society*, vol.1, Part 1 (1935-6), p.24

⁵²⁸ Niall Ó Ciosáin, *Print and Popular Culture in Ireland 1750-1850*, (Dublin, 2010), p.103

I. Becoming Redmond

Summary

Beginning in the form of a letter between two friends, the purported correspondent promises to provide ‘some tolerable diversion’ for his Dublin-based colleague by recounting the following story: Born in the year 1640, Redmond O’Hanlon arrived into this world a single year before the infamous Irish rebellion. Despite this ominous sign, however, his birth was in fact precipitated by quite whimsical circumstances. Having been told by a fortune-teller that she would give birth to one who ‘shall Eclips his Family and Kindred; and become the most famous of his time and Nation’, Redmond’s mother meets her future husband at a time when she was ‘Malleble to every impression and inclined to surrender her fortress to the first aggressor’. Our ‘hopeful Imp’ is born of the ensuing ‘Matrimonial inoculation’. Visiting neighbours are taken aback when they discover that the swaddling babe possesses a strange birthmark in the shape ‘of a *Roman* T [on] his brest’. Believing this to foretell a ‘great fortune in the Babe’, some optimistic observers even suggest that the mark represents a ‘headless cross’, a sign that Redmond would be ‘a Martyr to the Christian Religion’. But the reader is warned that in fact the birthmark ‘barely denoted a *Thief*, or was a Character to Prognosticate an Eminent *Tory*’. Later, as a young boy, Redmond attends an ‘*English* Schoole’, but he squanders his education by spending his time robbing friends. Redmond is expelled from the school after being caught picking the headmaster’s pocket, ‘and so first found out the way of being upon his keeping’. Rather than discipline the errant schoolboy, Redmond’s doting parents continue to indulge him. Redmond is afterwards taken on as the footman of sir George Acheson, ‘a worthy Gentleman’ whose employment might have been expected to produce ‘a Reformation of his Manners’. Yet his ‘jadish Nature inclined him to be restive’ and before long he is back at his old tricks. Under the cover of a respectable profession Redmond begins to hone his criminal skills, especially the ‘Art of Disguising’. Eventually, however, after several years of acting with impunity, our young hero is exposed and forced to flee.⁵²⁹

⁵²⁹ Anon., *Life and death of the incomparable and indefatigable Tory*, pp.3-7

Analysis

The opening passages of *Life and Death* do little to dissuade the modern reader of T.W. Moody's assessment that the text displays little 'interest in the essential causes of toryism' while offering 'no explanation of Redmond's career as a tory except original sin.'⁵³⁰ There is perhaps no more glaring example of this than the author's passing over of Redmond's Gaelic heritage. Besides his father's name (Laughlin O'Hanlon) and his place of birth (Poyntzpass, county Armagh), we are given scant details of Redmond's family background. This is a striking omission, for the real-life Redmond O'Hanlon was inextricable from this context. The O'Hanlons of Orior, a territory accounting for the eastern part of modern county Armagh, were historically one of Ulster's more significant kinship groups. Throughout the sixteenth century the family had served as *uirríthe* (sub-chieftains) to the O'Neill clan, the most powerful family in the northern province. In the course of the Nine Years' War, however, the O'Hanlons switched sides, eventually coming out in support of Elizabeth I's forces. But although their adherence to the crown during that conflict spared them from the worst effects of the Ulster plantation, the O'Hanlons nonetheless lost out considerably in the early Stuart period. Joseph Canning records that the family's lands were reduced from 8,682 acres before the plantation to 4,091 after, with the total number of O'Hanlon landowners falling from twelve to just two by 1641, in which year the family threw its weight behind the rebellion that began in Ulster.⁵³¹ What remained of the family's properties before the war were wiped out by the Cromwellian settlement.⁵³²

The return of the Stuart monarchy may have offered hope to the O'Hanlons, but, as with so many Gaelic families in their position, the regime failed to produce any meaningful restitution of either their former landholdings or their political standing. By the late 1660s, with the second Court of Claims having run its course, the O'Hanlons could no longer reasonably expect their prospect salvation to come through legal channels. As the progeny of dispossessed Gaelic nobility, Redmond O'Hanlon's socio-political profile neatly fits that of other noteworthy Restoration

⁵³⁰ Moody, 'Redmond O'Hanlon', p.24

⁵³¹ Joseph Canning, 'The O'Hanlons of Orior 1558-1691 Part I', *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society*, vol.18, no.2 (2001), pp.56-80

⁵³² Joseph Canning, 'The O'Hanlons of Orior 1558-1691 Part II', *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society*, vol.19, no.1 (2002), pp.111-119

tories, such as Dudley Costello. O'Hanlon's background also corresponded to this template in another sense. In the first chapter of the present work we noted the importance of family networks in producing and sustaining toryism. This was no less true of the O'Hanlons, for whom toryism was very much a family affair. As well as Redmond, the names of Laughlin, Art, Edmund 'Bane' and Patrick 'Goam' O'Hanlon are all identified as active tories by contemporary governmental records. And while it is not possible to place these men in a family tree, their common surname and occupation makes it more than likely that they were affiliated by kinship.⁵³³ In other words, the toryism of the real-life Redmond O'Hanlon was intrinsically tied up with both the legacy of colonial politics and the social dynamics of Gaelic kinship. While these aspects are not completely erased from *Life and Death* (as we shall see), by de-emphasising Redmond's socio-political background, while foregrounding his personal traits and individuality, the author was unquestionably engaged in an ideological sleight of hand.

The further individuation of the protagonist seems copper-fastened when, in the opening pages of the text, the author explicit compares Redmond with a number of internationally famous criminals, including the '*Spanish Gusmond*', the '*French Duval*' and the '*English Rogue*'.⁵³⁴ Even these renowned figures, we are told,

were not worthy to be mentioned in one Calendar with our *Irish Grandee*: they owed their proficiency in Wickedness to time, custom, and evil conversation, whereas our Land Picaroon came into the World naturally stord with all sorts of Vice, and from the impulse of his own inclinations Commenced a Villain *Paramount*...

Not only does this passage consolidate our understanding of Redmond as someone who was felonious by nature, by comparing him to infamous criminal figures such as these, each of whom had been subject to extensive fictionalisation, the author of *Life and Death* seems to be signalling a departure into myth-making. Certainly, for Niall Ó Ciosáin this is the passage in which the text's 'picaresque intention' is made

⁵³³ *Ibid*, p.121

⁵³⁴ Anon., *Life and death of the incomparable and indefatigable Tory*, p.4

explicit. For Ó Ciosáin, understanding *Life and Death* as an act of literary abstraction (he writes that the text's latter half consists only of 'a series of classic rogue stories') is the key to understanding how O'Hanlon could be 'already free from condemnation in a text that appeared one year after his death'.⁵³⁵ We will later return to this point and question whether Redmond's transformation to picaresque hero necessarily entailed a thorough de-historicisation of the famous tory. Before we do so, and in order to better understand how it had become possible for Redmond O'Hanlon to make his literary debut in 1682, we will first need to trace the evolution of tories in the history of literary representation.

Around the same time that Derricke and Spenser were working up their colonial treatises another, more domestically focused, genre of printed material was emerging in England. Criminal (or 'rogue') literature evolved in English print culture, not from one original source, but rather from a number of disparate strands. One of the earliest contributions to this emerging genre was the 'vagabond' literature of the late sixteenth century. Born of the Elizabethans' morbid fascination with beggars and the itinerant poor, these texts were produced within the context of an expanding popular print industry.⁵³⁶ However, while vagabond literature represented a novel departure in terms of its focus on criminality, texts such as Awdelay's *The Fraternitie of Vagabondes* (1565) did bear an important similarity to colonial works in the vein of Spenser's *A Veue of the Present State of Ireland* (1596), insofar as both varieties tended to frame their subject, not as an aggregate of marginalised individuals, but rather as a self-contained counter-society.⁵³⁷ In this sense, while vagabond literature helped foster the print trade's concern with criminal figures, in order for the literature of criminality to move its focus from the society of beggars to the individuated heroic-rogue it would require the infusion of a wildly successful continental import.

First originating in sixteenth century Spain, the picaresque novel was rapidly adopted throughout Europe in the course of the seventeenth century. While sharing vagabond literature's concern with criminality, the picaresque differed insofar as it

⁵³⁵ Ó Ciosáin, *Print and Popular Culture*, p.103

⁵³⁶ *Ibid*, pp.95-6

⁵³⁷ John Awdelay, *The fraternitie of uacabondes...* (1565)

typically focused on a single protagonist and was structured in the form of an episodic narrative, rather than as a taxonomical dissection of criminal society. The hero of Mateo Alemán's *Guzmán de Alfarache* (1599), often attributed as the earliest picaresque novel, is same the 'Spanish Gusmond' referred to by the author of *Life and Death*. Much of the genre's widespread success can be attributed to its ease of naturalisation. Not only was it easy to graft picaresque tropes to existing native genres, as in the case of English vagabond literature, its rogue-hero protagonist also readily lent itself to nationalisation. The same tropes and motifs used for a Spanish rogue were easily repurposed to celebrate an English character.⁵³⁸ One of the earliest examples of such an adaptation, George Fidge's *The English Gusman, or the History of that Unparallel'd Thief James Hind* (1652) based itself on a well-known real-life figure.⁵³⁹

For several years before his execution on 24 September 1652, captain James Hind made his name as a highwayman with pronounced royalist sympathies. The public's keen interest in the notorious criminal and the flurry of printed material produced to meet this demand led to Hind becoming an important figure in the development of English language criminal literature.⁵⁴⁰ Like Redmond O'Hanlon, Hind's mythologisation began even before his death. Amongst those publications issued while the English highwayman was still at large there is one, *Pleasant and Delightful History of Captain Hind* (1651), in which the eponymous hero makes an excursion to Ireland.⁵⁴¹ Like many aspects of *Life and Death*, this episode may have been inspired by aspects of the real-life figure, for by Hind's own testimony he had served in Ireland during the Wars of Religion before being injured at Youghal.⁵⁴² In *Pleasant and Delightful History*, however, Hind visits Ireland not as a commissioned soldier, but as a hardened criminal seeking new adventures. In the course of his visit, Hind and his gang encounter a number of Tories 'who had got a prize of money and plunder, and were returning to their Fastnes, or quarters'.

⁵³⁸ Ó Ciosáin, *Print and Popular Culture*, pp.96-7

⁵³⁹ George Fidge, *The English Gusman; or The history of that unparallel'd thief James Hind...*, (London, 1652)

⁵⁴⁰ Barbara White, 'Hind, James (*bap.* 1616, *d.* 1652)' in *Oxford Dictionary of National Biography*

⁵⁴¹ Anon., *The Pleasant and delightful history of Captain Hind wherein is set forth a more full and perfect relation of his several exploits...*, (London, 1651)

⁵⁴² White, 'Hind, James', *Oxford Dictionary of National Biography*

Spying an opportunity to scavenge the hard-won spoils of others, Hind's crew fell among these men to 'make them believe they were of their profession'. When one of the Tories grew suspicious and asked Hind 'what he was' he received the plucky answer that Hind was a 'Brother of the Blade, and that thou shalt know before we part; therefore deliver, or believe it, this sword shall speak other Language then you expect.' In the ensuing swordfight Hind

so playd his Game, that he made them be glad to be rid of him upon such conditions as he liked, and they disliked, which was, to leave their money behind them, and go home by the ping-cross, and cry, *O hone, o hone*.

The Tories of *Pleasant and Delightful History* are little more than caricatures, introduced to provide titillation for an English readership that knew Toryism only as menace mentioned intermittently in jingoistic newsheets. Besides providing a satisfying diversion, the function of the Tories in terms of the protagonist's development is simply to provide Hind with an opportunity to display his superior wit and swordsmanship against a much-despised adversary. But even though they are given only a limited role, their inclusion implicitly makes an equation between Irish Tories with English highwaymen. In this sense, the brief cameo of Irish Tories in *Pleasant and Delightful History* presages how the author of *Life and Death* would later adapt an Irish figure to the English genre. At a time when Tories were still widely seen as an exclusively Irish phenomenon, the literature's capacity for making such a novel analogy should not be underestimated. There would be few opportunities to expand upon the success of the Hind texts in the decade that followed, with the prudish Cromwellian regime inhibiting any further development of the genre.⁵⁴³ The return of the Stuart monarchy, however, heralded not only a revival but a great flourishing of English criminal literature.

⁵⁴³ A rare example of criminal literature printed during this period is: Anon., *The devils cabinet broke open: or a new discovery of the high-way thieves. Being a seasonable advice of a gentleman lately converted from them, to gentlemen and travellers to avoyd their villanies. Together with a relation of the laws, customes, and subtilties, of house-breakers, pick-pockets, and other mecanick caterpillars of this nation. As also, the apprehension and imprisonment of the hang-man of the City of London.*, London: printed for Henry Marsh, at the Crown in Pauls Church-yard, 1658 [i.e. 1657], (London, 1657)

Although political commentary was closely watched over in the first two decades of the Restoration, the popular print industry was given much greater latitude than under the previous regime. With space to breath, the picaresque genre briskly took up where the Hind literature had left off. Indeed, two of the rogue-heroes name-checked by the author of *Life and Death*, the ‘English Rogue’ and the ‘French Duval’, originate from this era. First printed in 1665, Richard Head’s *The English Rogue* is considered one of the most famous examples of an English language picaresque novel.⁵⁴⁴ The text proved an immediate commercial success as well as one of considerable longevity, with a reprint or adaptation produced at an average of one per decade right up until the end of the eighteenth century.⁵⁴⁵ Running to one hundred and thirty paginated folios, Head’s text was unusually long by the standards of most picaresque texts of the period. Delivered in the first-person perspective of Meriton Latroon, Head’s peripatetic hero passes a particularly bawdy interlude in Ireland. At one point, seeking escape from Dublin’s squalor, Latroon takes a ramble into Wicklow. After an amorous encounter with an Irish woman goes sour, the lady calls upon three men (who we assume belong to her kinship group). Head describes the assailants as being ‘so nimble, that one of them was continually before me hindring my flight, whilst the other drub’d me forward’⁵⁴⁶, whilst he also refers to them as ‘those three bog trotters.’⁵⁴⁷ Although Head does not explicitly refer to these characters as tories, it is clear that they draw upon the general concept. The protagonist prevails against these men despite their being armed with a flail and long poles and lives to fight another day. Head’s text is unusual insofar as the protagonist was not based on a well-known real-life figure (although it was probably at least partly autobiographical). More typically, as in the case of James Hind, texts working within this genre purported to give accurate descriptions of real-life figures.

The real-life highwayman Claude Duval provided an almost irresistible character for literary adaptation. Hanged at Tyburn on 21 January 1670, Duval excited

⁵⁴⁴ Richard Head, *The English rogue described in the life of Meriton Latroon, a witty extravagant being a compleat history of the most eminent cheats of both sexes...*, (London, 1665)

⁵⁴⁵ Leah Orr, ‘*The English Rogue: Afterlives and Imitations, 1665-1741*’, *Journal for Eighteenth-Century Studies* vol.38 no.3 (2015), pp.361

⁵⁴⁶ Head, *The English rogue*, p.71

⁵⁴⁷ *Ibid*, p.72

considerable attention during his career, which by some accounts spanned for most of the 1660s.⁵⁴⁸ In many respects, Duval was to the Restoration what Hind had been to the Interregnum. Whereas the royalist highwayman of the earlier regime reflected the polemical and politicised nature of the Civil War years, the French-born Duval, renowned in particular for his aptitude with the opposite sex, epitomised the culture wars of the late Stuart era. As Barbara White has noted, Duval's Gallic parentage was a source of ambivalent fascination for the Restoration public. Certainly, at a time when Charles II's court was widely believed to be under French influence the meaning of Duval's nationality was a subject to the fore of national consciousness. On the one hand, his exoticism seemed to represent sophistication and glamour, on the other, moral and national corruption.⁵⁴⁹

Another real-life figure adapted to the literature of criminality, and who gives us a glimpse of how the genre came to accommodate a tory protagonist, was the pirate George Cusack. Executed on the banks of the Thames in 1675, Cusack spawned a biographical work the following year. Running to thirty-one pages, *The Grand Pyrate: or, the life and death of Capt. George Cusack the great Sea-Robber* (1676) differed from Head's *The English Rogue* not only in length, but also in its narrative style. Whereas *The English Rogue* took the form of a first-person confessional narrative, *The Grand Pyrate* is delivered from the third-person perspective and is ostensibly cobbled together out of historical documents, including excerpts from Cusack's own journal. The protagonist of *The Grand Pyrate* also differs from the literary representation of Claude Duval, for while the famous highwayman is depicted as the very embodiment of urbane refinement, Cusack is portrayed as rough-hewn and self-consciously evil, guided only by a preternatural will-to-power. In this sense it is no coincidence, given prevailing stereotypes, that whereas Duval was French-born, Cusack was an Irishman.

According to *The Grand Pyrate* Cusack was born in 'East-Meath' (i.e. modern county Meath) and, like the Redmond of *Life and Death*, had enjoyed the benefit of good education, having been 'bred a Scholar and a Roman Catholick' and 'disposed

⁵⁴⁸ Barbara White, 'Duval, Claude (d. 1670)', in David Cannadine (ed.), *Oxford Dictionary of National Biography*, (Oxford, 2004)

⁵⁴⁹ *Ibid*

by his Parents for a Fryer'. Yet 'the wildness of his youth' (again, we note the resemblance to *Life and Death*) did not agree with the religious life and Cusack was eventually forced to leave the country after robbing an acquaintance in 1653. The protagonist next took up as a mercenary on the continent, but as 'the severity of that Discipline not agreeing with his looser temper' he subsequently decided to enter the maritime trade and become a privateer. After leading a successful mutiny, Cusack decided to throw overboard any papers pertaining to the ship's identity, in order to conceal his crime. But when he attempted to similarly dispose of a Bible, several of his fellow mutineers objected. Cusack's response left little doubt as to the nature of his character:

You Cowards, what do you think to go to Heaven and do such Actions as these? No, I will make you Officers in Hell under me.

Throwing the book overboard, Cusack is heard to shout, 'Go thou they way Divinity. What have we to do with thee'.⁵⁵⁰ His many crimes soon rendered him 'notorious in those Seas', after which Cusack retreated to the Irish mainland where he picked up 'with a Company of Tories'. After many robberies he was ultimately arrested for burgling the house of a Quaker. Released on bail he fled to England, where after further escapades he was arrested once again, and this time hanged upon the banks of the Thames, as in real life.

The author's stated intention in composing *The Grand Pyrate* was to address the under-representation of pirates in the literature of criminality when compared to highwaymen and 'Land-Robbers'. According to the author, this oversight was due in no small part to the fact that 'this infamous traffic' was often sponsored by states. The apparent implication is that this vestige of legitimacy often occluded the recognition that pirates ('sea-robbers') were criminals, too, and that, as such, they were equally suitable subjects for adaptation to the literature of criminality. In this sense, the protagonist's brief substitution of toryism for a life of piracy is substantive of the author's point, while also prefiguring the later appearance of

⁵⁵⁰ For more on the meaning of Cusack's use of language see: Richard Frohock, 'Bible Overboard: The Word and the Grand Pirate, Captain George Cusack', *Early American Literature*, vol.42, no.2 (2007), pp. 263-283

Redmond O’Hanlon in the genre. Despite, however, these numerous fertile hints at literary adaptation, an Irish tory remained an unlikely subject for an English publication. Clearly, the English public’s imagination could stretch to an English rogue visiting Ireland or a malevolent Irish pirate operating on the high-seas, but an Irishman operating exclusively in Ireland was not likely to excite the same interest. Nationalisation remained the key to success with criminal literature and, as such, it was always far more likely that an Irish publication would introduce an Irish tory to the genre. For this to happen, however, there would first need to be some substantive changes to the structure of the Irish print industry.

By contrast to England’s booming trade, Ireland’s print industry in the 1660s and 1670s amounted to little more than a trickle of governmental issues. Historians have attributed Ireland’s slow progress in developing a native print trade to a number of factors, including political instability, low levels of English language literacy acquisition outside of Dublin and its hinterland, as well as a thinly dispersed and generally impoverished population.⁵⁵¹ Another inhibiting factor was the rigid censorship exercised by the Irish government. Unlike in England, Ireland’s print trade was tightly constrained by the government’s assignment to a single individual of the exclusive right to print, bind, import and sell printed material in the country.⁵⁵² First established in 1604, this legal monopoly of the print industry, known as the King’s Printer’s Patent, had fallen into abeyance during the Interregnum, but was swiftly revived at the onset of the Restoration. Chief amongst the Stuart government’s reasons for resuscitating the patent in 1660 was the fact that it acted as a highly effective censorship mechanism. For while there was only so much the state could do to insulate the public from material printed elsewhere, especially the febrile ideological marketplace of London and the Catholic presses of Counter-Reformation Europe, by restricting the Irish print industry to only one printer, whose livelihood directly depended on the good will of the government, Dublin Castle guaranteed tight control over the native production of printed texts. As a consequence, for the first two decades of the Restoration, the large majority of

⁵⁵¹ Colm Lennon, ‘The Print Trade, 1550-1700’, in Raymond Gillespie and Andrew Hadfield (eds.), *The Oxford History of the Irish Book, Volume III: The Irish Book in English, 1550-1800*, (Oxford, 2006), pp.61-3

⁵⁵² See: Mary Pollard, ‘Control of the Press in Ireland through the King’s Printer’s Patent, 1600-1800’, *Irish Booklore*, iv (1980), pp.79-95

printed materials produced in Ireland either directly emanated from the governmental or were issued by third parties working closely with the administration.⁵⁵³ Examples of the latter include the *Horrid Conspiracie* (1663), the officially commissioned narrative of Blood's plot, as well as the government's printed account of the circumstances of Dudley Costello's death.

Although the King's Printer's Patent remained on the statute books until 1732, by that stage the patent holder's grip on the Irish print trade was long since broken. An initial challenge to the monopoly had been made in the first decade of the Restoration by William Bladen, an aggrieved former holder of the patent. After failing to dislodge John Crooke, the man assigned the patent in 1660, Bladen's press was eventually shut down in 1673.⁵⁵⁴ This seemed to settle the issue until, in the early 1680s, a new rival to Crooke's monopoly emerged. Unlike William Bladen, Joseph Ray did not contest Crooke's patent on legal grounds. Rather, Ray seems to have relied on some form of political protection to protect his business, for there is no other way to explain his open flouting of the patent.⁵⁵⁵ Certainly, Ray was no revolutionary and assiduously curried favour with the government by publishing pro-regime texts. Included amongst these was *Count Hanlan's Downfall*, a text produced in the immediate wake of O'Hanlon's assassination, a text which was closely modelled on *The Horrid Conspiracie*. The impunity with which Ray operated his illegal press proved a death-knell for the King's Printer's Patent, which never again recovered its monopoly of the Irish print trade. In 1680 there had been between only one and three stationers operating in Dublin. Just one year later this number had already been expanded by a further six names.⁵⁵⁶ The productivity of Dublin presses also increased by eighty per cent in the same decade.⁵⁵⁷ It is of no small importance to the present work that these changes coincided with the precise moment when Redmond O'Hanlon's fame had reached its zenith. It was these transformations in Ireland's popular print industry, along with the steady evolution

⁵⁵³ James Kelly, 'Political Publishing, 1550-1700', in Raymond Gillespie and Andrew Hadfield (eds.), *The Oxford History of the Irish Book, Volume III: The Irish Book in English, 1550-1800*, (Oxford, 2006), p.206

⁵⁵⁴ Pollard, 'Control of the Press', pp.84-5

⁵⁵⁵ *Ibid*, pp.87-90

⁵⁵⁶ Mary Pollard, *Dublin's Trade in Books, 1550-1800*, (Oxford, 1989), p.10

⁵⁵⁷ Lennon, 'The Print Trade, 1550-1700', p.73

of the literature of criminality, that opened the way for a literary adaptation of Redmond O'Hanlon.

As we have seen, in some crucial respects, most notably Redmond's family background, the author of *Life and Death* suppressed aspects of the real-life O'Hanlon. At the same time, however, Redmond's Gaelic heritage was not completely erased from its pages. For example, while there are no reliable records with which to corroborate or disprove the claim that O'Hanlon was born in 1640, we may safely assume that this was a literary embellishment on the behalf of the author, who clearly intended to imbue Redmond's character with significance by associating him with an infamous historical event remembered by Protestants as the most potent example of Irish Catholic barbarism. By doing so, however, the author necessarily linked his protagonist to Irish Catholic society. These twin impulses, to abstract Redmond from his Gaelic background and to enlarge the protagonist, creates a distinct tension in the storytelling, as expressed in the author's statement that the timing of Redmond's birthdate was 'as if fate had sent him a harbinger to the confusion and mischief following, or as if the birth of so great a man ought to be attended by no less than an universal conflagration'. Similar ambivalence underlies the discussion of Redmond's birthmark. While the particular shape of the birthmark ('T' for 'thief') suggests that Redmond is a character of innate and singular malevolence, the same device also introduces the possibility of anti-Catholic humour, something which the author of *Life and Death* could apparently not resist. The superstitiousness of Gaelic society was a favourite target of Protestant satirists and the neighbours' misinterpretation of the child's birthmark as a sign that he would become a martyr for the Catholic Church is a typical example of this brand of humour. The mother's stated hope that Redmond would become a 'young *St. Patrick*' belongs to the same class of joke. This representational tension extends beyond the low-hanging fruit of anti-Catholic jibes. For while the text is marked by strategic omissions, such as the political grievances of the Irish Catholic population, it is also laden with the names of people and places drawn from historical reality. Sir George Acheson, to whom the fictional Redmond is supposed to have been apprenticed, was not only a real life historical figure, but one of the chief counterinsurgents working for the Stuart State in Ulster. As well as Acheson,

Ormond, captain Trevor Lloyd, Laughlin and Art O'Hanlon are other real-life figures referred to in the course of this text. Similarly, the author also makes frequent reference to place names, such as Dundalk and Newry, frequently placing the protagonist within well-known geographies.

References to widely known historical and geographical details were intrinsic to the project of adapting Redmond O'Hanlon to the literature of criminality. Writing in the context of French popular literature (the so-called *Bibliothèque Bleue*), the historian Roger Chartier argues that a sense of authenticity was essential to the commercial success of rogue literature and that 'concrete localities' and other known or knowable 'facts' were important devices for achieving these effects.⁵⁵⁸ In other words, insofar as the author of *Life and Death* wished to capitalise on the fame of his real life subject, he was obliged to work within the parameters of what his audience considered historically accurate and plausible. In light of this it is worth revisiting Niall Ó Ciosáin's contention that by comparing Redmond O'Hanlon to Guzman, the English Rogue, and Claude Duval, the author of *Life and Death* had declared his 'picaresque intention'. We need not contest this claim in its broader sense but may rather qualify it by suggesting that the author did not necessarily expect his readership, upon encountering these names, to understand that they were entering into a work of pure fiction. In the same way that Robin Hood stories derive part of their popularity from their pretension to historicity, contemporary readers most likely derived at least some of their enjoyment of criminal literature from the understanding that the literary characters drew upon real-life figures. Accepting this raises the even more intriguing question of how had it become possible in 1681 for an Irish Protestant author, almost certainly writing for a predominantly Dublin-based readership, to represent a contemporary Irish tory in proto-heroic terms?

II. A Life of Crime

Summary

Having fled his respectable occupation and finding himself under threat of arrest, Redmond takes refuge amongst a nonconformist Protestant community. Soon he

⁵⁵⁸ Roger Chartier, *The Cultural Uses of Print in Early Modern France* (Princeton, 1987), p.267

becomes 'so excellent at tuning of a Psalm, (twanging it out with a right *Geneva Trillo*)' that he is even promoted to clerk of the congregation. Redmond's true intention, however, is not so much to affect a reformation in his nature, as to learn how to disguise it. Entering into the service of a 'Fanatick Teacher' (i.e. a Nonconformist evangelist), Redmond begins his initiation into the 'mystery of Disguising'. By observing the nonconformist preacher, who 'did in that knack out do all the Mountebanks and Players', Redmond sets about acquiring his master's skill in 'distorting his Countenance, and making wry faces'. Upon 'the Happy Restoration of his Majesty' (i.e. the Restoration) Redmond takes advantage of the General Act of Oblivion to turn over a new leaf. His pursuit of gainful employment leads him to become a collector of poll tax returns, while his newfound preference for the quiet life also sees him marrying the daughter of a neighbour. Yet despite his best intentions, Redmond is increasingly squeezed by debt. Harried by creditors Redmond is 'reduced to this uneasy Dilemma either to submit to the Law by a Voluntary abandoning of Liberty or to go out of the protection of it, by injoyning a dishonourable freedom.' As fate would have it, 'just in the nick of time', his wife is whisked away 'back to her first principles', leaving Redmond once again free of all social obligation. When, however, he makes an initial foray into criminality by stealing two horses from another thief, he is exposed, and a warrant issued for his arrest. Taking to his heels, Redmond subsequently encounters Laughlin O'Hanlon, a kinsman, who is himself being 'warmly pursued for a Stealth'. Regaling each other with tales of their criminal exploits the two 'entred into an Offensive and Defensive League, against the King, the Lawes, and all honest People'. To seal their bond Redmond marries Laughlin's daughter. Although Redmond is slow to abandon his peaceful existence his new father in law, 'being of a more of a more firey & ravening Disposition', is insistent. Requiring some reassurance before entering into the 'open Profession of Robbery', Redmond seeks out the same fortune-teller that had predicted his birth. Redmond grows reckless after misinterpreting the soothsayer's prophecy and his over-confidence sees him captured and briefly made a prisoner of Armagh gaol. Relying on his wits and the help of a wily cousin Redmond manages to escape but has now 'doubled his Crime by breaking of Prison'. Despairing of mercy or pardon, our hero resolves 'to abandon himself to all Lewdness, and to become a perfect bird of Prey.' Securing a horse and arms through

cunning stratagems, he becomes 'not onely terrible to Travellers, and Housekeepers, but troubled and tyred many Parties of the Army, who continually pursued him from place to place & he as constantly & miraculously still made an escape.'⁵⁵⁹

Analysis

In this second passage of *Life and Death*, in which Redmond enters his adult life and eventually becomes a committed criminal, we notice some considerable changes in the representation of his character. Gone is the emphasis on Redmond's inbuilt, unshakeable thirst for criminal exploits. In its place we find a character moulded on the figure of the noble robber, upon whom a life of crime has largely been thrust. At a surface level these developments seem to represent a transition from selective historical representation to pure fictive invention. And yet, while in some senses this section does mark a departure into the realms of myth, a closer reading also reveals an on-going dialogue with contemporary history. Take, for example, the idea that the real-life Redmond O'Hanlon had once served first as a clerk to a Nonconformist congregation and later as a tax collector for the Restoration State. At a literal level these claims are outlandish, although the latter is not completely beyond the realms of possibility. Read figuratively, however, these scenes disclose some of *Life and Death's* more subtle properties. To understand this, we need to pay attention to the author's use of Charles II's Act of Oblivion as a caesura both in the plot and in the main character's development. It is something less than a coincidence, for example, that Redmond's apprenticeship with a 'Fanatick Teacher' occurs immediately before 'the Happy Restoration of his Majesty'. The Cromwellian epoch was closely associated with non-conformist Puritanism and the timing of Redmond's stay with the Protestant sect should be read as an amusing play upon the flavour of the age. Reading the stages of Redmond's life in this manner also has implications for how we view Redmond's purported role as a tax collector. For insofar as we accept that the author wished us to think of Redmond's stint as clerk to a Puritan congregation as a sign of the times, his reinvention as a taxman at the onset of the Restoration may be construed as a comment upon the acquisitiveness of the Restoration age, if not necessarily of the

⁵⁵⁹ Anon., *Life and death of the incomparable and indefatigable Tory*, pp.7-13

Stuart regime specifically. This reading becomes all the more biting when we learn that it was precisely while practicing as a tax collector that Redmond gained ‘an exact knowledge of every highway, Village, House and Person,’ something that later helped him ‘become the most notorious in that Damnable Profession of Padding’. If the author of *Life and Death* did not intend his readership to draw a direct moral equivalence between tax collecting and highway robbery, the comparison is at least implied. That Redmond is forced back into criminality due to the pressures of indebtedness may also be construed as a critique of the Restoration’s mercantilist flavour. We need not think of *Life and Death* as a sophisticated satire (which it is not) in order to accept that its author deliberately inserted these allusions, if only to lend his work a racy and ribald character.

Importantly, it is precisely the unfairness of Redmond’s choice between accepting incarceration in a debtor’s jail or taking to the hills that allows us to first sympathise with his character. Whereas previously the author was at pains to point out that Redmond robbed only for pleasure and not out of necessity, the moral landscape has now changed dramatically. Laughlin’s character is important in this respect. Acting as an *agent provocateur* for the newly apprehensive Redmond, Laughlin lessens the protagonist’s responsibility for committing to a life of crime by acting as an externalised manifestation of the younger Redmond’s worst traits. The second appearance of the fortune-teller is also critical in leading our hero astray. As in the earlier scene, in which Redmond’s mother is purposefully misled, the soothsayer’s prophecy has a double function. On the one hand we are encouraged to laugh at the transparent falsity of the mystic, as he puts on ‘his Conjuring Face’ and dabbles ‘with figures and signs of the Planets’. On the other hand, however, we also recognise that his forecast is in fact perfectly accurate. Moreover, although Redmond misinterprets the prophecy he is spared from being made the butt of the joke by the author’s suggestion that he had sought out the fortune-teller on account of ‘an itching humor he inherited from his Mother, to understand the course of future Events’. The masculine hero only erred, in other words, because of undue feminine influence. Moreover, as he is immediately punished for misreading the fortune-teller’s words (his ensuing hubris lands him in jail), by the logic of storytelling Redmond’s character is implicitly deemed to have learned his lesson.

Finally, although the scene is largely comic in its intent, there is also a trace of the tragic here. Redmond's reckless embrace of a disastrous destiny as the consequence of an ambiguous prophecy recalls that of Macbeth when he learns from the witches that he would never be vanquished until 'until Great Birnam wood to high Dunsinane hill Shall come against him'. These various instruments – Laughlin, soothsayer, 'fate' – greatly relieve Redmond of responsibility for his hardened criminality and death, which in turn transforms the protagonist from anti-hero to hero. But if these are the story-telling devices by which the reader of *Life and Death* is brought to sympathise with Redmond, this still does not explain how it became possible, within broader discursive practice, for an Irish Protestant writer to prepare a proto-heroic tory protagonist for an Irish Protestant readership.

In the first place, although quite rare, the jocular and even proto-heroic characterisation of tories found in *Life and Death* was not entirely without precedent. In the first chapter of the present work we examined the structure and texture of Protestant political anxieties, as expressed in their reaction to toryism from the onset of the Restoration to the conclusion of the 1666-7 crisis. As, however, the anxiety which stemmed from those events began to recede certain individuals began to write about tories in noticeably calmer tones. Early signs of a newfound levity in the Protestant discourse of toryism are evident in November 1667 when Robert Leigh gleefully described to Joseph Williamson an encounter between two gentlemen, a number of Leigh's servants and 'some of those things we call Tories'. Although one of the gentlemen was killed in the action, Leigh was most taken with the detail that, in the course of the ensuing tussle, the tories were stripped of their coats and horses, making 'their escape through a bog *in cuerpo*'.⁵⁶⁰ A similar spirit animated another report directed to Joseph Williamson in May 1668 in which sir Peter Pett described the death of 'the grand and principal Tory of all Connaught'. According to Pett this incident occurred when the deceased, described as 'an Irishman bred as a soldier in Flanders', attempted to forcefully board a local ferry after the proprietor refused him passage. As the tory stooped to clamber onto the boat the ferryman had removed the man's head with a hatchet. Pett was particularly delighted by the fact that the ferryman, who he whimsically refers to as

⁵⁶⁰ *CSPI, 1666-9*, pp.481-2

an ‘honest Charon’, was himself an Irishman and had even refused a reward of five pounds, a not inconsiderable sum, on the grounds that ‘the honour of the action was sufficient reward.’ Declaring that ‘the ferryman deserves to live in story’, Pett claimed that the deed had ‘much animated the poor people of the country to resolve upon some extraordinary attempts against the Tories’. That Pett considered this story little more than light entertainment is confirmed by the manner in which he concluded his letter, signing off apologetically by stating that if he ‘had better or bigger news than this you should have it.’⁵⁶¹ Although no less hostile to toryism, both Leigh and Pett’s commentary exhibit a playfulness of tone that had been all but unthinkable only a year earlier. It was from this increasingly confident vantage point that it became possible, though by no means common, for Irish Protestants to speak of tories in a sort of semi-heroic fashion.

In July 1670 Phillip Frowde, secretary to lord lieutenant Berkeley, reported that a ring of ‘arch-Tories’ had recently been taken down in Ulster, four of whom had been killed and their heads ‘cut off upon the place’.⁵⁶² A fifth man, named MacQuade, had been taken into custody.⁵⁶³ MacQuade had not been easily subdued, however, and was only captured after successfully holding a pass against thirty-seven state agents, two of whom he had injured in the process. Unmistakably impressed by MacQuade, Frowde described him as being ‘as tall as any man you ever saw and very well proportioned to his height’. According to Frowde, MacQuade could have escaped on his own but had instead resolved to try to rescue his foster brother, which he succeeded in doing before he himself was taken. Although the renewed self-confidence of the Protestant community provides an immediate context for Frowde’s flattering description of MacQuade, it is insufficient as a full explanation. In order to understand the broader framework for Frowde’s position it is necessary contextualise the perception of toryism in the long-term evolution of Irish character in Protestant discourse.

In his study of the stereotyped Irishman and his evolution in early modern English culture David Hayton has identified a significant transformation, occurring in the

⁵⁶¹ *Ibid*, p.65

⁵⁶² *CSPI, 1669-70 & Addenda*, pp.194-5

⁵⁶³ *Ibid*, p.197

course of the late seventeenth and early eighteenth centuries, whereby this figure mutated from ‘a half-human savage into a ridiculous and contemptible gimcrack Englishman, whose limitations and idiosyncrasies offered cheap laughs and reassurance to the preening metropolitan.’⁵⁶⁴ In its earlier iteration the standardised image of the Irishman was innately barbaric and prone to violence. As we have seen, Derricke and Spenser’s ‘rough, rug-headed kerne’ falls squarely within this category. According to Hayton, although theories of ‘inherent barbarism’ can still be found in the work late seventeenth and early eighteenth century authors such as Berkeley and Swift, such commentary had since lost its hard edge.⁵⁶⁵ And while this transformation accelerated in the aftermath of the Williamite victory, it began as early as 1660, when the ‘reconstructive spirit of Restoration England’ may have promoted a renewed belief in the promise of the civilising process.⁵⁶⁶ Hayton suggests that a decreasing fear of Irish in English society was another important causative factor for this change, as ‘dread’ was progressively replaced by ‘contempt’.⁵⁶⁷ Placed in this context, the diminished threat that toryism was believed to pose in the wake of the Nangle-Costello rebellion was complemented by a long-term transformation in the English perception of Irishness. There is, however, another important cultural context for understanding the transformation of the image of the tory discovered in *Life and Death*. For the characterisation of Redmond found in these pages belongs neither to the stockpile of barbaric imagery, nor to the ‘ridiculous and gimcrack’ figure of the post-Williamite age.⁵⁶⁸ Rather, the heroic roguery of Redmond’s character cannot be explained without contextualising him within the peculiarly burlesque mood of Restoration culture.

Philologist Owen Barfield, a colleague and collaborator of J.R.R. Tolkien, has suggested that the cathartic energy released upon the return of Charles II, after a decade of ‘reproving glances [from] a middle-aged Puritanism’, is discovered in the linguistic footprint of the age. The invention of words such as ‘to *banter*, to *burlesque*, to *ridicule*, to *prim*, *travesty*, *badinage*, and, above all, *prig*,’ Barfield

⁵⁶⁴ David Hayton, ‘From Barbarian To Burlesque: English Images Of The Irish c. 1660-1750’, *Irish Economic and Social History*, vol.15 (1988), p.6

⁵⁶⁵ *Ibid*, p.8

⁵⁶⁶ *Ibid*, p.9

⁵⁶⁷ *Ibid*, p.11

⁵⁶⁸ *Ibid*, p.6

tells us, ‘helps to fill in for the imagination the deep gulf between the *Pilgrim’s Progress* and the *Country Wife*.’⁵⁶⁹ The king himself was arguably the greatest embodiment of this waggish spirit. Charles II famously revelled in things quixotic, with his attitude to the Quakers a case in point. Despite being the most reviled sect in the Stuart kingdoms, the king took a distinct shining to the Quakers. Besides being flattered by their unequivocal support of his sovereignty, Charles II was also tickled by their exoticism, ‘like the camel drivers and harpers who had brightened his exile’.⁵⁷⁰ If the ‘merry monarch’ was in some part responsible for setting the tone for his reign, this in turn was amplified by the re-emergence of the newsheet trade in the 1670s.

The newsheet culture of the Civil War years, since suppressed in the 1650s and 1660s, was deeply polemical. When, however, the newsheet re-emerged in the second decade of Restoration, it was an altogether more light-hearted affair. The typical publication freely mixed the grave with the amusing, conveying reports of serious domestic and international affairs, while also peddling gossip and hearsay. When, for example, the munitions store in Dublin Castle burst into flames one night in May 1671 a London newsheet reported as a matter of seriousness the rumour that the fire had been started after ‘a rat carried a candle burning into the store’.⁵⁷¹ Although closely watched for political dissidence, the newsheets frequently carried scabrous and lurid content. In the course of one typical issue published in September 1679, we find a report of ‘a notorious Irish priest’ named Daniel MacCarte who was seized at a house in St. James Fields ‘where he was just going to give a lady extreme unction’. In the same edition we also receive details concerning how a convicted murderer had disposed of his victims, as well as of a woman recently ‘delivered of a monstrous child.’⁵⁷² The newsheets also exhibited, and helped foster, an increasing concern for international affairs and the exoticism of far-off happenings. The insurrection of the Russian rebel Stepan Radzin was, for example, reported with great interest, as was the Languedoc peasantry’s popular

⁵⁶⁹ Owen Barfield, *History in English Words*, (Great Barrington, 1967), p.161

⁵⁷⁰ Ronald Hutton, *Charles the Second: King of England, Scotland and Ireland*, (Oxford, 1989), p.153

⁵⁷¹ *CSPD, 1671*, pp.279-80

⁵⁷² *CSPD, 1679-80*, pp.234-5

rising of 1670.⁵⁷³ Redmond O’Hanlon’s several mentions in the English press (see below) should be understood in the context of this increasingly outward-looking aspect of the English public’s imagination.

Far from being consigned to the monarch or the printed pages of London’s presses, this burlesque mood deeply and widely informed the Restoration’s cultural and political practice. As the age wore on, even those who dissented from the regime ended up embodying this spirit. The career of Thomas Blood is only the most extreme example of this general trend towards the baroque. After involvement in the unsuccessful attempt on Dublin Castle in May 1663, to which he contributed his notable surname, Blood had fled Ireland and spent much of the next decade moving between the British Isles and the Dutch Republic, which continued to provide a safe haven for like-minded radicals.⁵⁷⁴ Blood continued to contribute his talents to a number of aborted schemes, including the bid to bring Edmund Ludlow, cult hero of the Protestant fringe, out of his comfortable retirement in Switzerland. A year after some involvement in the Pentland rising of 1666, Blood violently rescued his friend and fellow-plotter, captain John Mason, as he was being convoyed to face trial in York. Emboldened by this success, Blood subsequently led an attempted kidnapping of the duke of Ormond in December 1670. After dragging Ormond from his London carriage, the gang were *en route* to Tyburn, where they apparently intended to hang the former lord lieutenant like a common criminal, when their intended victim managed to wriggle free. Less than a year later and now with a £1000 reward placed on his head, Blood attempted to steal the crown jewels from the Tower of London. On this occasion he and his companions were finally captured, but not before they very nearly succeeded in their audacious heist. Where others might have resigned themselves to their fate, this committed anti-monarchist instead appealed directly to the king for clemency, signing off his entreaty as ‘youer dutifull subjectt whose name is Blood, which I hope is not that your Majestie seeks

⁵⁷³ For Radzin see: *CSPD, 1671*, p.81, 412; For the Languedoc rising see: *CSPD, 1670*, pp.349-51

⁵⁷⁴ The following account, unless stated otherwise, is based on: Robert Armstrong, ‘Blood, Thomas’, in *Dictionary of Irish Biography*; Marshall, Alan, ‘Blood, Thomas (1617/18–1680)’ in David Cannadine (ed.), *Oxford Dictionary of National Biography*, (Oxford, 2004); Alan Marshall, ‘Colonel Thomas Blood and the Restoration Political Scene’, *The Historical Journal*, vol.32, no.3, (September 1989), pp. 561-582

after.⁵⁷⁵ That Blood was subsequently pardoned had much to do with his value as someone with intimate knowledge of the dissident non-conformist community. It may also be fairly said, however, that it is almost impossible to imagine Blood's extraordinary career occurring in another era, or that any other English monarch would have forgiven such a man not despite, but because, of his cocksure bearing. Blood's flamboyant career offers an extreme example of how the practice of political dissent in Restoration Britain gradually transformed from something inspired by the revolutionary animus of the Interregnum into something drenched by the carnivalesque spirit of the Restoration. Recognising this trend in Protestant deviance should also have implications for how we frame a commonly cited feature of late Restoration toryism, namely, its apparent depoliticisation. Besides Redmond O'Hanlon, two other groups of tories embody this marked transformation.

Although early English colonists steadily drove them from the more fertile plains of northern Kilkenny, by the reign of Charles I the Brennan kinship group was still resiliently clinging to the upland districts surrounding the township of Castlecomer. In the 1630s, however, the Gaelic family faced a new and powerful rival. Master of the rolls under Wentworth, sir Christopher Wandesford's acquisition of the barony of Idough, which entailed much of the remaining Brennan lands, represented a significant threat to the kinship group's survival as a landholding family. From this point onwards, they entered into a long-standing legal, and sometimes extra-legal, standoff with Wandesford and his descendants. In many respects, however, the rivalry was unusually amicable. In the end, after many years of trying to pay off the Gaelic family, a conscience stricken Wandesford bequeathed a compensation to the Brennans in his dying will. Whether or not the Gaelic family might have accepted the terms of Wandesford's will was never put to the test, however, as less than a year later the 1641 rebellion broke out, throwing all such legal proceedings into disarray.⁵⁷⁶ Having been dispossessed prior to the Cromwellian settlement, the Brennans were not be eligible to submit their case in Charles II's Court of Claims. The family did, however, possess a legal lifeline in the form of Wandesford's will and in 1679 twenty-two members of the kinship group entered a bill of chancery

⁵⁷⁵ *CSPD 1671*, p.255

⁵⁷⁶ Prendergast records the family background of the Brennans in some detail in: John Prendergast, *Ireland from the Restoration to the Revolution, 1660 to 1690*, (London, 1887), pp.126-37

against Christopher Wandesford, son and heir to the original purchaser. The continued possibility of legal restitution was probably the most important factor inhibiting members of the Brennan family from becoming involved in dissident activities prior to the 1680s.⁵⁷⁷ Certainly, their surname is conspicuously absent from the roll-call of tories before this point. It was only at the turn of the decade when, perhaps finally despairing of legal restitution, three of the Brennans, James, James (alias, 'Tall James') and Patrick, became engaged in the activity.

While the early phase of their career is poorly recorded by contemporary sources, it is clear that by the time their names begin to crop up in extant sources the Brennans were already well-known and, indeed, somewhat famous.⁵⁷⁸ In July 1682, one month after ambushing three merchants on Ballyragget Heath in northern Kilkenny, chief justice Keating reported that the Brennans had since ranged into Limerick where they were responsible for 'frequent robberies'.⁵⁷⁹ This tendency to geographic mobility was again evident a short time later when the same men burgled Brazeel house, the seat of the prominent Bolton family in north Dublin.⁵⁸⁰ On this occasion, however, the Brennans had overreached themselves, for they were captured a short time afterwards. After being tried and convicted, however, they subsequently made their escape whilst *en route* to the gallows.⁵⁸¹ In the heat of the ensuing manhunt the Brennans took the unusual move of sailing to Britain, where they probably expected to benefit from relative anonymity. That their ruse failed is accounted for by a mixture of considerable bad luck and extraordinary indiscretion.

Landing in Chester at some point around October 1683 the dissidents were soon afterwards identified by Alexander Marshal, one of the same merchants robbed by the Brennans on Ballyragget Heath in June 1682. Whilst this was certainly an awful stroke of luck, the much-hunted tories had done little to help their own cause, for at the time of their discovery they were reportedly parading around Chester 'in greater

⁵⁷⁷ *Ibid*, p.138

⁵⁷⁸ Although the Brennans seem to have elicited a proclamation, no copy seems to have survived. Certainly, no record of the document is reproduced in *The proclamations of Ireland*

⁵⁷⁹ Prendergast, *Restoration to the Revolution*, p.139; *HMC Ormond*, vol.7, pp.85-6

⁵⁸⁰ Prendergast, *Restoration to the Revolution*, p.139

⁵⁸¹ *Ibid*

splendour and plenty than belonged to any of their race.’⁵⁸² When news reached Ireland of the Brennans’ capture the earl of Arran immediately wrote the mayor of Chester, specifically warning him to keep close watch upon the men, ‘they having often broke gaol’.⁵⁸³ According to Arran, these were ‘such notorious knaves’ that he desired ‘no time may be lost in bringing them legally hither’. Arran included a copy of the Brennan’s proclamation of outlawry in his dispatch, in the hope that it would help expedite their repatriation. The earl’s fears proved well-grounded, for soon afterwards news arrived that the Brennans had broken jail and once again slipped the government’s net. Arran suspected that they had ‘rather bought themselves out of it’. That he thought this well within their scope was substantiated by his estimation that in the two and half preceding years the Brennans had stolen money and goods to the value of eighteen thousand pounds.⁵⁸⁴ For two years after their escape from Chester the Brennans went to ground, their names disappearing altogether from contemporary official records. In late 1685, however, they were once again being mentioned, this time in relation to an even more outrageous incident. After breaking into Kilkenny castle on 17 September 1685 the Brennans removed a small fortune in silver and plate belonging to the duke of Ormond and his half-brother, captain Mathew. The total haul of their robbery was estimated at one thousand pounds.⁵⁸⁵ The Brennans may have distinguished themselves by their audacity, but their general conduct was not out of fashion with the spirit of late Restoration toryism. As well as Redmond O’Hanlon, Richard Power provides another example of toryism succumbing to the Restoration’s intoxicating spell.

Originating from Ballintotty, a townland outside of Nenagh in county Tipperary, Richard Power was proclaimed a tory by the government in October 1683.⁵⁸⁶ Shortly before his capture in October 1685 the Anglican Primate Michael Boyle complained to Ormond that Power was

⁵⁸² *HMC Ormond*, vol.7, pp.155

⁵⁸³ *Ibid*, p.155

⁵⁸⁴ *HMC Ormond*, vol.7, p.157

⁵⁸⁵ *Ibid*, p.377

⁵⁸⁶ Kelly, *The proclamations of Ireland*, vol.1, pp.444-5

an absolute ubiquitous, and tarries in no place long enough to be discovered and taken. He is sometimes in the county of Waterford, and sometimes in Kilkenny, and immediately after we hear of his pranks in the county of Limerick, and in Kerry, and in Cork; so that it is an impossible thing to pursue him from place to place.⁵⁸⁷

In the same letter Boyle recounted a recent incident in which Power had exhibited precisely the sort of bravado that made him the *bête noir* of Munster Protestants. Hearing that the daughter of ‘a good substantial man’ was to be married in Newcastle, county Limerick, Power and his gang descended upon the town on the morning appointed for the ceremony. Requesting a private meeting with the family of the bride, the tory ‘told them in plain terms that he was come for the bride’s portion’. After despoiling the wedding party of sixty pounds Power prepared to depart, but not before he demanded a drink with which to toast the bride’s health. Which being done ‘he marched quietly and softly through the whole town without any opposition’. Boyle explained his conveyance of this story on the grounds that Ormond might see

the impudence of that fellow, and the great awe of the people and the dread that they are of him in all those, many, countries where he applies his walks.

It is in the light of this newfound theatricality in the performance of contemporary toryism that the tone of *Life and Death* is best understood. Indeed, one of the text’s more burlesque scenes may even have been inspired by a story ascribed to the real-life Redmond O’Hanlon. According to his biographer, at one point during the peak of his powers Redmond had taken by surprise a file of guards appointed to garrison a remote cabin on the pass between Newry and Dundalk. Stripping the soldiers of their general-issue red coats, Redmond went on to use these costumes as a ‘barr against all suspicion’. At face value, this scene seems like little more than jovial artifice, the sort of macaronic subversiveness we generally associate with the picaresque and criminal biography genres. In fact, however, this story seems to have been drawn, not from literary convention, but from contemporary hearsay. Writing

⁵⁸⁷ *HMC Ormond*, vol.7, pp.375-6

to primate Boyle on 6 October 1680 Lawrence Power, rector of Tandragee in county Armagh, reported to his superior that an informant had recently approached him with news concerning Redmond O’Hanlon.⁵⁸⁸ According to this man, Redmond and Laughlin O’Hanlon were planning, along with sixteen other tories out of Derry and Tyrone, to rob a house lying upon the Connacht border in Longford. The tories were already travelling in that direction at the time of writing and the informant was one of those expected to join the gang along the way. Of particular interest is the aside that O’Hanlon’s crew intended to affect their robbery and ‘surprise the gate leading into the house’ by reversing their grey coats, which were ‘lined with red’. It was by this distinctive garb, the informant implies, that the posse of tories were to be recognised. We need not necessarily believe the deponent’s testimony to accept that the story of Redmond’s red coats was in popular circulation before the author of *Life and Death* seized upon it as something ripe for literary embellishment. In fact, if anything, the version told by the rector’s anonymous informant is arguably more colourful. As we can see that the depiction of toryism that we find in *Life and Death* owes more to contemporary history than first meets the eye. There is one respect, however, in which the text diverts almost completely from the reality of late Restoration toryism: violence.

III. Doing Violence

Summary

Redmond and his gang surprise a militia party that had been pursuing them, catching the Protestant yeomen unawares as they sat down to a supper of wild mutton. The militiamen are forced to stand by as the tories finish their meal and are left with a warning ‘to mind their Husbandry hereafter, and not to imploy themselves in Hunting.’ By deterring the militia from pursuing him further, however, Redmond only enrages the army, which is now hot on his heels. Determining to ‘catch this Slippery Eele’ several parties of soldiers combine to scour the mountains where the famous tory was known to hide out. Redmond is ‘ferreted out of his Hole’ and is very nearly captured. Fearing arrest, many of his harbourers determine to join Redmond outright. In order to furnish these new

⁵⁸⁸ *HMC Ormond*, vol.5, pp.440-1

recruits with extra red coats and munitions Redmond employs his 'subtil Genius', surprising a garrison 'in an old stump of a Castle between *Dundalk* and *Newry*'. Supplied by this cachet and with replenished manpower at his disposal Redmond becomes more powerful than ever. By now all of Ireland rings with news of his exploits and Redmond's fame extends even beyond his native country, 'insomuch as the Frenchman in his gazet gave him the Title of *Count-Hanlyn*'. Despairing of taking Redmond by regular means, lord lieutenant Ormond commissions captain Trevor Lloyd to 'pursue the *Toryes* Night and Day, and give them no Rest', leading to the capture of several members of Redmond's gang. On one occasion Lloyd even 'unkenel'd the Fox' himself, driving 'the poor *Count*' to the seashore. Once again, however, Redmond narrowly escapes his pursuers, this time by convincing a local boatman that he needed to be taken to sea under the advice of his physician. The boat has only cast off when the army detachment arrives at the shore. Becoming anxious, Redmond demands his host to row faster. When the unlucky boatman refuses, our hero draws his pistol, commanding him to obey or expect never again to see the shore, after which the 'poor man was forced to comply'. Under increasing pressure from state forces, Redmond begins to turn his attention to easier prey. After getting a young pageboy drunk, Redmond forces the youth to reveal that he has been charged with transporting a sum of money, which he has hidden in his saddle. Redmond robs the boy but gives him in return 'a handsom Pad made of green Velvet, for his old Saddle cover'd with Calve skin.' With back to the wall Redmond decides to make 'one Essay more at his old Trade' and thereafter 'to make war with all mankind: sparing neither Poor nor Rich, House-keeper, Traveller, Red-Coat or Mantle, and to take their Lives who made Resistance, and would not part with their money.' Redmond and four companions attack two travellers, charging them head-on while discharging their carbines. One of the assailed men 'very bravely' stands his ground, returning fire with his blunderbuss. Redmond's horse is shot from underneath him, leaving him trapped under his dead steed. He is left for dead.⁵⁸⁹

⁵⁸⁹ Anon., *Life and death of the incomparable and indefatigable Tory*, pp.15-21

Analysis

In this penultimate passage of *Life and Death* Redmond becomes a victim of his own success, his very notoriety provoking government forces into greater action. Significantly, as the noose begins to tighten, Redmond begins to show uncharacteristic flashes of violence. Up until this point *Life and Death* has been conspicuous for its violence-free depiction of Redmond and, by implication, toryism in general. The sole exception to this rule has been Redmond's rough handling of a robber who had the temerity to falsely operate under the famous tory's name. In one of the text's more macaronic scenes, Redmond subsequently delivered this unfortunate man to Armagh gaol together with a mittimus signed by the 'Chief Ranger of the Mountains'. Even though Redmond's victim is afterwards executed by the state, the manner in which the story is relayed means that the protagonist still comes out looking like an avenger of injustice. Elsewhere Redmond is uniformly portrayed as someone who relied on cunning, rather than brute force, to affect his goals. Indeed, it was precisely Redmond's ability to avoid resorting to violence that was the measure of his prowess. At various stages the author has Redmond escaping prison by stealth, acquiring his first firearms and horse without shedding blood and, most unlikely of all, sparing the lives of soldiers that he tricked into convoying him over the mountains. This only begins to change as Redmond's existence becomes more precarious. After threatening the boatman with violence and tricking a hapless pageboy, Redmond's use of increasingly blunt tactics culminates in a reckless and violent attack on two merchants, a scene in which he has the advantage of numbers and displays neither guile nor skill. That Redmond escapes this botched robbery through luck alone serves as a marker for how far the hero has fallen. The erasure of violence from much of *Life and Death's* pages, and its moral containment wherever it does occur (Redmond is immediately punished for its use) stands in stark contrast to the reality of late Restoration toryism. For not only was the real-life O'Hanlon less than circumspect about shedding blood, the use of violence was in fact intrinsic to the longevity of his career. Moreover, as we shall see, there is a strong argument for suggesting that toryism in general was becoming more and not less violent as Charles II's reign came to a close.

Details concerning Redmond O’Hanlon’s mode of operation during the earlier part of his career are scant, but the picture which emerges when he exploded into notoriety in the late 1670s is a distinctly violent one. In one incident of August 1679, which may have loosely inspired the mutton supper scene in *Life and Death*, O’Hanlon and his gang violently ambushed a militia party that had been pursuing them cross-country. After receiving news of a robbery committed in county Fermanagh the militiamen had tracked O’Hanlon’s gang over the provincial border into Connacht. After losing track of their quarry, the militia party had stopped at a nearby house to ask for news of the tories, not realising that O’Hanlon and his men were waiting in ambush. Although no fatalities are reported, at least one of the militiamen was seriously injured in the affray, having received four bullets to the arm.⁵⁹⁰ Just a few weeks later the O’Hanlon gang committed probably their most notorious act of violence. On 9 September 1679 O’Hanlon’s associates kidnapped Henry St John, a prominent member of the Armagh Protestant gentry. Travelling with only a servant and a local rector St John was unarmed besides a ‘walking sword’ and consequentially put up little resistance. It is possible that the tories’ intention was only to hold St John hostage until such a time as a ransom fee had been paid. But when a party of Protestant militiamen attempted a rescue the tories killed St John on the spot before making their escape. Our principal source for this incident is Laurence Power, the rector present at St John’s death and the same individual who had relayed news of O’Hanlon’s reversible red coats to primate Boyle. At some point during the following year Power took the step of publishing the sermon he delivered at St John’s funeral, together with a four-page epistle outlining the context for the murder.⁵⁹¹ Although it is not clear whether Redmond O’Hanlon was himself present at the murder of St John, Power was nonetheless unsparing in his criticism of the famous tory, whom he describes as ‘a cunning and dangerous fellow’ and the chief of a ‘pack of insolent bloody Out-laws’. Certainly, O’Hanlon’s culpability was widely reported as a matter of fact, including in at least two contemporary London newssheets.⁵⁹² The event would come to represent a

⁵⁹⁰ *CSPD, 1680-1*, p.89

⁵⁹¹ Laurence Power, *The righteous mans portion delivered in a sermon at the obsequies of the noble and renowned gentleman Henry St John, Esq. who was unfortunately killed by the Tories on Tuesday the 9th of September, 1679 and solemnly buried the 16th of the same: together with a short character of his life and the way and manner of his death*, by Laur. Power, (1680)

⁵⁹² Moody, ‘Redmond O’Hanlon’, p.28

watershed in his career, as the murder of a prominent member of society stirred the political classes into action. Once again, we see how loosening restrictions on the print trade and the increasing propensity of laymen to avail of this burgeoning public sphere by putting their thoughts into printed word played an important role in aggrandising O'Hanlon's notoriety.

Even before this incident, efforts to bring O'Hanlon to justice had never been entirely wanting. As early as December 1676 sir George Rawdon reported that dedicated army units were being garrisoned in Dundalk, Armagh and Tandragee in order to counter the threat posed by O'Hanlon, at the time associating with ten or eleven deserters from an Irish regiment based in France.⁵⁹³ Two years later, in February 1678, four separate parties, made of up of both army and militiamen, were pursuing 'the great Tory' in county Armagh.⁵⁹⁴ Having killed Patrick Fleming, one of O'Hanlon's chief associates, as well as eight other Tories a week earlier, Rawdon was hopeful of having '[O'Hanlon's] head shortly'.⁵⁹⁵ By May the following year, however, Rawdon conceded that local patrol operations had succeeded in little more than to prevent further robberies, while Redmond, although he 'had many scapes lately' and was even reported to be wounded, was still alive and at large. The army was expected to be drawn into Munster to counter a potential French invasion and those involved with planning the manhunt were forced to raise a further three companies by voluntary contribution.⁵⁹⁶ The murder of St John added even greater urgency to their efforts. In the first week of October 1679 several of the principal counterinsurgents based out of Ulster, including Rawdon, sir Hans Hamilton and sir George Acheson met to discuss the issue, agreeing to personally contribute towards a party of forty men under Meredith Gyllim. Consisting half of dragoons and half of foot soldiers, these forces were to be divided into three parties and sent out in continual search of O'Hanlon. On top of this, Rawdon and the others committed to contributing towards a thirty pounds reward for each of the O'Hanlons and twenty for several others. This money was to be paid on top of the considerable reward

⁵⁹³ *CSPD, 1676-7*, pp.450-1

⁵⁹⁴ *CSPD, 1677-8*, pp.622-3, 670

⁵⁹⁵ *CSPD, 1677-8*, p.670

⁵⁹⁶ *CSPD, 1679-80*, pp.161-2

already offered by Dublin Castle.⁵⁹⁷ When the government first proclaimed Redmond and Laughlin O’Hanlon in 1674 a standard figure of ten pounds had been promised to anyone who assisted in their killing or capture.⁵⁹⁸ By the time O’Hanlon was proclaimed again in 1676 alongside Patrick Fleming this figure had been raised to twenty pounds.⁵⁹⁹ In the wake of St John’s murder, the government once again proclaimed the O’Hanlons, this time offering with fifty pounds for Laughlin and the unprecedented sum of one hundred pounds for Redmond O’Hanlon.⁶⁰⁰

The killing of St John proved a grave misstep for O’Hanlon’s gang. For although O’Hanlon himself continued to outwit authorities for another two years, the unwelcome publicity the murder brought and the intensity of the ensuing manhunt made his eventual demise inevitable. It is important to note, however, that although the incident provoked a strong political reaction, it is not clear whether the act itself had been political in its motivation. Indeed, it seems that St John’s death was the consequence of a botched kidnapping rather than a premeditated assassination. This point requires some qualification. The St Johns were in possession of the O’Hanlon’s former family landholdings and were engaged in a long-standing feud with the Irish sept. It is perhaps telling that when the 1641 rebellion broke out, it was the garrison of Tandragee, manned by captain St John, which the O’Hanlons first attacked. Moreover, by Laurence Power’s account, Henry St John had proven a particular thorn in O’Hanlon’s side. St John’s son later took up his father’s mantle by himself becoming a committed tory hunter. In this sense, any conflict between these two families cannot be understood except in a political context.⁶⁰¹ We may safely assume, in other words, that Henry St John was not arbitrarily targeted by the tories on that day in September 1679. Yet despite the rivalries that existed between O’Hanlon and St John and the political context to which these belonged, the tories’ apparent intent was to affect a kidnapping for ransom, not a murder. In a sense, what we are witnessing here in microcosm was not a depoliticisation of toryism, per se, but a deradicalisation: while the political context remained the same, the scope

⁵⁹⁷ *CSPD, 1679-80*, pp. 258, 259; See also pp.287, 298

⁵⁹⁸ *The proclamations of Ireland*, vol.1, pp.322-4

⁵⁹⁹ *Ibid*, pp.370-1

⁶⁰⁰ *Ibid*, pp.415-6

⁶⁰¹ Joseph Canning, ‘The O’Hanlons of Orior 1558-1691 Part II’, *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society*, vol.19, no.1 (2002), pp.111-4

and ambition of the dissidents' activity was markedly lessened. This trend was almost universal within late Restoration toryism.

That the O'Hanlon gang should have been engaged in a kidnapping was not out of character. Indeed, by Laurence Power's account the tories were in command of an extensive racketeering operation, with O'Hanlon himself coming to exercise 'a kind of separate Sovereignty' in three or four of the northern counties. O'Hanlon routinely extorted an extra-legal tax from the population that fell within his sphere of influence such that 'tis credibly reported, he raises more in a year by a contribution á la mode de France, than the Kings Land-Taxes and Chimny-mony come to'.⁶⁰² According to Power, it was precisely St John's unwillingness to cooperate with the O'Hanlon gang, especially his refusal to pay ransom money for the return of livestock, which led to his kidnapping. While the Anglican rector was by no means an impartial observer, he was not alone in depicting late Restoration toryism as increasingly engaged in such activities. In October 1680, for example, we hear from one George Stamer of three 'rogues' committing daily 'robberies, stealths and several other outrageous actions' in Clare. Recently, these same men had kidnapped several servants of one Mark Blood, described as an 'English gentleman', releasing them only after some delay and with the message that their master should pay a 'contribution' or expect to see twelve of his cattle slaughtered and his house burned down. As an 'infallible token' of their seriousness the tories sent with the servants a skean (a traditional blade or dagger). Having received no answer from Blood the tories promptly killed four of his cattle.⁶⁰³

Alongside the theatrical exploits of O'Hanlon, Power and the Brennans, the racketeering associated with late Restoration toryism combines to paint a picture that is strongly suggestive of deradicalisation. Certainly, there is a marked difference between the activities of these famous tories and the explosive toryism of the Second and Third Dutch Wars, with O'Hanlon's mode of operation almost unrecognizable from that of Nangle's militant mysticism and Costello's honour-driven destructiveness. The goal of O'Hanlon's toryism, as expressed in his actions,

⁶⁰² Power, *The righteous mans portion*

⁶⁰³ *HMC Ormond*, vol.5, p.455

was not to erect a new political edifice or tear down an old one, but to develop a parasitic relationship with the existing order, feeding off its surpluses while never destroying it entirely. The changing character of toryism in the late Restoration has been observed before.⁶⁰⁴ What has received far less attention, however, but which is nonetheless critical to understanding the historical mechanisms driving this change, is that toryism's deradicalisation was also mirrored by both corruption and a loss of ideological coherence on the behalf of the Protestant elite.

Despite Laurence Power's strong criticism of Redmond, the most acerbic attacks contained within his sermon were reserved for the local Protestant gentry who had survived St John. According to the impassioned rector, several members amongst that tight-knit community had scandalously been co-operating with O'Hanlon's gang and throughout his homily Power repeatedly contrasts the deceased's supposed qualities with those of his surviving peers. In doing so Power deployed the rhetoric of cultural degeneration, echoing the language of Derricke and Spenser as he did so. Upbraiding the attending worshippers, Power claimed to 'abhor' even the thought 'that English People and Protestants should harbour such pernicious Vipers in their bosom', but continues by saying that it was

certain some of you doe it, and that the better sort too, or else some half a score Ruffians could never lurk so long among you, which is such a prodigious shame, that you can never wipe off the infamy of it.

According to Power, members of the Protestant gentry had been harbouring 'these infamous Rebels' not simply out of fear but as part of a reciprocal arrangement which saw the tories furnish their 'Tables and Kitchens'. As the cleric wound to his sonorous conclusion he enjoined his parishioners:

by all that is sacred and serious, if there be any thing of the blood and ancient virtue of the English Nation left in you, if you be not the Spurious

⁶⁰⁴ Ó Ciardha, *Ireland and the Jacobite Cause*, pp.85-6

Brood and Offspring of these mean skulking Captives, retrieve your reputation and credit, by ridding the Countrey of these lurching Rebels...⁶⁰⁵

These were shocking accusations and it was of no small consequence that Power had his sermon published in London, the political and cultural capital of Irish Protestantism. That the rector's accusations had some basis in truth need not be doubted. Besides the soundness of his logic that O'Hanlon's gang could not possibly have operated with such impunity for so long a time without the tacit co-operation of the local gentry, it may also be more something than a coincidence that many of O'Hanlon's large-scale robberies seem to have occurred outside of his primary sphere of influence (i.e. county Armagh and its hinterland). This may suggest that he had indeed reached some form of understanding with those members of the Protestant gentry who were closer to home.

The gentry were not the only group to drift towards corruption in the latter years of Charles II's reign. Littered amongst contemporary sources are insinuations of cooperative relationships developing between tories and members of the army. Laurence Power's informant, the same man who conveyed the story about O'Hanlon's red lined coats, accused two troopers of lord Granard's unit of facilitating the proposed robbery of a house in Longford. Neither was this, according to the informant, the first time these troopers had assisted O'Hanlon, having joined him in person on previous expeditions. The same men were also supposed to have been involved in laundering O'Hanlon's stolen goods and minding some of the tory's money. While there was no implication of lord Granard's direct involvement, the mere suggestion that members of the army were colluding with O'Hanlon was outrageous enough on its own. Accusations of armymen's collusion with O'Hanlon continued to circulate even after St John's murder. In one letter from an anonymous source (almost certainly the same Laurence Power) writing from Tandragee on 19 December 1679, the correspondent described the situation in the aftermath of St John's murder as one where 'no man can stir abroad (except he be in league with [the tories]) but in danger to be taken or

⁶⁰⁵ Power, *The righteous mans portion*

killed'.⁶⁰⁶ Recently, after two tenants of St John's widow chased down O'Hanlon and his associates, recovering from them a horse and some other stolen goods, the Tories returned in the night to exact revenge. The tenants' family home was burned to the ground, along with their store of corn. Although this incident happened only a 'bow's shot of this town that has the name of a garrison', the local soldiers refused to stir from the town, despite having notice of the attack. The source considered it a matter of certainty that 'the Tories have friends and confederates enlisted in the company', even going so far as to claim that some of the soldiers had deserted to join O'Hanlon's ranks. Any chance of reform was considered doubly remote on account of the fact that the commanding officer was the son of Sir Toby Poyntz, justice of the peace for Armagh, and abused his father's authority to routinely absent himself from his post. 'I have heard very understanding men say' continues the source,

that the only way to suppress these skulking scoundrels is to remove the company that is here into some remote place and another company brought whose officers have no interest in this country.

That the correspondent's name was erased from the letter gives some idea of the source's fear of betrayal by those from within the Protestant community.

Accusations of army malfeasance became increasingly common as the Restoration wore on, not least because decades of chronic underpayment leaving grassroots discipline in tatters. In one incident, which closely echoed the Brennans' jail-break in Chester, two Tories were able to escape custody while being transported to Carrickfergus for trial 'by the wilful neglect of a bribed constable'.⁶⁰⁷ In some cases the soldiery by-passed cooperation with Tories only to engage themselves directly in criminal behaviour. Amongst those arrested for robbery in Limerick in March 1681 was an army deserter⁶⁰⁸ while in Waterford the local soldiers were reported to be 'very rude' after having 'barbarously murdered the High Constable of this place, and cut Captain Wheeler, commander of a London ship, in three or four

⁶⁰⁶ *HMC Ormond*, vol.5, pp.254-5

⁶⁰⁷ *HMC Ormond*, vol.5, pp.264-5

⁶⁰⁸ *Ibid*, p.613

places without provocation.’ Tellingly, the author of this report blamed the violence on ‘the Farmers’ evil’, meaning that the tax farmers were not meeting the army’s salaries.⁶⁰⁹

Signs of grassroots corruption and weakening discipline amongst the rank and file were matched at a governmental level by a general loss of coherence, both ideological and practical, in the state-directed counterinsurgency. Throughout the 1660s and 70s, whether in the ideological underpinnings of the proclamation of outlawry or the Common Law ethics of Essex, the Restoration state routinely defined toryism as a problem concerning aberrant individuals rather than something driven by widely held political grievances. By representing toryism in this way the state rhetorically denied the importance of kinship groups and other forms of identity politics, such as religious affiliation, as productive of dissent. While this template upheld certain core tenets of Stuart state ideology, it ran up against the practical reality that toryism was only enabled by the support networks that provided it with lodging, nourishment and concealment. Essex had sought to alleviate the worst effects of this gap between theory and reality by exhorting state agents to focus more attention on the harbourers of tories, but their hands still remained tied by the limits of the law. In 1677, however, the earl of Essex was replaced as lord lieutenant by Ormond. The Irish duke’s second stint as viceroy saw a reversion to piecemeal counterinsurgency tactics that were guided less by idealism than expediency. This was not altogether unpredictable. Ormond’s statecraft was modelled on the basis of an instinctive appreciation of normatively held values more than out of any consciously acquired theory of authority. Moreover, in stark contrast to Essex’s ‘Common Law mind’, which was characterised by the conviction that the state, as much any member of the public, was obliged to operate within certain codified rules, Ormond’s political outlook was determined by a belief in the absolute supremacy of the royal prerogative. In this sense it is unsurprising that Ormond should have promoted a counterinsurgency programme that was unconcerned with operating within the bounds of positive laws.

⁶⁰⁹ *Ibid*, p.240

The most conspicuous manifestation of this new policy paradigm was the proclamation issued by the government in January 1679.⁶¹⁰ Breaking the mould of previous tory proclamations, which outlawed named persons and set rewards for their killing or capture, this document announced that henceforward it would be legal for the state to arrest the kindred and relations of tories, as well as the priests within those parishes where they were known to operate. According to this dictum, the relatives of tories were to be imprisoned until such a time as the dissidents were 'brought to justice', while the arrested priests were to be transported abroad unless the accused persons were either 'killed or taken' within fourteen days or their abettors divulged information leading to their apprehension. These measures were essentially those of 'kincogish', a traditional counterinsurgency tactic predating the Restoration and which Ormond had introduced in limited fashion in order to quash the Nangle-Costello insurgency of 1666-7. Making such tactics a matter of public policy was, however, an altogether different matter. Most importantly, by officially introducing collective punishment measures the Ormond administration implicitly recognised that which the Stuart state had spent more than a decade refuting, that toryism was a political phenomenon operating within a social context. Recognising that these new proposals amounted to 'extraordinary means', the proclamation justified these orders on the basis that toryism was increasing not only in volume but in violence also.

Not every aspect of Essex's counterinsurgency programme was abandoned under Ormond's stewardship. *Posse comitatus*, the power of sheriffs and justices of the peace to employ temporarily the services of non-state actors, was continued in force to some effect. In March 1681, for example, viscount Shannon dispatched a number of Macroom residents in pursuit of three 'well mounted and armed' tories who had robbed several houses the night before.⁶¹¹ After a 'long skirmish', during which the tories shot one of their pursuers in the arm and injured several others, the 'robbers' were eventually taken along with their plunder. The strictures placed by Essex on the issuance of 'protections' were also retained. There was to be no return to Berkeley's lack of executive oversight, with Ormond continuing Essex's insistence

⁶¹⁰ *The proclamations of Ireland*, vol.1, pp.405-6

⁶¹¹ *HMC Ormond*, vol.6, p.4

that only the lord lieutenant could grant protections.⁶¹² In other respects, however, Ormond made serious adjustments to existing counterinsurgency policy. Whereas Essex promoted a reliance on state agents for the performance of counterinsurgency work, Ormond's programme placed greater emphasis on the encouragement of non-state actors, as had been the case under Berkeley. Protections, pardons and rewards were once again the order of the day. The result was often bloody and frequently messy.

In January 1680 sir George Rawdon informed the earl of Conway that four civilians had recently killed two of the tories responsible for St John's murder with an 'iron crow' (i.e. a crowbar), on the basis of his promised reward of ten pounds in addition to what the government was already offering.⁶¹³ Later, in a pitiful instance following the death of Redmond O'Hanlon, captain Thomas Whitney reported difficulties in settling the Catholic population of Tandragee after a teenage boy was mistakenly killed and his head 'sent for a Tory's head to Armagh.' In the space of the same report Whitney also describes a scene where a thirteen-year old boy begged for mercy 'upon his knees' after being returned a tory in the local courts. The boy claimed that Art O'Hanlon, Redmond's former colleague now turned tory-hunter, was looking 'to cut off his head.'⁶¹⁴

In some cases the results were more ridiculous than tragic. Such was certainly the case when captain Mathew agreed a private treaty with the Brennans for the return of the plate they stole from Kilkenny castle. In a farcical scene that gained much unwelcome publicity, the Brennans pretended to have knowledge of where and when the culprits intended to meet and divide their spoil. On the appointed night the soldiers discovered the plate, as the Brennans had suggested, but with no sign of the supposed robbers. When it subsequently came to light that Mathew had used the lord lieutenant's writ to grant pardon and protection to the Brennans it was clear that he had traded the state's justice for the return of private property. By the terms of this deal the Brennans, who had caused the government such embarrassment, were

⁶¹² For examples of officials seeking Ormond's permission to make private deals see: *HMC Ormond*, vol.5, pp.257, 431-2, 447-9

⁶¹³ *CSPD, 1679-80*, pp.368-9

⁶¹⁴ *HMC Ormond*, vol.6, pp.71-2

to turn tory-hunters and work on its behalf. While Mathew may have been glad to recover his goods, the earl of Clarendon, the new lord lieutenant, was reported to be furious. Having granted Mathew the power to grant protection precisely in order to take down the Brennans, the viceroy was well within his rights in feeling misled.⁶¹⁵ Chief justice Keating was similarly disgusted by the deal, telling Ormond that he was

always of opinion, and am daily confirmed therein, that this late way of taking thieves and robbers into protection, and promising them pardon upon their detecting others, is a most dangerous course, and hath brought many honest men to untimely death, without any fault in juror or judge.⁶¹⁶

Moreover, despite the collective punishment measures installed by the 1679 proclamation, the state continued to struggle to prosecute harbourers who were not affiliated with tories by kinship. Sir William King discovered this much after he was forced to release without charge two men accused of sheltering tories in the Limerick-Tipperary region, ‘their [*sic*] being no proof against them’ and ‘many faults in [the] informer’.⁶¹⁷ Thus the new counterinsurgency programme, although often effective in achieving its immediate goals, frequently brought the state into disrepute. Moreover, if it succeeded in reducing the overall numbers of active tories, it also had the unintended consequence of making the practice more violent in general.

The unfortunate tenants of Henry St. John’s widow, about whom we have already heard, offer just one example in a pattern of escalating retaliatory violence. The same two tories who escaped *en route* to Carrickfergus by the agency of a corrupt constable (see above) later returned to their old haunts with the ‘intention to cut off [the] head’ of the man who had helped secure their arrest. For having been ‘more officious’ than his fellow justices of the peace Thomas Dawson now lived in fear of his life. By his own account Dawson was unable to go

⁶¹⁵ *HMC Ormond*, vol.7, p.410

⁶¹⁶ *Ibid*, pp.437-8

⁶¹⁷ *HMC Ormond*, vol.5, p.613

a quarter of a mile from home because of their continual watch of me; neither should I fear them on any account if they had not sent me word that no guard could secure me, for as I rid they could single me out with a gun and make their escape afterwards.⁶¹⁸

Two years after they assisted viscount Shannon, the residents of Macroom had cause to regret their further participation in the state's counterinsurgency. Six days after the execution of several tories captured by the townsmen Macroom was burned to the ground in retaliation.⁶¹⁹ One of the unintended consequences of the government's reliance on informers was to ensure that those who took to toryism were more zealous than ever in their use of terror and intimidation to counter the State's tactics. Such was the case in Munster where the proclaimed tory Gerald Fitzgerald, who committed 'frequent robberies almost every night', suppressed any efforts of the local populace to inform upon him by threatening to burn their corn and thatched houses.⁶²⁰ Richard Power relied on similar tactics to ensure his survival. Faced by an increasingly concerted manhunt Power elected, much like the Redmond of *Life and Death*, not to lie low but to enhance his strength by taking on extra men and stealing high-grade horses. He was no less careful in dissuading the local population from assisting the state. In 1685 Francis Aungier, the earl of Longford, reported that the notorious tory had cut out the tongue and cut off the ears of a suspected informant.⁶²¹

Although the precise manner in which Power mutilated his victim clearly carried an intended meaning, in general both tories and state agents increasingly found themselves engaged in patterns of violence bereft of symbolic coherence. Perhaps the most striking example of this de-signification of violence were the occasional reports of tories preying indiscriminately on both Catholic and Protestant alike. Writing to Ormond in March 1681, captain Henry Boyle informed the lord lieutenant of some recent success against the tories that had been exercising the Munster gentry. Having captured a number of these dissidents Boyle was confident

⁶¹⁸ *HMC Ormond*, vol.5, pp.264-5

⁶¹⁹ Prendergast, *Restoration to the Revolution*, pp.78-9

⁶²⁰ *HMC Ormond*, vol.5, pp.431-2

⁶²¹ Prendergast, *Restoration to the Revolution*, pp.79-80

of exposing ‘the whole gang of them’, presumably in anticipation that, whether by coercion or enticement, the arrested men would give up their comrades. More unusually, however, Boyle also assured Ormond that if the tories were

not discovered and taken it will not be the fault of any gentleman in this county either English or Irish, for such villains make no distinction either of religion or countrymen...⁶²²

As this sort of indiscriminate violence could only serve to undermine the support networks that toryism relied upon we may safely assume that this was a sign of extreme desperation on the behalf of the Munster tories. The gradual loss of symbolic and ideological coherence which were typical of late Restoration toryism, as well as the state’s measures to counter it, must be understood in the context of wider centrifugal trends. There is perhaps no incident which typifies this dimension of late Restoration political culture more vividly than the Popish Plot.

Beginning in August 1678, when Israel Tonge and Titus Oates first made their poisonous claims, the Popish Plot would embroil British and, to a lesser extent, Irish political affairs for the best part of two years. All told, a total of twenty-two individuals were executed on the basis of this entirely fictitious conspiracy, the last of whom was Oliver Plunkett, the Catholic archbishop of Armagh, who was hanged, drawn and quartered at Tyburn on 1 July 1681. The basic outline of Tonge and Oates’ claims when they first broke news of the plot was that there was in motion a Jesuit conspiracy to kill the king. Tonge, a rabid anti-Catholic who was widely believed to be insane, was dismissed out of hand. Oates, on the other hand, was so commanding in his performance before king and council that an official investigation was launched soon after these proceedings. Even at this early stage Charles II and most of his ministers were deeply suspicious of the plot’s credibility. That they nonetheless proved unable or unwilling to call a halt to proceedings was a consequence, not only of individual weakness and poor judgement, but of the convergence of a torrent of forces.

⁶²² *HMC Ormond*, vol.5, pp.595-6

The sheer volume of plots and schemes mooted in the years leading up to 1678 made it almost impossible for those in authority to confidently discern fact from fiction. The possibility and potential consequences of even one of these supposed plots proving true made it difficult for the government to dismiss each and every subsequent conspiracy out of hand. The last-minute prevention of Thomas Blood's attempted overthrow of the Dublin government in 1663 provided an early of the dangers of apathy. Despite these pressures, Charles II and his ministers had generally remained calm as various rumours of uprisings and plots had swirled around the chambers of Whitehall during the earlier part of his reign. That this conspiratorial culture was never entirely quashed, and that the administration eventually lost its nerve may be accounted for by certain structural conditions in Restoration political culture.

Perhaps the most important sustaining factor for the Restoration's culture of conspiracy was the so-called 'Clarendon code', the religious settlement devised by Charles II's chief minister in the early years of his reign. By narrowly defining religious conformity and by committing the Stuart regime to the persecution of those that fell without this settlement, the earl of Clarendon ensured that England's many nonconforming sects were forced to operate in the shadows, where mainstream society could neither gauge their numbers nor their intent, a state of affairs that necessarily leant itself to gossip and speculation. In the case of Roman Catholicism, these anxieties were fused with much older fears of interference by European superpowers, producing a heady admixture rife for exploitation by unscrupulous men like Oates. The force of these anti-Catholic trends was further fuelled by the presence of Roman Catholics at court, not least the duke of York, the king's brother and heir to the throne. Indeed, it is important to note that the Stuart regime was itself a major source for many of the most persistent and scandalous rumours of the period. The widely held belief that Whitehall's inner sanctum was acting out of undeclared interests, be it the re-establishment of Catholicism or the pursuit of political absolutism, is perhaps best-remembered in the word 'cabal', which attained its modern usage from the initial letters of Charles II's cabinet between 1668 and 1672 (i.e. Clifford, Arlington, Buckingham, Ashley,

Lauderdale).⁶²³ Thus a situation was fostered whereby the court found it increasingly difficult to distinguish between real and fictitious plots, while the wider public was increasingly distrustful of those in authority. This multi-faceted crisis of confidence was further magnified by a number of ruptures in the routine operation of popular politics.

By the late 1670s the British political elite was increasingly fractured between those who supported the succession of the duke of York and those who sought his exclusion and it was around this issue that the first political ‘parties’ began to coagulate. The emergence of publicly competitive politics upended traditional norms. Not least important was the fact that the king and church were no longer the sole arbiters of truth and falsity in political discourse, a role which ‘public opinion’ was increasingly required to play.⁶²⁴ Ironically, the same forces that appointed the public the chief adjudicator of political truth also fundamentally undermined its capacity to perform this role. As opposing sides advanced rival narratives and as both became more adept at producing propagandist material, clarity of judgement became ever more difficult for those watching on the side-lines. The effects were especially unsettling in a society with little experience of these dynamics.⁶²⁵ Inseparable from these developments was another seismic shift in political practice, namely, the vast expansion of the popular print trade in the late Restoration, something which was aided in particular by the lapsing of the Licensing Act in 1679. The falling into abeyance of the law that had provided for the censorship of the press throughout the 1660s and 1670s at the precise moment when the Popish Plot was gaining momentum cannot be underestimated as a factor for the conspiracy’s viral growth. The destabilising effects of these novel developments in British political culture cut to the very root of public discourse, undermining even the basic meaning of words. ‘Redefinition, cant, dissimulation, or diversity of meaning and abuse of labels’, according to historian Mark Knights, ‘all led to epistemological uncertainty’.⁶²⁶

⁶²³ Hutton, *Charles II*, p.254

⁶²⁴ Mark Knights, *Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture*, (Oxford, 2005), esp. pp.209-18, 272-8

⁶²⁵ *Ibid*

⁶²⁶ *Ibid*, p.215

In previous chapters we encountered numerous examples of the Irish polity's propensity for conspiratorial thought, both cynically insinuated and sincerely held. For reasons that are not easily explained, however, the Irish public remained relatively immune to the effects of Popish Plot hysteria. Writing in December 1680, Ormond informed his son, the earl of Arran, that although he did not know 'whether it may be safe to say it' it was 'a truth that there seems to be as great a disposition to quietness in this kingdom as ever I observed.'⁶²⁷ The Irish kingdom's quietude was all the more surprising given that Dublin Castle's censorship mechanism had also collapsed around this time (see above). Like its English counterpart, this opened the way for what might otherwise have been an ill-timed deregulation of the popular print market. Moreover, it is clear from the output of Dublin's print presses during this window that while Ireland's reading public was not yet animated by the Plot it was nonetheless fascinated by it. Historian James Kelly puts the number of titles relating to the Popish Plot published in Dublin at this time at over fifty. And while most of these issues were reprints of English works, something which leads Kelly to conclude against the idea that an indigenous political discourse had emerged, they still clearly attest to an avid interest in the Plot's progress.⁶²⁸ But while Oates' revelations did not necessarily incite the flames of sectarian hostility that might otherwise have been expected, the conspiracy's English sponsors remained were nonetheless determined to foster an Irish dimension to the Plot.

For the supporters of York's exclusion the anti-Catholic feeling stoked by the Popish Plot represented a significant opportunity to advance their cause. As such, developing an Irish dimension to the Plot, with all its loaded associations of 1641 and Irish Catholic barbarity, represented an attractive means by which to further Exclusionist goals.⁶²⁹ The notion of a planned French invasion of Ireland, supported by Irish Catholic agents, was first suggested by Edrington Hetherington and Edmund Murphy, two men with less than exemplary track records. In the 1660s Hetherington had been employed to hunt tories by both Theophilus Jones and lord Kingston. He had since, however, fallen into collusion with his intended quarry and

⁶²⁷ *HMC Ormond*, vol.5, pp. 534-5

⁶²⁸ Kelly, 'Political Publishing, 1550-1700', p.207

⁶²⁹ John Gibney, *Ireland and the Popish Plot*, (London, 2009), p.84

in 1679 Hetherington was imprisoned for, amongst other things, improper dealings with tories.⁶³⁰ An ordained priest of the Catholic faith, Murphy was also known to affiliate with tories. Indeed, Murphy's entanglement with toryism was extensive. Not only was he related to Cormac Raver Murphy, a prominent and active tory, he was also an outspoken critic of Redmond O'Hanlon.⁶³¹ In 1681 Murphy even published a text in which he defended his kinsman while lambasting O'Hanlon.⁶³² According to Murphy, in retaliation for his opposition O'Hanlon had threatened to severely punish anyone who came to hear him preach. For the first breach of this embargo the parishioner would pay with a cow, for the second with two cows. For the third infringement, however, he would pay with his life. By Murphy's account O'Hanlon had followed through on his threat, killing one Cully MacKavell and taking two cows from one John McFolloney.⁶³³ Although Murphy cannot be taken as a reliable narrator, for reasons that will become obvious, at least some of his claims are corroborated by other sources.

Amongst Murphy's more serious insinuations are his claims of corrupt relationships between O'Hanlon and members of the state's armed forces. One lieutenant Henry Baker is singled out for special attention by Murphy, who claims that the soldier was responsible for funnelling 'powder and ammunition' to O'Hanlon. It is even suggested that Baker had become a godfather to another tory's child.⁶³⁴ Interestingly, Murphy also relays a story closely resembling a scene found in *Life and Death*. By Murphy's telling Cormac Raver Murphy, after a period of collaboration with O'Hanlon, had subsequently split off to become 'the Ring-leader of a company

⁶³⁰ Prendergast, *Restoration to the Revolution*, pp.76-7. See also, Gibney, *Ireland and the Popish Plot*, p.80

⁶³¹ *Ibid*, pp.107-9

⁶³² Murphy's text was published after he failed to give testimony in archbishop Plunkett's Irish trial and had fled to England, where in December 1680 the lords voted to allow him publish his testimony. The very possibility of such a score-settling text, authored by a man from outside the political elite, is arresting evidence of how changes in print culture had transformed the political landscape. *Ibid*, p.106

⁶³³ Edmund Murphy, *The present state and condition of Ireland, but more especially the province of Ulster, humbly represented to the kingdom of England. By Edmund Murphy, secular priest, and titular chanter of Armagh, and one of the first discoverers of the Irish Plot. Printed for R. Boulter at the Turks Head in Cornhil, and Benj. Alsop at the Angel and Bible in the Poultry. 1681*, (London, 1681)

⁶³⁴ The extent to which Murphy's testimony is unreliable is underscored by the soldiers he accused of colluding with O'Hanlon, Baker and Smith, were the same who imprisoned him in 1679. Gibney, *Ireland and the Popish Plot*, pp.107-9

distinct to himself'. The two tories' relationship deteriorated from this point onwards, especially after Cormac and some of his confederates robbed three 'Scotchmen' in the parish of Killevey in county Armagh. According to Murphy, these Scotsmen were 'tributaries' to O'Hanlon,

it being become a custome for the Countrey people of IRELAND to pay a certain sum of money to the Tories for a Pass to go unmolested (about their necessary affairs) from the rest of the Gang...

When the aggrieved party complained that they 'had been spoiled [...] notwithstanding their paying for Pass and Protection from such invasion', O'Hanlon seized his erstwhile colleague and delivered him over to the complainants. According to Murphy, O'Hanlon then drew up 'a *Mittimus* to the next Justice of the Peace' for the arraignment of Cormac. This scene so closely resembles that which is relayed in *Life and Death* it is almost certain that Murphy's text is the source used by Redmond's biographer. As well as settling scores with O'Hanlon, Murphy's ulterior motive in publishing *The Present State* was to insinuate the famous tory's involvement in a wider plot to bring the French into Ireland. In this instance Murphy's principle target was not O'Hanlon, but rather the archbishop of Armagh, Oliver Plunkett. Here, too, Murphy was settling old scores.

Murphy was originally appointed the chanter of Armagh cathedral in 1670 on the recommendation of archbishop Plunkett. Four years later, however, Plunkett abruptly suspended Murphy for reasons including his fraternisation with tories. Although he was subsequently readmitted to religious office in the late 1670s, further dealings with tories led to Murphy's imprisonment in 1679.⁶³⁵ It was there he first met Hetherington and together the two colluded to invent their French plot. Their claims soon caught the attention of the earl of Shaftesbury, one of the chief proponents of the Exclusionists, who encouraged Hetherington to suborn Irish witnesses while recommending both men to Henry Jones, bishop of Meath, a member of the Irish privy council and ardent anti-Catholic. By nurturing the Irish dimension of the Popish Plot Shaftesbury hoped, not only to sustain the English

⁶³⁵ John Gibney, 'Murphy, Edmund' in *Dictionary of Irish Biography*

public's anti-Catholic fervour, but also to draw his adversary, lord lieutenant Ormond, into the web of suspected individuals. Hetherington first sought to achieve this by dragging up a case concerning the deceased tory Patrick Fleming.

According to retrospective testimony from some of the soldiers present at Fleming's death in January 1677, several papers had been discovered on the dead tory's person, including one addressed by a certain Thomas Cox. According to the same men, the original copy of this letter was soon afterwards delivered directly to Ormond. Although the letter subsequently disappeared – the implication was that Ormond had destroyed it – a transcription had apparently survived. The scandal attached to the letter centred upon the claim that Thomas Cox was the preferred alias of archbishop Plunkett and that the letter's contents concerned a deal which would have seen the proclaimed tory Patrick Fleming pardoned on terms of transportation abroad. As Plunkett was now under suspicion for colluding with the French, any proof that Ormond had been part of such a deal that was indecently sympathetic towards an outlawed criminal, as many would have seen it, would tarnish the lord lieutenant by association.⁶³⁶ After initially denying any knowledge of the affair, Ormond subsequently sought to shut down the scandal by dragging it into the light of day, ordering affidavits sworn by the soldiers involved with the original discovery of the letter.⁶³⁷ Ormond's tactic, along with his explanation that the scheme to pardon Fleming was already in motion before his re-appointment to the viceroyship, seems to have been sufficient to make the incident go away.⁶³⁸ By this time, however, Shaftesbury's Irish agents were already pursuing an even more salacious line of attack.

Towards the end of 1680 Redmond O'Hanlon made an overture to the Dublin government using Roger Boyle, the Anglican bishop of Clogher, as an intermediary. Declaring himself and his brother Laughlin to be 'heartily sorry for our long

⁶³⁶ *HMC Ormond*, vol.5, pp.312-3. John Gibney suggests that the 1679 tory proclamation issued by Ormond's administration (see above) was largely motivated by the necessity to distance the lord lieutenant from any suggestion of his sympathetic treatment to tories. This argument is strongly substantiated by the fact that the proclamation was published in London as well as Dublin. Gibney, *Ireland and the Popish Plot*, p.59

⁶³⁷ *HMC Ormond*, vol.5, pp.491-2, 492-3, 498

⁶³⁸ *Ibid*, p.500

rebellion', O'Hanlon admitted to trespassing 'first against the Almighty God, secondly against our dread sovereign, & thirdly for being the occasion of the ruination of many a poor subject.'⁶³⁹ In return for a suspension of the charges against him and his kinsman, O'Hanlon offered to secure the roads between Downpatrick and county Monaghan, there to 'banish & apprehend, & behead all other tories'. The proposal was forwarded to the privy council with the recommendation of bishop Clogher. Despite, however, the advocacy of bishop Henry Jones, Dublin Castle ultimately decided to rebuff the approach. Instead the council voted to hike up the reward money set on the O'Hanlons.⁶⁴⁰ In what was quite possibly a pre-planned manoeuvre, bishop Jones now sought to leverage the tories' desperation by proposing that their pardon could be secured in England, over the head of the Irish government, if O'Hanlon would in return testify to the materiality of the French invasion conspiracy and provide the names of its principal abettors.⁶⁴¹ The clear implication was that O'Hanlon should finger at least Ormond and possibly the duke of York also.

The precise details of this remarkable proposition would probably have remained obscured from history except that two letters sent between bishop Jones's offspring and O'Hanlon's mother-in-law were discovered by chance during a routine search of Katherine O'Hanlon's property by troopers working for sir Hans Hamilton.⁶⁴² The letters were swiftly forwarded to the lord lieutenant, who gleefully dispatched copies to the earl of Arran, who was then residing in London. At Ormond's encouragement Arran was to present the incriminating evidence to the king at the soonest convenience.⁶⁴³ The discovery of these letters killed the secret negotiations

⁶³⁹ Redmond's letter gives further confirmation to something argued in the previous chapter, namely, that the discursive gap between dissident Irish Catholic communities and the State's discourse of toryism narrowed considerably in the course of the Restoration period. Similar to the tory petition of 1673, Redmond's letter ably communicates that which the State would have wanted to hear, that his 'rebellion' was a crime committed against God and King alike. In this sense we can say that Redmond knew that his best chance of currying favour with the regime lay in depicting his crime as a sin, something which is interesting to think alongside Moody's comment that *Life and Death* was only interested in explaining toryism as a function of 'original sin'. For a transcription and commentary upon this letter see, McMahon, Kevin, 'The O Hanlon Letter', *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society*, vol.10, no.1 (1980/1981), pp. 37-41

⁶⁴⁰ *HMC Ormond*, vol.5, pp.535, 536

⁶⁴¹ *Ibid*, p.536

⁶⁴² *Ibid*, pp.530-1

⁶⁴³ *Ibid*, pp.534-5

between Shaftesbury's agents and O'Hanlon and the scheme to draw the tory into the Popish Plot would go no further. Indeed, historian John Gibney suggests that Shaftesbury's scheme to have O'Hanlon become a witness in the Popish Plot may have stiffened Ormond's resolve to bring an end to the famous tory.⁶⁴⁴ Above all else, however, the very existence of such a madcap conspiracy is indicative of the increasingly theatrical nature of Restoration political culture. Certainly, that O'Hanlon's reputation as a notorious dissident should have made his testimony more and not less attractive to the Plot's proponents speaks volumes of the crooked logic that engendered the Popish Plot in the first place. And although the O'Hanlon scheme did not come to anything, it may have an incidental but long-lasting affect on British politics.

It was traditionally assumed by historians that the labels 'tory' and 'whig' entered the English political lexicon simply as terms of general opprobrium ('whig', an abbreviated form of 'whiggamore', was a name for Scottish dissidents). The historian Robert Willman has since argued, however, that these labels may have had more specific origins than this.⁶⁴⁵ In the case of 'tory', Willman believes that its genesis as a political moniker had something to do with Shaftesbury's O'Hanlon scheme. Willman convincingly argues that Exclusionist propagandists first began using the term 'tory' to describe their political opponents in the weeks leading up to the letters' discovery. Willman's hypothesis is that Shaftesbury's scribes had been given advance notice of the O'Hanlon scheme and that 'tory', as it was used in the early months of 1681, was not a general term of contempt, but a specific reference to the idea that Ormond and the duke of York had been colluding with Irish dissidents to bring in the French. Regardless of the weight we give Willman's theory, the simple fact that 'tory' was used as a form of mud-slinging gives some idea of both the invective and loosening of political discourse in the late Restoration. Given these trends, with violence increasing in total terms while decreasing in terms of its symbolic coherence, how, in the final analysis, should we account for *Life and Death's* violence-free treatment of Redmond O'Hanlon?

⁶⁴⁴ Gibney, *Ireland and the Popish Plot*, pp.143-4

⁶⁴⁵ Robert Willman, 'The Origins of 'Whig' and 'Tory' in English Political Language' *The Historical Journal*, vol.17, no.2 (June 1974), pp. 247-264

According to Hayden White, whose work was cited in the introduction to the present thesis, the concept of ‘wildness’ served as a ‘self-authenticating device’ for late medieval and early modern communities. By projecting a barbaric image onto those residing on their periphery, societies were made to feel better about themselves.⁶⁴⁶ The typical trajectory of the ‘wildness’ motif in human societies, White argues, is to transition from a ‘sustaining cultural myth’ to something that was ‘merely fictitious’. As it underwent this metamorphization, the ‘wildman’ is not so much banished from popular culture as ‘interiorised’ by it, thereafter becoming a site for repressed content and the projection of sublimated desires and anxieties.⁶⁴⁷ In turn, the ‘wildman’ is gradually transformed ‘from an object of loathing and fear (and only secret envy) into an object of open envy and even admiration.’⁶⁴⁸ Of particular interest to the present work is that White’s theory of the successive psychological functions of ‘wildness’ also dovetails neatly with David Hayton’s ‘barbarian to burlesque’ study of Irishness in the history of Anglo-Protestant perception.

According to Hayton, the process by which the Irishman of the Anglo-Protestant imagination was transformed from barbarian to ‘contemptible fool’ and later still to the ‘brazen young spark’, was not unidirectional. Offering the example of the ‘Irish Fright’ of December 1688 – when rumours spread of an Irish Catholic army rampaging through the English midlands – Hayton argues that while, over time, the Irishman became a less threatening prospect to the Anglo-Protestant public, this general pattern of perception did suffer numerous bumps and setbacks.⁶⁴⁹ Accepting, however, that the Anglo-Protestant conception of Irishness sometimes reverted to an older mindset should also allow us to argue that this sometimes operated in the opposite direction, with the image of the Irishman momentarily accelerating towards domestication. It is possible to argue, moreover, that the early 1680s belonged to just such a moment. Certainly, that Irish Protestants proved generally immune to the paroxysms of Popish Plot hysteria cannot be explained except in the

⁶⁴⁶ Hayden White, *Tropics of Discourse: Essays in Cultural History*, (Baltimore, 1978), esp., pp.151-3

⁶⁴⁷ *Ibid*, p.153

⁶⁴⁸ *Ibid*, p.168

⁶⁴⁹ Hayton, ‘From Barbarian to Burlesque’, p.11

context of their being less threatened by Irish Catholics than at any other time during the Restoration. This conservative attitude was further consolidated by the public's general mood in the aftermath of the Popish Plot. Reeling from the excesses of the plot, which was disturbing not only for the violence it provoked, but also for how it seemed to threaten the symbolic order within which violence was normally inscribed, late Restoration society displayed a noticeable aversion to any form of political excitement in the final years of Charles II's reign.⁶⁵⁰ In this sense the framework delineated by White and Hayton offers an interesting perspective from which to view *Life and Death's* violence-free treatment of Redmond O'Hanlon. Published in 1682, *Life and Death* belonged to a window of time during which the wider Protestant community, in Ireland as well as in England, was less scared of Irish Catholics than at any point in preceding decades. This argument becomes all the more convincing when we turn to the closing passages of *Life and Death*, where the heroic treatment of Redmond becomes over-determined.

IV. Tying the Knot

Summary

With the army failing in its hunt of Redmond, the government begins to explore alternative avenues 'for the destruction of this Arch Rebel'. Ormond signs off on a scheme involving Art O'Hanlon, a foster-kindred of Redmond. Although the exact details of this deal are not known to the author, its outline becomes clear in the month of April. By this time Redmond has grown 'half distracted with Jelousie, Fear, and suspicion' even going so far as to change 'his Quarter every night, & his Guard every day'. On the day appointed for him to stand guard Art waits until Redmond falls asleep and then 'with his cockt Carabin approached to the Bed where his Cosin, and Countryman Lay; and pour'd the shot into his Brest'. As Art makes off, another tory, William O'Sheal, comes running to Redmond's side, 'where he found his Master and Commander weltring in his Blood'. Facing certain death, Redmond pleads with O'Sheal to remove his head and bury it in a bog, so that 'his

⁶⁵⁰ The Stuart regime was quick to exploit this conservative reaction, harnessing it as an excuse to replace Whig for Tory MPs as well as to force new pro-monarchy charters upon English boroughs. This so-called 'tory reaction' ultimately facilitated the successful accession of James II in 1685. Hutton, *Charles II*, pp.405-6, 433

Enemies might not have the satisfaction to dishonor his Family, by advancing it on a Pole.’ O’Sheal at first refuses, stating that he ‘would not touch him for all *Ireland*’, but at Redmond’s insistence he eventually agrees to do so once his master has expired. This happening shortly afterwards ‘the man immediately made [Redmond] shorter by the Head, and escaped with it.’ When news broke of Redmond’s death an army detachment arrived to take his body to Newry where ‘his Dead Trunk’ was put on display ‘in a kind of Mock state to the view of all’. Thus, we are told, ‘fell the Famous *Hanlin*, and with him the seminary of the Toryes was extinguished.’ The tale winds to a close with a summary of Redmond’s character and traits. He is described as ‘a well timber’d man, tho not of the best Proportion’, of average height with a body ‘rather nimble, than strong; more subtil then [sic] Valiant’. Of Redmond’s personality, we are told he was ‘naturally bold but not cruel’ and that he only ever shed blood in self-defence. Although sometimes ‘rapacious’, he was never ‘covetous’ and he robbed as much to enrich others as to preserve himself. Indeed, temperance and liberality were signature traits of Redmond, for while his followers glutted themselves on meat and liquor, he made do with milk and water. For a conclusion the author draws the following moral:

by his example let all men beware of growing gradually wicked; let no man presume to commit great crimes in despaire of a pardon for small faults: may he be the last of the Kings Enemies, or all his Enemies be, as he is.

Finally, the author signs off by requesting that his Dublin-based correspondent should not publicise the preceding story, lest in poor judgement the layman should take delight in it. In the event that this wish is not fulfilled the author requests that his name be at least concealed.⁶⁵¹

Analysis

Redmond’s death and the manner in which it was brought about presents a delicate issue for the author of *Life and Death*, who is careful to make a distinction between the necessity of the plan and the ugliness of the act. Hence the narrator assiduously

⁶⁵¹ Anon., *Life and death of the incomparable and indefatigable Tory*, pp.21-3

praises Ormond and his efforts to bring down Redmond, while at the same time condemning Art O'Hanlon for a despicable act of betrayal, an ambivalence neatly encapsulated in the phrase 'vertuous Treachery'. Indeed, it is on this issue that *Life and Death*'s many-voicedness is most clearly on display. Regarding the viceroy, the author tells us that Ireland 'must alway [*sic*] be indebted for its Peace, and Security to that most Noble person', considering it great wisdom on Ormond's behalf to recognise that ordinary means would never suffice to kill or capture Redmond. When commenting upon his grant of a commission to captain Trevor Lloyd, the author informs us that the lord lieutenant had been moved to try 'some extraordinary Address to clense the Land from this growing Swarm of Vermin'. This language, especially terms like 'swarm' and 'vermin', clearly draws upon the same oppositional discourse as that which fed into Laurence Power's sermon and which stretches back to the works of Spenser and Derricke. Whether we consider these passages a ploy to avoid censorship or unintentional slips in the narrative's register there is no denying that this language is completely out of place when compared with the rest of the text. By contrast, Redmond's dying moments are depicted in unapologetically heroic terms.

In the scene involving William O'Sheal Redmond is portrayed as facing death with a 'Roman resolution', while his predicament ('weltring in his Blood') is unmistakably sympathetic. The author's concern to paint the protagonist in an heroic posture is also evident in how this scene is selectively adapted from historical reality. For as was noted in the introduction to the present chapter, O'Sheal's character was not a fictive invention as a tory with that name was indeed present at O'Hanlon's death and also subsequently made off with the famous tory's head. But the motives of the real-life O'Sheal were not as pure as the author of *Life and Death* suggests. Rather than defending his master's honour, O'Sheal coveted O'Hanlon's head as a bargaining chip to be used in negotiating a pardon from the government. He would later agreed to also kill Laughlin O'Hanlon in his bid for clemency.⁶⁵² And although he failed in this commitment O'Sheal did subsequently bring in the head of Shane O'Hagan, another proclaimed tory.⁶⁵³ The author may or may not have been

⁶⁵² *HMC Ormond*, vol.6, pp.55-6

⁶⁵³ *Ibid*, p.66

aware of O'Sheal's real purpose in carrying off O'Hanlon's head, but regardless his adaptation displays a pronounced determination to give Redmond an heroic denouement. Finally, in the closing passage of *Life and Death*, in which the author summarises Redmond's character, the narrative's multiple voices, which oscillate between lauding and condemning the protagonist, give way to a homily that is entirely celebratory of the tory.

Here again it is necessary to understand *Life and Death* in its immediate historical context. For not only was Anglo-Protestant society inclined to place less importance on the lesser threat played by Irish Catholics in the late Restoration, this was also a community in sorry need of heroes embodying values that were not seen to be operating in society at large. Certainly, that the Redmond of *Life and Death* relied on brain over brawn and generally avoided using violence must have been attractive to a community which had witnessed several years of panic-driven violent excess. Similarly, his self-sufficient independence and the ease with which he outwitted the large and anonymous forces deployed by state must also have played well amongst those whose distrust of authority had helped create the conditions for the Popish Plot to take hold in the first place. Finally, the manner in which the hero perishes, a demise suffered through no fault of his own, but which he endured with no less gallantry, was a satisfying denouement for a public that craved ideological coherence and meaningful closure. Viewed from this platform, *Life and Death* begins to look less like a random assortment of generic literary conventions and more like a wish-fulfilment fantasy which, although often constructed out of borrowed material, was designed to satisfy the requirements of a very contemporary public demand.

Conclusion

Although both Moody and Ó Ciosáin are correct in suggesting that *Life and Death* largely ignores the 'essential causes of toryism' and engages in a mythologizing act of literary adaptation, neither this is a completely ahistorical narrative. Instead, we have found that the circumstances of the text's production and the idiosyncrasies of its content are very much rooted in the historical moment of the early 1680s. We have seen, for example, that *Life and Death* emerged at a time when English language literature of criminality had evolved to the point where it was possible to

conceive of a tory protagonist, whilst the contemporaneous breakdown of the Irish censorship mechanism, and the consequent growth of the popular print trade, opened the way for this opportunity to be realised. At the same time, the text's burlesque treatment of toryism was more than a generic convention of rogue literature, for this also belonged both to a minor strand in the Protestant discourse of toryism, which originated in the early 1670s, and the general mood of late Restoration political culture. Moreover, the author's heroic presentation of Redmond must also be understood within the context of post-Popish Plot society, which reacted strongly against the loss of ideological cohesion and the de-signified violence witnessed by the Stuart kingdoms in the late 1670s and early 1680s. As we shall see, this outlook would not survive James II's accession and the heightened sectarianism this precipitated.

Chapter Four: Tories and rapparees in the reign of James II and the War of the Two Kings

Introduction

In this final chapter we chart the role played by toryism, and the effects wrought upon it, in the climatic events encompassed in James II's reign and the ensuing War of the Two Kings. The central concern of what follows will be to evaluate how the accession of a Catholic king and the event of war helped transform both the fundamental precepts of Irish Protestant identity as well as the basic principles of Catholic Irish dissidence. With respect to the former, we will chart the conversion of Irish Protestant's mainstream political ideology from a community that traditionally defined itself as the English monarchy's loyal representatives in Ireland (albeit with the notable exception of their mid-century dalliance with Parliamentarianism), into one that fully embraced the radical tenets of the Williamite revolution. As we shall see, the resurgence of toryism and other forms of partisan violence was central to this process. Meanwhile, the most significant development in terms of Irish Catholic dissidence was the emergence of the 'rapparee'. It has been the common assumption of historians that this neologism represented merely a new name for the established practice of toryism, a conflation encouraged by an equivalent bias in contemporary Anglo-Protestant discourse. It will be the argument of the present work, however, that at its point of origin, rappareeism amounted to a form of mass-participation insurgency, fuelled in no small part by the sanction it received from James II himself. In this sense, the rappareeism of 1688-91 was demonstrably different from Restoration toryism, limited as it was by the number of its participants as well as by its relation to Gaelic aristocratic culture, which remained incompatible with forms of popular political participation. Finally, we will explore the extent to which persistent bouts of rapparee activity, closely linked with other modes of Jacobite dissidence, emboldened Irish Protestants to seek a post-war settlement that relied not on the monarchy's goodwill but rather on a body of statutory legislation enshrining their total domination of Catholic Ireland.

I. Picking Sides

Sir John Perceval gets on with it

The reign of James II is often characterised as a caesura in Irish history: the sea-swell which once again disturbed the seventeenth century's sectarian sediment, leading to the creation of an unfamiliar landscape, the beginning of that which is now known as the 'Protestant Ascendancy' and the 'long eighteenth century'. Yet the view coming into focus when we concentrate on the practice of toryism in the early months of James II's reign hardly suggests a sea change in the Irish kingdom's cultures of dissent and law enforcement. In the first place, as we have already seen, many of the tories whose careers were launched in the later years of Charles II's life continued to ply their trade without pause or hesitation in the second half of 1680s. The Brennans, who first became notorious first in the early 1680s, went on to rob Kilkenny castle in September 1685 and secured a pardon in questionable circumstances early the next year. Richard Power, first outlawed in 1683, was only captured two years later in October 1685. And although that infamous tory was executed one month later, many of his followers, including his younger brother, remained at large for years to come. That Power and the Brennans did not alter their course should not necessarily surprise us. These were men long since locked into their occupations, as much by their status as legal outlaws as by any criminal or revolutionary impulses. Perhaps less predictable was the short-term upsurge in tory activity immediately following James II's accession.

It might reasonably be assumed that the presence of an openly practicing Roman Catholic on the throne would give pause to Catholic Irish dissidents, who could once again expect legal restitution of their grievances. Yet by duke of Ormond's estimate there were already more robberies in the two months following Charles II's death than in the previous twelve months combined. Writing to the earl of Sunderland on 6 March 1685, Ormond explained this trend by citing the popular belief that James II would issue a general pardon soon after his accession. A gesture of goodwill traditionally performed by new monarchs, Ormond suspected that deviant individuals were using this anticipated clemency as an excuse to act on their base instincts in the expectation that they would soon be absolved of their

misdemeanours.⁶⁵⁴ Never a particularly sensitive diviner of the popular mind, the Irish duke may simply have been viewing events in light of his own cynicism. Certainly, it is equally plausible to suggest that members of the Irish Catholic community felt emboldened by the accession of a man of their own faith and were acting on the basis of an imagined sanction. In any event, Ormond was determined to prove these men ‘mistaken in their hope’, dispatching parties of the army to them pick them up.⁶⁵⁵

As well as the persistence of specific dissidents, certain geographic trends in the incidence of toryism first beginning under Charles II were also continued into his brother’s reign. Some amount of tory activity was, for example, still to be found in Ulster. One anonymous diarist records that Enniskillen was burned to the ground in the summer of 1685 in a suspected act of ‘treachery’ at the same time that tories began to ‘infest’ the surrounding countryside.⁶⁵⁶ Overall, however, toryism in the northern province had not yet recovered from the collapse of the O’Hanlon gang in the early 1680s, and it was Munster that had since taken over as the primary seat of the activity. At least some of the force of this apparent trend may be attributed to a bias in the surviving source material. For while certain reliable documentarians based out of Ulster went quiet around this time (sir George Rawdon, for example, had died in 1684), a number of valuable Munster-based sources simultaneously come alive. One of the most important of these is sir John Perceval, third baronet and heir to the family seat in Burton Park (Churchtown) in north county Cork. Perceval’s diary, which runs between October 1685 and April 1686, as well as his private correspondence, displays an almost obsessive concern with toryism, offering valuable insights into its practice in north Munster as well as the daily operation of the state’s counterinsurgency campaign in the earlier part of James II’s reign.⁶⁵⁷ And while we cannot ascertain whether the relative quiet of contemporary Ulster sources is a consequence of genuine pacification or merely poor documentation, it is clear

⁶⁵⁴ As it turned out, James II forwent this customary practice, not least because he hoped to prosecute the men responsible for instigating the Popish Plot.

⁶⁵⁵ *HMC Ormond*, vol.7, p.336

⁶⁵⁶ *HMC Ormond*, vol.8, p.343

⁶⁵⁷ Sir John Perceval’s diary is located in the third volume of *HMC Egmont* (pp.352-373) and is henceforward referred to as *Perceval Journal*.

that the location of Perceval's family estate placed him squarely in one of the country's most active zones of tory activity.

Although the capture of Richard Power was the cause of much celebration amongst local gentry, it did not lead to the immediate demise of his network of fellow tories or their supporters.⁶⁵⁸ Indeed, Power's removal seemed to create as many problems as it had solved. For whereas the O'Hanlon gang had quickly imploded after being deprived of their famous leader, Power's former cohorts splintered into a number of semi-autonomous cells. And while the Munster tories' destructiveness was generally diminished by this diffuse form of organisation, it also made them harder to hunt down. Perceval's various records attest to the immense complexity of this task. Despite close coordination between locally stationed contingents of the army very few tories were taken through the agency of straightforward search and destroy missions, with the proximity of several mountain ranges and bogs, as well as popular support amongst the Irish, favouring the hunted party. Similarly, Perceval's various attempts to negotiate with known tories, usually centred upon offers of pardon in return for the betrayal of colleagues, frequently ran aground either for want of agreement over specific terms or because of a lack of trust on the behalf of either or both parties. In-keeping with what we have seen in previous chapters, uncovering the support networks that enabled toryism also proved elusive. A special session held at the Mallow courthouse dedicated to bringing convictions against the harbourers of tories was forced to disband for want of evidence. As Perceval admits, they 'could do nothing, onely present a constable for neglecting to levy hue and cry'.⁶⁵⁹

The implementation of counterinsurgency also suffered from a lack of administrative oversight, something which led to the frequent crossing of wires between Perceval and other agents of the state. In one particular case, Patrick French, a prominent tory who had agreed to co-operate with sir John in return for pardon and a reward, was seized by agents of captain Odle, who had been running his own counterinsurgency operation and knew nothing of the arrested man's

⁶⁵⁸ *Perceval Journal*, p.355

⁶⁵⁹ *Ibid*, p.363

arrangement with Perceval. Although French was set at liberty at the insistence of his sponsor, he was subsequently arrested for a second time when, as per his agreement with Perceval, he helped deliver the proclaimed tory Fitzgerald to the authorities. Fitzgerald, it turned out, had been operating under Odle's protection, having agreed to work with the state in a similar capacity to French. Perceval was incensed, apparently as much by a perceived slight to his honour as by the thought of his man languishing in jail. Sir John's case was eventually upheld by the Irish privy council, which Odle upbraided for having issued protections without sufficient authority. Fitzgerald, as well as seven other of Power's former associates, was later convicted and executed after being brought to trial.⁶⁶⁰ By that stage, however, the messiness surrounding the whole affair had done little to uphold the dignity of the state. As we have seen in previous chapters, these sorts of complication had been a common feature of the government's attempt to deal with toryism under Charles II. In general, when we look through the microscope of Perceval's documentation, we discover an ecology of dissent and counterinsurgency, the practices of which bear an almost perfect resemblance to those which existed in Restoration Ireland. Certainly, there is little here to suggest a seismic shift in the political order following James II's accession. This impression does, however, become more nuanced when we train our sights on the attitudes and mentalities of the actors.

Given his pronounced hostility to toryism, Perceval's material unsurprisingly only offers glimpses of the insurgent's consciousness. It is nonetheless possible, however, to piece together some small part of that perspective through close attention to fragmentary details. One such impression is that the incoherence and bad faith with which the security administration often conducted itself had bred a deep-seated mistrust amongst the tories. This is certainly what seems to be behind their repeated insistence during negotiations with Perceval that they would not rely on the word of captain Aungier, who was widely viewed as an especially hostile agent, requiring instead that sir John personally sign off on their certificates of protection.⁶⁶¹ A second impression is derived from the reluctance of John Fitzgerald

⁶⁶⁰ *Ibid*, pp.363, 364, 367, 368,

⁶⁶¹ *Ibid*, pp.357, 358, 359

and Donogh O'Morrice, alias 'Trewry', to capitulate on terms that entailed the discovery of their harbourers, a reminder that although extant sources typically only record instances of intra-tory betrayal, solidarity was the norm.⁶⁶² On a separate occasion, the tories French and Carroll seized upon constables sent by Perceval to arrest their harbourers, notwithstanding the fact that both men were by that stage secretly in the employ of sir John.⁶⁶³

Where Perceval's records really come into their own is as a mirror for his own attitudes and beliefs. Of 'Old Protestant' stock, the Percevals held properties in England as well as Ireland and it is in the former that sir John passed his youth before travelling to Ireland in 1682 in order to assume management of the family's considerable estate in north county Cork.⁶⁶⁴ Besides a tendency towards legalism, a personality trait encapsulated in his wrangling with Odle, Perceval gives us a relatively dispassionate account of late seventeenth century toryism. This attitude was at least partly constructed by the fact that he was not a commissioned member of the army but only a captain of the militia. At this stage the Irish militia was still largely inactive and had limited powers to intervene in counterinsurgency affairs. As such, Perceval did not typically ride out with the army to intercept tory parties, but rather stayed behind at Burton Park where he performed a largely administrative role. At the same time, however, neither did the coddled baronet betray any noticeable discomfort when the head of Aghern, a noted tory, was delivered to his home by the soldiers who had killed him.⁶⁶⁵ Indeed, the fact that Perceval spent the following few days proudly showing the body part off to visitors is a stark reminder that this was still a time when even the most privileged members of society were inured to bare-faced violence.

Besides not being a member of the armed forces, probably the most important factor in determining Perceval's view of toryism was his social position. It is instructive, for example, that he seamlessly includes, alongside commentary on toryism,

⁶⁶² *Ibid*, p.358

⁶⁶³ *Ibid*, p.361

⁶⁶⁴ Sir John's life is not well documented, especially compared to that of his son, the first earl of Egmont. For the earl of Egmont, see: John Bergin, 'Perceval (Percival), Sir John 1st earl of Egmont', in *Dictionary of Irish Biography*

⁶⁶⁵ *Perceval Journal*, p.361

information about illegal tree felling, common thievery and the destruction of wolves.⁶⁶⁶ While under no illusions about the sectarian dimension of toryism, sir John's commentary does not give the impression of someone who saw the activity as something that was qualitatively different from other forms of property crime or pest control. Perceval's fundamental viewpoint, we surmise, was that of a landlord more than the colonial planter. Another feature of sir John's record is the positive dimension that counterinsurgency played in his social existence. It is clear, for example, that his heavy involvement in counterinsurgency affairs was a means to substantiate relationships for the recently arrived Perceval. Several of sir John's cousins and friends were also involved in counterinsurgency work and the ironing out of various related issues was frequently the occasion for these men to visit and stay at each other's homes as well as to meet in the market towns. In the absence of an elaborate state infrastructure within which to network, the *ad hoc* work of counterinsurgency was clearly one way for the local gentry class to cement social bonds.⁶⁶⁷

Perceval's involvement in counterinsurgency affairs also throws light on his relationship with and attitude to James II's Irish administration. Here the abiding impression is not wariness or mistrust, but rather that of a young man on the make, eager to prove his worth to those in power. In the same way that security issues provided a common concern for the political elite that coalesced around Ormond in the 1660s, Perceval was clearly appreciative of the fact that being seen to actively suppress dissident activity was a sure means to catch the eye of Dublin Castle. His efforts did not go unnoticed for long. In January 1686 chief justice Keating wrote sir John, informing him that his diligence had been noted during a sitting of the privy council, with the lord lieutenant himself remarking that sir John had already been commended to him as 'a person of great loyalty and worth'.⁶⁶⁸ For regional figures such as Perceval, reporting on counterinsurgency affairs provided a convenient occasion to maintain lines of communication with Dublin Castle, which was ever eager for information on dissident activity. In turn, these channels of power could be further substantiated by trips to the capital made in person. In February 1686

⁶⁶⁶ *Ibid*, pp.359-60, 360, 369

⁶⁶⁷ *Ibid*, *passim*

⁶⁶⁸ *HMC Egmont*, vol.2, p.175

Perceval travelled to Dublin where he met variously with Francis Aungier and Arthur Forbes (now the earls Longford and Granard, respectively), chief justice Keating, chief secretary sir Paul Rycout and the recently appointed lord lieutenant, the earl of Clarendon. In each of these meetings the topic of toryism was foremost.⁶⁶⁹ It was on foot of this visit that Perceval was empowered with the legal authority to grant protections and negotiate with tories. This was mark of special favour at a time when the government had grown noticeably stingy with the delegation of such powers, and Perceval clearly took considerable pride in it. As we can see, far from showing signs of disengagement with the new regime, sir John Perceval spent the early part of James II's reign acting like little had changed at all. But already there were clouds gathering on the horizon.

Although the accession of a Catholic monarch did little to ease the minds of Irish Protestants, their fears were initially allayed by the appointment of lord Granard and Michael Boyle, the Anglican archbishop of Armagh, as lords justices following the recall of Ormond in March 1685. The selection of such conservative figures as these did much to convince anxious Protestants that James II did not intend to make wholesale changes to the kingdom's socio-political fabric.⁶⁷⁰ Even at this early stage, however, the new regime gave out signs that not everything was destined to remain the same. Significantly, one of Whitehall's official instructions for Granard and Boyle was to recall the arms and munitions distributed at the time of the Popish Plot and presently in the possession of individual militia members. Henceforward this weaponry was instead to be stored exclusively in the houses of militia captains.⁶⁷¹ Although the order did not amount to a full-scale disarmament of the militia, it nonetheless sent shockwaves through the Protestant community. The Irish militia was not instituted by statutory law, but Charles II's administration had on several issued temporary commissions of array during occasions of national crisis, as in the case of the invasion scare of 1666-7 and the Popish Plot. And while this non-professional outfit may not have comprised the most important column of the security establishment, it held a particular significance in the minds of Irish

⁶⁶⁹ *Perceval Journal*, pp.365-6, 366, 366-7; *HMC Egmont*, vol.2, p.176-9

⁶⁷⁰ John Gerald Simms, 'The war of the two kings, 1685-91', in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A new history of Ireland. 3, Early modern Ireland, 1534-1691*, (Oxford, 1976), p.478

⁶⁷¹ *CSPD, 1685*, pp.110-4

Protestants. To a certain extent its symbolic importance even outweighed that of the army. For although Catholics were excluded from both institutions during the Restoration, the army was widely seen as an instrument of state power and viewed with according suspicion by those who suspected the Stuarts of absolutist tendencies. By contrast, the militia was a tangible manifestation of the Protestant community's political empowerment, as well as of his preferment over his Catholic neighbours. It was no coincidence, for example, that the earl of Orrery, hawkish avatar of the Protestant right, had repeatedly called for the militia's formation during the 1660s and 1670s. As such, any interference with the militia was necessarily interpreted by the Irish Protestant community as a significant blow to their social and political prestige. Interestingly, both the government's justification for calling in the militia's arms in 1685 and the counter-arguments levelled against it were centred on the problem of toryism.

When Whitehall first communicated its instruction to the lord justices, it did so in language that left little doubt as to its general distrust of Irish Protestants, claiming that a great part of the munitions dispensed at the time of the Popish plot had since fallen into the hands of 'persons very ill affected to the Government', a veiled reference to radicalised factions within that community.⁶⁷² In drafting this order to proclamation, the lords justices deftly shifted emphasis away from any suggestion of distrust, arguing instead that the current situation had left the militia's arms 'scattered in places where they are exposed to the attempts of robbers or other evil designing and disaffected persons'. According to the proclamation of 20 June 1685, it was for the better security of Irish Protestants that the militia's weaponry should be stored more securely in designated buildings.⁶⁷³ Although the lord justice were evidently better attuned to their constituency, reframing Whitehall's order in kinder language did little to address the root of Protestant concerns, as sir John Perceval informed sir Robert Southwell in a letter of July 1685.⁶⁷⁴ According to Perceval, the proclamation had 'disquiet[ed] the minds of the Militia, especially of the common sort', who feared the king was being persuaded to believe that they were 'not fit to be trusted with arms' (which of course was true). Perceval nonetheless affirmed that

⁶⁷² *CSPD, 1685*, pp.110-14

⁶⁷³ *HMC Egmont*, vol.2, p.154

⁶⁷⁴ *Ibid*, pp.156-9

there was a general commitment, especially amongst the officer corps, to comply with the government's order and to rely upon the king's assurance, 'whose word they know is sacred and inviolable', that these measures really were intended for their greater safety. A week later Perceval confirmed that he had taken receipt his troop's arms, except that he had permitted them to retain their pistols. This he justified on the grounds that the Munster region was 'infested' by Power and his associates to the extent that Protestants were 'every day in danger from them, as well on the road as in their houses.'⁶⁷⁵ If this was intended as some small show of protest on Perceval's behalf, it was to no avail.

Later that year a further order was sent down for firearms to be submitted, this time specifically including pistols.⁶⁷⁶ Despite this latest affront to Protestant power, Perceval records that after the most recent proclamation was read out at the county courthouse the officers once again reaffirmed their commitment to comply with the government. The only conspicuous sign of disgruntlement witnessed by Perceval is that a few had expressed an intention to petition the lord justices in order that they should be compensated for any weapons confiscated by the state that had been purchased by individual members. Even this was too much for Perceval, who remained adamant that the best course of action was to offer unswerving obedience, agreeing with another like-minded officer that 'it was better to loose our arms with a good grace than an ill one'.⁶⁷⁷ True to his word, in the course of the following month sir John collected from his troop twenty-three cases worth of pistols to go with the thirty-eight carbines he had collected earlier that year.⁶⁷⁸

In recent decades historians have begun to query the presumption that James II, by the singular fact of his religion, was naturally anathema to Irish Protestants. Raymond Gillespie, for example, has discovered considerable ambivalence on the behalf of Irish Protestants towards the Catholic king.⁶⁷⁹ Gillespie has argued that the wider Protestant community is better understood as a 'loose coalition, divided on a

⁶⁷⁵ *Ibid*, p.161

⁶⁷⁶ *Ibid*, p.162

⁶⁷⁷ *Perceval Journal*, p.355

⁶⁷⁸ *HMC Egmont*, vol.2, pp.162, 165-7

⁶⁷⁹ Raymond Gillespie, 'Irish Protestants and James II, 1688-90', *Irish Historical Studies*, vol.28, no.110 (November 1992), pp.124-133

large range of issues', rather than a 'monolithic group', and points to the fact that many felt genuinely torn between their respect of the monarchy and their support of Protestantism.⁶⁸⁰ This view is substantiated in the case of sir John Perceval, both in the sense of his own attitude as well as those he accidentally articulates. Of particular interest is the suggestion that those below the officer class were noticeably less enthusiastic to comply with the government's order, something which Perceval effectively insinuates through omission. This in turn backs up something we have encountered in previous chapters, that adherence royalism was closely correlated with the individual's rank within the social order, as well as that person's access to channels of power. The duke of Ormond's absolute support for the monarchy and his normative belief in the royal prerogative is only the most extreme example of this. Perceval, whose respect for authority and all its trappings is apparent throughout his diary and letters, also clearly falls within this bracket. Men like sir John, as well as others such as Longford and Granard (both of whom maintained their support for James II until 1689), depended for their prestige and station upon a hierarchical conception of society anchored by respect for the monarchy.⁶⁸¹ In this sense it is unsurprising to find Perceval maintaining his support of James II, even in light of the latter's worrying policies. Yet it is apparent through certain strategic silences that these commitments were not universally shared.

Perceval may have been determined to remain cheery in the face of adversity, but even those in Dublin Castle were beginning to grow concerned with James II's rule. In December 1685 Boyle and Granard warned the earl of Sunderland, Whitehall's increasingly powerful secretary of state, that the militia's disarmament had left many Protestants 'exposed to the hazard of being robbed and despoiled of their goods if not deprived of their lives'.⁶⁸² Stripping rural Protestants of their means for self-defence had encouraged many 'evil disposed persons' to 'turn Tories in much greater numbers than usual.' The lord justices insisted that the army could not provide sufficient protection to those living in isolated farmsteads and begged to be granted the power to exempt carefully selected persons from the recent proclamation. But although many Protestants feared that things were headed in only

⁶⁸⁰ *Ibid*, p.125

⁶⁸¹ *Ibid*, p.128

⁶⁸² *CSPD, 1685*, pp.404-5

one direction, an unexpected reprieve soon afterwards arrived in the form of the man selected as Ormond's long-term replacement.⁶⁸³ A High-Church Anglican of reassuring political leanings, the earl of Clarendon's appointment as lord lieutenant in late 1685 (he arrived in January 1686) came as a great relief to the Irish Protestant community, especially given that it spared them from the apparent alternative, the politically ambitious Richard Talbot. An ardent Catholic with the ear of James II, Talbot had been strongly tipped for the viceroyship and represented a particularly unnerving prospect for Irish Protestants. Clarendon's arrival was made even sweeter by the fact that he carried with him the power to exempt individuals from the recent recall of arms, as requested by the lords justices. Nor did the new lord lieutenant disappoint, for upon learning of the 'great insolences committed by the Tories' in Cork and Limerick he swiftly established a committee to enquire into who might be trusted with munitions.⁶⁸⁴ Shortly after Clarendon's arrival, Perceval wrote the viceroy telling him that now even the 'very worst and most violent of his Majesty's English subjects of this kingdom are grown more reserved in their discourses', with many convinced that 'nothing but their loyalty and obedience can preserve them'.⁶⁸⁵ The Protestant community breathed a sigh of relief, but worse was to come.

William Hamilton dies by the sword

Although Clarendon's appointment seemed to indicate that James II was willing to take a step back from his pro-toleration policies, in reality the new viceroy may have been little more than a dupe to dull the backlash to further measures. This at least is the impression derived from James II's next decision, which was to bestow regimental commands upon Talbot and Justin MacCarthy, another politically prominent Catholic. By using his royal prerogative to dispense both men from taking the Oath of Supremacy the king not only delivered a major blow to Protestants by ending their monopolisation of the armed forces but did so through the agency of a high-handed legal mechanism, the nature of which spoke directly to their worst fears regarding unchecked executive power. This initial measure proved merely the thin edge of the wedge. In a barely disguised ploy to prune Protestants

⁶⁸³ Simms, 'War of the two kings', p.479

⁶⁸⁴ *CSPD, 1686-7*, pp.11-2

⁶⁸⁵ *HMC Egmont*, vol.2, pp.176-9

from the military, Talbot, newly raised to the peerage as the earl of Tyrconnell, was dispatched to Ireland in April 1686 in order to purge the army of ‘Cromwellian’ elements.⁶⁸⁶

Throughout the Restoration, state officials generally referred to instances Protestant dissidence, not with language that was directly associated with the Interregnum, but with rather more vague rubrics, such as ‘fanatic’. This, in effect, was part of an unspoken understanding between the administration and the wider Protestant community, many of whom had supported Cromwell, not to rake up the embers of the civil war. As Tyrconnell’s mission statement made clear, however, no such courtesies would be afforded in the new dispensation of James II’s monarchy. Writing shortly after Tyrconnell’s arrival, the earl of Longford reported that the Protestant army officers considered him a ‘bugbear’ and that their minds were ‘mortified and disquieted’ by the prospect of being cashiered.⁶⁸⁷ Amongst those whose commissions were rumoured to be in danger was captain Aungier, Longford’s brother and the same colleague of sir John Perceval who was so greatly mistrusted by parleying tories. It was widely expected amongst the Catholic Irish that Aungier would be pushed out for having shown ‘so little inclination to the natives by his severe prosecution of the Tories’. The officers’ apprehensions were widely shared amongst the Protestant community, who viewed their loss of political power in the context of ‘the frequent robberies’ to which they were increasingly exposed. According to Longford, some were already preparing to depart for either England or the plantations. Captain Aungier was not the only individual to be punished by the new regime for past endeavours against the tories. Writing in 1691 William King remembered that the soldiers responsible for seizing Richard Power as well as those for the killing of Patrick Fleming were all pointedly cashiered early on in Tyrconnell’s purges.⁶⁸⁸ One such incident for which we possess detailed information is that regarding William Hamilton and the Magenis brothers, Daniel and Murtagh.

⁶⁸⁶ Simms, ‘War of the two kings’, p.479

⁶⁸⁷ *HMC Ormond*, vol.7, pp.418-9

⁶⁸⁸ William King, *The State of the Protestants of Ireland Under the late King James’s Government*, (London, 1691), p.32

After sir Hans Hamilton's death in February 1682, his son, William Hamilton, took up where his father had left off, soon becoming one of the foremost tory hunters in Ulster. In a letter to the lord deputy's chief secretary in January 1684, the younger Hamilton proudly boasted of taking the heads of two tories 'after some small dispute'. That one of the deceased had only been slain after a close-quarters pistol fight did not affect Hamilton's humour, who quipped that the deceased had 'as fair play for his life as ever any Tory had'.⁶⁸⁹ Such was the coarseness with which Hamilton plied his trade that in May 1685 the government felt it necessary to issue him a general pardon for 'all high and petty treasons, manslaughters, burning of houses, burglaries, robberies, rapes, felonies, assaults, batteries, imprisonments, breaches of the peace and all indictments, convictions, pains, penalties and forfeitures'. By that stage he was said to have killed or captured upwards of forty 'robbers and outlaws', even earning himself the nickname 'Tory Will Hamilton'.⁶⁹⁰

Although the hands-on nature of Hamilton's involvement in counterinsurgency practice differed greatly from men like sir John Perceval, who rarely got his hands dirty, his basic motives were broadly similar. Most importantly, like Perceval, Hamilton saw counterinsurgency work as a form of social capital and something to be leveraged by aggressive political lobbying. And while Perceval's endeavours ultimately saw him invited to supper with the viceroy, for Hamilton it at least offered a passport to respectability. By the final years of Charles II's reign Hamilton was already reaping the fruits of his labour. In February 1683, sir William Stewart recommended him as justice of the peace for Armagh, Monaghan and Tyrone, not least for his part in killing thirteen active tories in the space of six weeks.⁶⁹¹ A year later the earl of Arran went even further, proposing Hamilton as a candidate for an army commission on account of his 'very good service against the northern outlaws'.⁶⁹² By October 1685 Hamilton had grown sufficiently confident of his value to seek a substantial redress for expenses incurred in the course of his counterinsurgency work, claiming to be owed as much as five hundred pounds.⁶⁹³

⁶⁸⁹ *HMC Ormond*, vol.7, pp.175-6

⁶⁹⁰ *CSPD, 1685*, p.160; *HMC Ormond*, vol.7, p.439

⁶⁹¹ *HMC Ormond*, vol.6: pp.532-3, 544-5

⁶⁹² *HMC Ormond*, vol.7, p.214

⁶⁹³ *Ibid*, p.377

Although a huge sum of money, Hamilton was successful in his suit, with a warrant issued in May 1686 for the entire sum to be paid out to the bounty hunter.⁶⁹⁴ As James II's reign entered its second year Hamilton was at the very peak of his success.

Like Hamilton, Murtagh and Daniel Magenis were Ulstermen who had come to be employed in the state's war against toryism, being ordered by the lords justices in November 1685 to suppress and apprehend tories in county Down, which county they represented as justices of the peace.⁶⁹⁵ Unlike Hamilton, however, the Magenisses belonged not to the counterinsurgency community of Ulster Protestants, but to the class of Catholics that James II's administration had newly admitted to the lower rungs of the civil and military establishment. The Magenis brothers enjoyed the protection of sir Thomas Newcomen, a close associate of Tyrconnell, and at some point during the first two years of James II's reign at least one, and possibly both, was admitted to the army and placed under the direct command of Hamilton. There can be little doubt but that this was a deliberately inflammatory gesture, for in the preceding years Hamilton had 'cut off' two of the Magenis' kinsmen.⁶⁹⁶ The evident objective was to insert the brothers under Hamilton and make his existence as uncomfortable as possible. It was not long before the Magenisses made their move.

In the summer of 1686, as Tyrconnell stepped up his purges, Murtagh Magenis volunteered as a chief witness against Hamilton, accusing him of using 'treasonable words' in attempt to have the old tory hunter discharged from the army. While Hamilton rushed to London to clear his name, the earl of Longford lamented that the kingdom stood to lose the man who had 'several times quieted the northern parts by the destruction of that villainous race of people who grow up as fast almost as he cuts them off'. Fretting that Hamilton would take umbrage and follow through on his threat to 'go into the Venetian service against the Turks', Longford warned that

⁶⁹⁴ *CSPD, 1686-7*; Charles McNeill (ed.), 'Rawlinson Manuscripts (Class A)', *Analecta Hibernica*, no.1 (March 1930), pp.107-8

⁶⁹⁵ *Clarendon Papers*, vol.5, p.657

⁶⁹⁶ *HMC Ormond*, vol.7, pp.419-20

until he returned the tories would ‘swarm again’ in Ulster.⁶⁹⁷ Reports as to what happened next are muddled and contradictory, but in early August 1686 it seems that one of the Magenis’ took the law into his own hands and stabbed Hamilton through the heart.⁶⁹⁸ Longford was not slow to blame Tyrconnell, who had placed these men under Hamilton’s command notwithstanding his knowledge of the ‘great feuds between them formerly’. Nor was he convinced that justice would be done. For although the guilty party was secured in the county jail, the assize court had already completed its circuit for that term meaning that he would have plenty time either to break jail or secure a pardon, ‘for which’ according to Longford, ‘he will not want zealous advocates’.⁶⁹⁹ Although the sources do not reveal what became of Murtagh Magenis, his story makes all too clear that James II’s lurching alterations to the balance of power in the Irish kingdom had invited a bloody insurgency into the barracks by the front door.

Events took another step towards sectarian confrontation in January 1687 when, with little warning, Clarendon was recalled from his Irish posting to be replaced without delay by Tyrconnell. Although most Irish Protestants still elected to stay and weather the storm, a growing number began to depart for England as soon as they could arrange their affairs.⁷⁰⁰ For Catholics, by contrast, Tyrconnell’s was seen as an enormous fillip, something they could hardly have dreamed of just a few years earlier. Their take-over of the civil administration now picked up pace considerably. Both the newly appointed chancellor and attorney general were Catholics, while at the same time Catholic candidates were preferred as sheriffs for all but one county.⁷⁰¹ The last great hope of Protestants was that, whatever else might happen, the Acts of Settlement and Explanation, would not be altered. Yet even these great bulwarks of Anglo-Protestant power were not impregnable. As James II’s government set about rewriting corporation charters, creating Catholic majorities in all but one city, it became increasingly clear that any ensuing parliament would be overwhelmingly

⁶⁹⁷ *Ibid*

⁶⁹⁸ *Ibid*, p.439

⁶⁹⁹ *Ibid*, pp.440, 440-1

⁷⁰⁰ Simms, ‘War of the two kings’, p.480

⁷⁰¹ *Ibid*

Catholic in composition. With this, the first step was taken towards reversing the Restoration land settlement.⁷⁰²

Even before Tyrconnell's appointment tensions in the country were approaching boiling point. As early as July 1685, with Monmouth and Argyll's rebellions still ongoing, sir John Perceval declared that 'hot discourses' running up and down the Irish countryside, while sectarian mistrust was reaching the point where 'each say they are afraid the others will cut their throats.' Typically, while his tenants worried about Catholic friars working their flock into a frenzy, Perceval seemed more concerned that these distractions were to the prejudice of trade, opining that he had not been able to recover a sixth of his rent monies.⁷⁰³ Several months later, the Protestant inhabitants of Borrisokane in north county Tipperary were brought to the point of hysteria by the rumour of an imminent Catholic Irish plot to cut their throats. Having spent the night in a state of severe anxiety, the villagers only finally lay down their arms at sunrise, after the conspiracy failed to materialise. A bill of riotous and unlawful assembly was later brought against those involved in the fracas.⁷⁰⁴ In November 1686, it was the turn of Catholics to live in fear of their neighbours after it was reported that thousands of Protestants were assembling in the midlands to disperse arms amongst each other and plan their own massacre. Local Catholic inhabitants were said to be in such a state of terror that they had been spending nights sleeping in woods and ditches rather than await attack in their homes.⁷⁰⁵ Protestant commemorations of 1641 also proved explosive. In 1686 and again the following year, the newly commissioned Catholic soldiery took it upon themselves to disrupt the controversial celebrations, breaking up bonfires and clashing with Protestant tradesmen. Deaths were reported for both years.⁷⁰⁶ Inevitably, the announcement of Tyrconnell's impending arrival only served to raise the political temperature even further. When adverse winds delayed the new viceroy's arrival in the early spring of 1687, some were inclined to detect the hand

⁷⁰² *Ibid*

⁷⁰³ *HMC Egmont*, vol.2, pp.156-9

⁷⁰⁴ *CSPD*, 1685, pp.331-2

⁷⁰⁵ Patrick Melvin, (ed.), 'Sir Paul Rycout's Memoranda and Letters from Ireland 1686-1687', *Analecta Hibernica*, no.27 (1972), p.175

⁷⁰⁶ *Ibid*, p.175; Patrick Melvin (ed.), 'Letters of Lord Longford and Others on Irish Affairs 1689-1702', *Analecta Hibernica*, no.32 (1985), pp.39-40

of a benevolent and interventionist god. Elsewhere a number of students from Trinity College considered taking destiny into their own hands by plotting the assassination of Tyrconnell, echoing rumours of a similar conspiracy intended against the life of Clarendon that had circulated a year earlier.⁷⁰⁷ By the summer of 1687 the kingdom stood on a knife-edge.

Perhaps the only thing holding the Stuart kingdoms together was the uncertainty surrounding the question of succession. At the time of his accession James II had two daughters from his first marriage, Mary and Anne, both of whom were Protestant. The elder of the two and married to William of Orange, stadtholder of the Dutch states and one of the most powerful Protestant figures in Europe, Mary's accession was the hope and guiding light of Protestants in England and Ireland alike. Moreover, as a cousin of James II, William of Orange was himself the third in line to succeed, thereby guaranteeing a Protestant succession three times over. As women, however, both Mary and Anne's claim to inherit from their father was recessive, thereby keeping the question of succession alive for as long as it seemed possible for James II to father a son in his second marriage. The uncertainty that this situation bred was responsible, more than any other factor, for the static charge attending the first two years of James II's reign. As such, it was with great trepidation and much divided reactions that the public greeted news, circulated at Christmas time 1687, of Mary of Modena's pregnancy.

This would be James II's first child from his second marriage and nothing less than the destiny of the three kingdoms seemed to hang in the balance of the unborn child's sex. For Catholics, a male heir of their own faith would all but guarantee the gains made under James II. By contrast, because their newly enjoyed privileges were secured by the royal prerogative and not by statutory law, a Protestant succession would leave them in an extremely precarious position. For Protestants, while they might choose to see out James II's monarchy quietly, they did so in the knowledge that if the king was born of a male issue their loss of confessional supremacy was likely to be made permanent. Thus, when news arrived in June 1688 that the queen had given birth to a son, the balance of expectations in the Stuart

⁷⁰⁷ *CSPD, 1686-7*, pp.215-8

kingdoms was changed decisively. Within one month a fateful letter was sent by seven leading English nobles inviting William of Orange to seize the reins of government, while assuring him there was popular support for his intervention. William duly arrived on 5 November 1688, landing in Devonshire at the head a seasoned army. Despite commanding superior numbers, James II's nerve failed him after the desertion of several prominent generals. He bolted for France the following month, conceding England and Scotland almost without a shot, although violence would yet visit the northern kingdom.⁷⁰⁸

In Ireland only did James II retain a foothold, with Tyrconnell presiding over a sizable army and an Irish Catholic population with little incentive to throw their lot in with William and Mary. Yet even here the Stuart king's position was less than assured. By this stage most Irish Protestants were sufficiently convinced of James II's absolutist and Catholicising tendencies to abandon him in favour of William and Mary. For a moment it seemed that their support alone might be enough to dislodge James II's Irish adherents.⁷⁰⁹ With the treasury all but empty, Tyrconnell began sending out signals suggesting that he might be willing to submit to William and Mary so long as they guaranteed Catholics the same privileges they enjoyed in the final years of Charles II's reign, which is to say informal toleration.⁷¹⁰ Loftus, Longford and others prayed that Tyrconnell would spare Ireland from becoming the scene of a bloody internecine tussle.⁷¹¹ Whether or not he ever really intended to hand over the keys to the kingdom, or whether he was merely buying time while his feckless king recovered his courage, by the end of January it was clear that Tyrconnell was still James II's man. As the situation in Ireland turned inexorably towards military confrontation there followed a significant deterioration of law and order. Those few Protestants remaining in the army were either cashiered or began to desert *en masse*, making their way hurriedly to garrisons in the north of the country still holding out against James II.⁷¹² Protestant civilians began fleeing the country in ever-greater numbers, while those who remained behind crowded

⁷⁰⁸ Simms, 'War of the two kings', p.483

⁷⁰⁹ *Ibid*, p.483

⁷¹⁰ *Ibid*, p.484

⁷¹¹ Melvin (ed.), 'Letters of Lord Longford', pp.56-7

⁷¹² *HMC Ormond*, vol.8, pp.358-9; Simms 'War of the two kings', p.484

together in defensible enclaves where they hoped to find safety in numbers.⁷¹³ For Catholics, a brief window of opportunity had opened within which to avenge long-nurtured grievances, in some cases decades in the making.

Richard Orpen at old world's end

One vivid account of this anarchic interstitial period between the flight of James II and his return to Ireland in March 1689 is found in Richard Orpen's *The Protestants of Killmare*, in which the author recounts the events surrounding the forced exodus of the Protestant inhabitants of Kenmare.⁷¹⁴ Of Richard Orpen's early life little is known for certain. According to Goddard Henry Orpen, descendent and biographer of the Orpen family, Richard's father brought his family to Ireland either at some point either in the 1650s or at the beginning of the Restoration period.⁷¹⁵ That the Orpens belonged to the class of settlers known as the 'New Protestants' (as distinguished from those who settled in Ireland before 1641) is further confirmed by their association with that most pre-eminent of mid-seventeenth century émigrés, sir William Petty. Through his close association with the Cromwellian regime Petty amassed a sizable portfolio of lands in county Kerry and it was to these properties he turned his attention after his political marginalisation under Charles II. A devoted member of the Royal Society, an intellectual community devoted to the scientific study of man and the natural world, Petty viewed his lands as a *tabula rasa* upon which to test his various empirical theories of agricultural improvement.⁷¹⁶ At some point probably in the 1670s Petty entrusted the day-to-day management of this project was entrusted to Orpen, who thereafter served as his loyal, if rather prickly, land agent. Writing from exile in England in 1689, Orpen remembered the Protestant settlers of Kenmare as having 'much improved the unfertile country' and as having 'lived plentifully'.⁷¹⁷ In fact, neither of Petty's landmark undertakings, his herring fishery and ironworks, had proven a commercial success and the overall impression of the settlement is one of survival rather than plentifulness. Moreover, it is clear from Orpen's own testimony that even before the 'general calamity' of

⁷¹³ Melvin (ed.), 'Letters of Lord Longford', pp.56-7, 60-1

⁷¹⁴ Richard Orpen, *An Exact Relation of the Persecutions, Robberies, and Losses, sustained by the Protestants of Killmare, in Ireland*, (London, 1689)

⁷¹⁵ Goddard Henry Orpen, *The Orpen Family*, (London, 1930), p.54

⁷¹⁶ *Ibid*, pp.54-63

⁷¹⁷ *Ibid*, p.68

James II's accession the settlers had come under sustained harassment from the local Irish Catholic population.⁷¹⁸

Throughout the Restoration period the west of Ireland was regarded as a region where the state's authority was conspicuously feeble. By the earl of Orrery's estimate there was not so much as a single barracks within fifty miles of Kerry or west Cork.⁷¹⁹ Although prone to self-serving exaggerations, Orrery's claims are corroborated by the numerous reports of privateers and pirates operating with impunity out of Kerry's many harbours and bays, often with the apparent connivance of the local population.⁷²⁰ Despite this, Kerry and the south-west of Ireland was generally underrepresented in terms of toryism during the first two decades of the Restoration. On first inspection this seems surprising, given that the county shared with tory-rich regions, such as Armagh, Tipperary and north Connacht, the sort of variegated landscape, including sizable pockets of rough terrain, into which tories could easily disappear. This, however, was most likely due to the relative absence of a second condition of possibility for toryism, the presence of a sizable Anglo-Protestant community upon which to prey. That Orpen himself put the ratio of Catholics to Protestants in the surrounding region at five hundred to one does much to bolster this impression.⁷²¹ In the final years of Charles II's reign, however, and corresponding with patterns seen elsewhere in Munster, Kerry began to witness a belated increase in toryism. Orpen, whose functions as land agent extended to keeping the peace, was from this point onwards in continual close contact with the activity. In 1680, for example, he was responsible for capturing Daniel Tieve Carthy, who had murdered the smelter Edward Gilks during a botched robbery.⁷²² In the same year one Owen Sullivan, described by the author as 'a loose Gentleman', ran Orpen through with a sword for having assisted in the recovery of a debt owed by the assailant. Orpen not only survived this attack, but renewed his efforts thereafter, meeting with enough success to claim that the 'greatest part of all these Malefactors were severely Prosecuted' with 'some of them Hang'd, some

⁷¹⁸ Orpen, *Protestants of Killmare*, p.3

⁷¹⁹ *CSPI, 1666-9*, pp.91-3

⁷²⁰ *CSPI, 1663-5*, pp.591-2; *CSPI, 1666-9*, pp.419, 440-3; *CSPI, 1670 & Addenda*, pp.131-2, 237-40, 241, 248, 266-7, 286, 326-8; *CSPD, 1678 & Addenda*, p.185

⁷²¹ Orpen, *Protestants of Killmare*, p.2

⁷²² *Ibid*, p.13

Burnt in the Hand, some of them remained in Gaol, and the rest disperst and fled out of the Country'.⁷²³

The Protestant settlement of Kenmare entered James II's reign in relatively good shape, but with a Catholic monarch on the throne and with civil and military posts increasingly staffed by their fellow countrymen, the 'natives', as Orpen called them, soon began to harass the colony with renewed determination. Despite this, and following patterns we have found elsewhere, Orpen's community were largely able to stem the rising tide for the first two years of James II's monarchy. In 1686, for example, Orpen successfully hunted down Daniel MacDermot and a party of six other tories following their robbery of a group of French Protestants who, having fled persecution in France, had been driven into Kenmare harbour by bad weather.⁷²⁴ When a party of eight tories ambushed Richard and his brother the following year the Orpens were able to outgun their attackers, killing one and bringing another two to the gallows.⁷²⁵ By late 1688, however, the colonists were beginning to be overwhelmed, with Tyrconnell's expansion of the army in December proving a tipping point. In response to James II's deposal and in anticipation of an immediate invasion by William and Mary's English forces, the lord lieutenant levied twenty thousand extra Catholic soldiers, with more to follow in the ensuing months.⁷²⁶ The government was entirely incapable of paying the army's bloated ranks and it was only a matter of time before the new regiments resorted to filching and stealing livestock, especially those belonging to Protestants. Orpen records witnessing bands of up to seventy 'thieves' traversing the glens and mountains 'well armed with Pikes, Swords, Guns, Pistols, & marching openly'.⁷²⁷ Stripped of much of their munitions and with the magistracy and military in Catholic hands, the colonists could only watch on as their cattle disappeared over the horizon. Despairing of any assistance from the county governor, and increasingly beset by their Catholic neighbours, Orpen's community decided to hole themselves up in Killowen, a fortified structure on the coastline, there to await the promised Williamite invasion.

⁷²³ *Idem*

⁷²⁴ *Ibid*, pp.12-3

⁷²⁵ *Ibid*, p.13

⁷²⁶ Simms, 'War of two kings', p.484

⁷²⁷ Orpen, *Protestants of Killmare*, p.4

Besieged by a contingent of the Irish army who came to enforce the government's order for Protestants to surrender the last of their arms, the colonists capitulated on terms that, according to Orpen, were soon afterwards betrayed. The community subsequently took passage to England, landing in Bristol after a miserable journey, the effects of which caused the death of three members.

It is instructive to examine Orpen's mindset alongside the likes of sir John Perceval and, to the extent the sources will allow, of William Hamilton, also. Perceval's attitude to events, as we have seen, was conditioned, firstly, by his conception of himself as a landlord managing his estate and, secondly, by his conception of Ireland as a kingdom with centralised functions and a normative authority. Despite his regional location, Perceval's connections to Dublin Castle were tangible and essential to how he imagined his place in the world. Whatever their differences of disposition and social standing, William Hamilton shared this much with Perceval, for he too imagined himself operating within a cartography of power that had Dublin Castle and Whitehall as its twin capitals. Orpen's outlook, by contrast, is much more that of the colonist in a foreign land. Tellingly, insofar as Orpen acknowledges the state at all, it is through his interactions with the county governor, rather than Dublin Castle. Indeed, at times it is just as easy to imagine Orpen writing from Virginia as from Kerry, with his descriptions of the region's natural and human geographies reflecting a neurotic concern with the colony's encirclement by hostile forces. In one typical example, and notwithstanding his positive representation of Kenmare itself, Orpen describes the surrounding landscape as the 'worst part of that Kingdom, for Natural Barrenness, environed with Rocky, Boggy, and Woody fastnesses'.⁷²⁸ On another occasion, Orpen writes that he had considered leading the settlers on the overland route to Newmarket in county Cork until they realised they had 'about Forty Miles, the greatest part of it the worst way for Boggs, Rocks, and Precipices, and the most Savage People in the Kingdom, to go through'.⁷²⁹ Equally, his assessment of the region's ratio of Catholic to Protestant inhabitants, whether or not factually accurate, also expresses the land agent's siege mentality.

⁷²⁸ Orpen, *Protestants of Killmare*, p.2

⁷²⁹ *Ibid*, pp.7-8

The contrast between Perceval's cheery submission to James II and Orpen's disillusionment, it should be said, is a function of their respective times of writing as much as of their personality types and social positions. For Perceval toryism amounted to a discrete form of property crime, albeit one that warranted the lion's share of his attention, a stance made possible by his conception of authority as well as by the ascendancy of the Protestant security establishment over the tories in the earlier part of James II's reign. By contrast, writing from England just months after fleeing Kenmare, Orpen viewed events in more Manichean terms, a contest between two sectarian rivals which did not allow for finer-grained distinctions. Terms such as 'papist' and 'native' are used interchangeably, while little attempt is made to distinguish between the Irish army and those Orpen calls 'outlaws', 'robbers', 'thieves', 'tories' and 'free-booters'. For Orpen, all of the above had swollen into one singular hostile entity.

Far from being exceptional, the experience recorded by Orpen was typical of Protestant communities throughout Ireland in the early spring of 1689. Writing in late February 1689, the revenue collector Herbert Aubrey noted with horror the spiralling disorder of preceding weeks, reporting that a captain of the army, one Harney, had been killed after attempting to dislodge a party of tories at Tallow in county Waterford. Writing that 'it will not sink into my head that the king will part with a kingdom so disposed and provided to stand by him', Aubrey was by this stage convinced that Ireland was 'likely to be the theatre of a bloody war'.⁷³⁰ Another contemporary diarist records that the language of loyalty to the crown had everywhere been supplanted by the rhetoric of sectarianism and that in meantime there 'was great robbing and stealing of cattle in the country'. Even the prospect of a Williamite army only made Protestants warier of pre-emptive 'barbarities' by their Catholic neighbours.⁷³¹ According to Raymond Gillespie, rather than the Stuart king's religion or his Catholicising policies, it was the failure of James II's administration to impose law and order in the winter months of 1688-9 that

⁷³⁰ Melvin (ed.), 'Letters of Lord Longford', pp.60-1

⁷³¹ *HMC Ormond*, vol.8, 358-9

ultimately drove the majority of his Protestant subjects into William and Mary's arms.⁷³²

Orpen's writing tells us plenty about how certain Protestants, more marginalised from power than the likes of Perceval and, to a lesser extent, Hamilton, experienced toryism in the months leading up to open war. But what if anything can a man so profoundly antagonistic to the Catholic Irish population tell us about that community's experience? Faced with a similar methodological dilemma, subaltern scholar Ranajit Guha recommends that it is precisely in the counterinsurgent's most adversarial prose that traces of his rival's consciousness are discovered. Following this, we may attempt to detect something of the Irish insurgent's experience in what is otherwise one of the most intensely hostile passages of *The Protestants of Killmare*.⁷³³ While describing the behaviour of Irish Catholic soldiers as they glutted themselves on the proceeds of their thefts in the winter of 1688-9, Orpen begins with an appeal to reason only to quickly divert into fantasy:

It may not be irrationally conjectured to have a Plague likewise to break forth among the Natives of that Kingdom, before the end of this Summer of 1689, by reason of the corruptions that may grow in their Bodies, and in the Air of their Villages and Cottages, that are still reaking with the slaughter of so much Meat, handled and drest with too much nastiness of a people, that from low Penury started into Pride and Plenty, Glorifying in their Beastliness of greedy devouring and over-gorging themselves with Flesh, half-raw, half-roasted, sometimes half-boiled half-rotten and Stinking for want of Salt; sometimes moving towards the Boyler, by the assistance of the wriggling Crawlers, that lately before received their Birth from the same piece of Flesh.⁷³⁴

This extraordinary dirge clearly owes more to the deeper, darker eddies of the colonial imagination than it does to any sort of fact-based reportage based on first-hand experience. It is nonetheless possible, however, to sense something here

⁷³² Gillespie, 'Irish Protestants and James II', p.130

⁷³³ Guha, *Elementary Aspects of Peasant Insurgency in Rural India*, pp.15-7

⁷³⁴ Orpen, *Protestants of Killmare*, pp.27-8

beyond the membrane of Orpen's fantasy. Firstly, the heightened destructiveness which Orpen describes here is not without corroborating evidence. In another contemporary report from the revenue collector Herbert Aubrey we find comments reporting the excessive killing of livestock by Irish Catholics that went beyond what could possibly be eaten. Writing in February 1689, Aubrey warned that the destruction of cattle by tories was such that it was leading not only 'to the utter undoing of several industrious families' but to a great dearth of food in the country.⁷³⁵ Writing in May 1689, James II's appointment for chief justice, Geoffrey Keating, paints a similarly lurid picture of the preceding months:

The common computation was incredible, for most men reckoned the whole nation, every poor country fellow having armed himself with a skeine as they call it or dagger, or a ropery like a half pike, weapons fit only to please themselves, or else to put them in a posture of robbing and plundering [//] the whole country, under pretence of suppressing the rebellious Protestants. The insolences committed by this sort of people, commonly called Rapparees, were such that having over-stocked themselves with other men's cattle they destroyed millions throughout the kingdom only for their hides or tallow, and sometimes only to exercise their malice, leaving the carcasses to rot in the fields...⁷³⁶

Orpen, Aubrey and Keating may have seen nothing other than senseless, wanton destruction in the behaviour of the Catholic masses, but a more impartial observer might discover something of the purgative force experienced by those who were finally giving vent to a long-stored-up animus. The popular violence recorded by Orpen and others, which spread across the country from late 1688 to the spring of 1689, was not like anything witnessed in preceding years and bore closer resemblance to the 1641 rebellion than to the spells of heightened tory activity witnessed under Charles II. In this sense, Orpen's analytic conflation of hostile forces into an all-consuming category represented not only an embattled siege mentality on the behalf of the author, but a genuine shift in the modality of Catholic

⁷³⁵ Melvin (ed.), 'Letters of Lord Longford' pp.60-1

⁷³⁶ John Stevens, *The Journal of John Stevens, containing a brief account of the war in Ireland, 1689-91*, Rev. Robert H. Murray (ed.), (Oxford, 1912), pp.61-2

Irish violence. As the country moved towards war large sections of the Catholic Irish population moved from vicarious participation in insurgency, via their support or celebration of toryism, towards something like cathartic mass participation. With remarkable consistency, contemporary observers tended to locate this qualitative difference in the favoured weapon of the mobilised Catholic masses.

II. Two Sides go to War

Return of the king, rise of the half-pike

In January 1689, commenting upon the fact that seemingly every Irish Catholic in Connacht capable of bearing arms had furnished themselves with some form of weapon, the bishop of Killala noted that two of the insurgents' preferred tools were the skein and the half-pike.⁷³⁷ A long, single-edged blade or dagger, the skein was a weapon strongly associated with traditional Gaelic culture. It was the half pike, however, which became the implement of choice for popular Catholic Irish insurgents in the end-of-century conflict. Up until the end of the sixteenth century pikemen comprised the most important component of European armed forces. Elizabeth I's army in the Nine Years War deployed a ratio of approximately one pike for every musket, while her rival Hugh O'Neill busied himself with converting his traditional gallowglass to pikemen.⁷³⁸ Although the pike gradually lost ground to the gun in the century that followed, it remained a staple weapon, especially for cash-strapped forces, and proved its enduring worth at the Battle of Benburb (1646), where Irish pikemen overcame a contingent of lowland Scots furnished with an inferior variety of the same weapon.⁷³⁹

During the War of the Two Kings, the proportion of musketeers to pikemen in the regular Williamite and Jacobite forces would slip to a ratio of between six and five to one, respectively.⁷⁴⁰ By that stage, moreover, the pike was also beginning to be replaced by the bayonet, the logical conclusion of the military's search for a weapon

⁷³⁷ *Ibid*, pp.56-7

⁷³⁸ Gerald Hayes-McCoy, 'The Irish Pike', *Journal of the Galway Archaeological and Historical Society*, vol.20, no.3/4 (1943), p.106

⁷³⁹ *Ibid*, p.107. See also, Pádraig Lenihan, 'Conclusion: Ireland's Military Revolution(s)', in Pádraig Lenihan (ed.), *Conquest and Resistance: War in Seventeenth-Century Ireland*, (Brill, 2001), p.350

⁷⁴⁰ Hayes-McCoy, 'The Irish Pike', p.108

combining both projectile and close-quarters capabilities.⁷⁴¹ That the pike retained popularity amongst popular insurgents after it was largely dislodged as the weapon of choice for organised armies, lay both in its low cost of production and its ease of use. Military historian Gerald Hayes McCoy describes the pike as ‘the simplest of all effective weapons to fashion, and therefore the natural one for a hastily assembled and otherwise unequipped peasant force.’⁷⁴² The pike also required less training than a firearm, making it an ideal weapon for those with little to no instruction in the art of warfare. Perhaps the only downfall of the standard-issue pike for poorly trained forces was its considerable weight, which meant it required considerable strength to wield. The shortened version, the so-called half-pike, was, however, comparatively light and in many respects the ideal weapon for those who found themselves in less than ideal circumstances.

At some point in the spring of 1689 the association between popular insurgents and this their preferred weapon became so fixed the public imagination that it was given lexical expression in the form of the new term ‘rapparee’. Based on the Gaelic Irish word for the half-pike, ‘rapparee’ swiftly colonised public discourse to the point where it largely displaced the ‘tory’ as the go-to term demoting a popular insurgent. One of the earlier instances of the new term’s usage comes from Anthony Dopping, the Anglican bishop of Meath, who, in a speech made before parliament in May 1689, declared that Irish Protestants were being ruined by ‘rapparees’, clarifying that by this word he intended to mean ‘the armed multitude’.⁷⁴³ John MacKenzie, one of several contemporaries to write a first-hand account of the siege of Londonderry, also stressed the popular aspect of the word’s meaning, writing that

through the whole kingdom, not only the men, but the women and boys, too, began to furnish themselves with skeines and half-pikes, it being the great business of the Irish smiths in the country to make this sort of arms for them. These were afterwards called Rapparees, a sort of Irish vultures that follow

⁷⁴¹ *Ibid*, pp.103-4. See also, Lenihan, ‘Conclusion: Ireland’s Military Revolution(s)’, p.356 and *passim*

⁷⁴² *Ibid*, pp.108-9

⁷⁴³ *HMC Ormond*, vol.8, p.399

their armies to prey on the spoil.⁷⁴⁴

George Story, a clergyman turned chronicler and one of the more important sources for the conflict that followed, attributed the rapparee's paternity not to the blacksmith, but to the parish priest. For three or four years prior to the outbreak of war, according to Story, the Catholic clergy

would not allow an *Irishman* to come to Mass, without he brought at least his Rapparee along; that they say in Irish signifies an Half-stick, or a Broken-beam, being like an Half-pike from thence the Men themselves have got that name...⁷⁴⁵

Historians have tended to remember the Jacobite rapparee as synonymous with the Restoration tory, with the emergence of the former term representing a process of rebranding rather than one of rebirth. This conflation is partly justified by certain similarities between post-conflict rappareeism and pre-war toryism, something that will be discussed in greater detail below. At its point of origin, however, in the weeks and months before formal hostilities commenced, the concept of the rapparee was of something appreciatively different from that of the Restoration tory. Indeed, the very invention of the new term testifies to the fact that contemporaries thought of the two activities as qualitatively differentiated from each other. As we can see from the above examples, the substantial difference between the two concepts, in the eyes of contemporary Protestant observers at least, was that of the individual deviant compared to the enraged mob. This transformative process would be brought even closer to completion by events in the spring and summer of 1689.

The extent of the disorder which followed James II's flight from England in November 1688 helps explain why some amongst the remaining Irish Protestants actually welcomed the Stuart monarch's arrival at Kinsale on 12 March 1689. While allowing for the possibility some of these may also have retained a principled

⁷⁴⁴ John MacKenzie, *Narrative of the siege of Londonderry, or the late memorable transactions of that city faithfully represented to rectify the mistakes and supply the omissions of Mr Walker's account*, (London, 1690), p.8

⁷⁴⁵ George Story, *A True and Impartial History of the Most Material Occurances in the Kingdom of Ireland during the Two Last Years.*, (London, 1691), p.16

commitment to the Stuart crown, most simply hoped that the returning king would restrain his Catholic subjects and arrest the spiralling sectarian violence of months gone by.⁷⁴⁶ In return, James II sought to live up to the image of the equanimous monarch, issuing a proclamation within a month of his arrival commanding his subjects to ‘hinder the use of skeins and half pikes by which women and boys had done much mischief’.⁷⁴⁷ This order seems actually to have been enforced, with one admiring diarist noting that despite the fact that the magistrates, jurors and sheriffs were all Roman Catholics, the ‘robbers and half-pikemen’ were once again being tried and condemned in the courts.⁷⁴⁸ Although couched in the language of magnanimous authority, James II’s attempt to present himself as an impartial referee was predicated on number of pragmatic judgments. Most importantly, this pose was viewed as crucial to his bid to regain his Scottish and English crowns. After all, whatever chance the Stuart king had of winning over the wider British public would quickly evaporate if he were seen to govern Ireland along sectarian lines. Nonetheless, this prudent strategy soon ran into difficulty, not least because the Irish Catholic population, upon whom James II was now utterly reliant, were unwilling to accept impartial treatment as fair deserts for their loyalty. Instead, Catholics made their support conditional upon James II’s public commitment to their most dearly prized demands.

First sitting on 7 May 1689, the ‘Jacobite’ or ‘patriot’ parliament returned a House of Commons that was overwhelmingly Catholic in composition. With the exception of five Protestant peers and four Anglican bishops who choose to take their seats in the upper house, the House of Lords was similarly comprised.⁷⁴⁹ In calling this assembly James II had hoped to secure a war chest without having to concede anything that might delegitimise him in the eyes of his Protestant subjects, both Irish and English alike. This was not to be, for although the parliament reaffirmed James II’s divine and hereditary right to the crown of Ireland it also forced the king to ratify legislation repealing both the Cromwellian land settlement and the Act of Settlement. Over two thousand Williamite supporters were also declared traitors by

⁷⁴⁶ Gillespie, ‘Irish Protestants and James II’, p.131

⁷⁴⁷ Melvin (ed.), ‘Letters of Lord Longford’, pp.65-6; *HMC Ormond*, vol.8, pp.362, 363

⁷⁴⁸ *Ibid*, pp.362-3

⁷⁴⁹ Simms, ‘War of the two kings’, p.489

a bill of attainder. Although James II conceded to these terms only begrudgingly, the public relations fall out was no less damaging.⁷⁵⁰

As well as his desire to court the British public, another factor preventing James II from maximising his Irish support by fully committing to the conflict's sectarian contours was the military predominance he enjoyed in Ireland throughout the first half of 1689. The so-called 'break of Dromore', a significant battle in which Jacobite forces overran a contingent of Williamite cavalry on 14 March, occurred within two days of James II arrival at Kinsale and gifted the eastern part of Ulster to the Stuart king.⁷⁵¹ By late spring of 1689, only Londonderry and Enniskillen still held out for the Williamite cause and it was not expected that these could hold out much longer. For as long as his forces held the upper hand in Ireland, it made sense for James II to soften up Protestant resistance by presenting himself, as much as possible, as an impartial figure. Around the mid-point of 1689, however, the Jacobite cause began to suffer a number of military setbacks. On 28 July 1689 the boom which traversed the river Foyle and prevented supplies from reaching the besieged Protestants of Londonderry was breached by Williamite vessels. With the city once again fully replenished the siege which Jacobites had maintained since 18 April was for all intents and purposes at an end. On 31 July 1689, the same day that Jacobite forces decamped from Londonderry, a separate contingent of James II's army was routed at the Battle of Newtownbutler by a Protestant volunteer force known as the Enniskilleners.⁷⁵² In just a matter of days James II's dreams of securing military hegemony over the entire island had been crushed. Significantly, the Williamite army expected imminently out of England would now enjoy an uncontested landing in the north of the country. His fortunes ebbing, James II lost no time in making a universal call to arms, encouraging the mass mobilisation of the Irish Catholic population in rhetoric that was barely guarded in its sectarianism.

As early as January 1689 the earl of Longford had claimed to witness Tyrconnell swearing, as he 'ranted and stormed like a devil', that if a threatened Williamite invasion ever materialized he would 'let loose the rabble Irish upon the English and

⁷⁵⁰ Simms, 'War of the two kings', pp.489-91

⁷⁵¹ *Ibid*, p.491

⁷⁵² *Ibid*, p.493

lay the Kingdom in ashes.’⁷⁵³ According to Longford, the famously hot-headed viceroy had further promised ‘to arm them all from 15 to 60 years of age and dispute it to the last man.’ James II’s return may have tempered Tyrconnell’s zeal, but even before the setbacks of late July the Jacobite government had already begun to make moves that belied the increasingly sectarian nature of the conflict. Beginning with a pair of proclamations issued on 20 July ordering the expulsion of Protestants from Dublin as well as the submission of all Protestant-owned horses and munitions, a second proclamation of 26 July further restricted the movement of James II’s Protestant subjects.⁷⁵⁴ On 30 July, just two days after the boom at Londonderry was broken, James II issued a further proclamation forewarning his subjects that his ‘unnatural enemy’ the prince of Orange was soon expected at the head ‘an army of foreigners and rebels’ intending nothing less than the ‘total ruine and destruction to us and all our Roman Catholick subjects of this kingdom’. In response to this lethal threat the king announced the appointment of lieutenants, deputy-lieutenants and commissioners of array in order to raise militia companies in each of the counties. Going even further, the Stuart king made a direct appeal to the civilian population, commanding ‘all our Roman Catholick men of Ireland, from the age of sixteen years to sixty, that are not now of our army; to arm themselves in the best manner they can, and to be ready upon the least notice.’⁷⁵⁵ Only days later the government, clearly in a state of high panic, reissued this order while further claiming that the Williamite army had been promised rewards of Irish lands and offices in return for a successful campaign.⁷⁵⁶

The Jacobite high-command may have come to regret the forces it first unleashed in the summer of 1689, an analysis borne out by the frequent proclamations issued in James II’s name over the ensuing months, in which the Stuart king’s forces were ordered to restrain themselves from committing outrages, behave with propriety and remain with their assigned regiments.⁷⁵⁷ Once slipped, however, the dogs of war are not so easily kennelled, as the events of following months would attest, and in the

⁷⁵³ Melvin (ed.), ‘Letters of Lord Longford’, pp.53-4

⁷⁵⁴ *The proclamations of Ireland*, vol.2, pp. 107, 107-8, 109

⁷⁵⁵ *Ibid*, pp.113-4

⁷⁵⁶ *Ibid*, pp.115-6

⁷⁵⁷ *Ibid*, pp.117, 118, 122, 127, 128, 131, 132, 133, 154, 160

scope of the present work the importance of James II giving his official sanction to popular forms of violence can hardly be overstated. In a deeply conservative society, in which the state, official Catholic teachings, as well as aristocratic Gaelic culture, all served to reinforce the message that political agency was the preserve of this or that elite, the resentments of the Catholic Irish masses had lacked an obvious outlet for most of the Restoration. The toryism witnessed during this period was in this sense the attenuated form of an appertaining rage that severely wanted for modes of legitimation. In this context, James II's universal call to arms was entirely without precedent and its effects would be fully realised in the conflict that followed.

The rapparee war

When the much-anticipated Williamite army landed in Bangor bay on 13 August 1689 it was widely expected that both sides would meet without delay in a climactic and decisive battle. In fact, there would be no major military confrontations that year as the experienced, but equally cautious, duke of Schomberg held back the Williamite forces at Dundalk instead of engaging the Jacobite army that had marched north to meet them.⁷⁵⁸ As both sides settled into their winter quarters, the main causes of death over the following months was not violent confrontation between hostile enemies, but exposure, hunger and poor sanitary conditions.⁷⁵⁹ One minor exception to this rule were the persistent rapparee attacks that began almost as soon as Schomberg's army arrived. In September 1689 an order had to be issued to Williamite troops to avoid straying from their campsites in order to stave off attacks by rapparees as well as to prevent the soldiers from plundering.⁷⁶⁰ A month later the problem was deemed significant enough for forces to be stationed in Moyry castle in order to prevent rapparees from attacking soldiers as they passed between Williamite campsites. Even at this early stage, the capacity of partisan warfare to excite heightened levels of violence was already apparent. Writing for the month of October 1689, George Story remembers coming across 'a poor Soldier lying towards the mountains' who had been killed by the rapparees. The man's head had been severed from his body and placed between his legs, while one of his arms

⁷⁵⁸ Simms, 'War of the two kings', p.494; *CSPD, 1689-90*, p.231

⁷⁵⁹ *Ibid*, pp.299-300

⁷⁶⁰ Story, *Impartial History*, p.16

was found scattered at a distance. So ‘cruel are those Wretches,’ remarked Story, ‘where they have an Opportunity or Advantage’.⁷⁶¹ Despite the better advice of their commanders, Williamite soldiers, along with their horses and livestock, were still disappearing into Newry bog as late as May the following year.⁷⁶²

As well as being responsible for large numbers of fatalities, the winter weather of 1689-90, which was especially bad, meant that the following year’s campaign could not commence until the early summer of 1690. In the meantime, both sides had been replenished by the arrival of additional troops and munitions. Propelled by Louis XIV’s declaration of war against the Dutch States in November 1688, an assortment of Protestant powers had since united against the catholic hegemon, a pact sealed by the Treaty of Vienna in May 1689.⁷⁶³ With James II firmly allied to the French king and William III the leader in chief of the Protestant alliance, it followed that many European powers would have a vested interest in the outcome of the Irish conflict. Ultimately, the troops, money and munitions supplied by European third parties would contribute significantly to the lethality and duration of the War of the Two Kings. In March 1690, the same month that a consignment of French troops landed in Cork in support of the Jacobite war effort, seven thousand Danish soldiers on hire from Christian V, one of William III’s Protestant allies, arrived in Belfast lough.⁷⁶⁴

Despite these additional forces, when the new campaign began it did so slowly, with both sides still shirking any major confrontation. Eventually, in June 1690, frustrated by his forces’ lack of progress and desperate to free up resources for his European commitments, William III landed in Ireland intending to lead the campaign himself. With their king at the helm Williamite forces began marching south into Leinster with determination. All along their route they were harried by rapparees, who targeted any soldiers foolish enough to straggle from the main party.⁷⁶⁵ This, however, would have little impact on the outcome of the Battle of the Boyne, fought on 1 July 1690, at which Williamite forces secured a slender victory

⁷⁶¹ *Ibid*, p.28

⁷⁶² *CSPD, 1690-1*, p.14

⁷⁶³ Simms, ‘War of the two kings’, p.485

⁷⁶⁴ *Ibid*, pp.495, 497; Kevin Danaher and John Gerald Simms (eds.), *The Danish force in Ireland 1690-1691*, (Dublin, 1962), ‘Introduction’

⁷⁶⁵ Story, *Impartial History*, p.104

over James II's army. Three days later the Stuart king departed once more for France, never again to return, leaving command of his army to Tyrconnell. In the eyes of many seasoned veterans the war was all but over.⁷⁶⁶ Yet the Battle of the Boyne, although an important symbolic victory, did not prove to a decisive knockout blow.⁷⁶⁷ Despite predictions to the contrary, the conflict would continue late into the following year with its many of its bloodiest months still to come.

In the weeks following the Battle of the Boyne, the Williamites overran Leinster and most of the eastern seaboard with remarkable ease. With their king gone, their leadership and troops in disarray, and their morale at its lowest ebb, the entire Jacobite war effort seemed liable to fold within a matter of weeks, let alone months. As is so often the case when one side gains overwhelming superiority in times of war and as the threat of reciprocal retaliation diminishes accordingly, Williamite troops began to engage in unrestrained violence, pillaging Catholic Irish civilians wherever they met them. The problem was serious enough that by the end of July that William III was forced to issue a proclamation condemning the violence. His subsequent use of exemplary punishment as a means to restrain his men seems to have achieved some of its desired effect, enough at least to cause one of his soldiers to lament that 'this part of the army will be very poor, because we are forced to be very honest.'⁷⁶⁸ By this stage, however, serious damage had already been done to the Williamite army's relationship with the Catholic Irish public. The immoderation of Williamite soldiers was, according to George Story, a major contributing factor to the massive increase in rapparee numbers witnessed in the later part of 1690. By attacking the Catholic Irish civilians nominally under their protection, Story admitted that the Williamites had 'made it natural for them, after this, to turn Rapparees and do us all the mischief they could.'⁷⁶⁹

⁷⁶⁶ Danaher and Simms, *Danish force*, p.43

⁷⁶⁷ Simms, 'War of the two kings', p.499

⁷⁶⁸ *Rawdon Papers*, pp.326-7. Indiscipline and indiscriminate violence did, however, continue to blight the behavior of Williamite troops throughout the conflict. As well as the diminished threat of reciprocation, the failure of the Williamite command to provide a regular supply of food and other necessities for its forces effectively guaranteed their atrocious conduct towards the civilian population. John Childs, 'The laws of war in seventeenth-century Europe and their application during the Jacobite War in Ireland, 1688-91', in David Edwards, Pádraig Lenihan and Clodagh Tait (eds.), *Age of Atrocity: Violence and political conflict in early modern Ireland*, (Dublin, 2007), p.295

⁷⁶⁹ Story, *Impartial History*, p.138; See also: *Ibid*, pp.104, 140

Besides the carriage of the rank and file, Williamite headquarters also contributed to this growing trend. Earlier, in February 1689, before war seemed an unavoidable eventuality, a proclamation had been issued in the name of William and Mary offering pardon and indemnity, including retention of property, to all those who accepted their authority and dissociated themselves from the Jacobite cause.⁷⁷⁰ In the wake of the Battle of the Boyne the Williamite high-command was no longer inclined to extend such clemencies. Conceived in the context of an absolute confidence of victory, the so-called ‘Declaration of Finglas’, issued by proclamation on 7 July 1690, offered amnesty and pardon only to ‘those poor seduced people’, namely, the ‘poor labourers, common soldiers, country farmers, ploughman and cottiers’, as well as ‘citizens, townsmen, tradesmen, and artificers’. Explicitly excluded from this offer were ‘the desperate leaders of the present rebellion’, whose fate was to be decided by the ‘event [i.e. the outcome] of war’. The Catholic Irish land-owning class was, in other words, to be excluded from all mercy, saving some ‘manifest demonstrations’ of contrition.⁷⁷¹ The Declaration of Finglas represented the high tide mark of Williamite hubris and although it was designed as a divide and conquer tactic, it had the exactly the opposite of its intended effect. Far from peeling the Catholic Irish labouring classes away from their co-confessional superiors, the proclamation served merely to reinforce the narrative circulated by official Jacobite propaganda, that the Williamites intended nothing less than the complete destruction of the Catholic Irish polity. By over-estimating their military superiority – for there was life in Jacobite dog yet – and by underestimating Catholic Irish solidarity, the Williamite leadership had inadvertently stiffened their opponent’s resolve. It is in this context of dislocation, marauding troops, and an unforgiving opponent that we must understand the huge numbers of rapparees reported in the months that followed.

On 18 September 1690, following information extracted from a pair of captured Irish combatants, major Vittinghove of the Danish forces tracked down a party of ‘rapparees’ camped near the river Blackwater in county Cork. Having first convoyed a local Protestant community to safety (believed to under threat of attack

⁷⁷⁰ *The proclamations of Ireland*, vol.2, no.1

⁷⁷¹ *Ibid*, vol.2, no.10

from the rapparees), Vittinghove then set an ambush for the insurgents. This, however, was no party of ten or fewer men, as was more usually the case with Restoration tories, but rather consisted of an estimated four thousand individuals. That this assembly was neither well-armed nor well-drilled is underscored not only by Vittinghove's decision to lead a charge against them backed by only one hundred and fifty of his own men, but by the outcome of the encounter, which left five hundred of the Irish dead with few or no casualties on the Danish side.⁷⁷² Later, while searching amongst the dead, Vittinghove's men found fifty silver swords, leading him to conclude that several of the deceased had been of gentry or noble status.⁷⁷³ Although the numbers reported here are particularly high, neither are they untypical. Of the four thousand Jacobites manning Cork city in September 1690, half were estimated to be 'rapparees' by Munchgaar, a Danish lieutenant colonel.⁷⁷⁴ A month later, when colonel Daniel MacCarthy requested to be taken into protection by the Williamites, it was reported that he would bring with him as many as one thousand 'rapparees'.⁷⁷⁵ As will be clear from the preceding examples, whatever the Williamite concept of rappareeism was in the months following the Battle of the Boyne it was evidently a roomy definition, limited neither by the number of participants, their social composition, nor their strategic co-ordination with regular armed combatants. George Story, for one, freely embraced this wide-ranging characterisation, defining the rapparees simply as those 'of the *Irish* as are not of the Army, but the Countrey People armed in a kind of an hostile manner with Half-pikes and Skeins, and some with Sythes, or Musquets.'⁷⁷⁶ Such was the all-encompassing nature of this definition that Story and others frequently conflated the rapparee with another form of activity peculiar to the Catholic Irish, that of creaghting.

In the introduction to the present work we saw that aspects of toryism had been prefigured in the practices traditionally performed by the Irish creaght. Besides certain common traits, such as hyper-mobility and skilful navigation of uncultivated

⁷⁷² Danaher and Simms, *Danish force*, pp.78, 78-80

⁷⁷³ *CSPD, 1690-1*, p.125

⁷⁷⁴ Danaher and Simms, *Danish force*, pp.83-4

⁷⁷⁵ *Ibid*, pp.85-9

⁷⁷⁶ Story, *Impartial History*, p.16

territory, these roving bands of cattle herders also anticipated toryism insofar as they possessed a latent capacity for offensive action. Even in times of peace creaghts sometimes acted as a component of raiding parties and aggressive occupiers of grazing lands belonging to others. During conflicts they could be fully functionalised for war, becoming a baggage train and supply depot for Gaelic armies, as they had for Hugh O'Neill during the Nine Years War. Having played a similar role in the mid-century conflict, references to creaghting, even as a form of socio-economic activity, disappear almost entirely from extant sources in the ensuing decades, something which could otherwise lead the historian to believe that the Commonwealth government was successful in its attempt to stamp out the practice (see intro).⁷⁷⁷ The speed with which creaghting returned to become a prominent feature of the War of the Two Kings suggests, however, that it had never entirely disappeared from Catholic Irish culture, least of all in the northern province, where fresh references to the practice first re-emerged.

We first begin to hear of creaghts again in the autumn of 1689, when large bodies of Ulster Irish migrated south as they fled both the Williamite army and the Protestant civilians who took the opportunity to exact revenge upon them for the preceding months.⁷⁷⁸ John Stevens, the English-born Jacobite officer describes these creaghts 'as much like the Tartar hordes', who having fled the 'usurper' (i.e. William III), had been left with little choice but take up an itinerant lifestyle, paying little heed to where they drove their livestock or how they acquired their necessities.⁷⁷⁹ Such was the nuisance that Ulster creaghts made of themselves by grazing vast herds of horse and livestock on the breadbasket counties of Leinster that the Jacobite high-command subsequently required to order their removal to the Wicklow mountains.⁷⁸⁰ From the very beginning of the war, Williamite sources were fluid in their conflation of creaghts and rapparees. Such was the case in February 1690, when a counter-raid conducted by Irish combatants is described as being performed either by 'Kereights or rapparees'. Repulsed by Williamite forces, as many as fifteen

⁷⁷⁷ Prendergast, 'The Ulster Creaghts', pp.420-30

⁷⁷⁸ *CSPD, 1689-90*, p.231

⁷⁷⁹ *The Journal of John Stevens*, pp.161-2

⁷⁸⁰ *The proclamations of Ireland*, vol.2, pp.128-9

hundred casualties were suffered on the Irish side.⁷⁸¹ This semantic crossover was never fully resolved over the course of the war. In October 1691, after the conclusion of formal hostilities with the Treaty of Limerick, General Ginkel of the Williamite forces issued an offer of amnesty to the ‘stragling People’ who remained in arms, ‘whether known by the Name of *Rapparees*, *Voluntiers*, *Creights*, or others’.⁷⁸² Writing in retrospect from 1691, George Story went so far as to state that ‘creaght’ was simply a synonym for ‘rapparee’, writing that the former word derived from ‘the little Hutts’ these husbandmen lived in.⁷⁸³

The general lack of commentary on the nature of rappareeism in Jacobite sources means that it is frequently difficult to decide how accurate Williamite commentators were in conflating the practice with creaghting. John Stevens, one of the few Jacobite sources to provide formal definitions of both activities, also struggled to distinguish between them. As an Englishman, however, Stevens was as much a stranger to Irish society as any non-native Williamite and therefore liable to the same accusations of unfamiliarity. Perhaps all we can say with certainty is that there are enough shared features between those groups sometimes designated as creaghts in Williamite sources and those often referred to as rapparees for us to wonder whether any clear-cut distinction actually existed.⁷⁸⁴ In April 1691, for example, when Williamites chased off a party of two thousand ‘rapparees’ that had been raiding and pillaging from a base established in the wastelands between Mullingar and Donore they discovered numerous temporary dwellings identical to the ‘little huts’ described by Story.⁷⁸⁵ Clearly, both the mode of habitation referred to here and the number of actors involved are congruent with the standard definition of the creaght. At the same time, however, the aggressive raiding and evasive tactics employed by these insurgents in the weeks and months before being dislodged were

⁷⁸¹ *HMC Ormond*, vol.8, p.376

⁷⁸² George Story, *A Continuation of the Impartial History of the Wars of Ireland*, (London, 1693), p.262

⁷⁸³ Story, *Impartial History*, p.16. See also, John Childs, *The Williamite Wars in Ireland, 1689-91*, (London, 2007), p.27

⁷⁸⁴ By the estimation of John Childs, rappareeism can only partly be accounted as a manifestation of ‘popular Jacobitism’ and that, by the midpoint of the conflict, ‘rapparee’ was clearly also a ‘a collective noun for criminals, bandits, deserters and aggrieved persons intent on pillage.’ John Childs, *The Williamite Wars in Ireland*, p.27

⁷⁸⁵ Story, *Continuation of the Impartial History*, p.68

those typically associated with rappareeism. This picture becomes decidedly more complicated when we consider that from the Battle of the Boyne onwards the character of the war turned decidedly towards irregular warfare, with both Jacobite and Williamite regulars increasingly engaged in insurgency and counterinsurgency-type tactics.

In August 1690, after two months of unimpeded progress, the Williamite juggernaut was brought to a shuddering halt underneath the walls of Limerick after Sarsfield's famous raid of the Williamite artillery carriage, reportedly guided by rapparee scouts, prevented the crucial citadel from being invested.⁷⁸⁶ Faced by an army of forty-five thousand Jacobites, including twenty thousand 'peasants armed with pikes, scythes and similar implements', William III's forces were forced to beat a hasty retreat.⁷⁸⁷ According to historian Pádraig Lenihan, this remarkable revival of Jacobite spirits was not only the consequence of logistical overreach on the behalf of the Williamites, but also the assiduous reworking of millenarian prophesy by Irish poets. It is this, for Lenihan, which best accounts for the large numbers of irregulars that gathered under the walls of Limerick to repulse the Williamite vanguard.⁷⁸⁸ Thereafter the conflict soon settled down into a more stable pattern of territorial warfare, such that by late autumn the map of Ireland had been redrawn, with James II's forces holding onto Connacht, Clare and Kerry while the Williamites predominated elsewhere.⁷⁸⁹ Sizable pockets of Jacobite support were, however, still to be found in numerous locations behind Williamite lines, creating a patchwork of allegiances that belied any notion of a tidy frontier. Once it became clear that there would be no further major engagements before the winter weather made further campaigning impossible, both sides increasingly focused their energies on raiding, counter-raiding and other forms of irregular warfare.⁷⁹⁰ With each of

⁷⁸⁶ Danaher and Simms, *Danish force*, p.57. For Sarsfield's raid see, Childs, *The Williamite Wars*, p.248

⁷⁸⁷ *Ibid*, pp.52-6

⁷⁸⁸ It is interesting to consider this apparent receptiveness to millenarianism and mysticism with regard to the reaction of Irish Catholics to Edmund Nangle's posturing in 1666. Pádraig Lenihan, 'Strategic Geography, 1641-1691', in Pádraig Lenihan (ed.), *Conquest and Resistance: War in Seventeenth-Century Ireland*, (Brill, 2001), pp.138-9

⁷⁸⁹ *Ibid*, pp.90-1

⁷⁹⁰ Childs notes that 'raids and counterraids between garrisons comprised the most numerous operations of the war...', John Childs, *The Williamite Wars in Ireland*, p.32

these activities the main goal was to sap as much strength from the opposition as possible by depriving them of supplies and making their winter quarters inhospitable.

As Williamite forces careened towards Limerick in August 1690, the Danish commander Würtemberg reported that for several miles around the city's circumference the Jacobites had 'set fire to all the villages and gentleman's houses and to the crops in the fields', as well as poisoning any standing water.⁷⁹¹ These scorched earth tactics were continued into October, during which month the duke of Berwick set fire to Charleville and many other of Munster's finest houses, while reportedly damaging the surrounding countryside to the tune of several million pounds. The Williamites threatened to burn Jacobite soldiers alive if Berwick's campaign of destruction was not brought to an immediate halt, but this seems to have had little effect.⁷⁹² As the Jacobites retreated into Kerry that December they slashed and burned anything that could not be moved.⁷⁹³ Nor were these tactics the exclusive preserve of Jacobites forces. In October the preceding year, William Harbord wrote to William III commenting upon Schomberg's plan to send his best dragoons and horse into Connacht in order to destroy as much of the Irish corn as possible. If their forces were successful, Harbord predicted they could bid 'farewell to all the Irish in Ulster and Conought for ever; for what doth not fall by the sword will certainly perish by famine, next spring'.⁷⁹⁴ Far from regretting these deprivations, the author advocated extending the operation to Munster, suggesting that if the Irish in that province could be prevented from sowing their winter crops then come April or May the following year they would be brought 'either to reason or their graves'. Little had changed a year later, when a newsletter of September 1690 reported that the Irish had lost so much livestock to Williamite raids that their husbandmen did not even possess enough cattle with which to plough the ground.

⁷⁹¹ *Ibid*, pp.52-6

⁷⁹² *Ibid*, pp.90-1

⁷⁹³ Story, *Continuation of the Impartial History*, p.48

⁷⁹⁴ *CSPD*, 1689-90, pp.299-300. Although the modern reader is more inclined to balk at the viciousness of this opinion, Schomberg's assessment was also strategically sound, from a pragmatic point of view. The province of Connacht was entirely incapable of supporting the Jacobite forces that were congregated there through the winter of 1690-1, with James II's soldiers reduced to mercilessly plunder and requisitioning from their own supporters. Childs, 'The laws of war in seventeenth-century Europe', p.297; Pádraig Lenihan, 'Strategic Geography, 1641-1691', p.142

Unless they received speedy supplies from France it was not expected they could subsist much longer. Meanwhile, Williamite forces were busy deploying similar tactics in Scotland, where they burned and destroyed the houses and goods of the highlanders who had risen in support of James II.⁷⁹⁵ Another feature of the conflict were the saboteurs sent, especially by the Jacobites, to infiltrate enemy positions and cause damage by stealth. In December 1690 one Irish officer came over to the Williamites pretending to be a deserter. When he was later discovered to be a spy sent to burn Mullingar he was ‘hanged for his pains’.⁷⁹⁶ In March 1691 another Jacobite spy named Mark Baggot was caught entering Dublin disguised as a woman. Condemned to die, he was given a stay of execution in the hope that he might turn informant.⁷⁹⁷ Most spies caught in the act were not so lucky. When two pounds of arsenic was discovered on a pair of saboteurs suspected of being sent to poison Williamite water supplies they ‘were cut to pieces on the spot by the English’.⁷⁹⁸

By far the most conspicuous feature in all this irregular warfare, and certainly that which generated the most heated discussion, was the rapparee activity which surged to prominence beginning in the autumn of 1690. Unlike the largely amorphous rappareeism of preceding months, the nature of the activity from this point onwards bears the mark of strategy.⁷⁹⁹ Such certainly was the opinion of George Story, who claimed that the Jacobites, heartened by the withdrawal of William III’s forces into their winter quarters, began to consider what damage they could do to the smaller Williamite garrisons that were posted up and down the frontier.⁸⁰⁰ By Story’s account the strategy that emerged from these deliberations was two-fold. On the one hand, Catholic Irish civilians living behind enemy lines were sent encouragement to do what damage they could, either by ‘concealed Arms, or private Intelligence’. On the other, large parts of the regular army were cut loose and sent off towards enemy

⁷⁹⁵ *CSPD, 1690-1*, pp.130-1; Story, *Impartial History*, p.149

⁷⁹⁶ *Ibid*, pp.153-4; See also: *CSPD, 1690-1*, p.182

⁷⁹⁷ Story, *Continuation of the Impartial History*, p.64

⁷⁹⁸ *Danish force*, pp.60-6

⁷⁹⁹ Childs describes Jacobite tactics in the period of the war following the Battle of the Boyne as a ‘Fabian strategy’, which sought to wear down their opponents by exposing them to the elements and the attacks of irregulars. Childs, *The Williamite Wars*, p.237

⁸⁰⁰ Story, *Continuation of the Impartial History*, p.50

quarters ‘to manage the best for themselves’.⁸⁰¹ Story was not alone in noticing this increasingly strategic use of rapparee-style tactics.

On 12 September 1690 it was reported on the Williamite side that the opposition had divided their forces into three divisions, with parties sent towards Ulster, Mullingar, and the area surrounding Thurles, Cashel and Kilkenny. In each instance the objective was to ‘ruin and spoil’ the Williamite winter quarters.⁸⁰² Going by other contemporary reports the majority of these partisans were rapparee irregulars. On 14 September the count of Solms, a Dutch lieutenant-general, informed William III that his men were much occupied by the rapparees, stating that ‘although they are not very courageous, and there is not much to fear from that point of view, still their great number causes a good deal of anxiety.’ Just two days earlier rapparees had attacked Williamite supplies travelling in convoy to Carrick, forcing the entire baggage train back to Clonmel.⁸⁰³ In the weeks that followed Jacobite irregulars also began to flood the midlands.⁸⁰⁴ Slipping out of an adjacent bog one night in November, Jacobite partisans burned Philipstown to the ground before returning to their fastness.⁸⁰⁵ Later that month the Protestant townsmen of Mountmellick were put on alert by the warning that a blended force of rapparees and regular Jacobite soldiers were intending to fire their town.⁸⁰⁶ Around the same time a party of rapparees also got into the bog of Allen, from which staging point they proceeded to raid the surrounding flatlands.⁸⁰⁷ With frequent alarms pouring in from Cork, Wicklow and Kildare of ‘tories’ making ‘continued inroads upon the English quarters to the great terrour and disturbance of the country inhabitants’, one

⁸⁰¹ Childs cites Irish Catholic civilians and rapparees operating behind enemy lines as the most important factor for the Jacobites winning the ‘intelligence war’ against their Williamite opponents. Childs, *The Williamite Wars*, p.264

⁸⁰² *CSPD, 1690-1*, p.118

⁸⁰³ *CSPD, 1690-1*, p.120

⁸⁰⁴ Story, *Impartial History*, p.146

⁸⁰⁵ *Ibid*, p.148

⁸⁰⁶ *Ibid*, p.151

⁸⁰⁷ *Ibid*, p.156. John Childs locates the most important zones of rapparee activity in the midlands, south and southwest of the country, while also noting that it was largely absent from the Pale and driven from Ulster by the late autumn of 1689. John Childs, *The Williamite Wars in Ireland*, p.27

anonymous correspondent feared the problem was only likely to get worse as the nights grew longer.⁸⁰⁸

The mode of operation of the Jacobite rapparees in the winter months of 1690-1 was a mixture of classic insurgency tactics, revolving around evasion over rough terrain and civilian camouflage. The superior knowledge of the land possessed by the rapparees, especially compared to William III's foreign troops, led Story to bemoan that they 'knew the Country, nay, all the secret Corners, Woods and Boggs'.⁸⁰⁹ Not only did they possess better understanding of the topography, the insurgents were also highly skilled in navigating the countryside, with their skills of evasion a subject of particular fascination for Williamite commentators. In one slightly fantastical vignette Story relays how a Williamite party, while searching amongst the dead after a skirmish, had found a Jacobite sergeant 'lying like an Otter' fully submerged in a running brook except for his nose and mouth.⁸¹⁰ Deploying yet another animalising metaphor, Story goes on to describe how whenever the rapparees wished to avoid an encounter they would 'commonly sink down between two or three little Hills, grown over with long Grass, so that you may as soon find a Hare, as one of them'. By hiding out in wild and wasted places, the rapparees could remain in dispersed location for many days, only to suddenly converge upon a prearranged rendezvous at the time appointed for one of their raids.⁸¹¹ Another principal mode of operation was for partisans to disguise themselves amongst the Catholic peasantry that were under Williamite protection. Munchgaar describes how the rapparees would wait for small parties of soldiers to sally out from the defensible towns, appraising the strength of their intended prey while safely disguised as labouring peasants. Only when they were sufficiently confident that they could prevail would they 'give a signal to each other and fire their muskets from the farms and join together'.⁸¹² Story similarly describes how it was common to see a 'hundred of them without Arms, who look like the poorest humblest Slaves in the World, and you may search till you are weary before you find one Gun'. Yet when the time

⁸⁰⁸ Charles McNeill (ed.), 'Rawlinson Manuscripts (Class C)', *Analecta Hibernica*, no.2 (January 1931), pp.39-40

⁸⁰⁹ Story, *Impartial History*, p.150

⁸¹⁰ *Ibid*, pp.152-3

⁸¹¹ *Ibid*, pp.152-3

⁸¹² Danaher and Simms, *Danish force*, p.100

came to perform some piece of mischief, they would quickly retrieve their weapons from wherever they had hidden them with extraordinary speed.⁸¹³

By the use of such tactics the rapparees made it almost impossible for Williamite troops to ‘fix any close Engagement upon them during the Winter’.⁸¹⁴ Moreover, although not suited to taking on big parties of troops or holding territory in a conventional sense, by inflicting thousands of small lacerations upon their enemy the rapparees managed to do enormous damage to the Williamites in this period. Writing in January 1691, Munchgaar tells us how the rapparees would patiently track Williamite forces from a distance by day, swooping in only at night to carry off unsuspecting victims.⁸¹⁵ Writing a few months later the same author similarly reported that ‘the rapparees are marauding wherever they can catch anyone’.⁸¹⁶ Besides killing and kidnapping individual soldiers, pilfering the enemy’s horses also proved an especially effective tactic. Already by the end of September 1690 the count of Solms was complaining of a severe shortage of horses, such was the number of animals spirited off into the mountains by rapparees.⁸¹⁷ Military grade horses were still being targeted in raids as late as April and May 1691, with some of Würtemberg’s own animals taken away by the insurgents.⁸¹⁸ This tactic served a double function. For not only did it do ‘no small disservice’ to the enemy by diminishing their capacity to field cavalry and dragoons, it also helped resolve a critical shortage on the Jacobite side.⁸¹⁹ Rapparees also made a nuisance of themselves by targeting the enemy’s postal deliveries and thereby disrupting Williamite communication channels, much to Würtemberg’s chagrin.⁸²⁰

⁸¹³ Story, *Impartial History*, pp.152-3

⁸¹⁴ Story, *Continuation of the Impartial History*, p.50

⁸¹⁵ *Danish force*, pp.96-7

⁸¹⁶ *Ibid*, p.100; George Story similarly describes how the enemy ‘watched all opportunities of Advantage, killing our Men by surprise in a great many places’, something which they achieved by keeping up a constant correspondence with the protected Irish (Story, *Continuation of the Impartial History*, p.55)

⁸¹⁷ *CSPD, 1690-1*, p.127

⁸¹⁸ Danaher and Simms, *Danish force*, pp.107, 108, 110

⁸¹⁹ Story, *Continuation of the Impartial History*, p.55

⁸²⁰ Danaher and Simms, *Danish force*, p.111

By these means the rapparees did ‘much more mischief at this time o’th’ year, than anything that had the face of an Army could pretend to.’⁸²¹ Had the main Jacobite army held out for another year, according to Story, ‘the *Rapparees* would have continued still very prejudicial to our Army, as well as by killing our Men privately, as stealing our Horses, and intercepting our Provisions.’⁸²² The Irish insurgents may have been dismissed by some Williamites, including Munchgaar, simply as private actors ‘who have gone out for booty and plunder’, but there can be no doubt but that the rapparee activity occurring between late 1690 and early 1691 was far more strategically co-ordinated than that.⁸²³ Rather, the rappareeism of this period represented the culmination of a process whereby high-ranking authorities increasingly sanctioned modes of warfare over which they had little directional authority, unleashing a vicious sectarian insurgency in the process.⁸²⁴ Nothing reveals the ideological purposefulness of the rapparees more than their adversaries’ claims to the contrary. Such is certainly the case of George Story, who protested far too much when seeking to denigrate the legitimacy of the Irish insurgents:

But after all, least the next Age may not be of the same humour with this, and the name of a *Rapparee* may possibly be thought a finer thing than it really is, I do assure you, that in my Stile they never can be reputed other than Tories, Robbers, Thieves, and Bogg-trotters.⁸²⁵

As early as September 1690 the Williamite high-command began taking measures to counter the threat posed by Jacobite fifth columnists, beginning with an order that all Catholics living under their protection should remain within three miles of their place of habitation and even then only to attend markets.⁸²⁶ One proclamation announced that any Catholic inhabitant of Dublin refusing to take an oath of fidelity to William and Mary should be expelled from the city with immediate effect. Those

⁸²¹ Story, *Impartial History*, pp.152-3

⁸²² Story, *Continuation of the Impartial History*, p.50

⁸²³ Danaher and Simms, *Danish force*, pp.96-7

⁸²⁴ John Childs states that rapparee activity was responsible, more than any other factor, for blurring the boundary between soldier and citizen in the War of the two Kings, thereby contributing in no small small to the viciousness of that conflict. Childs, ‘The laws of war in seventeenth-century Europe’, p.298

⁸²⁵ Story, *Continuation of the Impartial History*, p.50

⁸²⁶ Story, *Impartial History*, p.138

permitted to remain were subjected to frequent house searches and harassment by the city militia.⁸²⁷ A separate order also banned Catholic proprietors from keeping public houses for fear that places of coffee and alcohol consumption might double as sites of conspiracy and intrigue.⁸²⁸ When the rapparee insurgency continued unabated into the winter months, the Williamite administration was eventually forced to take steps to deal with the problem directly.

In a proclamation of 19 November 1690, the administration announced three new measures, each of which was intended to cut the rapparees off from their supporters. The first of these declared that henceforward, in any district where Protestants had their property burned or destroyed by rapparees, the damages would be reprised from the Catholic inhabitants of that county. Secondly, no parish priest would be tolerated to remain in any county where ten or more ‘robbers or rapparees’ were found together in a body. Finally, no parent with a son in enemy quarters was permitted to continue living under Williamite protection unless they first convinced their child to return to a peaceable existence. The deadline for compliance with this last commandment was originally set at 10 December.⁸²⁹ While these measures were draconian in theory, the fact that this date was twice extended over the ensuing months would suggest that they were less easy to enforce in practice.⁸³⁰

Another more straightforward tactic deployed by Williamite forces was to make a point of treating captured rapparees differently from commissioned soldiers. As we saw in the introduction to the present work, war in seventeenth century Europe was commonly regulated by well-established codes of war, both written and unwritten. Undergirding these rules, and more important still than honour or custom, was the threat of reciprocal retaliation.⁸³¹ The prospect that one’s own troops, or indeed oneself, might at some point end up in enemy hands was enough to make most soldiers think twice about mistreating prisoners of war or betraying the terms of some compact. This certainly was the logic behind the duke of Berwick’s warning,

⁸²⁷ Story, *Impartial History*, p.150

⁸²⁸ *Ibid*, p.155; See also: *Ibid*, pp.153-4; *CSPD, 1690-1*, p.182

⁸²⁹ *The proclamations of Ireland*, vol.2, no.31; Story, *Impartial History*, p.149

⁸³⁰ *The proclamations of Ireland*, vol.2, no.s 36, 40

⁸³¹ John Childs, ‘The laws of war in seventeenth-century Europe’, pp.283, 287

delivered to the count of Solms in mid-September 1690, that if the Williamites followed through on their threat to transport Jacobite prisoners to the plantations he would respond in kind by committing prisoners of war to the French galleys.⁸³² Whether Berwick's insistence upon civil treatment for his men extended also to the rapparees associated with his cause is unclear. What is absolutely certain, however, is that summary execution continued to be a staple weapon in the Williamite's arsenal of counterinsurgency tactics for the duration of the conflict.

As with Cromwellian forces in the mid-century conflict, who saved many of their most vicious tactics for the tories, Williamite forces generally treated captured rapparees as individuals who were excepted from the normal protections afforded to regular combatants. When Cork city fell to the Williamites in September 1690 one in every ten of the estimated two thousand rapparees garrisoning the city were hanged as a matter of course.⁸³³ Similarly, when Major Vittinghove led his men against a party of four thousand rapparees on the banks of the Blackwater it was with the expressed goal of giving 'these robbers no quarter'.⁸³⁴ Likewise, when Williamites captured two 'officers' belonging to a party of rapparees that had been marching towards Philipstown in October 1690 they were hanged without further ado.⁸³⁵ Similarly, when Williamites ambushed a party of rapparees as they gathered to 'make mischief' in December of that year, the few that were taken alive were 'hanged without any further Ceremony.'⁸³⁶

It is in this context that we begin to understand the functional utility of the looseness with which Williamites defined rappareeism. As John Childs has observed, the ambivalence of rappareeism in Williamite discourse, which was extended to include any combatant suspected of being a partisan and any civilian suspected of being an insurgent, helped license forms of brutality that were not normally permitted against either commissioned soldiers or unarmed civilians.⁸³⁷ According to Story, the Jacobites attempted to pre-empt this treatment by issuing their partisans with passes

⁸³² *CSPD, 1690-1*, p.122

⁸³³ Danaher and Simms, *Danish force*, pp.83-4

⁸³⁴ *CSPD, 1690-1*, p.125

⁸³⁵ Story, *Impartial History*, p.146

⁸³⁶ *Ibid*, pp.152-3

⁸³⁷ John Childs, *The Williamite Wars in Ireland*, p.28

signifying what regiment they belonged to, so that if they were caught they might be treated as soldiers and not rapparees. This, however, proved of little use against an enemy that by the spring of 1691 was no longer willing to stand on ceremony. In March 1691, when thirteen rapparees were taken prisoner near Cappoquin in south-west Waterford, their captors dismissed the claims of two amongst them that they were commissioned captains and therefore entitled to respectable treatment. Instead they were simply dismissed as 'known Rogues' and hanged along with the rest of their men.⁸³⁸ Writing for mid-September 1691, Story remembers three captured rapparees accused of 'murdering several men as they straggled from the camp to dig potatoes.' Although one of the captives produced a pass stating that he belonged to lord Galmoy's regiment of horse, this was dismissed as the 'usual shift' of rapparees. A few days later he was sentenced to death by a court martial along with the rest of his men. The only mercy shown to the condemned was that the Danish general's order for them to be first 'broken upon the Wheel' was not permitted on account of the fact that 'this way of Torture was against the Laws of England'.⁸³⁹

Despite these harsh tactics, rapparee attacks continued to cause huge problems for the Williamite army throughout the winter of 1690-1 and late into the spring of 1691. In September 1690 the Williamites appointed two lords justices, Thomas Coningsby and Henry Sidney, to act as a shadow civil administration while the war was being brought to a close. One of the chief functions of this body was to provide a legal framework and a vestige of legitimacy to Williamite counterinsurgency tactics. Such was the motivation, for example, behind the proposal, first mooted in late 1690, to establish commissions of Oyer and Terminer for every county. The earl of Nottingham, the English secretary of state, suggested that the courts would help lessen the charge 'of keeping thieves in the gaols, and the mischief of their breaking prison and escaping be, in a great measure, prevented.'⁸⁴⁰ The primary function of the courts, in other words, was to work in tandem with the existing informal policy of giving no quarter to rapparees, expediting the process while also lending it a patina of judicial process. This plan received the go-ahead in February 1691 and the litany of entries in George Story's writings referring to the hanging of

⁸³⁸ Story, *Continuation of the Impartial History*, pp.62-3

⁸³⁹ *Ibid*, p.221

⁸⁴⁰ *CSPD*, 1690-1, pp.175-6

rapparees attests to the brutal efficacy of this method.⁸⁴¹ When even this proved insufficient to diminish the scale or ferocity of the insurgency, the lords justices began lobbying for an even more extreme option.

In January 1691, while arguing for a far-ranging plan to deal with the rapparees ‘who are in some places grown exceedingly troublesome’, Coningsby and Sidney concluded that in the last analysis it was the militia ‘who must do that work’.⁸⁴² Later that month the lords justices and Baron von Ginkle brought up the topic again in a letter to viscount Sidney, writing that the rapparees had become so numerous that

a great many hands must be employed when the army is upon that service, both to guard our provisions and secure the towns we are now possessed of from utter ruin and desolation.

Unless the militia was employed to take up this task they estimated that as much as one half of the armed forces would be tied down and unable to participate in the offensive campaign planned for that summer.⁸⁴³ The Williamite government in England responded favourably by relaxing the import duty on munitions, thereby allowing the militia to purchase weaponry at un-taxed levels. While commending this decision, the lords justices continued to press for the militia to be given a more expanded role:

we must observe to you, how useful, at this time, the militia is, for unless they had relieved the several quarters, it had been impossible for the general to have made this movement, the rapparees swarming everywhere in such numbers.

Citing the internally displaced Protestant gentry of Limerick as an example, the lords justices suggested that the intimate knowledge of the countryside possessed by these men, not to mention their zealotry for the Williamite cause, would make them invaluable assets in the months to come.⁸⁴⁴ In March 1691 queen Mary wrote to

⁸⁴¹ Story, *Continuation of the Impartial History*, p.56

⁸⁴² *CSPD, 1690-1*, p.227

⁸⁴³ *Ibid*, pp.230-2

⁸⁴⁴ *Ibid*, pp.280-1

the lords justices approving of their proposals for ‘suppressing the Rapparees’ and by the following month it was reported that a Protestant militia of fifteen thousand men had been formed to ‘prevent the rapparees from burning’.⁸⁴⁵ It was to this force, composed entirely of Irish Protestants, that the chief work of counterinsurgency would fall once the new campaigning season began.⁸⁴⁶ In sanctioning an expanded role for the militia the Williamite administration had abandoned its long-held stance that the military high command should have complete oversight over all lethal capacities available to the cause. Endorsing the militia also represented a slackening of the administration’s determination not to allow the conflict to devolve into an out-and-out sectarian contest. The results of their concession were predictable. To a great extent, what followed in the ensuing months amounted to a shadow war, a secondary conflict fought between the militia and rapparees operating in parallel to the main affair. And whereas in the main conflict the laws of war and the threat of reciprocation helped maintain a certain code of etiquette, in this informal war, fought between two sectarian rivals whose animosity for each other knew no bounds, no such rules applied.⁸⁴⁷

The militia proved a brutally effective addition to the Williamite’s arsenal of counterinsurgency tactics, not least, by Story’s own admission, because they were ‘usually more severe upon those sort of People [i.e. the rapparees] than the army was’.⁸⁴⁸ Historian John Childs describes the anti-rapparee sweeps conducted by the militia and Williamite soldiers during this period as resembling ‘field sports rather than martial operations.’⁸⁴⁹ Any captured rapparees that were not simply strung up by the militia themselves were delivered in ever-greater numbers to the county courtrooms where the presiding judges gave them similarly short shrift.⁸⁵⁰ Yet the effect of unleashing the militia upon the rapparees worked both ways, as the Irish

⁸⁴⁵ *Ibid*, p.308

⁸⁴⁶ *Ibid*, pp.365-6; *Ibid*, p.413

⁸⁴⁷ John Childs suggests that the European-wide trend towards the institutionalising of militias (rather than leaving these non-professional forces unregulated and unsupervised) helped channel the fury of partisan forces and thereby reduced the impact of wars on civilian populations. This thesis does not seem to apply to the War of the Two Kings. Childs, ‘The laws of war in seventeenth-century Europe’, p.290

⁸⁴⁸ Story, *Continuation of the Impartial History*, p.8

⁸⁴⁹ Childs, *The Williamite Wars in Ireland*, p.321

⁸⁵⁰ *Ibid*, pp.61, 62-3, 64, 65

insurgents soon responded with equally vicious tactics. Atrocity stories must always be treated carefully, and for reasons that are fairly obvious we are more inclined to believe admissions rather than accusations of violence. With this in mind, a noticeable proportion of the most brutal attacks reportedly committed by the Jacobites were attributed to rapparees. George Story records that when the Williamite garrison of Castletown capitulated to a mixed party of rapparees and Jacobite regulars in December 1690, their commander was subsequently killed notwithstanding the terms of surrender.⁸⁵¹ In January 1691 Munchgaar described the rapparees as giving quarter to the Danish, Dutch and French, but never to the English Protestants. As evidence he reported a recent incident in which a Protestant constable, his Catholic Irish servant and a Danish trooper were all captured by rapparees near Dungarvan in Waterford. Both the Dane and servant were later set free, but although the constable promised his captors one hundred pounds if they allowed him to live long enough to write his wife they told him he had to die there and then on account of his religion.⁸⁵² In February 1691, according to Story, after killing a Williamite soldier near Birr, the rapparees ‘drew out his Guts, and mangled his Body after a most barbarous and unusual manner.’⁸⁵³ Similarly, in May of that year one Williamite soldier was said to have had his eyes put out while still alive after he was ambushed by rapparees between Mullingar and Kinnegad. In retaliation two rapparees were subsequently hanged and a third pressured into betraying his party’s overnight quarters. Forty of the insurgents were killed in the subsequent ambush and a ‘good store of rich Plunder’ retrieved.⁸⁵⁴

In January 1691 Tyrconnell, who had departed for France in September 1690, returned to Ireland in order to once again take command of the Jacobite forces. The truculent earl’s second coming signified a stiffening resolve on the behalf of the Jacobite high-command, a general mood that was further consolidated by the arrival of the marquis St Ruth, an experienced French general, in May 1691. Landing in Limerick accompanied by a contingent of French officers and with a sizable consignment of supplies, St Ruth’s arrival buoyed Irish hopes and thereby poured

⁸⁵¹ Story, *Impartial History*, p.154

⁸⁵² Danaher and Simms, *Danish force*, pp.96-7

⁸⁵³ Story, *Continuation of the Impartial History*, p.56

⁸⁵⁴ *Ibid*, p.74

fuel on a conflict that had otherwise looked destined to peter out. But this latest Jacobite resurgence was not destined for a long life. The final demise began when the 'English town' of Athlone (i.e. the side lying east of the river) fell to Ginkel on 20 June 1691. Although St Ruth's timely arrival and destruction of the Shannon bridge prevented the rest of the citadel from falling immediately, the Williamites subsequently forded the river on 30 June, which ultimately forced their opponents to abandon the strategically vital town altogether. Connacht now lay before William III's forces, opening the way for the decisive battle of the conflict. Fought on 12 July 1691, the early stages of the Battle of Aughrim favoured the Jacobites, until the fluke decapitation of St Ruth by a cannon ball helped turn an early advantage into a disorganised and costly retreat.⁸⁵⁵ The French general was skewered by Williamite pamphleteers in the aftermath of the battle as the leader of a rabble army made up of rapparees.⁸⁵⁶ Both Galway and Sligo fell to William III's rampaging forces in the months that followed, but it was the death of Tyrconnell in August which removed the last major barrier to a negotiated peace.

Signed on 3 October 1691, the Treaty of Limerick represented a broadly lenient outcome for James II's Catholic Irish adherents, especially considering their desperate situation. In return for swearing fealty to William and Mary, the treaty guaranteed property rights to Catholic landholders still in arms, the same informal religious freedoms enjoyed in the latter part of Charles II's reign and safe passage for those soldiers who wished to depart for the continent, amongst other assurances.⁸⁵⁷ Initially, with William III determined to uphold the terms of the treaty and with all sides exhausted by the preceding conflict, it seemed as if the Irish kingdom was destined to return to a state of affairs similar to that which prevailed during the Restoration. But Irish Protestants had come too far to allow this to happen without first putting up a fight. Within just a few years they secured a new political contract that left little of the familiar intact.

⁸⁵⁵ Simms, 'War of the two kings', p.504

⁸⁵⁶ Anon., *The Rapparee Saint. A Funeral Sermon Upon the Death of Monsieur St Ruth, Preached at Gallaway, a little after the Late Fight. By Mac Olero, a fryer of the New Order, of the Raparees.*, (1691)

⁸⁵⁷ Simms, 'The war of the two kings, 1685-91', p.506

III. The Post-Revolution Order

All the king's men

Ever since the Declaration of Finglas, and the public relations fall-out which followed that ill-advised pronouncement, the Williamite high-command had frequently toyed with the idea of offering generous terms of surrender to the opposition in order to hasten an end to the conflict, seen by many as a costly side-show in a wider European affair.⁸⁵⁸ Such pragmatic, geo-political considerations were not, however, the primary concern of Irish Protestants, who believed they had committed both blood and treasure to a conflict that would decide, once and for all, the question of how political power was apportioned in the Irish kingdom.⁸⁵⁹ Although many Irish Protestants were initially reluctant to turn against James II, the bitterness of the ensuing war and the prospect of seeing their hard-won victory diluted by the Treaty of Limerick, encouraged the vast majority of that community to double down on the 'revolutionary' principles over which the conflict had nominally been fought: namely, the imposition of constitutional checks on the monarchy and the establishment of Protestant ascendancy through statutory law. No other individual was more successful in giving expression to this emergent creed than William King, the Anglican archbishop of Dublin.

Formerly the dean of Saint Patrick's cathedral and a future archbishop of Armagh, King's political beliefs prior to the war are best described as 'High-Anglican', a staunchly conservative outlook that took the monarch's role as the head of the church as the keystone of its philosophy.⁸⁶⁰ As the war progressed, however, King was gradually persuaded to transfer his allegiances, motivated both by James II's Catholicising policies as well as the ever-greater likelihood of Williamite victory. Twice imprisoned by the Jacobites for suspected collusion with the Williamites, he emerged from the war a convinced supporter of the 'revolutionary' cause.⁸⁶¹ With all the zealotry of a late convert, King soon set about convincing others of his position.

⁸⁵⁸ John Gerald Simms, 'Williamite Peace Tactics, 1690-1', *Irish Historical Studies*, vol.8, no.32 (September 1953), p.322

⁸⁵⁹ *Ibid*, p.301

⁸⁶⁰ Andrew Carpenter, 'William King and the Threats to the Church of Ireland during the Reign of James II', *Irish Historical Studies*, vol.18, no.69 (March 1972), pp. 22-23

⁸⁶¹ Raymond Gillespie, 'The Irish Protestants and James II, 1688-90', *Irish Historical Studies*, vol.28, no.110 (November 1992), p.131

First published in 1691, *The state of the Protestants of Ireland under the late King James' government* was an immediate success, running into its fourth edition within just two years of its original publication.⁸⁶² Described by Eamonn Ó Ciardha as 'the bible of popular Protestantism in the eighteenth century', its appeal was equally long-lasting.⁸⁶³ Although *The state of the Protestants of Ireland* was primarily intended as a defence of the Church of Ireland's posture during the war, the real key to its success lay in the clarity and coherence with which it set out the secular argument for opposing James II and, by extension, justifying the political order that emerged thereafter.

Consisting of two parts, the first movement of King's treatise entails a theoretical defence of the subject's right to resist a despotic ruler. Bolstered by reference to legal authorities, such as Grotius, as well as by Biblical exegesis, this is the shorter of the two parts. Meanwhile, the second and more lengthily component of King's text provides an historical account of events beginning in James II's reign and including the progress of the war. The two sections complement each other insofar as the first provides a weighty moral justification for the right to resist despotism and religious persecution, while the second provides extensive evidence of James II's absolutist intentions and sectarian policies.⁸⁶⁴ At several important junctures in his argument King uses the example of toryism and rappareeism to assert his case. One such example occurs when the author recounts Tyrconnell's Catholicisation of the army. This is a tender point in King's overall argument for, as he states himself, it concerns the monarch's right to make appointments to public positions and therefore pits the royal prerogative against parliament's sovereignty.⁸⁶⁵ King argues that the monarch's association with the army was not a simple relationship of master and servant because it was in fact parliament, and not James II, who paid its wages. And 'where another pays the Servants,' King argues, 'the Master must be obliged to keep such Servants as will answer the design of such as afford the

⁸⁶² William King, *The State of the Protestants of Ireland under the late King James's Government*, (London, 1691); Simms, 'The war of the two kings, 1685-91', p.499

⁸⁶³ Ó Ciardha, *Ireland and the Jacobite Cause, 1685-1766*, p.104

⁸⁶⁴ To this was added a lengthily appendix comprised of miscellaneous historical documents, which bolstered King's argument by lending it a healthy glow of objectivity.

⁸⁶⁵ *Ibid*, pp.62-5

Wages.’⁸⁶⁶ Not only had James II contravened this principle by staffing the army with Catholics, but by doing so he had taken ‘a great step’ towards the extirpation of Irish Protestants.⁸⁶⁷ To bolster his argument, King asserted that Tyrconnell had not only admitted Catholics to the army against the will of parliament, but had also appointed many men who were unsuitable for the army even excepting their religion. None more so, according to the author, than the numerous Tories who were commissioned by Tyrconnell prior to the war.

Having not long before enjoyed a near monopoly of physical force, Irish Protestants under James II saw ‘their Enemies in Arms, and their own Lives in their Power’, with their goods left at the mercy ‘of those Thieves and Robbers and Tories, now armed and authorized, from whom they could scarce keep them when it was in their power to pursue and hang them.’ By King’s estimate, as many as fourteen former Tories were made officers in one regiment alone. Even the Brennans, the infamous Tory gang of the late-Restoration, were amongst those made commissioned officers in Tyrconnell’s army. Meanwhile, the Protestant soldiers responsible for the capture of Richard Power and the killing of Patrick Fleming were all pointedly cashiered by the lord lieutenant.⁸⁶⁸ Bringing his argument to a head, King stated in no uncertain terms that

a Government that had armed such Men of desperate Fortunes and Resolutions, was so far from protecting them, which is the only End of all Government, that on the contrary it designed to destroy both their Lives and Fortunes.⁸⁶⁹

It should be noted that entailed in this simple statement, that ‘the end of all government is the protection of its people’, we discover an entirely different view of the state, and its relationship to its civilian population, than that promoted by both Charles II and his brother. Throughout the Restoration, the Stuart regime had promoted a vision of the body politic in which the imagined relationship between

⁸⁶⁶ *Ibid*

⁸⁶⁷ *Ibid*

⁸⁶⁸ *Ibid*, p.32

⁸⁶⁹ *Ibid*, pp.62-5

subject and monarch was that of dutiful obedience, on the one hand, and magnanimous protection, on the other. King, by contrast, was proposing a revolutionary inversion of these terms, whereby the state served the people and not the other way around. Here as elsewhere, King invoked toryism to lend an emotional dimension to an otherwise dry and technical point. After all, as far as Irish Protestants were concerned, there could be no more forceful example of James II's sectarian intentions than the promotion of tories to public office:

it was a melancholy thing for Protestants to live under such illegal Officers, and have their Lives, Estates, and Liberties, at the mercy of Sheriffs, Justices, and Juries; some of whose Fathers or nearest Relations, they had either hanged for Thieving, Robbery and Murdering, or killed in the very Act of Torying.⁸⁷⁰

By making self-defence the centrepiece of his argument King had with remarkable prescience identified the core tenet of eighteenth century Ascendancy ideology: that the total domination of Irish Catholics was necessary if Irish Protestants were to be prevented from suffering another massacre, akin to 1641 or 1688. But although the necessity of self-defence would later become the mantra of successive Irish governments in the long eighteenth century, at the time of its publication King's argument suffered from a glaring deficiency: for the first two years following the war, the Irish kingdom and its Catholic Irish subjects remained remarkably tranquil.

Writing in November 1691 the earl of Longford stated with confidence that 'we are all peaceable and quiet here and not one rapparee talked of in the whole kingdom.'⁸⁷¹ A month later, Würtemberg similarly reported that 'all is now quiet and nothing more is heard of rapparees'.⁸⁷² A little less than a year later, however, with reports circulating of a fresh French intervention, rapparees once again began to 'break out in great numbers' in both Munster and Connacht.⁸⁷³ This unrest drew a proclamation from the government largely based on the Restoration model of outlawing specific

⁸⁷⁰ *Ibid*, p.87

⁸⁷¹ Melvin (ed.), 'Letters of Lord Longford' p.77

⁸⁷² Danaher and Simms (eds.), 'Danish force in Ireland', p.139

⁸⁷³ Melvin (ed.), 'Letters of Lord Longford', pp.102-3

individuals.⁸⁷⁴ When this pattern reasserted itself as nights grew long late the following year, the administration responded with another proclamation. Rather than merely outlaw specific individuals, the proclamation of August 1693 announced the use of punitive collective punishments, similar to those laid out in Ormond's declaration of 1679, which had been conceived in the context of the Popish Plot. Local authorities were granted the power to arrest the 'wives, fathers, mothers, brothers and sons' of suspected persons, as well as local priests, and commit them to the county jail until such a time as the 'tories, rapparees, or robbers' were taken or killed.⁸⁷⁵

Behind this reversion to collective punishment tactics lay a genuine concern that these periodic bouts of rappareeism were closely associated with other forms of organised Jacobite agitation. The south-west of Ireland was a particular concern in this regard. In October 1693, privateers operating in that region were reported to be facilitating a two-way traffic of 'persons disaffected to the government'.⁸⁷⁶ In March the following year the *Dolphin*, a state-owned vessel, was sent to cruise between Kenmare and Berehaven in order to intercept a privateer as well as to prevent further depredations by local rapparees who had been committing 'great disorders'.⁸⁷⁷ A month later the lords justices depicted the Kerry-Cork region as a territory almost completely beyond their control:

This is a den of Tories who molest the country round about, here the Popish natives harbour them, and, corresponding with the French privateers, betray to them merchant ships, so that within these two years above twenty ships have been taken from thence by the privateers.⁸⁷⁸

To counter this pronounced disorder the lords justices could little more than propose rebuilding the fort that once stood in Bantry bay, until it had been destroyed by the Irish in 1688. In former times the garrison had helped keep in awe that 'wild rebellious country' and it was hoped that its return would not only 'unkennel those

⁸⁷⁴ *Ibid*

⁸⁷⁵ *CSPD, 1693*, p.277

⁸⁷⁶ *CSPD, 1693*, p.364

⁸⁷⁷ *CSPD, 1694-5*, p.76

⁸⁷⁸ *CSPD, 1694-5*, p.122

thieves that from hence do so much mischief', but also prevent their further correspondence with France.⁸⁷⁹

New paradigms

This on-going dissidence, and especially its connection to continental intrigue, convinced the Irish executive of the need to devise a more permanent strategy for combating rappareism. In July 1694, lord justice Henry Capel wrote to secretary Trenchard complaining bitterly about the condition of the Irish security establishment.⁸⁸⁰ According to the Irish official, many of the country's garrisons were in a state of complete disrepair and the militia, which had been such an effective force during the war, was organised only on an *ad hoc* basis. If even a small contingent of French troops were to land on the western coast they could easily overrun the state's meagre defences, not least because they could rely on support from the native Irish. In Capel's opinion the answer to the kingdom's woes lay not in once-off outlays and reactive policies, but in legislative innovation:

Some temporary laws expired the last Parliament, which, being of great benefit to the people, ought to be revived; and we want many other laws, which, after so great a Revolution ought to be enacted, for strengthening and securing the English and Protestant interest...

Amongst the measures proposed by Capel as part of this new legislative agenda, including one for disarming Catholics and another preventing them from owning military grade horses, was a bill for 'taking Tories'. George Philips, a contemporary parliamentary antiquarian, expressed a similar sentiment when he wrote that the Irish establishment wanted for 'many beneficial laws relating to religion, peace, and our secular interest'.⁸⁸¹ Philips particularly lamented the kingdom's lack of religious penal legislation, such as had been established in England since Elizabeth I. Turning his attention to 'those devilish sort of men called Tories, or Rapparees', the one-time governor of Londonderry echoed Capel's stance by writing that 'we stand in

⁸⁷⁹ *CSPD, 1694-5*, p.94

⁸⁸⁰ *HMC Buccleuch and Queensberry*, p.99

⁸⁸¹ *Ibid*, pp.104-5

need of some positive law for the taking and killing them, or bringing them to justice.’

In fact, several such bills had already been prepared for the parliament of 1692 but had since gathered dust after the assembly was abruptly prorogued in November of that year.⁸⁸² Forced to muddle along as before, Dublin Castle became increasingly tetchy at any suggestion that they were to blame for the continued Jacobite agitation. In August 1694, pricked by Whitehall’s insinuation that they had not been doing enough to stifle rapparee activity, the lords justices responded with a lengthily treatise on the issue.⁸⁸³ Defending their vigilance, the Irish executive insisted that the prosecution of tories had been ‘one of our principal cares’ since taking up the reins of government. Citing the various measures adopted under their direction, the lords justices insisted that ‘though they have not totally quieted the country’, yet they had ‘met with good success.’ That rappareeism had not been snuffed out altogether was not for want of effort, they argued, but was rather the consequence of certain intractable variables. Referring to a recent letter from three justices of the peace for Cork, the lords justices defined the rapparee problem as a dynamic combination of human and natural geographies. Simply put, the widespread popular support enjoyed by Jacobite dissidents, which included the ‘gentry, commonalty and clergy’, together with the country’s extensive mountain ranges and fastnesses, made it almost impossible for the state’s local agents to tackle the problem without greater support from the central government. The lords justices further suggested that the problem had become especially chronic because much of the population had been ‘totally undone’ by the conflict and now feared ‘being dragged into prison and languishing there, for debt or causes of action arisen during the war’. Using the language and framework of labour discipline, as early Stuart administrators had done with respect to the demobilised kern of that period, the lords justices suggested that this want of work had caused many becoming accustomed to ‘a loose way of living’, such that they were no longer willing to ‘betake themselves to a laborious, honest calling’. Meanwhile, would-be dissenters received ‘private encouragement from abroad’ or harboured enemies in their homes, something which was widely

⁸⁸² *CSPD 1691-2*, p.174

⁸⁸³ *CSPD 1694-5*, pp.276-8

facilitated by the shortage of English planters to watch over them.⁸⁸⁴ For these various reasons the lords justices expressed doubt that rappareeism could ever be entirely eradicated:

But after all, as there ever have been, so we fear there always will be Tories in several parts of this kingdom.

The apparent insinuation was that a perennial problem, albeit one made acute by recent circumstances, required an equally enduring solution, especially in the form of statutory legislation. The lords justices' argument was greatly aided by a further surge of rapparee activity witnessed in the winter of 1694-5. The extent of the disorder was underscored by a proclamation of December 1694, which named no fewer than one hundred and thirty-nine suspected persons, hailing from parishes in counties Cork, Tipperary, Kilkenny, Mayo, Leitrim, Armagh and elsewhere.⁸⁸⁵ Nor had the issue subsided entirely by the following spring, when it was reported that several French privateers had disembarked upwards of two hundred men at Ballinskelligs in county Kerry. The raiders unleashed by these boats had plundered the surrounding district without opposition, before bringing aboard such of the local proclaimed tories who wished to depart for France.⁸⁸⁶

The bid to erect a new penal architecture received a further boost when Henry Capel was promoted to lord deputy of Ireland in May 1695.⁸⁸⁷ Although his official instructions for office differed little from those of his Restoration predecessors, Capel's appointment was widely seen as a sanction from Whitehall to proceed with the new legislative agenda.⁸⁸⁸ And indeed, within months of taking office, bills were prepared both for the disarming and dismounting of Catholics, as well as for the prohibition of foreign education, seen as an important facilitator in the radicalization of Irish youth. These were to prove the first planks in an emerging body of legislation known collectively to posterity as the 'penal laws'. Although often

⁸⁸⁴ *CSPD, 1694-5*, pp.276-8

⁸⁸⁵ *The proclamations of Ireland*, vol.2, pp.335-9

⁸⁸⁶ *CSPD, 1694-5*, p.434

⁸⁸⁷ Charles Ivar McGrath, 'Securing the Protestant Interest: The Origins and Purpose of the Penal Laws of 1695', *Irish Historical Studies*, vol.30, no.117 (May 1996), p.37

⁸⁸⁸ *CSPD, 1694-5*, pp.455-9

neglected in discussions of these laws, the ‘rapparee act’ of December 1695 was very clearly born of the same political agenda.⁸⁸⁹ The most important feature of the rapparee statute, and which substantiates its claim as a significant departure from the Restoration discourse of counterinsurgency, was its explicit recognition of the rapparee’s social dimension.

Throughout the present thesis we have seen substantial evidence of the Restoration regime’s tendency to locate dissent in the individual and not in social dimensions. Although this highly-selective way of viewing dissent served to substantiate Charles II’s broader claims vis-à-vis the nature and heft of his personal sovereignty, it also precluded the possibility of legislating for the support networks that enabled toryism. The use of martial law by Essex and ‘kincogish’ by Ormond were the exceptions that proved the rule, as both measures, conceived in moments of crisis, effectively recognised that toryism was a social phenomenon. Stuart royalist ideology was not, however, the only force negating the production of effective measures against the harbourers and supporters of tories. As we have seen, the precepts of Common Law also emphasised the guilt of the perpetrator over that of the abettor. The rapparee act’s elegant solution to this loophole was to locate collective guilt not in the act of dissent itself but in the community’s failure to assist the state with the dissident’s capture after the fact. This new emphasis derived its authority from ‘hue and cry’, the traditional and legally enshrined obligation of the community to assist state agents in the pursuit of guilty parties. The second major innovation of the rapparee act, and which links it directly to other artefacts of penal legislation produced at this time, was that failure to co-operate with calls for hue and cry would not only result in a fine levied on the barony within which a rapparee attack occurred, but that this tax would be assessed on the population according to their confessional status. If the guilty party belonged to the Catholic community, only the Catholic part of the barony’s population would be liable to pay the fine for non-assistance, with reverse true if the guilty party were Protestant.

Despite the government’s new legislative instruments, however, rappareeism did not begin to recede for quite some time after. In April 1695, the government was

⁸⁸⁹ See, for example: McGrath, ‘Securing the Protestant Interest’, pp.25-46

required to ship yet more insurgents to the continent, which might otherwise be taken as a sign of progress, except that one year later there were still large companies of ‘tories’ reported to be roaming the countryside.⁸⁹⁰ The state was still being forced to countenance the transportation of insurgents to the continent, at its own expense, as late as September 1704.⁸⁹¹ As Éamonn Ó Ciardha has shown, the scale of rappareeism in the late 1690s and early 1700s testifies to the fact there was no going back to pre-war levels of insurgency. When rappareeism finally began to dissipate in the 1720s, it did so only as other forms of insurgency, such as ‘houghing’, rose to take its place.⁸⁹²

Conclusion

The period between the accession of James II and the conclusion of the War of the Two Kings witnessed a complete transformation of the practice of toryism as well as the counterinsurgency measures used to combat it. Although at first it seemed that little had changed, either in terms of the particular individuals involved in toryism or with regards to how men like sir John Perceval behaved towards the activity, the ground soon began to shift, leaving little of the Restoration’s familiar terrain intact. The death of the renowned tory hunter William Hamilton at the hands of a Catholic subaltern and the harrying of the Protestant settlement at Kenmare were indicative of changes seen throughout the country. The emergence of rappareeism, which we have described as a form of mass-participation insurgency, marked an entire shift in modality compared to Restoration toryism. Although this transformation was in part enabled by ‘negative’ conditions, including the breakdown of authority following James II’s flight from England and the chaotic circumstances of the ensuing war, it was also the consequence of the Stuart king’s official encouragement of popular insurgency. The attitudes of Irish Protestants were no less immune to change. In particular, the polarisation of political ideologies over this period transformed how that community conceived of the Irish state and their place within it. The experience of the War of the Two Kings, not least the vicious sectarian war conducted between rapparees and partisan militias,

⁸⁹⁰ *CSPD, 1694-5*, p.434; *HMC Buccleuch and Queensberry*, p.344

⁸⁹¹ *HMC Ormond*, vol.8, p.115

⁸⁹² S.J. Connolly ‘The Defence of Protestant Ireland, 1660-1760’, in Thomas Bartlett & Keith Jeffery, *A military history of Ireland*, p.241

encouraged Irish Protestants to seek the imposition of a new political order that explicitly articulated their favoured position within the Irish kingdom.

Conclusion

As well as providing the first comprehensive study of Restoration toryism, the stated goal of the present work has been to reveal the turbulent, non-linear history of tory activity covered in this period. Far from being steadily de-politicised or historically static, Restoration toryism was perpetually in motion, continuously mutating and constantly responsive to the immediate historical circumstances in which it was produced. As we have seen, throughout the Restoration period, toryism, counterinsurgency practice and the discourses within which both were couched, underwent countless transformations. In the first decade of Charles II's reign alone, the Stuart state's official discourse of toryism was completely overhauled after the sectarian narratives promoted by the Old Protestant executive failed to hit their mark and were replaced by a distinctly royalist representation of toryism following the appointment of Ormond as lord lieutenant.

The practice of toryism in early Restoration Ireland was similarly volatile and no less prone to mutation. In particular, we discovered a marked difference between the parochial toryism performed by the Costigans and the heightened violence first emerging in the winter of 1665. The magnitude and destructiveness of that insurgency, which continued for several years, has been widely underestimated by historians. More importantly, the extent to which the toryism of 1665-7 represented a genuine form of insurgency has also been overlooked. The survival of first-hand source material in the case of Edmund Nangle and Dudley Costello provides us with a relatively unique insight into the mental framework of two of the principal insurgents of that movement. The published work of Edmund Nangle, documenting his religious visions and re-conversion to Catholicism, is of particular interest. Evaluating this remarkable document in the context of its author's subsequent, mystically-inspired rebellion should serve as a warning against viewing toryism only in its socio-economic context. Clearly, land was not the only factor pushing individuals towards violent action in late seventeenth century Ireland.

In general, the reign of Charles II is not associated with the same degree of strategic state-building as, for instance, the Tudor or early Stuart period. As we have seen,

however, the history of Restoration toryism cannot be properly understood except in the context of the various attempts made, by successive viceroys, to put the Irish kingdom on a certain footing and to make counterinsurgency practice congruent with that project. Informed by a deeply royalist outlook, the duke of Ormond evinced a stubborn commitment to upholding the state's monopoly of violence throughout the invasion scare and tory insurgency of 1665-7. Only under severe public pressure did he eventually consent to the formation of a Protestant militia. Even this was allowed only on the condition that the commissions of array would be of limited duration. Berkeley, by contrast, was far less concerned with the symbolic and ideological aspects of governance and was more than content to operate on the basis of pragmatic expediency. The earl of Essex represented a third way in the history of Restoration governance. Like Ormond, Essex was reluctant to sanction any manner of privatised violence, whether in the form of partisan militias or by continuing with the reward-and-pardon tactics of Berkeley. Unlike Ormond, however, Essex was motivated not by an unbounded interpretation of the royal prerogative but by the conviction that the Irish state should conduct itself according to the rule of law.

Although Essex was ultimately unsuccessful in remodelling the Irish state, by the time of his recall toryism had become far less threatening to Irish Protestants. Certainly, this is the only way to make sense of the Irish public's limp reaction to the Popish Plot and the otherwise unfathomable existence of a published work of fiction, composed by an Irish Protestant author, which represents the notorious tory Redmond O'Hanlon in pseudo heroic terms. Although historians have tended to view the 1670s in light of the political turmoil of the decade that followed, the de-radicalisation of toryism in the late 1670s and early 1680s, and the increasingly confident attitude of Irish Protestants towards their Catholic Irish neighbours, suggests that the Stuart polity might yet have reached a workable solution to its Irish problem if circumstances in the English kingdom had worked out differently. As it was, the accession of James II and the birth of a Catholic heir all but guaranteed a return to the sectarian dynamics of old.

Despite assumptions of continuity on the behalf of some historians, the rappareeism that first emerged following the flight of James II represented a major shift in the modality of Restoration toryism. The importance of James II's sanction can hardly be overstated in this regard. Throughout the Restoration, the Stuart state, as well as official Catholic teachings and aristocratic Gaelic culture, broadcasted a message suggesting that political agency was the preserve of the elite. The toryism witnessed during the reign of Charles II was in many senses the attenuated form of an appertaining rage which severely wanted for modes of legitimation. In this context, James II's universal call to arms was entirely without precedent and its deleterious effects were fully realised in the conflict that followed. Although post-war rappareeism returned to something more akin to Restoration toryism, there was no returning to things exactly as they were before. On the one hand, even though James II's reputation had suffered badly from the war, the exiled Stuart monarch continued to provide symbolic legitimation for Catholic Irish dissent, as Éamonn Ó Ciardha has shown. On the other hand, Irish Protestants determined to ensure their future domination over Irish Catholics through the creation of a body of penal statutes, a sharp departure from the political order of Restoration Ireland.

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