

# BAGWELL RICHARD

IRELAND UNDER THE  
STUARTS AND DURING  
THE INTERREGNUM,  
VOL. I (OF 3), 1603-1642

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**Ireland under the Stuarts**  
**and during the Interregnum,**  
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# **Richard Bagwell**

## **Ireland under the Stuarts and during the Interregnum, Vol. I (of 3), 1603-1642**

### **PREFACE**

These volumes have been written at such times and seasons as could be made available during an active life in Ireland, and this may induce critics to take a merciful view of their many shortcomings. I have been diligent, but there is still much extant manuscript material which I have been unable to use. Ireland is the land of violent and persistent party feeling, and no party will be pleased with the present work, for I hold with an ancient critic that the true function of history is to bring out the facts and not to maintain a thesis. If I am spared to finish the third volume, it will bring the narrative down to the Revolution, and will contain chapters on the Church or Churches and on the social state of Ireland.

The dates of all documents relied on have been given, and unless it is otherwise stated they are among the Irish State Papers calendared from 1603 to 1660. Many papers, chiefly,

but not exclusively, from the Carte manuscripts, were printed by Sir J. T. Gilbert in the 'Contemporary History of Affairs in Ireland,' or in the 'History of the Confederation and War in Ireland.' As these collections are more generally accessible than the Bodleian Library, I have referred to them as far as they go. The 'Aphorismical Discovery,' which forms the nucleus of the first, is cited under that title, and the narrative of Bellings in the second under his name. The original Carte papers at Oxford have been often consulted, as well as the transcripts in the Public Record Office, while the manuscripts in the British Museum and in Trinity College, Dublin, have not been neglected. In the case of old tracts and newsletters, of which I have read a great many, dates and titles are given.

The late Lord Fitzwilliam did not consider it consistent with his duty to let Dr. Gardiner see the Strafford correspondence preserved at Wentworth Woodhouse, and my application to his successor has also been refused. No restriction seems to have been imposed on the editors of Laud's works, of which the last instalment was published as late as 1860. All the Archbishop's letters are printed, Strafford's being omitted only because they would have taken too much room. In 1739 Dr. William Knowler, working under Lord Malton's directions, published the well-known Strafford Letters, and Mr. Firth has thrown fresh light upon them by printing some of the editor's correspondence in the ninth volume of the 'Camden Miscellany.' 'There is,' Knowler wrote, 'four or five times the number of letters uncopied for

one transcribed, and yet I believe those that shall glean them over again won't find many things material omitted.' Yet Laud's editors thought it worth while to publish a good deal of what had been left out, and probably there is still something to be done.

I have made some examination of the famous depositions in Trinity College, Dublin, concerning the rebellion of 1641, but it is unnecessary to repeat Miss Hickson's arguments, which appear to me conclusive. The documents may be pronounced genuine in the sense that they really are what they profess to be, but they are all more or less *ex parte* statements, and the witnesses were not cross-examined. Deductions may be made on these grounds, especially in the case of numerical estimates, but there is a vast mass of other evidence as to the main facts. The matter is discussed pretty fully in Chapter XX.

It is unnecessary to describe here the various contemporary histories and memoirs referred to in the text and notes. Sir Richard Cox's 'Hibernia Anglicana' should be used with caution. Cox was a strong partisan, but he was not a liar, and he wrote at a time when there were still living witnesses.

The maps at the beginning of each volume are intended as helps to the reader, and make no pretension to completeness. Fuller details as to the various colonies or plantations may be found in Mr. Dunlop's map, No. 31 in the Oxford Historical Atlas. As to the short-lived Cromwellian settlement much may be learned from the map in Gardiner's 'Commonwealth and Protectorate,' iii. 312, and from that in Lord Fitzmaurice's

'Life of Petty.' The more lasting arrangements made after 1660 will be the subject of full discussion in my third volume. The innumerable sieges, battles and skirmishes from 1641 to 1653 may be traced in any large map of Ireland, and cannot be shown in a small one. The state of affairs at the critical moment of the first truce in 1643 is illustrated by the map in Gardiner's 'Great Civil War,' i. 264.

My best thanks are due to Mrs. Shirley for lending me fourteen volumes of tracts concerning the rebellion from the library at Lough Fea. They have been very useful.

I received some valuable hints from my friend, the late C. Litton Falkiner, whose untimely death is a loss to Ireland.

*Marlfield, Clonmel:*

*December 26, 1908.*

# MAP

Ireland in 1625, to illustrate colonization projects



# **CHAPTER I**

## **MOUNTJOY AND CAREY, 1603-1605**

### **Accession of James. The new era**

#### **Submission of Tyrone**

The change from Elizabeth to James I. marks the transition from an heroic age to one very much the reverse. The new court was scandalous, and after the younger Cecil's death public affairs were administered by a smaller race of men, not one of whom gained the love or admiration of his countrymen. Raleigh, the typical Elizabethan, spent thirteen years in the Tower, and died on the scaffold. But outside the sphere of politics the first Stuart reign must be regarded with interest, for it saw the production of Shakespeare's finest plays and of Bacon's chief works. Meanwhile England had peace, and silently prepared for the great struggle. Eliot and Pym, Wentworth and Cromwell, were all young men, and Milton was born some three years before Prospero drowned his book. The great Queen died at

Richmond very early on March 24. By nine o'clock Sir Robert Carey was spurring northwards with the news, and King James was proclaimed in London the same morning. It was not until the next day that Cecil found time to send Sir Henry Danvers to Ireland, but the news had preceded the official messenger by a full week, so that Mountjoy was quite prepared. Danvers landed at Dublin on April 5, and within an hour after the delivery of his letters King James was duly proclaimed. Oddly enough, Tyrone, who had reached Dublin the day before, was the only peer of Ireland present, and he signed the proclamation which was circulated in the country. Three days later he made submission on his knees to the new sovereign, 'solemnly swearing upon a book to perform every part thereof, as much as lay in his power; and if he could not perform any part thereof he vowed to put his body into the King's hands, to be disposed at his pleasure.' The earl's submission was ample in substance, and humble enough in form; but Sir William Godolphin, who had brought him to Dublin, warned the English Government that he would not remain a good subject unless he were treated reasonably.<sup>1</sup>

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<sup>1</sup> Lord Deputy and Council to the Privy Council, April 6; Tyrone to Cecil, April 7; submission of Tyrone, April 8; Godolphin to Carew, April 19. Farmer's chronicle of this reign begins at p. 40 of *MS. Harl. 3544* with a panegyric on 'Elizabeth the virgin Queen and flower of Christendom that hath been feared for love and honoured for virtue, beloved of her subjects and feared of her enemies, magnified among princes and famozed through the world for justice and equity.' Since these chapters were written Farmer's book has been printed by Mr. Litton Falkiner in vol. xxii. of the *English Historical Review*.

## **Excitement about the King's religion**

### **Agitation in the towns**

Neither his relations with his own mother nor with Queen Elizabeth had given any reason to suppose that the new king was attached to the religion of Rome. Tyrone had offered his services to James years before, and was told that he would be reminded of this when it should please God 'to call our sister the Queen of England to death.' After his raid in Munster Tyrone wrote in rather a triumphant strain, but still obsequiously, to the King of Scots. This did not prevent James from offering his help to Elizabeth when the Spaniards took Kinsale, for which she thanked him. A rumour that his Majesty was a Catholic was nevertheless widely circulated in Ireland, and caused a strange ferment in the corporate towns. Much stress was also laid upon his descent from ancient Irish kings. During the Queen's later years mass had been freely celebrated in private houses, and a strong effort was now generally made to celebrate it publicly in the churches. Jesuits, seminaries, and friars, says the chronicler Farmer, 'now came abroad in open show, bringing forth old rotten stocks and stones of images, &c.' The agitation was strong in Kilkenny, Thomastown, Waterford, Limerick, Cork, and in

the smaller Munster towns; and even Drogheda, 'which since the conquest was never spotted with the least jot of disloyalty,' did not altogether escape the contagion. In the latter town a chapel had long been connived at, but the municipal officers firmly repressed the agitation and even committed a man who had ventured to express a hope of open toleration. Mountjoy declared himself satisfied, but a note in his hand shows that he was still suspicious. Probably he thought it wiser not to have north and south upon his hands at the same time.<sup>2</sup>

## **Disturbances at Kilkenny and Thomastown**

### **Kilkenny and other towns submit**

On the evening of March 26, Carey reached Holyrood with the news of Queen Elizabeth's death, and on the 28th Mountjoy was appointed Lord Deputy by Privy Seal. Before this was

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<sup>2</sup> In *Cambrensis Eversus*, published in 1662, John Lynch says 'the Irish no longer wished to resist James (especially as they believed that he would embrace the Catholic religion), and submitted not unwillingly to his rule, as to one whom they knew to be of Irish royal blood,' iii. 53. Lynch was a priest in 1622. Stephen Duff, Mayor of Drogheda, to the Lord Deputy and Council, April 13; Mountjoy to Cecil, April 19, 25 and 26; Francis Bryan, sovereign of Wexford, to Mountjoy, April 23. James VI. to Tyrone, December 22, 1597, in *Lansdowne MSS.* lxxxiv. Tyrone to James VI., April 1600 in the Elizabethan S.P. *Scotland. Letters of Elizabeth and James*, Camden Society, p. 141. Farmer's *Chronicle*.

known in Ireland the Council there had elected him Lord Justice according to ancient precedent; so that practically there was no interregnum. Ulster was now almost quiet, and the Viceroy could draw enough troops from thence to make any resistance by the corporate towns quite hopeless. On April 27 he marched southwards with about 1,200 foot, of whom one-third were Irish, and 200 horse. At Leighlin he was joined by Ormonde, who had been opposed by the Kilkenny people acting under the advice of Dr. James White of Waterford, a Jesuit, and of a Dominican friar named Edmund Barry, who was said to be James Fitzmaurice's son. Ormonde was accompanied by Sir Richard Shee, the sovereign, who was an adherent of his, and Mountjoy was easily induced to pardon the townsmen upon their making humble submission. Dr. White was vicar-apostolic in Waterford, and his authority seems to have been recognised in Ossory also, there being at this time no papal bishop in either diocese. He forbade the people to hear mass privately, and enjoined them to celebrate it openly in the churches, some of which he reconsecrated. Barry went so far as to head a mob in attacking the suppressed convent of his order, which was used as a sessions-house. The benches and fittings were broken up, and the conqueror said mass in the desecrated church. This friar came to Mountjoy, said that he had believed himself to be acting in a way agreeable to the King, and promised to offend no further now that his Majesty's pleasure to the contrary was known. The Lord Deputy did not enter Kilkenny, but went

straight to Thomastown, which had behaved in the same way. The town being small and penitent, it was thought punishment enough that the army should halt there for the night. Wexford had already fully submitted by letter, and Mountjoy marched from Thomastown to within four miles of Waterford, and there he encamped on the fourth day after leaving Dublin.<sup>3</sup>

## **Mountjoy at Waterford**

### **Odium theologicum**

### **An absolute monarch**

The Suir at Waterford was unbridged until 1794, and the citizens doubtless thought that Mountjoy would be long delayed upon the left bank. But Ormonde, who had proclaimed King James at Carrick some weeks before, now brought enough boats from that place to carry over the whole army. Mountjoy encamped at Gracedieu, about a mile and a half above the city. There could now be no question of resistance, but some of the citizens came out and pleaded that by King John's charter

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<sup>3</sup> Muster of the army, April 27; Lord Deputy and Council to the Privy Council, Mountjoy to Cecil, and Sir G. Carey to Cecil, May 4; Humphrey May to Cecil, May 5.

they were not obliged to admit either English rebel or Irish enemy, though they would receive the Deputy and his suite. As against a viceroy this argument was in truth ridiculous, and the Lord Deputy had only to say that his was the army which had suppressed both rebels and enemies. If resistance were offered he would cut King John's charter with King James's sword. It was then urged that the mayor had no force to restrain the mob unless the popular leaders could be gained over. Mountjoy consented to see Dr. White – who had just preached a sermon at St. Patrick's, in which he called Queen Elizabeth Jezebel – and a Dominican friar who had acted with him. Sir Nicholas Walsh the recorder had been pulled down from the market cross when he attempted to proclaim King James, and Sir Richard Aylward, who was a Protestant, had escaped with difficulty, some citizens expressing regret that they had not both lost their heads. Walsh thought he owed his preservation more to having relations among the crowd than to any dregs of loyal compunction. The Jesuit and the Dominican now came to the camp in full canonicals and with a cross borne before them, which Mountjoy at once ordered to be lowered. White fell on his knees, protesting his loyalty and acknowledging the King's right. A discussion arose as to the lawfulness of resistance to the royal authority, and the book learning which Essex had made a reproach to Mountjoy now stood him in good stead. According to one not very probable account, the Lord Deputy had a copy of St. Augustine in his tent, and convicted White of misquoting that great authority.

‘My master,’ he said, ‘is by right of descent an absolute King, subject to no prince or power upon the earth; and if it be lawful for his subjects upon any cause to raise arms against him, and deprive him of his regal authority, he is not then an absolute King, but hath only *precarium imperium*. This is our opinion of the Church of England, and in this point many of your own great doctors agree with us.’ James was of course no absolute king in our sense of the word, for he had no power to impose taxes; but the long reign of Elizabeth, the wisdom which had on the whole distinguished her, and the terrible dangers from which she saved England, had taught men to look upon the sceptre as the only protection against anarchy or foreign rule. Experience of Stuart kingcraft was destined to modify public opinion.<sup>4</sup>

## Submission of Waterford

White was allowed to return to Waterford, being plainly told that he would be proclaimed a traitor unless he pronounced it unlawful for subjects to resist their sovereign. The prospect of being hanged by martial law quickened his theological perceptions, and he came back after nightfall with the required declaration. Lord Power also came to make peace for the townsmen, and Mountjoy promised to intercede for them with the King. Next morning the gates were occupied, at one of which

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<sup>4</sup> Authorities last quoted; also Smith's *Waterford*.

the acting mayor surrendered the keys and the civic sword. The latter was restored to the corporation, but the keys were handed to the provost-martial. Sir Richard Aylward was brought back in triumph, bearing the King's sword before the Viceroy, who grimly remarked that he would leave a garrison of 150 men in one of the gate-towers so that the mob might not again prove too strong for the mayor. An oath of allegiance was generally taken even by the priests, but White and two other Jesuits seem to have avoided putting their names to it. Mountjoy notes with just pride that his soldiers, drawn out of the hungry north and excited by the hope of plunder, did not do one pennyworth of mischief in the city, though provisions were exorbitantly dear. The place was at their mercy all day, but the whole force, except the 150 men, evacuated it in perfect order before nightfall.<sup>5</sup>

## **Religious differences in the Pale and elsewhere**

The Irish Catholics were at this time more or less persecuted, and toleration is so excellent a thing that the historical conscience is likely to be in favour of those who claimed it. But in the then state of Ireland it is doubtful whether the public exercise of both religions was possible. The sovereign of Wexford said his fellow townsmen would have been satisfied with the use of one church without any meddling with tithes or other property of the

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<sup>5</sup> Authorities last quoted; also Hogan's *Hibernia Ignatiana*, p. 121.

Establishment. But the ultramontane priests, though they might have provisionally accepted this in some large towns, aimed at complete supremacy, and they were the real popular guides. Mr. Pillsworth, the parson of Naas, when he saw the people flocking to high mass, fled to Dublin and thence to England. He may have been a timid man, but his terror was not altogether unfounded. At Navan, another clergyman named Sotherne, accompanied by several gentlemen, saw two friars in the dress of their order and began to question them in the King's name. 'James, King of Scotland,' said the elder of the two in Latin, 'is a heretic; may he perish with thee and with all who have authority under him.' Sotherne charged him with high treason, but the constable was foiled by the mob who gathered round him. 'Thy companions,' said the friar, 'are no Christians since they suffer thee among them,' and he repeated this several times in Irish for the benefit of the bystanders. A Mr. Wafer, who said he had known the friar for twenty years, and that he was an honest man, rebuked Sotherne as a 'busy companion,' and pointedly observed that he would get no witnesses to support his charge of treason. As some of the crowd seemed bent on violence, Sotherne bade the constable do nothing for this time, and so returned to his lodging. He remonstrated afterwards with Wafer, who said that he 'thought no less, but I would grow a promoter, and that was cousin-german to a knave; wishing his curse upon all those that would assist in apprehending either friar or priest.' And popular opinion was entirely on Mr.

## A Jesuit report on Ireland

But perhaps the best testimony is that of two Irish Jesuits, writing to their own general, and not intending that profane eyes should ever see what they had written: – ‘From our country we learn for certain that the Queen of England’s death being known in Waterford, Cork, and Clonmel, principal towns of the kingdom, the ministers’ books were burned and the ministers themselves hunted away, and that thereupon masses and processions were celebrated as frequently and upon as grand a scale as in Rome herself. The Viceroy did not like this, and sent soldiers to garrison those towns, as he supposed, but the beauty of it is that those very soldiers vied with each other in attending masses and Catholic sermons. In the metropolitan city of Cashel, to which we belong, there was one solitary English heretic, and, on the news of the Queen’s death being received, they threatened him with fire and every other torment if he would not be converted. Fearing to be well scorched he made himself a Catholic, whereupon the townsmen burned his house, so that even a heretic’s house should not remain in their city. But when the Viceroy came near enough to threaten Cashel, and the Englishmen came forward to accuse the townsmen, he

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<sup>6</sup> Hogan’s *Hibernia Ignatiana*, p. 118; Declaration of Edward Sotherne, June 16.

merely ordered them to rebuild the house at their own expense... I only beg your Paternity to show this letter to the most illustrious and most reverend Primate of Armagh (Peter Lombard), and to excuse me for not having written to him specially because I am unwilling to multiply letters in these dangerous times.<sup>7</sup>

## **Insurrectionary movement at Cork**

### **Refusal to proclaim King James**

#### **Tardy submission**

The mere approach of Mountjoy was enough to overawe Cashel, Clonmel, and the other inland towns. Limerick was bridled by the castle, and the disorders there did not come to much. But at Cork things took a much more serious turn. When leaving Ireland Carew had left his presidential authority in the hands of Commissioners, of whom Sir Charles Wilmot was the chief. The corporation of Cork now declared that the Commissioners' authority ceased on the demise of the Crown,

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<sup>7</sup> Barnabas Kearney and David Wale to Aquaviva (Italian), July 7, 1603, from London, in *Hibernia Ignatiana*, p. 117. The burning of the service-book is mentioned in the official correspondence.

and that they were sovereign within their own liberties. Captain Robert Morgan arrived at Cork on April 11 with a copy of the proclamation and orders for the Commissioners from Mountjoy. Wilmot was in Kerry stamping out the embers of Lord Fitzmaurice's insurrection, and Sir George Thornton, who was next in rank, called upon the civic authorities to proclaim King James. Thomas Sarsfield was mayor, and he might have obeyed but for the advice of William Meade, the recorder, who defied Thornton to exercise any authority within the city, reminding him that too great alacrity in proclaiming Perkin Warbeck had brought great evils upon the kingdom. Being rebuked by Boyle for breaking out into violent language, he replied that there were thousands ready to break out. Power was claimed under the charter to delay for some days, and Meade sent a messenger to Waterford for information as though the Lord Deputy's letters were unworthy of credit. Captain Morgan vainly urged that he had himself been present when Ormonde, the most cautious of men, had proclaimed the King at Carrick-on-Suir. Thornton and the other Commissioners, including Chief Justice Walsh and Saxey the provincial Chief Justice, were kept walking about in the streets while the corporation wasted time, and at last they were told that no answer could be given until next day. The mayor and recorder protested their loyalty, but pretended among other things that time was necessary to enable them to make due preparation. In vain did Thornton and his legal advisers insist on the danger of delay, and upon the absurdity of Cork

refusing to do what London and Dublin had done instantly. Meade would listen to nothing; and one clear day having elapsed since Morgan's arrival, Thornton went with his colleagues and about 800 persons to the top of a hill outside the town, where he solemnly proclaimed King James. Lord Roche was present, and the country folk seemed quite satisfied. The mayor soon followed suit at the market cross. The ceremonial of which the corporation had made so much was only the drinking of a hogshead of wine by the people, and no doubt that was a function which the citizens were always ready to perform at the shortest notice.<sup>8</sup>

## **Cork in possession of the Recusants**

Mass was now openly celebrated, the churches reconsecrated in the recorder's presence, and the Ten Commandments in the cathedral scraped out so as to make some old pictures visible. The town was full of priests and friars, one of whom claimed legatine authority, and 'they had the cross carried like a standard before them throughout the streets,' every one being forced to reverence it. It was openly preached that James was no perfect king until he had been confirmed by the Pope, and that the Infanta's title was in any case better. Gradually these tumultuary proceedings ripened into open insurrection, and 200 young men

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<sup>8</sup> Brief Declaration in *Carew*, 1603, No. 5; account written by Richard Boyle in *Lismore Papers*, 2nd series, i. 43. As clerk of the Munster Council Boyle was an eyewitness of all these proceedings. Moryson's *Itinerary*, part ii. book iii. chap. 2.

in two companies were ordered to be armed and maintained by the citizens. It was indeed proposed to arm the whole population from twelve to twenty-four years, but there was not time for this. Lieutenant Christopher Murrough, who had served the League in France, was active during the whole disturbance. The mayor, who vacillated between expressions of loyalty and acts of disrespect to the new sovereign, had evidently the idea of a free city in his head, and said he was ‘like the slavish Duke of Venice and could not rule the multitude.’<sup>9</sup>

### **A street procession**

‘I myself,’ says an eye-witness, ‘saw in Cork on Good Friday a procession wherein priests and friars came out of Christ’s Church with the mayor and aldermen, and best of citizens going along the streets from gate to gate all singing, and about forty young men counterfeiting to whip themselves. I must needs say counterfeiting because I saw them (although bare-footed and bare-legged), yet their breeches and doublets were upon them, and over that again fair white sheets, everyone having a counterfeit whip in his hand – I say a counterfeit whip because

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<sup>9</sup> Brief Relation in *Carew*, 1603, No. 5; Irish State Papers calendared from April 20 to May 14; *Lismore Papers*, 2nd series, i. 43-73; Mountjoy to the Mayor of Cork, May 4, in *Cox*, p. 7. The full account in Smith’s *Cork* is mainly founded on the Lismore collection. Lady Carew’s letter of May 5, 1603, among the State Papers and Lady Boyle’s of March 18, 1609, in the Lismore Papers are both printed verbatim, and are interesting to compare as specimens of ladies’ composition.

they are made of little white sticks, everyone having four or five strings of soft white leather neither twisted nor knotted – and always as their chief priest ended some verses which he sung in Latin these counterfeiters would answer *miserere mei*, and therewith lay about their shoulders, sides, and backs with those counterfeit whips; but I never saw one drop of blood drawn, therefore their superstition is far worse than the Spaniards', who do use such whipping upon their bare skin, that the blood doth follow in abundance, which they do in a blind zeal, and yet it is far better than those counterfeiters did.<sup>10</sup>

**The citizens arm themselves,**

**And bombard Shandon**

Cork was then a walled town, but being commanded by high ground can never have been strong. Outside the south gate and bridge and not far from where the Passage railway station now stands Carew had begun to build a fort with the double object of overawing the town and of intercepting a foreign enemy. After the battle of Kinsale the work had been discontinued, and no guns were mounted. The north gate was commanded by Shandon Castle, which was in safe hands. The east and west sides of the

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<sup>10</sup> Farmer's Chronicle in *MS. Harl. 3544*. Farmer was a surgeon.

city were bounded by the river, which ran among marshy islands. The approach from the open sea was partly protected by a fort on Haulbowline Island, at the point where the Lee begins finally to widen out into the great harbour, and the seditious citizens had visions of destroying this stronghold, which the recorder pronounced useless and hurtful to the corporation. Inside the town and near the north gate was an old tower known as Skiddy's Castle, used as a magazine for ammunition and provisions. The citizens refused to allow stores to be carried out to the soldiers and at the same time obliged them to remain outside. One alleged grievance was that two guns belonging to the corporation were detained at Haulbowline, and Thornton against Boyle's advice exchanged them for two in the town which belonged to the King. Lieutenant Murrough was placed in charge of Skiddy's Castle, every Englishman's house was searched for powder, 'a priest being forward in each of these several searches,' and the inmates expected a general massacre. Sir George Thornton left the town, Lady Carew took refuge in Shandon, and Lord Thomond's company was sent for. Wilmot arrived with his men when the disturbances had lasted for more than a week, but the townsmen would not listen to reason, and began to demolish Carew's unfinished fort. The recorder admitted that he had instigated this act of violence. Wilmot took forcible possession of the work, but forbade firing into the town on pain of death. The inhabitants then broke out into open war, sent round shot through the Bishop's palace where the Commissioners lodged, and killed

a clergyman who was walking past. They severely cannonaded Shandon, but, as Lady Carew reported, 'never did any harm to wall or creature in it,' and did not frighten her in the least.

On May 5 Thornton brought up a piece of Spanish artillery from Haulbowline, and when three or four shots had pierced houses inside the walls, a truce was made. Five days later Mountjoy arrived.<sup>11</sup>

## **Violent proceedings of the citizens**

The question of a legal toleration for the Roman Catholics and of municipal freedom for the town had been carefully mixed up together, and the possession of all Government stores by the citizens made the rising troublesome for the moment if not actually formidable. The chief commissary, Mr. Allen Apsley, was the mayor's prisoner from April 28 to May 10, and his evidence fortunately exists. First there was an attempt to get the troops out of the neighbourhood by refusing provisions which were undoubtedly the King's property. At last it was agreed that the stores should be removed by water to Kinsale, but the opportunity was taken to extort an extravagant freight, and when the vessel was laden she was not allowed to leave the quay. After Wilmot's arrival on April 20 or 21, it was pretended that he wished to get possession of the town by treachery, and the mayor

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<sup>11</sup> Authorities last quoted.

said he was ‘as good a man and as good a gentleman as Sir Charles Wilmot, if the King would but knight him, and give him 200 men in pay, and the like idle comparisons.’ Four days later this valiant doge had guns mounted on the gates, and the provisions and powder were disembarked again. The mayor first tried to make Apsley swear to answer all his questions, and on his refusal confined him to his own house. Two days later the recorder put him into the common gaol, and bail was refused. There seems to have been an attempt to make out that Apsley had committed treason by helping Wilmot to get possession of the stores, but of this even there was no proof.<sup>12</sup>

## **Cork garrisoned by Mountjoy**

### **Meade acquitted by a jury**

Meade and his party strongly urged that Mountjoy should be forcibly resisted, but more prudent counsels prevailed, and the town had to receive a garrison of 1,000 men. The chief points having been occupied by his soldiers, the Lord Deputy entered by the north gate, and saw ploughs ranged on both sides of the street as if to show that the extortion of the soldiers had made the land lie idle. The old leaguer Murrough, a schoolmaster named Owen

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<sup>12</sup> Apsley’s account in *Lismore Papers*, 2nd series, i. 66.

MacRedmond, who had openly maintained the Infanta's title, and William Bowler, a brogue-maker, were hanged by martial law. The recorder, who had land, was reserved for trial, and was ultimately acquitted by a jury at Youghal, though he was undoubtedly guilty of treason by levying war. The foreman was fined 200*l.* and the rest 100*l.* apiece, but it became evident that no verdict could be expected in any case where matters of religion might be supposed in question. Meade went abroad and remained in the Spanish dominions for many years. He is heard of at Naples, too poor to buy clothes for a servant, but in 1607 he was at Barcelona and receiving a pension of 11*l.* per month. In 1611 he wrote a letter of advice to the Catholics of Munster, grounded on the Act 2 Eliz., chap. 2, in which he showed that they were not bound to go to church, but the attempt to enforce attendance had then been practically abandoned.<sup>13</sup>

## **Departure of Mountjoy. Carey Deputy**

### **Sir John Davies Solicitor-General**

Mountjoy left Ireland on June 2, 1604, after being sworn in

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<sup>13</sup> Notices of Meade in the Calendars of State Papers, *Ireland*, especially No. 355 of 1611, where his tract is entered as among the Cotton MSS. There is another copy in the Bodleian, *Laudian MSS.* Misc. 612, f. 143. The proceedings at Meade's trial are calendared under 1603, No. 184.

as Lord Lieutenant, and he never returned. He was created Earl of Devonshire, and continued till his death to have a decisive voice in the affairs of the country which he had reduced. Vice-Treasurer Sir George Carey was made Deputy, and was at once engaged with the currency question, for the state of the coinage had furnished a pretext to the Munster malcontents, and may really have had something to do with their late proceedings. He soon had the help of Sir John Davies, a native of Wiltshire, whose name is inseparably connected with Irish history, but who had been hitherto better known as a poet than as a statesman. It was perhaps the striking example of Hatton's promotion that made the young barrister sing of dancing, but it was a poem on the immortality of the soul which attracted the King's attention. Devonshire wished him to be made Solicitor-General for Ireland, and James readily complied. He arrived in November, and found the country richer than he supposed after all the wars, but suffering from the uncertainty caused by a base coinage.

### **Reform of the currency**

The money issued in 1601 contained only 25 per cent. of silver, but it was easily counterfeited with a much greater alloy, and interested people gave out that it contained no silver at all. Soon after his accession James consented to revert to the old practice of Ireland, and to establish a currency containing 75 per cent. of silver; but this was ordered by proclamation to be

received as sterling. The name sterling had hitherto been applied to the much purer coinage of England, and a new element of confusion was thus introduced. The base coin of 1601 was cried down at the same time, so that a shilling should be received for fourpence of the new money. When Davies arrived he found that people would not take the dross even at the reduced rate, and they were even more unwilling to do so when another proclamation cried down the new and comparatively pure shillings also from twelpence to ninepence. The King had granted 20,000 pardons in a few months, but Davies was of opinion that he would gain more popularity by giving twopence for every bad shilling and then recalling the whole issue than by all his clemency. The Solicitor-General could speak feelingly, his fees on all the pardons being paid in copper, while the royal revenue was in the same way reduced almost to nothing. Soldiers and officials were the greatest losers, for they had to take what the proclamations allowed, while traders could not be forced to do so. A few were sent to prison for refusing, but this only caused discontent without securing obedience, and there was a riot at Galway. The matter was brought to a crisis by a case decided in the summer of 1604.<sup>14</sup>

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<sup>14</sup> Davies to Cecil, December 1, 1603; proclamations calendared at October 11 and December 3.

## **The case of mixed money**

### **Inconvenience of separate Exchequers**

The bad money was proclaimed current in May 1601, and in April, while the pure coin of England was still current in Ireland, one Brett of Drogheda, merchant, having bought wares from one Gilbert, in London, became bound to Gilbert for 200l. on condition to pay the said Gilbert, his executors or assigns 100l. sterling current and lawful money of England at the tomb of Earl Strongbow in Christchurch, Dublin, on a certain future day, which day happened after the said proclamation of mixed monies. On that day Brett tendered 100l. in mixed money of the new standard. The question was whether this tender was good. Sir George Carey, being Deputy and Vice-Treasurer, ordered the case to be stated for the judges who were of the Privy Council, and they decided after an immense display of learning that Brett had rightly tendered in the only lawful money of Ireland, that Gilbert was worthy of punishment for refusing to receive it, and that the Irish judges could take cognisance of no money except what was established by proclamation. The several courts of record in Dublin accepted this as law, and all the cases pending were so decided. In other words, Ireland repudiated the greater

part of her debts. The situation created was intolerable, for credit was destroyed; but it was not till the beginning of 1605 that the English Government made up its mind that the various kinds of coin in Ireland might be lawfully current for their true value. In 1607 English money was made legal tender in Ireland at the rate of sixteen pence Irish to the shilling. All who knew the country best wished to have one coinage for England and Ireland, but official hindrances were constantly interposed, and the difficulty was not got over until after the unification of the two Exchequers in 1820. Some establishment charges are still paid with deductions for the difference between old Irish and sterling money.<sup>15</sup>

## **Sir Arthur Chichester Lord Deputy**

Carey retained the Vice-Treasurership along with the acting Viceroyalty, the power of the sword and of the purse being thus held in a single hand. Under these circumstances it is not surprising that charges of extortion should have been brought against him, and that he should be accused of having become very rich by unlawful means. He had only one-third of the viceregal salary, two-thirds being reserved for Devonshire as Lord-Lieutenant. There is no evidence that Salisbury or Davies

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<sup>15</sup> *Le Case de Mixt Moneys*, Trin. 2 Jacobi in Davies' Reports, 1628; State of the Irish coin, calendared at June 12, 1606; Lord Deputy Chichester and Council to the Privy Council, calendared at March 2, 1607.

gave much credit to the charges against Carey, who was himself anxious to be relieved, and who suggested that Sir Arthur Chichester should fill his place. Chichester, who had gained his experience as Governor of Carrickfergus, at first refused on the ground that he could not live on one-third of the regular salary, and he was given an extra 1,000*l.* per annum with 500*l.* for immediate expenses. He remained at the head of the Irish Government until 1616.<sup>16</sup>

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<sup>16</sup> Chichester was sworn in February 3, 1604-5.

# **CHAPTER II CHICHESTER AND THE TOLERATION QUESTION, 1605-1607**

## **The rival Churches**

The question of religious toleration was one of the first which Chichester had to consider, for the movement in the Munster towns was felt all over Ireland. Priests and Jesuits swarmed everywhere, and John Skelton on being elected Mayor of Dublin refused after much fencing to take the oath of supremacy. Sir John Davies, who had yet much to learn in Ireland, thought that the people would quickly conform if only the priests were banished by proclamation. Saxey, chief justice in Munster, was much of the same opinion, but both these lawyers admitted the insufficiency of the Established Church. The bishops, among whom there were scarcely three good preachers, seemed to them more anxious about their revenues than about the saving of souls.

## The penal laws against Recusant

The experience of James's only Irish Parliament was to show it was scarcely possible to legislate against the Roman Catholics even when many new boroughs had been created for the express purpose of making a Protestant majority. The Act of Uniformity passed at the beginning of Elizabeth's reign remained in force, but little was done under it as long as she lived. It only provided a fine of one shilling for not attending church on Sundays and holidays, and could have little effect except upon the poor, though it might give great annoyance. Another Act prescribed an oath acknowledging the Queen's supremacy, both civil and ecclesiastical, and denying that any 'foreign prince, person, prelate, State, or potentate hath or ought to have any jurisdiction,' &c. This oath might be administered to all ecclesiastical persons, to judges, justices, and mayors, and to all others in the pay of the Crown on pain of losing their offices. The open maintenance and advocacy of foreign authority was more severely visited, the penalties being the forfeiture of all goods and chattels, real and personal, with a year's imprisonment in addition, for those not worth 20*l*. The second offence was a *præmunire*, and the third high treason. And so the law remained during the whole reign of James. The English oath of allegiance prescribed after the Gunpowder Plot involved a repudiation of the Pope's deposing

power; but this was not extended to Ireland.<sup>17</sup>

## **Power of the priesthood**

### **Case of the Jesuit Fitzsimon**

The repressive power in the hands of the Irish Government was weak as against the population in general, but so far as law went it was ample against the priests, who, of course, could not take the oath of supremacy; and against officials who were of the same way of thinking. Mountjoy was successful against the recalcitrant towns, but his back was no sooner turned than Sir George Carey reported that the country swarmed with ‘priests, Jesuits, seminaries, friars, and Romish bishops; if there be not speedy means to free this kingdom of this wicked rabble, much mischief will burst forth in a very short time. There are here so many of this wicked crew, as are able to disquiet four of the greatest kingdoms in Christendom. It is high time they were banished, and none to receive or aid them. Let the judges and officers be sworn to the supremacy; let the lawyers go to the church and show conformity, or not plead at the bar, and then the rest by degrees will shortly follow.’ Protestant bishops naturally

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<sup>17</sup> *Irish Statutes*, 2 Eliz. chaps. i. and ii. James I.’s Apology for the Oath of Allegiance against the two breves of Pope Paulus Quintus, &c., in his *Works*, 1616 (the oath is at p. 250).

agreed, though Sir John Davies thought their own neglect had a good deal to say to the matter; but he admitted that the Jesuits came 'not only to plant their religion, but to withdraw the subject from his allegiance, and so serve the turn of Tyrone and the King of Spain.' Now that Ireland was at peace, he thought it probable that they would gladly go away, and cites the case of Fitzsimon, a Jesuit who had petitioned to be banished. Fitzsimon, however, had been five years a prisoner in the Castle, during one month of which he had converted seven Protestants, including the head warder. The King released him mainly on the ground that he did not meddle in secular matters, and he was on the Continent till 1630, when he returned to Ireland and lived there till long after the great outbreak of 1641. About the time of Fitzsimon's release the Protestant Bishop of Ossory was able to give the names of thirty priests who haunted his diocese, including the famous Jesuit James Archer, who was said to have legatine authority. Archer was closely connected with Tyrone, and had been his frequent companion in London, disguised as a courtier or as a farmer, and busy with Irish prisoners in the Tower. Davies advised that priests and Jesuits should be captured when possible and sent to England, where the penal laws could take hold of them; and if this were done, he thought all Ireland would go comfortably to church. Chief Justice Saxey gave much the same advice in a more truculent form. The opinions of all Englishmen officially concerned with Ireland are reflected in the King's famous proclamation of July 4, 1605, which Chichester,

who had then succeeded to the government, found awaiting him in Dublin on his return from the north.<sup>18</sup>

## Royal Proclamation against Toleration

James begins by repudiating the idea prevailing in Ireland since the Queen's death that he intended 'to give liberty of conscience or toleration of religion to his subjects in that kingdom contrary to the express laws and statutes therein enacted.' He insisted everywhere on uniformity, resenting all rumours to the contrary as an imputation on himself, and even, as was reported, declaring that he would fight to his knees in blood rather than grant toleration. Owing to false rumours, the Jesuits and other priests of foreign ordination had left their lurking-places and presumptuously exercised their functions without concealment. The King therefore announced that he would never do any act to 'confirm the hopes of any creature that they should ever have from him any toleration to exercise any other religion than that which is agreeable to God's Word and is established by the laws of the realm.' All subjects were therefore charged to attend church or to suffer the penalties provided. As to the

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<sup>18</sup> Enclosure in letter of John Byrd to Devonshire, September 8, 1603. Archbishop of Dublin and Bishop of Meath to the Privy Council, March 5, 1604. Davies to Cecil, April 19 and December 8. Bishop of Ossory to the Deputy and Council, June 8, 1604. Chief Justice Saxey to Cranbourne, 1604, No. 397. Hogan's *Life of H. Fitzsimon*, pp. 58 *sqq.*

Jesuits and others who sought to alienate their hearts from their sovereign, 'taking upon themselves the ordering and deciding of causes, both before and after they have received judgments in the King's courts of record ... all priests whatsoever made and ordained by any authority derived or pretended to be derived from the See of Rome shall, before the 10th day of December, depart out of the kingdom of Ireland.' All officers were to apprehend them and no one to harbour them, on pain of the punishments provided by law. If, however, any such Jesuit or priest would come to the Lord Lieutenant or Council, conform, and repair to church, he was to have the same liberties and privileges as the rest of his Majesty's subjects.

### **The Proclamation fails**

Devonshire, however, who was still Lord Lieutenant, was opposed to making any curious search for priests who did not ostentatiously obstruct the Government, and his views prevailed with the English Council. Chichester willingly acquiesced, and reported some weeks after the appointed day that no priests, seminaries, or Jesuits of any importance had left the country and that searches, even if desirable, would be useless, 'for every town, hamlet, or house is to them a sanctuary.' Just about Carrickfergus, where he was personally known, some secular priests had conformed, and Davies, who thought Government could do everything, believed the multitude would naturally

follow. 'So it happened,' he said, 'in King Edward the Sixth's days, when more than half the kingdom of England were Papists; and again in the time of Queen Mary, when more than half the kingdom were Protestants; and again in Queen Elizabeth's time, when they were turned Papists again.' He did not see that the national sentiment of England was permanently hostile to Roman aggression, while the authority of the Crown was accepted as the only refuge against anarchy. The state of feeling which existed in Ireland was just the opposite.<sup>19</sup>

### **Sir John Everard's case**

Sir John Everard, second justice of the King's Bench, was ordered to conform or resign, though admitted to be a very honest and learned man. It was so difficult to find a successor for this able judge that he was continued in office for eighteen months after the King's order, when he resigned rather than take the oath of supremacy. Of his loyalty in civil matters there was no question, and he received a pension of a hundred marks, which Chichester wished to make a hundred pounds. In 1608, when the Irish refugees in Spain contemplated a descent upon Ireland, Everard refused to take part in the plot, and he lived to contest the

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<sup>19</sup> Proclamation of July 4, 1605; Davies to Salisbury, No. 603 in Cal. Lords of the Council to Chichester, January 24, 1606; Chichester to Salisbury and to Chichester, February 26; Roger Wilbraham's Diary, in vol. x. of the *Camden Miscellany*.

## Vacillation of Government

December passed, and yet none of the priests had left the country. The Gunpowder Plot was discovered in the meantime, but there was no evidence of ramifications in Ireland, and the English Government half drew back from the policy of the late royal proclamation. It was decided, and apparently at Chichester's suggestion, that no curious search should be made for clergymen of foreign ordination. The immediate result of the severe measures taken in England was to drive the Jesuits and other priests over to Ireland, where the law was weaker and less perfectly enforced, and where they were sure of a good reception.

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<sup>20</sup> Davies to Cecil, December 8, 1604, January 6, 1605; Saxey to Cecil, 1604, No. 397; the King to Chichester, June 27, 1605; his proclamation against toleration, July 4; Cornwallis to the Privy Council, April 19, 1608, in *Winwood*.

## **Robert Lalor's case, 1606**

### **Præmunire**

#### **Submission of Lalor**

Robert Lalor, who had for twelve years acted as Vicar-General in Dublin, Kildare, and Ferns, was, however, arrested. He had powerful connections in the Pale, and it was thought that his prosecution might strike terror into others, more especially as he was a party to many settlements of land. Lalor was convicted under the Irish Act of 1560 as an upholder of foreign jurisdiction in matters ecclesiastical, and remained in prison for some months. He then petitioned the Deputy for his liberty, and was induced to confess in writing that he was not a lawful Vicar-General, that the King was supreme governor, without appeal, 'in all causes as well ecclesiastical and civil,' and that he was ready to obey him 'either concerning his function of priesthood, or any other duty belonging to a good subject.' After this his imprisonment was greatly relaxed, and he was allowed to see visitors freely, to whom he boasted that he had not allowed the King any power in spiritual causes. It was then resolved

to indict him under the Statute of Præmunire (16 Richard II.), which was of undoubted force in Ireland, for receiving a papal commission, for assuming the office so conferred, and for exercising every kind of episcopal jurisdiction under it, especially ‘by instituting divers persons to benefices with cure of souls, by granting dispensations in causes matrimonial, and by pronouncing sentences of divorce between divers married persons.’ The case was tried by a Dublin city jury, and all the principal gentlemen in town were present as spectators. Lalor tried to draw a distinction between ecclesiastical and spiritual, but this was quickly overruled, and his former confession was read out in open court. Davies went into the legal argument at great length, and in the end Lalor was fain to renounce the office of Vicar-General and to crave the King’s pardon. The jury then found the prisoner guilty, and in the absence of Chief Justice Ley, Sir Dominick Sarsfield gave judgment accordingly. Part of the penalty was the forfeiture of goods, and this was important, because the Earl of Kildare and other great proprietors had used the late Vicar-General’s services as a trustee, and the Crown lawyers had thus a powerful engine placed in their hands. Lalor was probably banished according to law, as his name disappears from the State correspondence. He had ceased to be of any importance, for his confession destroyed his influence with the recusants.<sup>21</sup>

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<sup>21</sup> *The Case of Præmunire* in Sir John Davies’s Reports, London, 1628. Lalor was arrested in March 1605-6, and finally convicted early in the following year.

# **Enforced conformity**

## **The Mandates**

### **Effect of the Gunpowder Plot**

The Irish Statute of 1560 was the only one available for coercing the laity, and its fine of one shilling, even when swelled by costs, was altogether insufficient to impress the gentry or wealthier traders, and it was resolved to eke it out by recourse to the prerogative pure and simple. All men's eyes naturally turned to the seat of government, and the first example was made there. Mandates under the Great Seal were directed to sixteen aldermen and merchants, of whom Skelton, the late mayor, was one, ordering them to go to church every Sunday and holiday, 'and there to abide soberly and orderly during the time of common prayer, preaching, or other service of God.' They refused upon grounds of conscience, and the case was tried in the Castle Chamber. During the proceedings and while the court was crowded, Salisbury's dispatch arrived with the news of the Gunpowder Plot, and Chichester ordered it to be read out by Bishop Jones, who had just been made Lord Chancellor, and

who took the opportunity to make a loyal speech. This dramatic incident may or may not have influenced the decision which imposed a fine of 100*l.* upon six aldermen and of 50*l.* each upon three others, one of whom, being an Englishman, was ordered to return to his own country. Five days later similar sentences were passed upon three more, while three were reserved to try the effect of a conference with Protestant theologians. One of the sixteen escaped altogether by conforming to the established religion, and he was the only one who did conform. This could not be thought a brilliant success, and the mandates were soon subjected to a direct attack.<sup>22</sup>

### **The Act Uniformity in Munster. Sir H. Brouncker**

In the province of Munster, where Sir Henry Brouncker succeeded Carew in the summer of 1604, a more energetic course was followed. Brouncker had for many years farmed the customs of wine imported into Ireland, and had probably in that way learned much of the underground communications with Spain. He found Cork swarming with priests and seminaries who said mass almost publicly in the best houses and strenuously maintained that it was 'his Majesty's pleasure to tolerate their idolatry.' For a time he was interrupted by the plague, but soon resumed his efforts to fill the churches and to apprehend the

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<sup>22</sup> Lord Deputy and Council to the Privy Council, December 5, 1605; Chichester to Salisbury, December 7.

priests of Rome. His idea was to clear the towns while leaving the country districts alone, but he had little success, for the proscribed clergy were everywhere favoured and harboured in gentlemen's houses under the name of surgeons and physicians. Brouncker maintained that he was of a mild disposition, but that he was driven by the obstinacy of the people to take sharp courses. In one circuit of his province he deposed the chief magistrates in every town except Waterford, 'where the mayor was conformable,' and he threatened them all with the loss of their charters. He thought it possible to collect enough fines to make the black sheep support the white.

## **Priest-hunting**

### **The Mayor of Cork goes to church**

At Limerick he captured Dr. Cadame, a notable priest long resident there, but at Carrick-on-Suir two of the worst priests in Ireland just eluded him. William Sarsfield, mayor of Cork, had been fined 100*l.* for disobedience to the mandates in the summer of 1606. The general answer given by him and others in the same position was 'that their forefathers had continued as they were in the Popish religion, and that their consciences tied them to the same,' not one of them, according to Brouncker's

return, 'being able to define what conscience was.' Before the year was out, the President was able to report that Sarsfield, in spite of his Spanish education and his first stubbornness, had 'by a little correction been brought to church, and so in love with the word preached, and so well satisfied in conscience, that he offered to communicate with him.' This sounds rather like a profane joke by a man who had been brought up among the countrymen of Suarez and Escobar, and in any case conformity so obtained was of little value. Bishop Lyon, however, had done his duty in providing preachers in his diocese, and perhaps some real progress might have been made if all bishops had been like him. At all events there was a congregation of 600 at Youghal, and some tendency to conformity was apparent even to Chichester's eyes. Both President and Bishop received the thanks of the English Council, and Salisbury encouraged Brouncker to persevere, but when he died in the following spring James found that 'his zeal was more than was required in a governor, however allowable in a private man.' It was not easy to serve a sovereign who insisted on proclaiming the duty of persecution while shrinking from the unpopularity which his own words naturally produced. The fines imposed at Kinsale were altogether remitted in regard to the poverty of the town, elsewhere they were much reduced. The total, however, was considerable, while individuals were 'reasonably well contented' at escaping so easily.<sup>23</sup>

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<sup>23</sup> Brouncker to Cecil, August 23 and October 17, 1604; Salisbury to Brouncker,

## The Mandates in Connaught

In Connaught Clanricarde had been made Lord President for his services at Kinsale, and no doubt his influence had been increased by his marriage to Essex's widow. He was in England at the end of 1605, and Sir Robert Remington, the Vice-President, made some show of proceeding like Brouncker. Mandates were issued and a few fines imposed upon citizens of Galway, but these were not fully paid, and there is no evidence that anything was done outside that single town.<sup>24</sup>

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March 3, 1606; Brouncker's letter of September 12; Return of fines imposed 4 James I. printed in *Irish Cal.* ii. 41; Brouncker to the Privy Council, November 18; Chichester to Salisbury, December 1, 1606, and February 10, 1607; The King to Chichester, July 16, 1607; Privy Council to Chichester, January 17, 1608-9; Davies to Salisbury, June 10, 1609.

<sup>24</sup> Brouncker to Cecil, August 23, 1604; observation by Sir John Davies, May 4, 1606; Lord Deputy and Council to the Privy Council, September 12, 1606; Brouncker to the Privy Council, February 10, 1606-7. For Connaught see preface to *State Papers, Ireland*, 1606-1608, p. 46.

# **Opposition to the Mandates. Sir P. Barnewall**

## **Barnewall and others imprisoned**

### **Sowing the dragon's teeth**

A petition against interference 'with the private use of their religion and conscience' was presented to the Lord Deputy, and signed by two hundred and nineteen gentlemen of the Pale, of whom five were peers. The principal framer of this document was probably Henry Burnell, the lawyer, who was now very old, but who was still the same man who had opposed Sidney thirty years before, and Richard Netterville, who had then been his colleague. The chief promoter was Sir Patrick Barnewall, who was Tyrone's brother-in-law, and from whose house of Turvey the northern chief had eloped with Mabel Bagenal in 1591. According to Carew, he was 'the first gentleman's son of quality that was ever put out of Ireland to be brought up in learning beyond the seas.' The petition was presented to Chichester by Sir James Dillon and others during the last days of November, and an answer was soon pressed for. The movement being evidently concerted, and Catesby's plot being very recent, Burnell and

Netterville were restrained in their own houses on account of their infirmity, while Barnewall, Lord Gormanston, Dillon, and others were imprisoned in the Castle. Gormanston and three other peers forwarded a copy of the petition to Salisbury, and complained bitterly of the severe measures which had been taken against the aldermen for no offence but absence from the Protestant service. With something of prophetic instinct Barnewall expressed a fear that the Irish Government were laying the foundation of a rebellion, 'to which, though twenty years be gone, the memory of those extremities may give pretence.' Most of the prisoners were soon released on giving bonds to appear when called upon, but Barnewall had to go to England.<sup>25</sup>

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<sup>25</sup> Chichester to Salisbury, December 7 and 9, 1605; petition by the nobility and gentry of the English Pale, No. 593; Lords Gormanston, Trimleston, Killeen, and Howth to Salisbury, December 8; Davies to Salisbury, No. 603; Barnewall to Salisbury, December 16. Carew's Brief Relation of passages in the Parliament of 1613 in *Carew*.

# **Toleration not understood**

**France**

**Spain**

**Germany**

**Italy**

**Bacon's advice**

What we mean by toleration was nowhere understood in the early part of the seventeenth century. Even Bacon, who admired the edict of Nantes, which had not wiped out the memory of St. Bartholomew, had no idea of abrogating the Elizabethan penal code. Henry IV.'s famous edict was an exception; it was one of the kind that proves the rule, for he saw no way of securing the

French Protestants but by giving them a kind of local autonomy which could not last. Rochelle was an impossibility in a modern state, and when that frail bulwark was destroyed persecution gradually resumed its sway. Of Spain, the birthplace and fixed home of the Inquisition, it is unnecessary to speak. In Germany neither party practised any real toleration. In Italy Spanish interests were dominant, and Elizabeth died an excommunicated Queen. Clement VIII. abstained from treating her successor in the same way, but he had hopes by mildness to obtain better terms for the faithful in England. Both in England and Ireland any intention of forcing men's consciences was always disclaimed, while outward conformity was insisted on. And in the case of the Roman Catholics, who took their orders from a foreign and hostile power, it was really very difficult to say exactly how much belonged to Cæsar. Bacon was more liberal than anyone else, but his ideas fell very far short of what is now generally accepted. In Ireland, he advised Cecil, after the Spaniards had been foiled at Kinsale, 'a toleration of religion (for a time not definite), except it be in some principal towns and precincts, after the manner of some French edicts, seemeth to me to be a matter warrantable by religion, and in policy of absolute necessity. And the hesitation in this point I think hath been a great casting back of the affairs there. Neither if any English Papist or recusant shall for liberty of his conscience transfer his person, family, and fortunes thither do I hold it a matter of danger, but expedient to draw on undertaking and to further population. Neither if Rome will cozen itself,

by conceiving it may be some degree to the like toleration in England, do I hold it a matter of any moment, but rather a good mean to take off the fierceness and eagerness of the humour of Rome, and to stay further excommunications or interdictions for Ireland.’ Bacon saw the difficulty clearly, and perhaps he saw the working solution, but to persevere steadily in such a course was not in James’s nature, though Chichester might conceivably have done so if he had had a free hand.<sup>26</sup>

## **Barnewall and Chichester**

### **Barnewall puzzles the Council**

### **Barnewall sent to England**

### **Victory of Barnewall**

Sir Patrick Barnewall was committed prisoner to the Castle on December 2, 1605. ‘Well,’ said he, ‘we must endure as we have endured many other things, and especially the miseries of the late war.’ ‘No, sir,’ answered Chichester, ‘we have endured the misery

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<sup>26</sup> Letter to Cecil, 1602, *Spedding*, iii. 49.

of the war, we have lost our blood and our friends, and have indeed endured extreme miseries to suppress the late rebellion, whereof your priests, for whom you make petition, and your wicked religion, was the principal cause.’ In writing to Salisbury afterwards Sir Patrick attributed the invention of the mandates to Chief Justice Ley, but it is much more likely that Davies was their author. After an imprisonment of three months, Barnewall was again brought before the Irish Council, and argued soundly in maintaining that recusancy was only an offence in so far as it was made one by statute, and that therefore all prosecution of it except that prescribed by Act of Parliament was illegal. At a further examination when the Chancellor, who was a bishop and ought to have known better, spoke of the King’s religion, Barnewall saw his advantage and exclaimed ‘That is a profane speech.’ He was not sent to England till near the end of April, and at the end of May the English Government had not yet found time to attend to him. At first he was allowed to live under restraint at his own lodgings in the Strand, but was afterwards sent to the Tower, probably with the idea of making an impression upon the public mind in Ireland. It was found impossible to answer his arguments, and the Privy Council asked the Irish Government for information as to the ‘law or precedent for the course taken in issuing precepts under the Great Seal to compel men to come to church.’ They admitted that such authority was ‘as yet unknown to them,’ but rather sarcastically supposed that the Lord Deputy and Council were better informed. The Irish

Government were acting entirely by prerogative; but several of the judges in England pronounced the mandates not contrary to precedent or authority. Barnewall was induced to make some sort of submission more than a year after his original arrest. Being called upon to make one in more regular form he refused, and was then sent to the Fleet prison for a month. Having signed a bond to appear within five days of his arrival, he was returned to Ireland at the beginning of March, 1607, and Chichester at once saw that no progress had been made.

### **The Mandates are abandoned**

Barnewall refused to make any submission in Dublin, and in the end it was found necessary to drop all proceedings against him. His detention in London was really a triumph, for the Irish recusants regarded him as their agent, and subscribed largely for his support. Waterford contributed 32*l.* and the collection was general all over Ireland. He gained in fact a complete victory, and such progress as Brouncker had made in procuring outward conformity was at once arrested. The mandates were never again resorted to.<sup>27</sup>

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<sup>27</sup> Calendar of State Papers, *Ireland*, from December 1605 to September 1607.

# **CHAPTER III**

## **THE FLIGHT OF THE EARLS, 1607**

**Mountjoy leaves Ireland, 1603**

**Tyrone in favour at Court**

**Mountjoy created Earl of Devonshire**

**He supports Tyrone**

When Mountjoy left Ireland at the beginning of June 1603 he was accompanied by Tyrone, and by Rory O'Donnell, whose brother's death had made him head of the clan. The party, including Fynes Moryson the historian, were nearly wrecked on the Skerries. On the journey through Wales and England Tyrone was received with many hostile demonstrations, mud and stones being often thrown at him; for there was scarcely a village which had not given some victims to the Irish war. The chiefs

were entertained by Mountjoy at Wanstead, and after a few days were presented to the King, who had declared by proclamation that they were to be honourably received. Their reception was much too honourable to please men who had fought and bled in Ireland. Sir John Harrington, who had last seen Tyrone in his Ulster fastness sitting in the open air upon a fern form and eating from a fern table, gave his sorrow words in a letter to Bishop Still of Bath and Wells. 'How I did labour after that knave's destruction! I adventured perils by sea and land, was near starving, ate horse-flesh in Munster, and all to quell that man, who now smileth in peace at those who did hazard their lives to destroy him; and now doth Tyrone dare us old commanders with his presence and protection.' Tyrone and O'Donnell were present at Hampton Court on July 21 when Mountjoy was made Earl of Devonshire. Before that date Tyrone was in communication with Irish Jesuits in London, and among others with the famous Archer. Devonshire's one idea seems to have been to decide every point in his favour, and he was in a situation, so far as Ulster was concerned, not very different from that which the Earls of Kildare had formerly occupied in the Pale. He was made the King's Lieutenant in Tyrone, and even obtained an order for 600*l.* on the Irish treasury, which Carey hesitated to pay, since the result would be to withhold their due from others whose claims were not founded on rebellion, but on faithful service. When he went back to Ireland in August, the sheriffs of the English and Welsh counties through which he passed were ordered to convey

him safely with troops of horse, for fear of the people.<sup>28</sup>

## **Tyrone unpopular in Ireland, 1604**

After his return Tyrone lived some time at Drogheda, the gentry of the Pale being unwilling to entertain him. The horrors of the late war were remembered, and the beaten rebel was generally unpopular. He had not means to stock or cultivate the twentieth part of his country, yet he took leases of more to give him a pretext for interference. He pretended that all fugitives from Tyrone should be forced to return, and Sir John Davies thought it evident that he wished exceedingly to 'hold his greatness in his old barbarous manner.' Otherwise there could be no object in his opposition to having a sheriff appointed for Tyrone, and yet he could hardly hope to raise another rebellion, for he was old and poor and his country extremely depopulated.<sup>29</sup>

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<sup>28</sup> John Byrd to Devonshire, September 8, 1603, with enclosure; Meehan's *Tyrone and Tyrconnel*, p. 36; *Fynes Moryson*, book iii. chap. 2; Harrington's *Nugæ Antiquæ*.

<sup>29</sup> Davies to Cecil, April 10, 1604.

## **Case of O'Cahan**

### **Mountjoy's promise to O'Cahan, which is not kept**

### **O'Cahan's righteous indignation**

### **Violence of Tyrone. 1606**

Donnell O'Cahan, chief of what is now Londonderry county, once known as Iraght O'Cahan, and more lately as the county of Coleraine, submitted to Sir Henry Docwra in July 1602. The lands had been in possession of the clan for centuries, but certain fines and services were due to the O'Neills. Tyrone was still in open rebellion for several months afterwards, and it was thought that the loss of O'Cahan's district had much to say to his final discomfiture. O'Cahan, whose hereditary office it was to cast a shoe at the installation of an O'Neill, agreed to give up the land between Lough Foyle and the Faughan water to the Queen, and also land on the Bann for the support of the garrison at Coleraine. The rest of his tribal territory was to be granted to him by patent. This agreement was reduced to writing, signed by

O’Cahan and Docwra and ratified under his hand by Lord Deputy Mountjoy. Pending the settlement of the question, O’Cahan was granted the custody of his country under the Great Seal. When it afterwards seemed probable that Tyrone would be received to mercy O’Cahan reminded Docwra that he had been promised exemption from his sway. At O’Cahan’s earnest request, Docwra wrote to Mountjoy, who again solemnly declared that he should be free and exempt from the greater chief’s control. No sooner had Tyrone been received to submission than he began to quarter men upon O’Cahan, who pleaded the Lord Deputy’s promise, and was strongly supported by Docwra. ‘My lord of Tyrone,’ was Mountjoy’s astonishing answer, ‘is taken in with promise to be restored, as well to all his lands, as his honour of dignity, and O’Cahan’s country is his and must be obedient to his command.’ Docwra reminded him that he had twice promised the contrary in writing, to which he could only answer that O’Cahan was a drunken fellow, and so base that he would probably rather be under Tyrone than not, and that anyhow he certainly should be under him. Tyrone’s own contention was that O’Cahan was a mere tenant at will, and without any estate in the lands which had borne his name for centuries. Docwra reported Mountjoy’s decision to O’Cahan, who ‘bade the devil take all Englishmen and as many as put their trust in them.’ Docwra thought this indignation justified, but realised that nothing could be done with a hostile Viceroy, and advised O’Cahan to make the best terms he could with Tyrone. Chichester was from the first inclined to

favour O’Cahan’s claim, but the Earl managed to keep him in subjection until 1606, when the quarrel broke out again. Tyrone seized O’Cahan’s cattle by the strong hand, which Davies says was his first ‘notorious violent act’ since his submission, and the whole question soon came up for the consideration of the Government. Early in 1607 the two chiefs came to a temporary agreement by which O’Cahan agreed to pay a certain tribute, for which he pledged one-third of his territory, and in consideration of which Tyrone gave him a grant of his lands. O’Cahan was inclined to stand to this agreement, but Tyrone said it was voidable at the wish of either party. A further cause of dispute arose from O’Cahan’s proposal to repudiate Tyrone’s illegitimate daughter, with whom he had lately gone through the marriage ceremony, and to take back a previous and more lawful wife. His fear was lest he should have to give up the dowry also, and especially lest his cattle should be seized to satisfy the claim.<sup>30</sup>

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<sup>30</sup> Docwra’s *Narration*, pp. 260-277; Lord Deputy and Council to the Privy Council, October 4, 1605; Davies to Salisbury, November 12, 1606; agreement between Tyrone and O’Cahan, February 17, 1606-7; Bishop Montgomery of Derry to Chichester, March 4; Chichester’s instructions to Ley and Davies, October 14, 1608, p. 60.

## **Death of Devonshire, 1606**

### **Claims O'Cahan and Tyrone**

#### **The Crown intervenes**

Devonshire died on April 3, 1606, and Tyrone thus lost his most thoroughgoing supporter at court. It was in the following October that O'Cahan's cattle were seized, and in May 1607 that chief petitioned for leave to surrender his country to the King, receiving a fresh grant of it free from Tyrone's interference. He afterwards expressed his willingness to pay the old accustomed services to Tyrone. The two chiefs were summoned before the Council, and Tyrone so far forgot himself as to snatch a paper from O'Cahan's hand and tear it in the Viceroy's presence; but for this he humbly apologised. The case was remitted to the King, and it was afterwards arranged that both parties should go over to plead their several causes; peace being kept in the meantime on the basis of the late agreement. The Irish lawyers were of opinion that O'Cahan's country was really at the mercy of the Crown on the ground that, though it had been found by inquisition to be part of Tyrone's, the Earl's jurisdiction only entitled him to certain

fixed services and not to the freehold. That they held to have been the position of Con Bacagh O'Neill, and Tyrone's last grant only professed to restore him to what his grandfather had.<sup>31</sup>

## **Assizes in Donegal**

### **Rory O'Donnell created Earl of Tyrconnel**

#### **Extreme pretensions of Tyrconnel**

#### **His character**

#### **Discontent of Neill Garv**

While Rory O'Donnell was in England, Chief Baron Pelham was going circuit in Donegal. The multitude, he told Davies, treated him as an angel from heaven and prayed him upon their knees to return again to minister justice to them; but

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<sup>31</sup> Petition of O'Cahan, May 2, 1607; Chichester to Salisbury, June 8; Lord Deputy and Council to the Privy Council, June 26; Davies to Salisbury July 1; Docwra's *Narration*, 284.

many gentlemen refused the commission of peace until they had Tyrone's approval. A sheriff was appointed, but at first he had little to do. Rory O'Donnell was treated nearly as well as Tyrone himself. On his return to Ireland in September 1603, he was knighted in Christchurch, Dublin, by Sir George Carey, and at the same time created Earl of Tyrconnel. He received a grant of the greater part of Donegal, leaving Inishowen to O'Dogherty, the fort and fishery of Ballyshannon to the Crown, and 13,000 acres of land near Lifford to Sir Neill Garv O'Donnell. On the wording of the patent Lifford itself was reserved to the Crown. Neill Garv's very strong claim to the chieftry was passed over, he having assumed the name and style of O'Donnell without the leave of the Government. Rory was also made the King's Lieutenant in his own country, with a proviso that martial law should not be executed except during actual war, nor at all upon his Majesty's officers and soldiers. These ample possessions and honours were, however, not enough for the new Earl, who aimed at everything that his ancestors had ever had, and who was unwilling to leave a foot of land to anyone else. Five years after the death of Queen Elizabeth Chichester reported that the lands belonging to the Earldom of Tyrconnel were so mortgaged that the margin of rent was not more than 300*l.* a year. Nor is this to be wondered at for the Four Masters, who wrote in Donegal and who wished to praise its chief, said he was 'a generous, bounteous, munificent, and hospitable lord, to whom the patrimony of his ancestors did not seem anything for his

spending and feasting parties.’ The last O’Donnell being of this disposition, the attempt to change him into the similitude of an English Earl was not likely to succeed. O’Dogherty was for the time well satisfied; but Sir Neill Garv, who had destroyed his chances by anticipating the King’s decision, was angry, for Docwra and Mountjoy had formerly promised that he should have Tyrconnel in as ample a manner as the O’Donnells had been accustomed to hold it. And by the word Tyrconnel he understood, or pretended to understand, not only Donegal but ‘Tyrone, Fermanagh, yea and Connaught, wheresoever any of the O’Donnells had at any time extended their power, he made account all was his: he acknowledged no other kind of right or interest in any man else, yea the very persons of the people he challenged to be his, and said he had wrong if any foot of all that land, or any one of the persons of the people were exempted from him.’

Here we have the pretensions of an Irish chief stated in the most extreme way, and they were evidently quite incompatible with the existence of a modern government and with the personal rights of modern subjects.<sup>32</sup>

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<sup>32</sup> Docwra’s *Narration*, p. 249; Davies to Cecil, December 1, 1603; *Four Masters*, 1608.

# Discontent of Tyrone

## Secret service

Tyrone was too wise to make claims like Neill Garv's, but he resented all interference. He had disputes with the Bishop of Derry about Termon lands, with English purchasers of abbeys, and with several chiefs of his own name who had been made freeholders of the Crown. Curious points of law were naturally hateful to one who had always ruled by the sword, but he may have had real cause to complain of actions decided without proper notice to him. He and his predecessors had enjoyed the fishery of the Bann, which was now claimed by the Crown as being in navigable waters. Queen Elizabeth had indeed let her rights, but no lessee had been able to make anything out of the bargain. In his very last letter to Devonshire Chichester said Tyrone was discontented and always would be, but he could see no better reason for his discontent than that he had lost 'the name of O'Neill, and some part of the tyrannical jurisdiction over the subjects which his ancestors were wont to assume to themselves.' Davies, however, admitted that his country was quiet and free from thieves, while Tyrconnel was just the contrary. Tyrone complained that officials of all kinds were his enemies, and

that he was harassed beyond bearing. His fourth wife, Catherine Magennis, was known to be on bad terms with him, and he had threatened to repudiate her. She 'recounted many violences which he had used and done to her in his drunkenness,' and wished to leave him, but resisted any attempt at an ecclesiastical divorce. Chichester admitted that it was 'a very uncivil and uncommendable part to feed the humour of a woman to learn the secrets of her husband,' but gunpowder plots were an exception to every rule, and he thought himself justified in hunting for possible Irish ramifications by equally exceptional means. James Nott, employed by Tyrone as secretary or clerk, had a pension for bringing letters to the Government. Sir Toby Caulfield was directed to see Lady Tyrone, and to examine her on oath. She repeated her charges of ill-treatment and declared that she was the last person in whom her husband would confide, but that in any case she would do nothing to endanger his life. She expressed her belief that Tyrone had no dealings with the English recusants, but that he was discontented with the Government: Tyrconnel depended on him, and that nearly all the Ulster chiefs were on good terms with the two earls. Lady Tyrone continued to live, not very happily, with her husband for many years, during which his habits did not improve. Sir Dudley Carleton, the English ambassador at Venice, reported in 1614 that 'Tyrone while he is his own man is always much reserved, pretending ever his desire of your Majesty's grace, and by that means only to adoperate his return into his country; but when he is *vino plenus et irâ* (as he

is commonly once a night, and therein is *veritas*) he doth then declare his resolute purpose to die in Ireland; and both he and his company do usually in that mood dispose of governments and provinces, and make new commonwealths.' Nothing seriously affecting Tyrone's relations with the State happened until August 1607, when Chichester informed him that both he and O'Cahan were to go to England, where their differences would be decided by the King himself. Sir John Davies was warned to be in readiness to accompany them.<sup>33</sup>

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<sup>33</sup> Davies to Cecil, December 8, 1604; Chichester to Devonshire, February 26, 1605-6, endorsing Caulfield's report; to Devonshire, April 23; to the Privy Council, August 4, 1607; examination of Sir Neill O'Neill, August 7, 1606 (State Papers, *Ireland*); Carleton to James I., March 18/28, 1614, in Hist. MSS. Comm. (*Bucclench*), 1899.

# **The Maguires**

## **Maguire at Brussels**

### **A ship hired with Spanish money**

#### **Tyrone's farewell**

After the death of Hugh Maguire in 1600 his brother Cuconnaught, whom Chichester describes as 'a desperate and dangerous young fellow,' was elected chief in his stead. The English Government decided to divide Fermanagh between him and his kinsman, Connor Roe, and to this he agreed because he could not help it, but without any intention of resting satisfied. Spanish ships often brought wine to the Donegal coast, and communications were always open through these traders. In August 1606 Tyrconnel and O'Boyle inquired of some Scotch sailors as to the fitness of their little vessel for the voyage to Spain, but Chichester could not believe that he had any idea of flight, and supposed that he was only seeking a passage for Maguire. The latter found a ship after some delay, and

was at the Archduke Albert's court by Whitsuntide in 1607. While at Brussels he associated with Tyrone's son Henry, who commanded an Irish regiment 1,400 strong. Sir Thomas Edmondes had tried to prevent this appointment two years before, but the Archduke succeeded in getting it approved by James I. The Gunpowder Plot had not then been discovered, and Devonshire's influence was paramount in all that concerned Ireland. Tyrone sometimes professed himself anxious to bring his son home, but in other company he boasted of the young man's influence at the Spanish court and of his authority over the Irish abroad. The Archduke now gave Maguire a considerable sum of money, with which he went to Rouen, bought or hired a ship, of which John Bath of Drogheda had the command, and put into Lough Swilly about the end of August. The ship carried nets and was partly laden with salt, under colour of fishing on the Irish coast. Tyrone was with Chichester at Slane on Thursday, August 28 (old style), conferring with him about his intended visit to England. Here he received a letter telling him of Maguire's arrival, and on Saturday he went to Mellifont, which he left next day after taking leave of his friend, Sir Garrett Moore. He 'wept abundantly, giving a solemn farewell to every child and every servant in the house, which made them all marvel, because in general it was not his manner to use such compliments.' It was afterwards remembered that his farewell to Chichester also was 'more sad and passionate than was usual with him.' On Monday he passed through Armagh to a house of his own

near Dungannon, and there rested two nights. On Wednesday he crossed the Strabane mountains, and appears to have remained in the open during the night. During this day's journey, says Davies, 'it is reported that the Countess, his wife, being exceedingly weary, slipped down from her horse, and, weeping, said she could go no further; whereupon the Earl drew his sword, and swore a great oath that he would kill her on the place if she would not pass on with him, and put on a more cheerful countenance withal.' On Thursday morning they reached Burndennet, near Lifford. The Governor asked him and his son to dinner, but he perhaps feared detention, and pushed on during the afternoon and night to Rathmullen, where the French ship was lying. Tyrconnel had already arrived, and they appear to have sailed the next morning. Chichester afterwards discovered that O'Cahan wished to go too, but was unable to join the others in time.<sup>34</sup>

## **Departure of Tyrone, Tyrconnel, and Maguire**

Ninety-nine persons sailed in the vessel which carried Tyrone, Tyrconnel, and Maguire. Among the O'Neills were Lady Tyrone, her three sons Hugh, John, and Brian, and Art Oge, the son

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<sup>34</sup> Examination of Gawen Moore and William Kilmeny, mariners of Glasgow, August 30, 1606; Chichester to Salisbury, September 12, with enclosures; examination of John Loach, under 1607, No. 493; Davies to Salisbury, September 12, 1607; notes to O'Donovan's *Four Masters* under 1607; *Meehan*, chap. iv. As to O'Cahan see Chichester's statement calendared at 1608, No. 98.

of Tyrone's brother Cormac. Among the O'Donnells were Tyrconnel's brother Caffar, with his wife Rose O'Dogherty, and his sister Nuala, who had left her husband Neill Garv. What, the Irish annalists ask, might not the young in this distinguished company have achieved if they had been allowed to grow up in Ireland? 'Woe to the heart that meditated, woe to the mind that conceived, woe to the council that decided the project of their setting out on this voyage without knowing whether they should ever return to their native principalities or patrimonies to the end of the world.'

## **Sir Cormac MacBaron**

### **The fugitives reach France, but are not allowed to stay there**

Tyrone's brother, Sir Cormac MacBaron, waited until they were clear gone and then hurried to Slane so as to be Chichester's first informant. 'Withal,' says Davies, 'he was an earnest suitor to have the *custodiam* of his brother's country, which perhaps might be to his brother's use by agreement betwixt them; and therefore, for this and other causes of suspicion, the constable of the Castle of Dublin has the *custodiam* of him.' Chichester returned to Dublin at once, and made arrangements for intercepting the

fugitives should they put into Galway or into any of the Munster harbours. A cruiser on the Scotch coast was ordered to be on the look out, and the Earl of Argyle was warned by letter. Bath kept well off the coast, and, after sighting Croagh Patrick mountain, endeavoured to run for Corunna. After thirteen days tossing he despaired of reaching Spain and tried to go to Croisic in Brittany. Losing their bearings, the fugitives were driven up channel nearly to the Straits of Dover, but escaped the English cruisers and landed at Quillebœuf in Normandy after being twenty-one days at sea. They had but little provisions and were much crowded, but in no pressing want of money, for Tyrone had taken up his rents in advance. Boats were hired to convey the women and children to Rouen, while Tyrone rode with seventeen companions to meet the Governor of Normandy at Lisieux. Both parties were hospitably treated and supplied with wine and provisions by the country people. An application for their extradition was of course refused by Henry IV., but they were not allowed to stay in France nor to visit Paris. A month after leaving Lough Swilly they left Rouen, and made their way to Douai by Amiens and Arras.<sup>35</sup>

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<sup>35</sup> *Four Masters*, 1607; James Loach's examination, 1607, No. 493; Davies to Salisbury, September 12; *Meehan*, chap. iv. The latter narrative is mainly founded on an Irish manuscript by Teig O'Keenan written in 1608 and preserved at St. Isidore's, Rome, a specimen of which was printed by O'Donovan in his notes to the *Four Masters*, 1607.

## **The Earls in Flanders, Douai**

### **Entertained by Spinola at Brussels**

### **The Earls not allowed to go to Spain**

At Douai the Earls were met by Tyrone's son Henry, who commanded the Irish regiment, and by all the captains serving under him. Among those captains was Tyrone's nephew, Owen MacArt O'Neill, afterwards so famous as Owen Roe, and Thomas Preston, scarcely less famous as his colleague, rival, and at last enemy. The Irish students in the seminary feasted them and greeted them in Latin or Greek odes and orations. Florence Conry and Eugene MacMahon, titular archbishops of Tuam and Dublin, met them also. At Tournai the whole population with the archbishop at their head came out to meet them. They then went on to Hal, where they were invited by Spinola and many of his officers. The captor of Ostend lent his carriage to take them to the Archduke at Binche, where they were received with much honour, and he afterwards entertained them at dinner in Brussels. Tyrone occupied Spinola's own chair, with the nuncio and Tyrconnel on his right hand, the Duke of Aumale, the Duke

of Ossuna, and the Marquis himself being on his left. The Earls left the city immediately afterwards and withdrew to Louvain, where they remained until the month of February. Edmondes remonstrated with the President Richardot about the favour shown to rebels against his sovereign, but that wily diplomatist gave him very little satisfaction. The greater part of the Irish who came over with Tyrone or who had since repaired to him were provided for by the creation of two new companies in Henry O'Neill's regiment, but the Earls were not allowed to go to Spain, and when they left Louvain in February 1608 they passed through Lorraine to avoid French territory, and so by Switzerland into Italy. According to information received by the English Privy Council, the Netherlanders were glad to be rid of them, they having 'left so good a memory of their barbarous life and drunkenness where they were.'<sup>36</sup>

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<sup>36</sup> *Meehan*, chap. iv.; list of Irish captains in Archduke's army, July 22, 1607; Letters of Sir Thomas Edmondes to the English Government, October 1607 to the following March; Privy Council to Chichester, March 8, 1607-8. 'A most lewd oration' spoken before the Earls at Douai is calendared at January 25, 1608.

# **Reasons for Tyrone's flight**

## **Lord Howth**

### **Howth gives information**

## **Lord Delvin**

### **Uncertainty as to the facts**

Though there is no reason to suppose that any treachery was intended, Tyrone can hardly be blamed for mistrusting the English Government and avoiding London. He told Sir Anthony Standen at Rome that it was 'better to be poor there than rich in a prison in England.' And yet this may have only been a pretext, for his eldest son Henry told Edmondess that he believed the principal grievances to be religion, the denial of his jurisdiction over minor chiefs in Ulster, and the supposed intention of erecting a presidency in that province. Many obscure rumours preceded his flight. In February 1607 George St. Lawrence or Howth gave

evidence of a plot to surprise Dublin Castle and to seek aid from Spain; but he incriminated no one except Art MacRory MacMahon and Shane MacPhilip O'Reilly. He was probably a relation of Sir Christopher St. Lawrence, who became twenty-second Baron of Howth in the following May, but it does not appear how far they acted in unison. The new Lord was a brave soldier, who had fought for Queen Elizabeth at Kinsale and elsewhere, but was both unscrupulous and indiscreet. In 1599, according to Camden, he had offered, should Essex desire it, to murder Lord Grey de Wilton and Sir Robert Cecil. Under Mountjoy he had done good service in command of a company, but the gradual reduction of the forces after Tyrone's submission left him unemployed, and he was very needy. Chichester wished to continue him in pay, or at least to give him a small pension, so that he might be saved from the necessity of seeking mercenary service abroad. Nothing was done, and he went to Brussels in the autumn of 1606, but had little success there. Chichester suggested that the Archduke's mind should be poisoned against him, so that he might come home discontented and thus dissuade other Irish gentlemen from seeking their bread in the Spanish service. That Howth was known to be a Protestant, even though he might occasionally hear a mass, was probably quite enough to prevent the Archduke from employing him. Among the Irish residents there was his uncle the historian, Richard Stanihurst, and another priest named Cusack, also related to him, and from them he heard enough to make him return to London and to

give information to Salisbury. By the latter's advice probably he returned to the Netherlands, where he met Florence Conry, the head of the Irish Franciscans, who told him that it was decided to make a descent on Ireland 'within twenty days after the peace betwixt the King our master and the King of Spain should be broken.' Spinola or some other great captain was to command the expedition, Waterford and Galway to be the places of disembarkation. Conry himself was to go to Ireland to sound the chief people, and it appears from the evidence of a Franciscan that he was actually expected to arrive in the summer of 1607, but that he did not go there. Howth advised a descent near Dublin, and according to his own account he made this suggestion so as to ensure failure. He said there was a large sum ready for Tyrconnel's use at Brussels, and this was probably the very money afterwards given to Maguire for the purchase of a ship. This information was supplemented by that of Lord Delvin, and there was doubtless a strong case against Tyrconnel. Against Tyrone there was nothing but hearsay rumours as to his being involved with the others. Tyrconnel divulged to Delvin a plan for seizing Dublin Castle with the Lord Deputy and Council in it: 'out of them,' he said, 'I shall have my lands and countries as I desire it' – that is, as they had been held in Hugh Roe's time. His general discontent and his debts were quite enough to make him fly from Ireland, and this disposition would be hastened by the consciousness that he had been talking treason, and perhaps by the knowledge that his words had been repeated. Spanish

aid could not be hoped for unless there was a breach between England and Spain; and of that there was no likelihood. Tyrone must have understood this perfectly well, but Chichester had long realised that he would always be discontented at having lost the title of O'Neill and the tyrannical jurisdiction exercised by his predecessors. Perhaps he really believed there was an intention to arrest him in London. Some sympathy may be felt for a man who had lived into an age that knew him not, but the position which he sought to occupy could not possibly be maintained.<sup>37</sup>

## **Rumoured plot to seize Dublin**

### **Chichester's surmises as to Tyrone's flight**

#### **The question involved in obscurity**

On May 18, 1607, an anonymous paper had been left at the door of the Dublin council chamber, the writer of which professed his knowledge of a plot to kill Chichester and others.

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<sup>37</sup> Statements made by Christopher Lord Howth between June 29 and August 25, 1607, No. 336; Lord Delvin's confession, November 6, 1607; examination of John Dunn, February 14, 1606-7; examination of the Franciscan James Fitzgerald, October 3, 1607; secret information in Wotton's handwriting, 1607, No. 897; Chichester to Devonshire, April 23, 1606, after the latter's death, but before it was known in Ireland.

According to this informer the murders were to be followed by the seizure of the Castle and the surprise of the small scattered garrisons. If James still refused to grant religious toleration, the Spaniards were to be called in. Howth was not in Ireland, but Chichester noticed that the anonymous paper was very like his communications to Salisbury. He arrived in Ireland in June, when he was at once subjected to frequent and close examinations. Chichester was at first very little disposed to believe him, but the sudden departure of the Earls went far to give the impression that he had been telling the truth. 'The Earl of Tyrone,' said the Deputy when announcing the flight, 'came to me oftentimes upon sundry artificial occasions, as now it appears, and, by all his discourses, seemed to intend nothing more than the preparation for his journey into England against the time appointed, only he showed a discontent, and professed to be much displeased with his fortune, in two respects: the one, for that he conceived he had dealt, in some sort, unworthily with me, as he said, to appeal from hence unto his Majesty and your lordships in the cause between Sir Donald O'Cahan and him; the other because that notwithstanding he held himself much bound unto his Majesty, that so graciously would vouchsafe to hear, and finally to determine the same, yet that it much grieved him to be called upon so suddenly, when, as what with the strictness of time and his present poverty, he was not able to furnish himself as became him for such a journey and for such a presence. In all things else he seemed very moderate and reasonable, albeit he

never gave over to be a general solicitor in all causes concerning his country and people, how criminal soever. But now I find that he has been much abused by some that have cunningly terrified and diverted him from coming to his Majesty, which, considering his nature, I hardly believe, or else he had within him a thousand witnesses testifying that he was as deeply engaged in those secret treasons as any of the rest whom we knew or suspected.’ There is here nothing to show that any treachery was intended to Tyrone in England, but there was a report in Scotland that he would never be allowed to return into Ireland. And so the matter must rest. Tyrone was now old, his nerves were not what they had been, and if he believed that he would be imprisoned in London, that does not prove that any such thing was intended.<sup>38</sup>

## **Lord Delvin is suspected**

### **Delvin escapes from the Castle**

Lord Howth was not the only magnate of the Pale who was concerned in the intrigues which led to the flight of Tyrone and the plantation of Ulster. Richard Nugent, tenth Baron of Delvin, a young man of twenty-three, was son to the Delvin

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<sup>38</sup> State Papers, *Ireland*, 1607, especially Chichester to Salisbury, May 27, September 8; Discourses with Lord Howth, No. 336; Chichester to the Privy Council, September 7 and 17.

who wrote an Irish grammar for Queen Elizabeth and nephew to William Nugent who had been in rebellion against her. He had been knighted by Mountjoy in Christchurch, Dublin, at the installation of Rory O'Donnell as Earl of Tyrconnel, and had a patent for lands in Longford which the O'Farrells had asked him to accept on the supposition that they were forfeited to the Crown. It turned out that there had been no forfeiture, and he was forced to surrender, Salisbury remarking that the O'Farrells were as good subjects as either he or his father had been. The business had cost him 3,000*l.*, and he was naturally very angry. His mother was an Earl of Kildare's daughter, and Sir Oliver St. John told Salisbury that he was 'composed of the malice of the Nugents and the pride of the Geraldines.' He became involved in Howth's schemes, and confessed that he had 'put buzzes into the Earl of Tyrone's head,' telling him that he had few friends at Court and that the King suspected his loyalty. For his own part he was willing to join in an attack on the Castle, provided a Spanish army landed, but he would not agree to the murder of the Lord Deputy, 'for he hath ever been my good friend.' Delvin was lodged in the Castle, but there was evidently no intention of dealing harshly with him, for he was allowed the society of his secretary, Alexander Aylmer, a good old name in the Pale, and of a servant called Evers. Aylmer and Evers with some help from others managed to smuggle in a rope thirty-five yards long, though the constable had been warned that an escape was probable, and the young lord let himself down the wall and

fled to his castle of Cloughoughter on a lake in Cavan. The constable, whose name was Eccleston, was afterwards acquitted by a jury, but lost his place. From Cloughoughter Delvin wrote to Chichester pleading his youth and his misfortune in being duped by Howth. He had run away only to save his estate, which would surely have been confiscated if he had been carried to England. Chichester was willing to believe him, and offered to accept his submission if he would surrender within five days and throw himself on the King's mercy. His wife and his mother, who was supposed to have brought him up badly, were restrained at a private house in Dublin, but were afterwards allowed to go for a visit fourteen miles from Dublin.<sup>39</sup>

**Delvin tires of his wanderings,**

**submits,**

**and is pardoned**

Being pressed by the troops Delvin stole out of Cloughoughter

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<sup>39</sup> Lodge's *Peerage* (Archdall), i. 237, and the State Papers, *Ireland*, calendared from September 8 to November 27, 1607; Lords of the Council to Chichester, May 11, 1611.

with two companions, leaving his infant son to be captured and taken to Dublin. He had married Jane Plunkett, and her brother Luke, afterwards created Earl of Fingal, made matters worse by reporting that Delvin had expressed a wish to kill Salisbury, a charge which was stoutly denied. Howth was mixed up with this as with all the other intrigues. Delvin was 'enforced as a wood kerne in mantle and trowsers to shift for himself' in the mountains, and was doubtless miserable enough. After wandering about for more than four months he appeared suddenly one day in the Council chamber, and submitted unconditionally with many expressions of repentance. Salisbury had already pardoned any offence against himself, and the King was no less merciful. Delvin was sent to England a prisoner, but the charge of complicity in O'Dogherty's conspiracy was probably not believed, for he received a pardon under the Great Seal of Ireland. He enjoyed a fair measure of favour at Court, though he became a champion of the Recusants, and in 1621 he was created Earl of Westmeath.<sup>40</sup>

## **Florence Conry**

When Hugh Roe O'Donnell died at Valladolid in 1602 he was attended by friar Florence Conry, whom he recommended to Philip III. Conry, who was Tyrone's emissary in Spain, became

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<sup>40</sup> Instructions for Sir A. St. Leger, December 21, 1607; Chichester to the Privy Council, June 3, 1608; Warrant for pardon, July 18.

provincial of the Irish Franciscans and later Archbishop of Tuam, but never ventured to visit his diocese. He passed and repassed from Madrid to Brussels and employed Owen Magrath, who acted as vice-provincial, to communicate with his friends in Ireland.

## **Lady Tyrconnel**

### **Delvin gives evidence against a friar**

### **Lady Tyrconnel at Court**

Magrath brought eighty-one gold pieces to Lady Tyrconnel and tried to persuade her to follow her husband abroad. Other priests gave the same advice, but the lady, who had been Lady Bridget Fitzgerald, had not the least idea of identifying herself with rebellion. She was unwilling to forswear the society of the clergy, but ready to give Chichester any help in her power. She knew nothing of her husband's intention to return as an invader, but 'prayed God to send him a fair death before he undergo so wicked an enterprise as to rebel against his prince.' Magrath was mixed up with Howth and Delvin; but Chichester, though he succeeded in arresting the friar, could get little from him. He

was tried for high treason and actually found guilty, mainly upon Delvin's evidence, who swore that he had disclosed to him a conspiracy for a Spanish descent on Ireland. Philip indeed would not show himself, 'but the Pope and Archduke will; at which the King of Spain will wink, and perchance give some assistance under hand.' Chichester saw that Magrath was old and not very clever, and advised that he should be allowed to live in Ulster, for Delvin was repentant and would be glad to impart anything that he learned from him. James readily pardoned Magrath, the English Council shrewdly remarking that it was more important that Delvin should have given evidence against a friar 'than to take the life of one where there are so many.' Lady Tyrconnel was sent to England and received a pension, and James is said to have wondered that her husband could leave so fair a face behind him. She afterwards married the first Lord Kingsland; her daughter by Tyrconnel had a curiously adventurous career.<sup>41</sup>

## **Manifesto of James as to the flight of the Earls**

James thought it necessary to publish a declaration for the enlightenment of foreign countries as to the true reason of the

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<sup>41</sup> Chichester to Salisbury with enclosure, October 2, 1607; Examination of Father Fitzgerald, October 3; Chichester to Salisbury, July 2, 1609, and the answer, August 3; Delvin's Confession, November 6, 1607. The account of Lady Tyrconnel at p. 235 of the *Earls of Kildare* is very incorrect. A short notice of Mary Stuart O'Donnell is in the *Dict. of National Biography*, xli. 446 b.

Earls' departure, not in respect of any worth or value in those men's persons, being base and rude in their original. They had no rights by lineal descent, but were preferred by Queen Elizabeth for reasons of State, and fled because inwardly conscious of their own guilt. The King gave his word that there was no intention of proceeding against them on account of religion. Their object was to oppress his subjects, and the less said about their religion the better, 'such being their condition and profession to think murder no fault, marriage of no use, nor any man to be esteemed valiant that did not glory in rapine and oppression.' They had laboured to extirpate the English race in Ireland and could not deny their correspondence with foreign princes 'by divers instruments as well priests as others.' James assured himself that his declaration would 'disperse and discredit all such untruths as these contemptible creatures, so full of infidelity and ingratitude, shall disgorge against us and our just and moderate proceedings, and shall procure unto them no better usage than they would should be offered to any such pack of rebels born their subjects and bound unto them in so many and such great obligations.'<sup>42</sup>

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<sup>42</sup> Declaratio super fugam comitum de Tyrone et Tyrconnel, non propter virtutes sed ob rationes status ad honores promotorum – Rymer's *Fœdera*, xvi. 664, November 15, 1607. Bacon probably had a hand in this, having received a full account from Davies, which he answered on October 23 – Spedding's *Life*, iv. 5.

## **Tyrone and Tyrconnel expose their grievances**

While at Louvain, and no doubt by way of answer to the royal declaration, both Tyrone and Tyrconnel caused expositions of their grievances to be drawn up, and these documents are still preserved in London, but do not appear to have been ever transmitted to the Irish Government. No rejoinder to them or criticism of them is known to exist, and they must be taken for what they are worth as *ex parte* statements. Religion is placed in the forefront of both manifestoes, in general terms by Tyrconnel, but more specifically by Tyrone, the proclamation of July 1605 having been promulgated by authority in his manor of Dungannon.

## **Their position in Ulster was impossible**

But the case for the Earls mainly consists in an enumeration of their difficulties with the Irish Government officials, and it may well be believed that many underlings exercised their powers harshly and corruptly. What appears most clearly is that the local domination of an O'Neill or an O'Donnell, even though they wore earls' coronets, was inconsistent with the modern spirit. They found the position of subjects intolerable. By their flight they hastened the progress of events, but their stay in Ireland could

not very long have retarded it.<sup>43</sup>

## **Tyrone and his company leave the Netherlands**

### **The Duke of Lorraine**

#### **Arrival in Italy**

Tyrone and the rest left Louvain on February 17, the Spanish authorities having with much difficulty and delay found money enough to speed the parting guests. Edmondès wrote to Charles of Lorraine reminding him of his near relationship to the King of England and also of the fact that ‘these fugitives and rebels had found the door shut in Spain, where the King would not admit them out of respect and friendship to King James.’ The Duke let them pass through his country, and afterwards appeared to have been greatly impressed in their favour, as such a champion of the Roman Church would naturally be. Their expenses were paid by him while in Lorraine, and he entertained them sumptuously in his palace at Nancy. They travelled by Basel and Lucerne to the St. Gothard, and one of O’Donnell’s sumpter horses

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<sup>43</sup> Cal. of State Papers, *Ireland*, 1607, Nos. 501 and 503; James Bathe to Salisbury, January 9, 1607-8.

fell over the Devil's Bridge and was lost, with a large sum of money. The monks received them at the hospice, and on their descent into Italy they were well received at Faido, Bellinzona, and Como. Fuentes, the Governor of Milan, went out to meet them with his staff. They were lodged at the hostelry of the Three Kings and handsomely entertained there at the governor's expense. Cornwallis at Madrid and Wotton at Venice complained loudly, and received soft answers. Salisbury told Cornwallis to make little of the fugitive Earls and to describe them as mere earthworms; and the ambassador bettered the instruction by saying that he esteemed them and all their company as so many fleas. The Spanish officials replied that Fuentes was generally hospitable to strangers, but that the King's government had no idea of countenancing the exiles.

## **The Earls are excluded from Venetian territory**

### **They reach Rome**

Wotton easily persuaded the anti-Romanist and lately excommunicated Doge to exclude the Irish party from Venetian territory, and a person in his confidence followed Tyrone privately wherever he went. The exiles received 1,000 crowns from Fuentes, of which they complained as much below their

expectations. They were well received at Parma and Reggio, and reached papal territory at Bologna, where Cardinal Barberini, afterwards Urban VIII., was then governor. From Ancona they made a pilgrimage to Loretto, and travelling by Foligno, Assisi and Narni, they came in sight of Rome on April 29. Several cardinals, in much state and with great retinues, went out to meet them at the Milvian bridge. One coach, which, according to Wotton's informant, was borrowed by Parsons, contained Englishmen, and others came to see Tyrone inside the city. The Salviati palace in the Borgo was assigned to the exiles as a residence by Paul V. After this Tyrone sometimes showed himself in a coach with Tyrconnel and Peter Lombard the titular Primate of Ireland, who had never seen his see.<sup>44</sup>

## **The return of the Earls long expected**

'I know not,' said Chichester, 'what aid or supportation the fugitives shall receive from the Spaniard or Archduke, but the kind entertainment they have received compared with the multitude of pensions given to base and discontented men of this nation, makes them there and their associates and well

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<sup>44</sup> Edmondes to the Duke of Lorraine, January 12, 1607-8; to Salisbury, January 28, February 18 and March 30; Wotton's letters for April and May, 1608; information in Wotton's hand, No. 897, State Papers, *Ireland; Meehan*, chap. 7, with the Doge Donato's letter at p. 270; Salisbury to Cornwallis, September 27, 1607, in Winwood's *Memorials*, and Cornwallis to the Privy Council, April 19, 1608, *ib.*

wishers here to give out largely, and all wise and good subjects to conceive the worst. I am many ways assured that Tyrone and Tyrconnel will return if they live, albeit they should have no other assistance nor supportation than a quantity of money, arms, and munition, with which they will be sufficiently enabled to kindle such a fire here (where so many hearts and actors affect and attend alteration) as will take up much time with expense of men and treasure to quench it.' These rumours continued while Tyrone lived, and after his death his son was expected. Exiles are generally sanguine, and the friars and Jesuits kept up constant communication with Spain and the Netherlands; but the decadent Spanish monarchy could never make an attempt on Ireland or give any serious trouble until England was at war with herself.<sup>45</sup>

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<sup>45</sup> Chichester to Northampton, February 7, 1607-8, printed in *Ulster Journal of Archaeology*, i. 180, from Cotton MS. Tit. B. x. 189.

# **CHAPTER IV REBELLION OF O'DOGHERTY, 1608**

## **Antecedents of Sir Cahir O'Dogherty**

**Docwra leaves Derry, 1606, and  
is succeeded by Sir George Paulet**

**O'Dogherty is suspected**

The wild territory of Inishowen between Lough Foyle and Lough Swilly had been for ages in possession of the O'Dogherty clan, who were, however, not quite independent either of O'Neill or O'Donnell. Sir John O'Dogherty, who held Inishowen by patent, died in December 1600, and Hugh Roe O'Donnell set up his brother Phelim in his stead, to the exclusion of his son Cahir, whom he kept in his own power. Cahir's foster-brethren, the MacDavitts, appealed to Sir Henry Docwra, and he persuaded O'Donnell to release the young man, whom the Government

then adopted as chief. After the accession of James, though not with Devonshire's good will, Sir Cahir, who had been knighted for good service in the field, was confirmed by the King in his father's possessions. The island of Inch was leased to another, but after Devonshire's death the King agreed to restore it. Tyrconnel complained bitterly that Inishowen was excepted from his grant, and Tyrone grumbled at losing an annual rent of sixty cows out of it, 'never before your Majesty's reign brought to any question.' Docwra was Sir Cahir's steady friend, but Devonshire's extreme leaning to Tyrone's side made his position intolerable, and he left Ireland in 1606, having sold his land at Derry to George Paulet, the Marquis of Winchester's son. He was allowed to compound with Paulet for his company of foot and the vice-provostship of Derry, and this was done with Devonshire's approval on the ground that there was 'no longer use for a man of war in that place.' The King's letter describes Paulet as 'of good sufficiency and of service in the wars,' but Chichester was not of that opinion. He was established at Derry at the beginning of 1607, and was soon at daggers drawn, not only with the neighbouring Irish chiefs, but with the Protestant bishop Montgomery. At the same time he neglected, notwithstanding Chichester's repeated warnings, to post sentries or to keep any regular look-out. His ill-temper made him disliked by his own men, and they despised him for his evident incompetence. After the flight of the Earls Sir Cahir O'Dogherty was one of the commissioners especially appointed for the government of Tyrone, Donegal, and Armagh,

Paulet and Bishop Montgomery being among his colleagues. His ambition at this time was a place at Court. He excited suspicion by landing a few armed men upon Tory island, but the inhabitants seem to have consented. Sir Richard Hansard, who gave the first information, did not think that O'Dogherty meant much harm, for he never had more than seventy men, armed only those of Inishowen, and refused recruits from other districts. But Paulet took a view of the case which made his want of preparation inexcusable. He went with Captain Hart, the governor of Culmore, and others to O'Dogherty's castle of Burt on Lough Swilly, where Lady O'Dogherty, Lord Gormanston's sister, was living. He told O'Dogherty afterwards that he only went on a friendly visit, but to Chichester he said that he meant to seize the castle had he not found it well defended.

### **Paulet's violent behaviour**

O'Dogherty remonstrated in a temperate letter and subscribed himself 'your loving friend,' but Paulet retorted that he was a traitor and that he left him to a provost-marshal and a halter. Three weeks later O'Dogherty went to Dublin, and protested his loyalty; but he was on good terms with O'Cahan, whose actions were also suspicious, and Chichester hardly knew what to think. Sir Cahir was at last suffered to depart after entering into a recognisance, himself in 1,000*l.* with Lord Gormanston and Sir Thomas Fitzwilliam in 500 marks each, to appear at all times

upon twenty days' notice in writing, and not to leave Ireland without licence before Easter 1609. About the close of the year 1607, Sir Cahir was foreman of the Grand Jury who found a true bill for treason against Tyrone, Tyrconnel, and their chief adherents.<sup>46</sup>

## **Paulet insults O'Dogherty,**

In February 1608 O'Dogherty wrote to the Prince of Wales protesting his fidelity, and asking to be made one of the gentlemen of his privy chamber. On April 18, the very day on which he plunged into rebellion, an order was sent by the English Government to restore the island of Inch, and all other lands withheld from Sir Cahir, excepting only the fort of Culmore, which stood at the mouth of the Foyle, and thirty acres of land with it.

## **who becomes an open rebel, and seizes a fort**

The Four Masters say, and this has often been repeated, that Paulet struck O'Dogherty, and that the insult drove him into rebellion. Paulet was certainly abusive, but a blow is not anywhere mentioned in the State correspondence, though no

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<sup>46</sup> Docwra's *Narration*; Cal. of State Papers, *Ireland*, for 1607; Recognisance in Chancery and Indictment of Tyrone, &c., calendared under June 1608; O'Dogherty to the Prince of Wales, February 14, 1608.

Englishman then in Ireland had anything to say in favour of the unfortunate governor, nor by Docwra, who could scarcely be ignorant of so remarkable a fact. O'Sullivan Bere, who published his history at Lisbon in 1621, says Paulet threatened to have O'Dogherty hanged, but he had evidently not heard of any blow. The Four Masters wrote in Donegal, between 1632 and 1636, but it is not certain that any of them were in Ireland in 1608; at all events there was time for the growth of a traditional addition to the facts. Whatever may have been the immediate cause of his outbreak, O'Dogherty behaved with so much treachery as to throw doubt upon all his recent professions. He invited Captain Hart, the governor of Culmore fort, to visit him at Buncrana. He complained that Lady O'Dogherty, who was of the Pale and had English tastes, suffered from the want of society, and therefore Mrs. Hart was pressed to accompany her husband. After dinner O'Dogherty took Hart into an upper room under pretence of privacy, spoke of Paulet's harsh conduct, and told his guest that he must die or surrender Culmore. Being disarmed, and told to choose, Hart refused to betray his trust. Lady O'Dogherty then entered the room in tears, upbraided her husband and his accomplices, and called heaven to witness that she was no party to the plot. O'Dogherty threatened to throw both her and his prisoner over the walls, and told Mrs. Hart that she must devise some means of seizing Culmore or die with her husband, her children, and the whole garrison. He swore upon a book that not one person should suffer if the fort were yielded quietly. At last

she was frightened into going with O'Dogherty to Culmore and calling out some of the guard, saying that her husband lay hard by with a broken arm. Once outside the gate they were seized by the Irish, who rushed in and took the fort, surprising the rest of the garrison in their beds. Hart and his family were ferried over the Foyle and told to go to Coleraine, the soldiers escaping to Lifford during the confusion of that night.<sup>47</sup>

## **O'Dogherty surprises Derry**

### **Treatment of the garrison**

O'Dogherty marched through the night and reached Derry at two o'clock in the morning of Tuesday, April 19, with scarcely a hundred men, not all of whom were armed. They divided at the bog-side, Sir Cahir attacking the lower forts where the storehouses were, and Phelim Reagh undertaking the governor's house on the high ground. Paulet escaped into Ensign Corbet's house, and there a short stand was made. Corbet fought with and wounded Phelim, but was struck down from behind. His wife

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<sup>47</sup> Hart's narrative enclosed in Chichester's despatch of May 4, disproving Cox's statement that the garrison were murdered. *O'Sullivan*, Tom. iv. Lib. 1, cap. 5: 'Georgius Paletus Luci (Derry) præfectus Anglus eques auratus O'Dochartum conviciis onerat, minans se facturum, ut ille laqueo suspendatur.' Cox, writing in 1690, mentions a report that Paulet had given O'Dogherty a box on the ear.

killed the man who had dealt the fatal blow, and was herself slain. Paulet fell by the hand of Owen O'Dogherty. Lieutenant Gordon jumped from his bed, seized a rapier and dagger and ran out naked, killing two of the assailants and calling upon the soldiers to fight for their lives. He also was overpowered and killed. Lieutenant Baker gathered a few men together and attempted to retake the lower fort, but was ill supported, and retired into Sheriff Babington's house. That house and the bishop's were held till noon, but O'Dogherty's force was constantly increasing, a piece of cannon was brought up from Culmore, and Baker, who had no provisions or ammunition, thought it best to make terms. A written undertaking was given that every man should depart with his sword and clothes, and the women with their clothes. Lady Paulet and Mrs. Susan Montgomery, the bishop's wife, remained prisoners with O'Dogherty. According to O'Sullivan all Protestants were slaughtered, and all Catholics safely dismissed, but the total number killed did not exceed ten on either side. Lieutenant Baker, to use the language of Sir Josiah Bodley, was in 'great grace and reputation,' for he alone survived of those who had distinguished themselves on the fatal morning. He settled in Ulster, and his namesake, perhaps his descendant, was governor in that later siege which has made the name of Derry for ever famous.<sup>48</sup>

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<sup>48</sup> Bodley's letter of May 3; Chichester's of May 4, enclosing Hart's and Baker's own narratives; *Newes from Ireland, concerning the late treacherous action, &c.*, London, 1608; O'Sullivan *Bere ut sup.*; *Four Masters*, 1608.

**The Bishop's library burned**

**Collapse of the insurrection**

**Derry re-occupied**

**The rebels abandon Culmore**

**Pursuit of O'Dogherty**

**Surrender of Burt Castle**

Before leaving Derry Phelim Reagh, who thought the place untenable by a small force, deliberately burned Bishop Montgomery's library in sight of his men. O'Sullivan says there were '2,000 heretical books,' and that the bishop vainly offered a hundred pounds ransom for his collection. Having set fire to the buildings and to two corn ships which lay near, Phelim

removed to Culmore, taking some guns with him in two boats and throwing the rest into the sea. Doe Castle on Sheep Haven was also surprised, and Captain Henry Vaughan taken prisoner. Captain John Vaughan abandoned Dunalong and fled with his men to Lifford, and a few Scotch settlers at Strabane did the same. There O'Dogherty's successes ended. Sir Richard Hansard, who never ceased to take the precautions which Paulet neglected, easily maintained himself at Lifford, and help was not long in coming. At the beginning of May Chichester sent all his available forces to Ulster. The officers in charge were Sir Richard Wingfield, Marshal of the army since 1600, and Sir Oliver Lambert, then more hated and feared than any English soldier. Sir Thomas Ridgeway, an energetic man who had succeeded Carey as vice-treasurer, accompanied them without Chichester's knowledge. After inspecting the garrisons about Lough Neagh and the Blackwater, and warning them to be on their guard, Wingfield and his colleagues reached Derry on May 20. They found earthworks, walls and chimneys not much damaged, but everything that would burn had been reduced to ashes, except the wooden roof of the cathedral. Ridgeway was in doubt whether they had found this roof too high to set fire to, or whether they spared it out of respect to St. Columba, 'the patron of that place, and whose name they use as their word of privity and distinction in all their wicked and treacherous attempts.' According to the terms of the recognisance in which he was bound, Chichester's letter summoning O'Dogherty to appear

before him was publicly read by Ridgeway at 'the half-burned house of Master Babington' in Derry, and at Sir Cahir's own castle of Ellagh not far off. Cabins were run up for the inhabitants of Derry, who had already returned to their homes, and enough cows and sheep to secure them against starvation were driven in from O'Dogherty's country. Phelim Reagh declared that he would die in defence of Culmore, but thought it more prudent to set the place on fire and to escape by water. The fort was quickly refitted and garrisoned. Parties were sent to scour the country as far as Dunaff and Malin Head, and Inishowen was completely cleared, 2,000 cows, 2,000 or 3,000 sheep and 300 or 400 horses were driven in, and Buncrana was burned 'as well from anger as for example's sake.' Armed resistance there was practically none. O'Dogherty had withdrawn into the territory of the MacSwineys west of Lough Swilly, and thither did Ridgeway and his colleagues pursue him. Even among the woods of Glenveagh he was unable to make any sort of defence, and it was said that he fled thirty-five miles in one march at the approach of the troops. Various plots having been laid for his betrayal, the army returned by Raphoe to Sir Cahir's principal castle of Burt on Lough Swilly. The garrison were divided in opinion, some thinking that they held the place for the King of Spain and others for O'Dogherty. They had but one life each, they said, which they owed to God; if they surrendered they would either be treated like dogs by the English or hanged by Sir Cahir, and so they might as well do their duty. One Dowding, or Dowling, a native

of Drogheda, and presumably more civilised than the Inishowen men, at last proposed a capitulation, involving a jointure for Lady O'Dogherty and some provision of land for the rest. The answer of the English officers, who thought it 'intolerable strange for a King's army to make jointures for ladies with the cannon,' was to place two pieces of artillery in position. The Irish, whose chief leader was a monk, said they would put Mrs. Montgomery in the breach, but no breach was made, and they all surrendered at discretion after the second shot. Mrs. Montgomery and Captain Brookes' son were, in Ridgeway's quaint language, 'returned to their owners.' Sir Neill Garv O'Donnell and his two brothers, Lady O'Dogherty, her only daughter and her husband's sister, with their female attendants, were taken on board his Majesty's ship *Tramontana*, and Ridgeway went with them to Dublin, partly to avoid weakening Wingfield's force, and partly because he thought the enforced idleness of a voyage would make the ladies talk freely. Lady O'Dogherty fulfilled his expectation by indulging in ferocious invectives 'against Neill Garv for drawing her husband into rebellion.'<sup>49</sup>

## **O'Dogherty in Tyrone, and Armagh, but is killed by Irish soldiers**

Unable to cope with Wingfield in Donegal, O'Dogherty made

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<sup>49</sup> Ridgeway's Journal, June 30, and his letter to Salisbury of July 3. O'Sullivan, *Compendium*, Lib. i. cap. 5.

a descent upon Tyrone in the middle of June. Chichester had ordered all garrisons to keep close, and this policy was strictly adhered to. O'Dogherty was afraid to do much damage lest he should alienate the affections of Tyrone's late subjects, and he only took enough cattle to feed his following of about 800 men. He penetrated into Armagh, but soon wandered back into Donegal, making no attempt to relieve Burt, and pretending that its loss did not signify. After Ridgeway's departure Wingfield prepared to attack Doe Castle, and while he waited at Kilmacrenan for his artillery, the enemy, about 700 strong, unexpectedly came in sight. Neill Garv had warned O'Dogherty not to fight, but he neglected this advice and was killed by Irish soldiers who wanted his land. His head was sent to Dublin and stuck upon a spike over the new gate. Within a few days Doe Castle succumbed to a heavy cannonade, and Lough Eske was surrendered by O'Gallagher, who was foster-father to Tyrconnel's son. Chichester received the news of O'Dogherty's death at Dundalk, and at once issued a proclamation warning the people of Ulster that those who received or protected any of the late rebel's followers would be regarded as traitors themselves. All who delivered up any of the delinquents dead or alive were promised free pardons and the goods of the person so given up. Phelim Reagh MacDavitt alone was excluded from all hope of pardon.<sup>50</sup>

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<sup>50</sup> Chichester to the Privy Council, July 6, and the proclamation dated next day; *Four Masters*, 1608, with O'Donovan's notes; Sir Donnell O'Cahan to his brother Manus

## **Ruthless suppression of the rebellion, which is condemned by an Irish jury**

### **Phelim Reagh MacDavitt**

Chichester had announced that the war should be made ‘thick and short,’ and his proclamation was well suited for the purpose. About fifty of the O’Hanlons were in arms near Mount Norris, but they were quickly dispersed with great loss on his arrival at that fort, and the prisoners hanged by martial law. O’Cahan’s brother Shane Carragh was soon afterwards brought in by the MacShane O’Neills to the post at Mountjoy. At Armagh the grand jury, almost entirely Irish, found a bill against all who were in rebellion. Being a man of importance Shane Carragh was tried by jury at Dungannon and hanged, and it was noted that the solemnity of the trial made a great impression upon the natives, who were accustomed to see summary sentences carried out at the nearest tree. The jurors were Irishmen, who attended as readily as when Tyrone was present, and the monk who had commanded at Burt voluntarily purchased life and liberty by renouncing the Pope and conforming publicly. Chichester then marched through Glenconkein, ‘where the wild inhabitants,’

according to Davies, ‘wondered as much to see the King’s Deputy as the ghosts in Virgil wondered to see Aeneas alive in hell.’ At Coleraine he heard of the capture of Sir Cahir’s illegitimate brother, whom the people wished to make O’Dogherty, of Owen O’Dogherty who killed Paulet, and of Phelim Reagh MacDavitt, who was regarded as the contriver of the whole rising. Phelim, who was hunted into a wood and found there after long search, made a stout resistance and was wounded, but great care was taken to keep him alive for his trial. He was taken to Lifford, where he made statements very damaging to Neill Garv, and was then hanged with twenty others. Chichester returned to Dublin at the beginning of September, leaving only the very dregs of a rebellion behind him.<sup>51</sup>

## **Severities in Tory Island**

### **The rebels destroy each other**

Shane MacManus, Oge O’Donnell, who aspired to be the O’Donnell, was the last to hold out with about 240 men in Tory and the adjacent smaller islands. Sir Henry Ffolliott, the governor of Ballyshannon, finished the business in a very ruthless manner.

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<sup>51</sup> Davies to Salisbury, August 5, 1608; Chichester to the Privy Council, September 12.

On his way he took the island stronghold at Glenveagh, which was held by an O'Gallagher, 'one of Tyrconnell's fosterers, who killed three or four of his best associates after he yielded up the island, for which we took him into protection.' Of armed resistance there was not much, but Ffolliott's task was made difficult by foul winds upon that rough coast, and he failed to capture Shane MacManus, who escaped with the bulk of his followers by boat into Connaught, preferring to trust to Clanricarde's clemency, but leaving eleven men in the castle on Tory island, where Ffolliott found them. The constable called to Sir Mulmore MacSwiney, begging to be allowed to see the English commander and promising service. MacSwiney let him come out, and he was induced by Ffolliott to purchase his life by betraying the castle and taking the lives of seven out of the ten men in it. A MacSwiney who was one of the garrison was also admitted to a parley and made the like promise, but the constable got back first, 'each of them,' says Ffolliott, 'being well assured and resolved to cut the other's throat.' He killed two of his followers and the rest scattered into the rocks, where he shot one. Ffolliott kept him to his promise of seven heads, which were to be taken without help from the soldiers. One of the others turned and stabbed his late leader to the heart and was then killed by one of his own companions. Three others were killed in the scuffle. Shane MacManus's boat was found in the island of Arran, while his mother with a boy of ten and a girl of eleven remained prisoners. 'And so,' reported Ffolliott, 'there

were but five that escaped, three of them churls and the other two young boys... Shane MacManus is deprived of his mother and two children and his boat, which I think he regards more than them all.’<sup>52</sup>

## **Fate of Neill Garv O’Donnell**

### **Irish juries will not find verdicts for treason**

### **Neill Garv is sent to the Tower, where he dies**

Sir Neill Garv O’Donnell gave no effectual help against O’Dogherty, and he was really a fellow-conspirator. Lifford, Ballyshannon and Donegal were to be seized by him and his friends, while Sir Cahir took Derry and Culmore, and all plunder was to be divided equally between them. Sir Neill was to have Burt Castle and whatever rights O’Donnell had over Inishowen, as long as he could hold his own. He continued, however, to profess loyalty and to urge his claims over the whole of Tyrconnel. O’Dogherty’s country he regained by special grant, but he was an abettor, if not the principal contriver, of the

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<sup>52</sup> Chichester to the Privy Council, September 12 and 17, the latter enclosing Ffolliott’s narrative.

Derry surprise, gave advice about the mode of attack, sent sixteen men of his own to help, and charged O'Dogherty to spare no one. All this was not certainly known until later, and Sir Neill obtained protection from Wingfield, whom he accompanied on his expedition into Donegal. He was soon again in communication with the rebels, was arrested at Glenveagh and sent a prisoner to Dublin, but it was not until June, 1609, that a Donegal jury could be sworn in the King's Bench there. The jurors were Irishmen and not of very high position, for the English settlers and the principal natives had served on the grand jury which found the bill. Davies offered no evidence as to Sir Neill's complicity in the Derry affair, though there could be no doubt of the fact, because it might be held that the treason was covered by Wingfield's protection. There was good proof of the breach of that protection by aiding and abetting the King's enemies, but the jury were shut up from Friday till Monday and almost starved to death. They refused to find a verdict of treason on the ground that Sir Neill had not been actually in arms against the King, and it was believed that they had bound themselves by mutual oath not to find the lord of their country guilty. They were discharged 'in commiseration of their faintings and for reasons concerning his Majesty's service.' 'The priests,' said Davies, 'excommunicate the jurors who condemn a traitor. The Irish will never condemn a principal traitor: therefore we have need of an English colony, that we may have honest trials. They dare not condemn an Irish lord of a country for fear of

revenge, because we have not power enough in the country to defend honest jurors. We must stay there till the English and Scottish colonies be planted, and then make a jury of them.’ There being no hope of a verdict, the lawyers could only suggest that Sir Neill should be tried by a Middlesex jury as O’Rourke had been in 1591. In any case he should be sent to England, for Dublin Castle was no safe place for a prisoner who was always trying to escape, and who had already been found with a rope long enough to ‘carry him over the wall from the highest tower.’ Sir Neill went to London in due course, and died in the Tower in 1626.<sup>53</sup>

## **The effects of O’Dogherty’s rising**

### **Fate of O’Cahan**

The abortive rebellion of O’Dogherty made the fate of the six Ulster counties harder than it might otherwise have been. It was, say the Four Masters, ‘from this rising and from the departure of the Earls that their principalities, their territories,

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<sup>53</sup> Davies on the juries, State Papers, *Ireland*, 1608, No. 801; his and Chichester’s accounts of the trial, June 27 and July 4, 1609; abstract of evidence calendared at October 1609, No. 514; Letter to Bishop Montgomery from Ineen Duive, Hugh O’Donnell’s mother and Tyrconnel’s aunt, printed from Carte MSS. in O’Donovan’s *Four Masters*, 2364.

their estates, their lands, their forts, their fruitful harbours, and their fishful bays were taken from the Irish of the province of Ulster, and were given in their presence to foreign tribes; and they were expelled and banished into other countries, where most of them died.' Inishowen, which O'Dogherty held by patent independently of Tyrone, was separately forfeited, and the whole of it granted to Chichester himself. The failure of trial by Jury in Neill Garv's case prevented Davies from running a fresh risk with O'Cahan, who lay long in Dublin Castle, and was sent to the Tower late in 1609 in charge of Francis Annesley, afterwards Lord Mountnorris. Neill Garv and his son Naughton went in the same vessel. 'The boy,' said Chichester, 'has more wit than either of them,' and he had been at Oxford and at Trinity College, Dublin. No charge was made against him, but he was as proud as his father. O'Cahan remained a prisoner, and no doubt there was plenty of evidence against him, but Chichester, while carrying out the policy of the Home Government, scarcely hides his opinion that he had been badly treated, and that he had the reputation of a truth-telling man. As to the facts, the Lord Deputy's story tallies closely with that of Docwra. Writing as late as 1614, the latter says deliberately that 'O'Cahan, from the breach of my promise with him, derives, as well he may, the cause of all his miseries,' and he thought he would have done nothing rebellious if faith had been kept with him. He was never tried, and spent years in the Tower, where he probably died in 1628. A thousand acres of his old territory was granted, or

perhaps only promised, to his wife Honora, with reversion to her son Donell, but the young man went to the Netherlands, returned in 1642 with Owen Roe O'Neill, and was killed at Clones. His elder brother Rory was hanged for his share in the conspiracy of 1615.<sup>54</sup>

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<sup>54</sup> Docwra's *Narration*, 283. Francis O'Cahan's petition calendared with the papers of 1649, p. 278, but evidently of a much earlier date. Hill's *Ulster Plantation*, 61, 235.

# CHAPTER V

## THE SETTLEMENT OF ULSTER

### Ulster before the settlement

The tribal system known to the writers of what are called the Brehon laws survived much longer in Ulster than elsewhere. In the other three provinces the Anglo-Norman invaders may not have made a complete conquest, but they had military occupation and many of their leaders took the position of Irish chiefs when the weakening power of the Crown made it impossible to maintain themselves otherwise. Yet they never forgot their origin, and were ready enough to acquiesce when the Tudor sovereigns reasserted their authority. But there were no Butlers, Fitzgeralds, or Barries in Ulster, while the Burkes withdrew into Connaught and assumed Irish names. For a long time the native clans were left almost to their own devices. Con Bacagh O'Neill, when he accepted the earldom of Tyrone in 1543 and went to England to be invested, took a long step towards a new state of things. Through ignorance or inadvertence the remainder was given to Matthew Ferdoragh, who was perhaps not an O'Neill at all. Shane O'Neill, the eldest son of undoubted legitimacy, kept the leadership of his clan, while insisting in dealing with the

government that he was Con's lawful heir. Even Shane admitted that Queen Elizabeth was his sovereign. When the original limitation of the peerage took practical effect, and Hugh O'Neill became Earl of Tyrone, the feudal honour was most useful on one side while the tribal chieftry was still fully maintained on the other. In two cases, decided by the Irish judges in 1605 and 1608 respectively, gavelkind or inheritance by division among all males was abolished as to lands not forming part of the chief's demesne, and Tanistry as to the land of the elective chief. This purely judge-made law was followed in the settlement of Ulster with far too little regard to the actual state of things there.<sup>55</sup>

## **The tribal system**

### **Backward state of the natives**

Without going into the technicalities of Celtic tenure it may be assumed for historical purposes that the Ulster Irish consisted of the free tribesmen who had a share in the ownership of the soil and the mixed multitude of broken men who were not only tolerated but welcomed by the great chiefs, but who were not joint proprietors though they might till the land of others. A large

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<sup>55</sup> *Le Case de Gavelkind*, 3 Jac., and *Le Case de Tanistry*, 5 Jac., in Davies' reports, 1628.

part of the inferior class consisted of the nomad herdsmen called *creaghts*, who were an abomination to the English. There was always much more land than could be cultivated in a civilised way, and the cattle wandered about, their drivers living in huts and sheds till the grass was eaten down, and, then removing to a similar shelter in another place. One main object was to turn these nomads into stationary husbandmen, and it was not at all easy to do. Still more troublesome were the ‘swordsmen’ – that is, the men of free blood whose business had always been fighting and who would never work. They formed the retinue of Tyrone and the rest, and when the chiefs were gone they had nothing to do but to plunder or to live at the expense of their more industrious but less noble neighbours. ‘Many natives,’ says Chichester, ‘have answered that it is hard for them to alter their cause of living by herds of cattle and creaghting; and as to building castles or strong bawns it is for them impossible. None of them (the Neales and such principal names excepted) affect above a ballybetoe, and most of them will be content with two or three balliboes; and for the others, he knows whole counties will not content the meanest of them, albeit they have but now their mantle and a sword.’ Some of these men owned land with or without such title as the law acknowledged. The radical mistake of the English lawyers was in ignoring the primary fact that land belonged to the tribe and not to the individual. It is true that the idea of private property was extending among the Irish, and that the hereditary principle tended to become stronger, but

the state of affairs was at best transitional, and the decision in the case of gavelkind went far in advance of the custom. Yet it might possibly have been accepted if Chichester's original idea had been followed. He wished first to distribute among the Irish as much land as they could cultivate, and to plant colonists on the remainder. What really happened was that everything was done to attract the undertakers, and as the rule of plantation allowed no Irish tenants to have leases under them the natives who remained were reduced to an altogether inferior position. The servitors were allowed to give leases to the Irish, whom they might keep in order by their reputation and by the possession of strong houses. But the amount of land assigned for this purpose was inadequate, and the Irish tenants, who for the most part were not given to regular agriculture, soon found themselves poor and without much hope of bettering their condition. Very light ploughs attached to the tails of ponies were not instruments by which the wilderness could be made to blossom like the rose. This system of ploughing certainly shows a low condition of agriculture, and it was general wherever estates were allotted to native gentlemen. 'Tirlagh O'Neale,' says Pynnar, 'hath 4,000 acres in Tyrone. Upon this he hath made a piece of a bawn which is five feet high and hath been so a long time. He hath made no estates to his tenants, and all of them do plough after the Irish manner.' Mulmory Oge O'Reilly had 3,000 acres in Cavan, lived in an old castle with a bawn of sods, and 'hath made no estates to any of his tenants, and they do all plough by the

tail.' Brian Maguire, who had 2,500 acres in Fermanagh, lived in a good stone house and gave leases to some of his tenants, but even they held to the Irish manner of ploughing. A good many of the undertakers made no attempt to build, and of course the lands were in the occupation of Irishmen who were liable to be disturbed at any moment, and therefore very unlikely to improve.<sup>56</sup>

## **First schemes of settlement**

The injustice of confiscating several counties for the default of certain chiefs is obvious to us, even if we admit that their forfeiture was just. But no Englishman at the time, not even Bacon, seems to have had any misgivings. The packet in which the flight of the Earls was announced contained a letter from Sir Geoffrey Fenton to Salisbury with the first rough sketch of the Ulster settlement. The old secretary pointed out that the opportunity had at last come for pulling down the proud houses of O'Neill and O'Donnell, for vesting all in the Crown, and for improving the revenue, 'besides that many well-deserving servitors may be recompensed in the distribution, a matter to be taken to heart, for that it reaches somewhat to his Majesty's

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<sup>56</sup> A Ballyboe varied from sixty to 120 acres, and a Ballybetagh was about 1,000. An introduction to the very large and complicated question of Celtic tenures may be had through Maine's *Early History of Institutions* and Joyce's *Social History of Ancient Ireland*, 1903.

conscience and honour to see these poor servitors relieved, whom time and the wars have spent even unto their later years, and now, by this commodity, may be stayed and comforted without charge to his Majesty.’ A few days later Chichester wrote more in detail. His idea was to divide the land among the inhabitants as far as they were able to cultivate it. After that there would be plenty left for colonists, and to reward those who had served the King in Ireland. This was the course he advised; otherwise he saw nothing for it but to transplant all the people of Tyrone, Donegal, and Fermanagh with their cattle into waste districts, ‘leaving only such people behind as will dwell under the protection of the garrisons and forts,’ which were to be strengthened and multiplied. Sir Oliver St. John advised some garrisons and corporations, but relied rather upon making the Irish tenants of the Crown at high rents. The Irish, he said, were more used to esteem a landlord whom they knew than a king of whom they seldom heard. Make the King their landlord and they will turn to him, neglecting ‘their wonted tyrants whom naturally they love not.’ Salisbury had already turned his attention to the subject, and the Privy Council in England lost no time in expressing their general approval of Chichester’s plan.<sup>57</sup>

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<sup>57</sup> Fenton to Salisbury, September 9, 1607; Chichester to same, September 17; St. John to same, October 9; Salisbury to Chichester and Privy Council to same, September 27.

## Bacon on colonisation

Bacon's attention was much drawn to Ireland at this critical time, and Chichester's secretary, Henry Perse, kept him well informed. Davies wrote to him at length about the flight of the Earls, and he saw that the opportunity had come for making a fresh start. 'I see manifestly,' he told Davies, 'the beginning of better or worse.' It may therefore be assumed that he had some hand in the proceedings that followed. Both he and Chichester were naturally thinking of the scheme of American colonisation which had just so nearly failed, and were anxious that the mistakes made should not be repeated. 'I had rather labour with my hands,' said the Lord Deputy, 'in the plantation of Ulster than dance or play in that of Virginia.' The American enterprise, said the Lord Chancellor, 'differs as much from this, as Amadis de Gaul differs from Cæsar's Commentaries.' Bacon warned the Government against sending over needy broken-down gentlemen as settlers. Men of capital were to be preferred, such as were fit to 'purchase dry reversions after lives or years, or to put out money upon long returns.' They might not go themselves, but they would send younger sons and cousins to advance them, while retaining the property 'for the sweetness of the expectation of a great bargain in the end.' He thought enough was not done to encourage the growth of towns and fortified posts, and yet the example of the Munster failure was ready to hand as to 'the

danger of any attempts of kernes and swordsmen.’ The wisdom of this advice was seen in 1641, when Londonderry alone stood out in all the planted counties. Bacon discouraged facilities for making under-tenancies, for the excluded natives would offer tempting rents and fines, the interest of the grantee waning when he parted with actual possession. Here also the advice was good. The undertakers took Irish tenants, in spite of the rules, because they could get no others, and these tenants turned against them when the day of trial came.<sup>58</sup>

### **Scots in Ulster. Bishop Montgomery**

The Scottish element in the north of Ireland has played an important part in history. One of James’s first acts was to nominate Denis Campbell, who had long been Dean of Limerick, to the sees of Derry, Raphoe, and Clogher. Campbell died before consecration, and George Montgomery was appointed instead. Montgomery was of the family of Braidstane in Ayrshire, an offshoot of the House of Eglinton, who found his way to the English Court and made himself useful both to Cecil and to the King of Scots. His elder brother Hugh remained in Scotland and retailed the news to his own sovereign. George received the living of Chedzoy in Somerset, and the deanery of Norwich,

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<sup>58</sup> Chichester to Salisbury, October 2, 1605; to the King, October 31, 1610. Bacon to Davies, October 23, 1607, in Spedding’s *Life*, iv. 5, and his ‘Considerations touching the plantation of Ireland, presented to the King’ on January 1, 1608-9, *ib.* pp. 123-125.

and through life he showed a remarkable aptitude for holding several preferments together. Queen Elizabeth died, and the laird of Braidstane took part in the great Scotch invasion. Having lodged himself at Westminster, says the family historian, 'he met at Court with the said George (his only then living brother), who had with long expectations waited for those happy days. They enjoyed one the other's most loving companies, and meditating of bettering and advancing their peculiar stations. Foreseeing that Ireland must be the stage to act upon, it being unsettled, and many forfeited lands thereon altogether wasted, they concluded to push for fortunes in that kingdom.' The laird accordingly devoted himself to acquiring an estate and a peerage in Down at the expense of the O'Neills, and the parson to enriching the Church and himself in other parts of Ulster.<sup>59</sup>

### **A lady colonist**

The idea that high Irish preferment involved corresponding duties seems to have been very imperfectly understood at this time. Mrs. Montgomery, writing from Chedzoy, informed her relations that the King had bestowed on her husband three Irish bishoprics, 'the names of them I cannot remember, they are so strange, except one which is Derye.' Fifteen months later, on the eve of their departure from London, she reported that the King

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<sup>59</sup> Hill's *Montgomery MSS.*, p. 19.

had dismissed the Bishop with many gracious words. 'I hope we shall not long stay in Ireland, but once he must needs go.' They were met and escorted into Derry 'by a gallant company of captains and aldermen,' and found it a much nicer place than they expected. Their house was English built, small but very pretty and capable of enlargement if Sister Peggy and her husband would come over. There were several ladies and gentlemen 'as bravely apparelled as in England. The most that we do mislike is that the Irish do often trouble our house, and many times they doth lend to us a louse, which makes me many times remember my daughter Jane, which told me that if I went into Ireland I should be full of lice.' Excellent flax was to be bought at sixpence a pound, and thread at one shilling, the land was good, and the tenants were continually bringing in beeves and muttuns. This lady, who thought only of a short visit, was destined to have some very disagreeable adventures and to remain in Ireland till her death, when her husband wrote of 'the best gift I ever received, the greatest loss I ever had in this world.'<sup>60</sup>

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<sup>60</sup> Letters of Mrs. Susan Montgomery (*née* Stayning) in Part III. of *Trevelyan Papers* (Camden Society), May 20, 1605; August 21, 1606; October 8, 1606 (from Derry). Bishop Montgomery's letter of February 16, 1614, *ib.*

## **Episcopal property**

### **A jury of Celtic experts**

Montgomery was at once admitted by the King's special order to the Irish Council, and events soon showed that he enjoyed a good share of royal favour. Chichester was directed to inquire by commission as to the state of ecclesiastical property in his three dioceses. The King's letter set forth that Church lands had long been usurped by temporal lords, and until the legal tangle could be cleared no grants of Termon or abbey lands were to be made in Monaghan and Fermanagh. Davies, who at first accepted the Bishop's claim without question, took enormous pains to understand the real nature of these Termon lands, and he seems to have come near the truth. Montgomery claimed that they were rightly the absolute property of the Church, while Tyrone and the other Irish chiefs maintained that only rents were payable, the tribal ownership with fixity of tenure belonging to the Erenachs, who had for ages been in actual possession. Thus old Miler Magrath, who had jobbed Church property so shamelessly, held Termon-Magrath, which included St. Patrick Purgatory, in succession to his father. Davies felt that his law was at fault, and after long controversies hit upon the plan of

swearing in a jury of clerks or scholars to find the facts, ‘who gave them more light than ever they had before touching the original and estate of Erenachs and Termon lands.’ Of these fifteen jurors thirteen spoke Latin fluently. Their verdict was hostile to Montgomery, who contended that the Termons were episcopal demesne lands; but James, on his principle of ‘no bishop, no king,’ having asserted his claim to the forfeited property, made it all over to the Church. This was after the flight of Tyrone, but Montgomery’s proceedings may have been one cause of it. He claimed that his patent gave him everything that he or his predecessors had enjoyed, but others were for construing it strictly, and there were many suits against him upon colour of terming divers parcels of his inheritance to be monasteries, friaries, and of abbey land, and the Bishops of Clogher and Derry, where their predecessors had only chief rent, would now have the land itself. And he besought the King to stop such mean courses and make them rest content with what their predecessors had enjoyed for many years.<sup>61</sup>

## Church and Crown

Chichester’s expedition into the North in the summer of 1608

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<sup>61</sup> The King to Chichester, May 2, 1606; Bishop Montgomery to Salisbury, July 1, 1607; Chichester to Salisbury, January 26, 1607; Tyrone’s petition calendared at 1606 No. 89 with the references there; Davies to Salisbury, August 28, 1609; Todd’s *St. Patrick*, p. 160. The speculations of Ussher and Ware on this subject are obsolete.

was a military promenade and an assize circuit combined, an inquiry about the escheated lands being added to the normal business. The commission included no bishop, and Montgomery, who was present during part of the circuit, made this a reason for objecting to anything being done. Davies and Ridgeway found that the Termon lands were in ‘possession of certain scholars called Erenachs, and whereof they were in ancient times true owners and proprietors, the Tyrone jury found to be vested in the Crown by the statute 11th of Elizabeth, whereby Shane O’Neill was attainted, and never since diverted by any grant from the late Queen or his Majesty.’ Montgomery claimed the Termons as demesne, and hurried over to Court with his grievance, carrying a recommendation from Chichester for the bishopric of Meath, which fell vacant at the moment. Davies took care that all the Ulster bishops should be of the next commission, but Chichester ventured to hint that Montgomery affected worldly cares too much and thought too little of reforming his clergy.<sup>62</sup>

### **Chichester’s original plan**

On October 14, 1608, Ley and Davies left Ireland, carrying with them Chichester’s instructions as to the plantation of Ulster. He briefly described the position of Tyrone, Fermanagh, Donegal, Cavan, Armagh, and Coleraine or Londonderry,

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<sup>62</sup> Davies to Salisbury, August 5, 1608.

desiring them to note 'that many of the natives in each county claim freehold in the lands they possess; and albeit their demands are not justifiable by law, yet it is hard and almost impossible to displant them.' Even those who were tainted by rebellion should be considered, and only 'the rest of the land' passed to undertakers or to well-chosen servitors. The oath of supremacy was to be taken by all settlers, but some exceptions might be allowed in the case of natives who were to build houses like those in the Pale. The English and Scotch settlers were to build castles, thus securing themselves against native aggression, and the poorer officers were to be placed in the most dangerous places with small salaries to enable them to keep armed men. The natives, as less outlay was demanded from them, were required, and would be willing, to pay more rent than the settlers. The committee appointed to make arrangements in London consisted of Ley and Davies, Sir Anthony St. Leger, Sir Henry Docwra, Sir Oliver St. John, and Sir James Fullerton, with whom Bishop Montgomery was afterwards associated. They all had experience of Ulster except St. Leger, who was Master of the Rolls in Ireland, and had been a commissioner of the Munster settlement, and Fullerton, who was doubtless expected to look after the Scotch element in the business. Chichester thought it necessary to warn Salisbury about his Majesty's partiality for his original subjects, being of opinion that Highlanders or Islemen introduced into Ulster would be more troublesome and less profitable than the Irish themselves. In about two months the

London committee had got so far as to produce a detailed plan for the settlement of Tyrone, and a copy of this was sent to the Lord Deputy.<sup>63</sup>

## **British settlers invited over**

At the beginning of 1609 the English Government printed and circulated a sort of prospectus, whereby settlers might be induced to offer themselves. Scotch and English undertakers were invited for tracts of a thousand, fifteen hundred, and two thousand acres, paying quit-rents to the Crown at the rate of six shillings and eightpence for every sixty acres, but rent-free for the first two years. It was intended that the largest grantees should hold by knight-service, but this burdensome tenure was afterwards abandoned at Chichester's earnest prayer and common socage was everywhere substituted. The undertakers, whose portions were to be assigned by lot, were to build castles and bawns or courtyards within two years, and to have access to the royal forests for materials, being bound to keep, train and arm men enough for their defence. Chichester said that two years was not long enough to allow for the buildings, and the time was afterwards extended. Every undertaker was to take the oath of supremacy before his patent could be sealed; none might alienate

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<sup>63</sup> Instructions to Ley and Davies, October 14, 1608; Chichester to the King, October 15, and to Salisbury, October 18; Project of the Committee for the plantation of Tyrone, December 20.

to the Irish. They were to provide English or Scotch tenants only, and were tied to five years personal residence. Tenancies at will were prohibited. The servitors, generally men with some military experience, were allowed to have Irish tenants, in which case they were to pay 8*l.* for every thousand acres; but where they established British tenants this was reduced to 5*l.* 6*s.* 8*d.* Alienations to the Irish were forbidden, or to any one who would not take the oath of supremacy, the privileges and duties of the servitors being for the rest much the same as in the first case. The native Irish who formed the third class of grantees were subject, after the first year, to quit-rents twice as large as the undertakers, being subject to the same conditions as to tenures and building, but nothing was said about the oath of supremacy. Chichester knew that the natives could not as a rule build castles or bawns, and this part of the plan turned out to be unworkable. He protested from first to last that too little land was reserved to the Irish. There were further provisoes for erecting market towns and corporations, for at least one free school in every county and for a convenient number of parish churches with incumbents supported by tithes.<sup>64</sup>

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<sup>64</sup> 'Orders and Conditions of Plantation,' printed in Harris's *Hibernica*, p. 63, and in Hill's *Plantation in Ulster*, p. 78. Project for the Plantation in *Carew*, dated January 23, 1608, but evidently belonging to 1608-9; it does for the other escheated counties what was done for Tyrone only in the MS. dated December 20, 1608.

## Chichester's criticisms

All schemes of colonisation devised at a distance must necessarily be modified when the actual work begins. Chichester at once objected to the principle of division 'in the arithmetical proportion or popular equality' proposed. The grants should, he thought, be larger or smaller according to local circumstances, and to the qualifications of particular settlers. A few eminent persons with means and reputation might, if liberally treated, act as protectors to weaker men who would be exposed to attacks from the natives. People coming from the same part of Britain should be encouraged to settle near together, and this could not be done if everything was left to the chances of a lottery. Moses indeed was the wisest of law-givers, but 'the Hebrews were mighty in number and rich in substance; compelled into the land of promise by divine necessity, to extinguish the nations and to possess their vineyards, cities, and towns already built, where, and not elsewhere, they and their posterities were to remain. But in the present plantation they have no armies on foot, they are but a few, without means of plantation (as being separated by sea) and every man having free will to take or leave. The country to be inhabited has no sign of plantation, and yet is full of people and subject, but of no faith nor truth in conversation, and yet hardly, or not at all, to be removed, though they be thorns in the side of the English. The county of Tyrone, with Coleraine, only has

5,000 able men.’

## **The natives neglected**

He objected altogether to tenure by knight-service, and that idea was abandoned, and also to a strict limitation of time for building without considering local difficulties. It was evident to him that too little land was assigned to native freeholders, especially in Tyrone, the result of which must be discontent, especially as it was intended to remove the ‘swordsmen or idle gentlemen who in effect are the greatest part of men bearing credit and sway in that province.’ And Chichester begged that the greatest possible latitude should be given to the commissioners who had to decide questions upon the spot.<sup>65</sup>

## **Survey of escheated lands**

Sir John Davies returned to Ireland at the beginning of May 1609, in full possession of the King’s mind on the subject of the plantation. A commission was issued to Chichester and fifteen others, named for the most part by him, to survey the escheated counties and to decide as to the proportions to be allotted to the settlers and natives. In order to meet difficulties about the rights of his see raised by Bishop Montgomery, he was

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<sup>65</sup> Chichester to the Privy Council, March 10, 1609, and to Davies, March 31.

made a commissioner along with the Primate and the Bishop of Kilmore. Davies thought seventeen too many, but the quorum was five, and nothing was to be done without the consent of the Deputy, the Chancellor, the Primate and the Bishop of Derry. The commissioners left Dundalk on August 3 and remained in Ulster until Michaelmas. Besides the business of surveying they prepared an abstract of the King's title and held assizes for gaol delivery and other purposes in each of the six escheated counties. Davies constantly reported progress to Salisbury, not failing to point out that it was still necessary to take military precautions everywhere. 'Our geographers,' he said, 'do not forget what entertainment the Irish of Tyrconnel gave to a map-maker about the end of the late great rebellion; for one Barkeley being appointed by the late Earl of Devonshire to draw a true and perfect map of the north parts of Ulster, when he came into Tyrconnel, the inhabitants took off his head, because they would not have their country discovered.'<sup>66</sup>

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<sup>66</sup> The Commission is calendared at July 19, 1609, and printed in Harris's *Hibernica*, and by Hill. Davies to Salisbury, August 28, 1609.

## **The area underestimated**

### **Lord Audley's proposals**

The Commissioners depended on a survey in which the amount of land available was enormously underrated, even if we suppose that all the waste was omitted. Thus the area of Tyrone was stated as 98,187 acres, whereas it really contains 806,650, of which more than a quarter is waste and water. Well informed people no doubt suspected something of this, and hoped in the scramble to get much more than the estimated quantity. One ambitious undertaker accordingly offered to take charge of 100,000 acres in Tyrone, which was more than the whole county was supposed to contain. Upon this he proposed to bind himself in a penalty of 1,000*l.* to build thirty-three castles with 600 acres attached to each, and as many towns each with 2,400, and to settle at least 1,000 families. There were further provisions for markets and fairs, and for the erection of glass, iron, and dye works. The rent offered was 553*l.* and all was to be completed within five years, when this bond might be cancelled. Upon this Chichester sarcastically remarks that he is 'an ancient nobleman and apt to undertake much; but his manner of life in Munster and the small cost he has bestowed to make his house fit for him,

or any room within the same, does not promise the building of substantial castles or a convenient plantation in Ulster. Besides which he is near to himself and loves not hospitality. Such an one will be unwelcome to that people and will soon make himself contemptible, and if the natives be not better provided for than I have yet heard of they will kindle many a fire in his buildings before they be half finished.' Davies, however, who had married Lord Audley's daughter, was much comforted to hear that one whose ancestors had conquered North Wales and had been among the first invaders of Ireland should desire to be an undertaker 'in so large and frank a manner.' Possibly Lord Audley's intention resembled that of a speculator who applies for 10,000*l.* worth of stock on the chance of 500*l.* being allotted to him. In consideration of his services at Kinsale and elsewhere, 3,000 acres in Tyrone were granted to him and his wife, 2,000 to his eldest son Mervyn, and 2,000 to his second son Ferdinand. When Carew visited these lands in 1611 he reported that nothing at all had been done. Audley was created Earl of Castlehaven in 1616, and died in the following year, but his infamous successor was not more active. Pynnar reported in 1619 that the acreage was considerably larger than had been expressed in the grant, and that upon it there was 'no building at all, either of bawn or castle, neither freeholders.' There were a few British tenants at will, but they were fast leaving the land, for the tenants could not get leases without offering large fines for decreased holdings. The younger Castlehaven had by some means got possession of

2,000 acres more originally granted to Sir Edward Blunt, and upon this a house had been built. The total result was that sixty-four British tenants had sixty acres apiece, but they could lay out nothing without leases, and were all going away. The rest, says Pynnar, 'is let to twenty Irish gentlemen, as appeareth by the Rent-roll, which is contrary to the articles of plantation; and these Irish gentlemen have under them, as I was informed by the tenants and gentlemen in the country, about 3,000 souls of all sorts.' Thus were sown the dragon's teeth which in due time produced the rebellion of 1641.<sup>67</sup>

## **Londonderry and Coleraine**

The fate of Randolph's and Docwra's settlements, or perhaps the fear that O'Cahan might yet be restored, prevented applications for grants in the county of Coleraine or what is now known as Londonderry. It occurred to James or to Salisbury that the difficulty could be got over by offering the whole district to the city of London, whose wealth might enable them to settle and defend it. The suggestion was made to the Lord Mayor, who on July 1, 1609, directed each of the City companies to name four representatives for the discussion of the subject. In addition to the published papers a special document was communicated to

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<sup>67</sup> The 'Project,' dated January 23, 1608-9, is printed in *Carew*, vi. 13, in Harris's *Hibernica*, 53, and in Hill's *Plantation of Ulster*, 90. The passages concerning Lord Audley and his family are collected by Hill.

the City in which the advantages of the settlement were duly set forth. Derry might be made impregnable, and probably Coleraine also, and charters with great privileges were offered for each. The negotiations which followed were not conducted by the Irish Government, but between the Privy Council and the City direct. On January 28, 1610, articles were agreed upon by which the Corporation bound themselves to lay out 20,000*l.* and to build within two years 200 houses at Derry and 100 at Coleraine, sites being provided for 300 more in the one case and for 200 in the other. Afterwards they were allowed to finish building at Coleraine before beginning at Derry, conditional on their making the fortifications there defensible before the winter of 1611. The whole county, with trifling exceptions, was granted to the City in socage, and they had the ecclesiastical patronage within the two new towns and the fisheries of the Foyle and the Bann. It was not intended that there should be any delay in setting to work, and the Londoners undertook to build sixty houses at Derry and forty at Coleraine before November. On the other hand the King covenanted to protect them until they were strong enough to protect themselves, and to give his consent to such legislation as might be found necessary. Formal charters were not, however, granted until 1613.<sup>68</sup>

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<sup>68</sup> The negotiations are detailed in Hill's *Plantation*. Instructions to Sir John Bouchier, May 1611.

## Sir Thomas Phillips

After O'Dogherty's sack some of the burned-out houses at Derry were made habitable by Captain John Vaughan, and cabins were also built among the ruins, so that the Londoners had some shelter. At Coleraine they were better off. A lease of which there were still some years to run had been granted to Captain, afterwards Sir Thomas, Phillips of the Dominican monastery there, and he had bought other land in the neighbourhood. Phillips had learned the art of war abroad, and quickly fulfilled Chichester's prophecy that it would be safer in his hands than 'left to the use of priests and friars, who to this time have ever enjoyed it.' When O'Dogherty broke out, Phillips had only thirty-two soldiers available, but many fled to him from Derry, and he armed the men as they came in so that no attack was made by the Irish. When the settlement of the Londoners was first mooted, Sir Thomas gave all the help he could. He was bound to give up Coleraine to the King if required for a garrison or corporate town, but received a grant of Limavady in exchange for his other possessions. He went over to England with a strong recommendation from Chichester, and enlarged there upon the profits to be expected by the Londoners. When the agents of the City arrived in Ulster he accompanied them in their tour and gave all the help he could. 'At Toome,' he says, 'I caused some ore to be sent for of which the smith made iron before their faces,

and of the iron made steel in less than one hour. Mr. Broad, one of the agents for the City, who has skill in such things, says that this poor smith has better satisfied him than Germans and others that presume much of their skill.' He showed the agents the woods and fisheries. With the exception of Phillips's lands and those belonging to the Church all the country outside the liberties of the two corporations was divided among the twelve City companies.<sup>69</sup>

## **Slow progress of the work**

### **Activity of the Londoners**

Towards the close of 1610 it became evident that the settlement of Ulster could not be completed for some time. It was scarcely, Chichester said, 'a work for private men who expect a present profit, or to be performed without blows or opposition.' Jesuits and friars were busy in exciting the people and inducing them to expect Tyrone's return, and they always found means to communicate with the fugitives abroad. A still greater cause

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<sup>69</sup> Chichester to Cecil, June 8, 1604; Phillips to Salisbury, May 10, 1608, September 24, 1609; Chichester to Salisbury, April 7, 1609. A tolerable understanding of the Ulster settlement generally, and of the Londoners in particular, may be arrived at through Hill's *Plantation in Ulster*, 1877, and J. C. Beresford's *Concise View of the Irish Society*, 1842.

for discontent was the way in which the land had been divided. Chichester 'conceived that one-half of each county would have been left assigned to natives; but now they have but one barony in a county and in some counties less.' He had protested against this all along, but with little effect. The Irish, Davies said, objected to be small freeholders, as they would be obliged to serve on juries and spend double the value of their land at sessions and assizes. They all preferred to be under a master, and they did not much care what master provided he were on the spot with will and power to protect them. They would live contentedly enough as tenants under any one, even a Protestant bishop, 'as young pheasants do under the wings of a home-hen though she be not their natural mother.' But when the time came the natives found that half a loaf was better than no bread, and accepted the lands allotted to them. The Londoners, having more capital and better support than the other undertakers, had got to work the quickest, and the Attorney-General was so struck by the preparations at Coleraine, that he was reminded of 'Dido's colony building of Carthage,' and quoted Virgil's description of the scene. Four months later he reported that undertakers were coming over by every passage, 'so that by the end of summer the wilderness of Ulster will have a more civil form.' Barnaby Rich, who had written many books about the country, was even more optimistic. Being asked sixteen times in one week what he thought of the new plantation, he answered that Ireland was now as safe as Cheapside: 'the rebels shall never more stand out hereafter, as

they have done in times past.<sup>70</sup>

## English and Scots compared

Chichester was a good deal less sanguine than Davies both as to present and future. The English undertakers were with few exceptions not quite of the right kind. They were plain country gentlemen not apparently possessed of much money, and not very willing to lay out what they had. Many sought only for present advantage, and sold their claims to anyone who would buy. The Scotch were perhaps poorer, but they came with more followers and persuaded the natives to work for them by promising to get the King's leave for them to remain as tenants. The Irish were ready to do anything to avoid 'removing from the place of their birth and education, hoping at one time or other to find an opportunity to cut their landlords' throats; for they hate the Scottish deadly, and out of their malice towards them they begin to affect the English better than they have been accustomed.' In the meantime they provided concealed arms. Three years later it was found that the Scotch were very much inclined to marry Irish girls, for which reproof and punishment were prescribed by the King lest the whole settlement should

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<sup>70</sup> Davies to Salisbury, September 24, 1610. A more elaborate version, intended probably for private circulation, is printed from a Harleian MS. in *Davies' Tracts* and dated November 8. Same to same, January 21, 1610-11. B. Rich's *New Description of Ireland*, London, 1610, dedicated to Salisbury.

degenerate into an Irish country. The best chance, Chichester thought, was to induce as many old tried officers as possible to settle upon the land. The natives had learned to obey them, and they knew what could and what could not be done. There was, however, a tendency in high quarters to provide for young Scotch gentlemen, and to neglect ‘ancienter captains and of far better worth and desert’ who knew the country well. Sir Oliver Lambert was sent over to represent the case of the veterans, not as the best orator but because he had ‘long travelled and bled in the business when it was at the worst, and had seen many alterations since he first came into the land.’<sup>71</sup>

## Mission of Carew, 1611

James was puzzled by conflicting accounts, and reminded Chichester that he had followed his guidance more closely than any king had ever followed any governor. In order that he might have someone thoroughly informed to apply to he sent over a special commissioner, who was to view the plantation as far as it had got and advise generally as to how the Irish Government might be made financially self-supporting. The person chosen was the famous ex-president of Munster, now Lord Carew, who as Vice-Chamberlain of the Queen’s household would always be at hand. Special letters were at the same time sent to Clanricarde

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<sup>71</sup> Chichester to Salisbury, November 1610 (No. 915 in *Cal.*); the King to Lord Chichester, June 5, 1614.

and Thomond, who were personal friends of Carew's. The King seems to have been struck by Chichester's often reiterated opinion that sufficient provision had not been made for the natives in the escheated counties, and he directed Chichester and Carew to find out 'how his Majesty may without breach of justice make use of the notorious omissions and forfeitures made by the undertakers of Munster, for supply of some such portion of land as may be necessary for transplanting the natives of Ulster.'<sup>72</sup>

### **His prophecy,**

Carew left Dublin on July 30 accompanied by Chichester, Ridgeway, Wingfield, and Lambert. For three weeks there was unceasing rain, and Carew was near being drowned in fording a flooded river. The commissioners found large numbers of Irish still upon lands from which they ought to have departed according to the theory of the plantation, and at Ballyshannon they addressed a warrant to the sheriff of each escheated county to remove them all by May 1 next. The work was, however, being imperfectly done, and Carew's real opinions may best be gathered from a paper drawn up by him three years later. Formerly, he said, there was always a strong royalist party among the older population of Ireland, but religious feeling had brought

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<sup>72</sup> Chichester to the King and to Northampton, October 31, 1610; Davies to Salisbury, September 24. The instructions to Carew with the King's letter to Chichester, Clanricarde, and Thomond are all in *Carew*, June 24, 1611.

the old English and the native Irish much nearer together. Many had learned something of war abroad, and something also of policy, and they would have the advantage of giving the first blow. They would ‘rebel under the veil of religion and liberty, than which nothing is esteemed so precious in the hearts of men,’ and even the inhabitants of the Pale would be drawn in for the first time in history. ‘For this cause, *in odium tertii*, the slaughters and rivers of blood shed between them is forgotten and the intrusions made by themselves or their ancestors on either part for title of land is remitted.’

**which was fulfilled**

### **A settler’s precautions**

Tyrone’s return was still looked for, and if that were unlikely on account of his age, there was always the chance of a foreign invasion. If the King of Spain sent 10,000 men into Ireland ‘armed with the Pope’s indulgences and excommunications,’ all the modern English and Scotch would be instantly massacred in their houses, ‘which is not difficult to execute in a moment by reason they are dispersed, and the natives’ swords will be in their throats in every part of the realm like the Sicilian Vespers, before the cloud of mischief shall disappear.’ The reconquest

would be a Herculean labour. Citadels at Waterford, Cork, and some other places, and a small standing army always ready to move were the chief precautions to be taken. Carew was a true prophet, though the crisis did not come in his lifetime. Officers from the Netherlands, indulgences and excommunications, with occasional supplies of arms and ammunition, but without the 10,000 men of Spain, were enough to maintain a ten years' war, and the labour of ending it was indeed Herculean.<sup>73</sup>

Chichester's long experience as governor of Carrickfergus before he assumed the government, had not led him to think the Ulster Irish irreclaimable. By giving them as much land as they could manage properly, along with the example of better farmers from England and Scotland, he hoped to make them into tolerably peaceful subjects. The undertakers, however, were of course chiefly actuated by considerations of profit, and at first regarded the natives as a mere hindrance, though afterwards they learned to value their help and sometimes to be on very good terms with them. Among the first adventurers was Thomas Blenerhasset, of Horseford, in Norfolk, who was more or less joined in the enterprise with several other East Anglians. He has left us an account of how the thing struck him in 1610, and he was from the first of opinion that the main point was to guard against 'the cruel wood-kerne, the devouring wolf, and other suspicious Irish.' He had been with Chichester at Lifford,

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<sup>73</sup> Diary of Lord Carew's journey in 1611 in *Carew*, No. 126; *ib.* No. 156; Carew to Salisbury, September 6, 1611.

and learned among other things that Sir Toby Caulfield, who was not at all an unpopular man, had to drive in his cattle every night, 'and do he and his what they can, the wolf and the woodkerne, within caliver shot of his fort, have often times a share.' At first he had agreed with Bacon that isolated castles could not be maintained so as to guard a settlement, but while modifying this idea somewhat, he still held that a strong town was the best guarantee for peace. He contemplated a state of things in which the burghers of Lifford, Omagh, Enniskillen, Dungannon, and Coleraine should frequently sally forth in bands of 100 at a time from each place, join their forces when necessary, and discover every hole, cave, and lurking place, 'and no doubt it will be a pleasant hunt and much prey will fall to the followers.' Even the wolf would be scared by these means, and 'those good fellows in trowzes' the wandering herdsmen would no longer listen to revolutionary counsels or shelter the lurking woodkerne. Blenerhasset had a grant of 1,500 acres in Fermanagh on the east side of Lough Erne. When Pynnar saw the place after eight years' work he found the undertaker's wife and family living in a good stone house with a defensible courtyard. Over 250 acres was leased to tenants for life or years, and there were a few English cottages with the beginnings of a church. It was supposed that twenty-six men were available, 'but I saw them not, for the undertakers and many of the tenants were absent.'

## **The settlers outnumbered**

In partnership with his kinsman Sir Edward, Blenerhasset had also an adjacent property of 1,000 acres which had been originally granted to John Thurston of Suffolk, and upon this Pynnar found ‘nothing at all built and all the land inhabited with Irish,’ whose names as they stood in 1629 have been preserved. Sir Edward Blenerhasset and his son Francis had another lot upon which there were twenty-two British families and no Irish, ‘but the undertaker was in England.’ The natives upon one of these three portions were no doubt more numerous than the English on the other two, and they were always there, and there is evidence to show that even where Pynnar found none there were many ten years later.<sup>74</sup>

## **Position of the natives**

If Chichester’s plan of providing for the Ulster Irish first and giving the surplus land to colonists had been carried out, there might have been some chance of a peaceful settlement. Without much capital or agricultural skill the natives would probably have remained poor, and the remnant of the chiefs would have

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<sup>74</sup> Blenerhasset’s ‘Direction for the Plantation of Ulster’, 1610, is reprinted in *Contemporary History*, i. 317.

certainly gone on trying to live in the old profuse way with diminished means; but there would have been many conservative forces at work, for most men would have had something to lose. As it was both gentlemen and kerne remained in considerable numbers, and never ceased to hope for a return to the old system. They felt themselves in an inferior position, but were never able to make a serious move until the difficulties of Charles I. with Scotland and with the English Parliament paralysed the central government. The Munster precedent ought to have given warning enough, but the means of defence possessed by the colonists were very inadequate, and the army was small. The natives had still a great numerical preponderance in Ulster, though they retained but a fraction of the land, and the colonists were not so well armed as to make up the difference. A muster taken after 1628 gives 13,092 as the total number of British men in the province, and of these only 7,336, or not much more than half, were in the escheated counties. Down, which was outside the plantation scheme, contained 4,045. The province possessed but 1,920 stand of firearms, muskets, calivers and snaphaunces, and there were not even swords or pikes for all. Any smith could make a pike, and swords were easily hidden, so that the colonists had but little advantage if regular troops are left out of the account. Lord Conway saw the necessity of protecting his property against the kerne, but the arms which he provided were stopped in Lancashire, and he had to appeal to the English Government for leave. Yet the Lord Deputy had already received strict orders to

see that the tenants of Ulster undertakers were trained, and to take care that they were not fraudulently counted in among the soldiers of paid regiments.<sup>75</sup>

## **Bodley's survey, 1615**

## **Pynnar's survey, 1618-19**

To the end of his life James continued to take a great interest in the Ulster settlement, and was impatient when slow progress was reported. Sir Josiah Bodley, who had former experience to help him, made a general survey or inspection, which was concluded early in 1615. The result was disappointing, very few having carried out their engagements to the full. Some had built without planting, others had planted without building, and in general they retained the Irish style to avoid which was a fundamental reason for the enterprise. The Londoners and other defaulters were given till the end of August 1616 to make good their shortcomings, and some advance was made in consequence of the King's threats. The survey so well known as Pynnar's followed at the end of 1618. Pynnar found that in the six counties there were 1,974 British families, including 6,215 men having

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<sup>75</sup> The Ulster muster-roll printed in *Contemp. Hist.*, i. 332 from Add. MS. 4770, mentions the Earldom of Fingal, which was not created till 1628. Directions to the Lord Deputy, 1626, No. 521. Lord Conway to the Lord Treasurer, January 4, 1628.

arms and being capable of bearing them. One hundred and twenty-six castles had been built and forty-two walled enclosures without houses. Of substantial unfortified houses Pynnar saw 1,897, and he heard of a good many more, but he thought it very doubtful whether the colony would endure. ‘My reason,’ he says, ‘is that many of the English tenants do not yet plough upon the lands, neither use husbandry.’ They had not confidence enough to provide themselves with servants or cattle, and much of the land was grazed by Irish stockholders, who contributed nothing to the general security. There might be starvation but for the Scottish tenants, who tilled a great deal. The Irish graziers were more immediately profitable than English tenants, and their competition kept up the rents. The Irish, though indispensable, were dangerous, and there were more of them on the Londoners’ lands than anywhere else. The agents indeed discouraged British settlers, persuading their employers at home that the land was bad, and so securing the higher rents which native graziers were ready to give or at least to promise. ‘Take it from me,’ said Bacon, ‘that the bane of a plantation is when the undertakers or planters make such haste to a little mechanical present profit, as disturbeth the whole frame and nobleness of the work for times to come.’<sup>76</sup>

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<sup>76</sup> The King to Chichester, March 25, 1615; Pynnar’s Survey, 1618-19, printed by Hill and in Harris’s *Hibernica*; Bacon’s speech in 1617 in Spedding’s *Life*, vi. 206.

## Fresh survey in 1622

Four years later there was yet another survey which may be taken to describe the state of the colony at the end of James I.'s reign. The commissioners, who divided the work among themselves, reported that much had been done, but that the conditions insisted on by the King had on the whole not been performed. Many of the undertakers were non-resident, their agents retained native tenants and the British settlers complained that 'the Irish were countenanced by their landlords against them.' But few freeholders were made, rents were too high, and covenants too stringent. Some promised leases informally 'which giveth such as are unconscionable power to put poor men out of their holdings when they have builded with confidence of settlement.' Much building was badly done, and instead of encouraging villages the undertakers dispersed their tenants 'in woods and coverts subject to the malice of any kerne to rob, kill, and burn them and their houses.' Copies of the conditions to which undertakers were bound could not be had, and so the humbler settlers were at their mercy and that of their agents and lawyers. The servitors were rather better than the undertakers, but their faults were of the same kind, and they also were 'so dispersed that a few kerne might easily take victuals from them by force if they gave it not willingly.' The Irish grantees as a rule built nothing, and their enclosures made with sods were

valueless. They made no estate of any kind to their tenants, but kept to the old Irish exactions, and they ploughed in the 'Irish barbarous manner by the tails of their garrons.' The commissioners recommended that the King should give new patents instead of those which deserve to be forfeited. A full fourth part of the undertaken lands should be leased for twenty-one years or lives to the Irish on condition of living in villages, going to church, wearing English clothes, ploughing in English fashion, bringing up their children to learning an industry, and enclosing at least a fourth of their cultivated land. Undertakers were to be fined if they took Irish tenants or graziers on any other terms, and alienation for any longer term was to involve forfeiture.<sup>77</sup>

## **The natives not transplanted**

Whether as tenants, graziers, or labourers, the Irish inhabitants were found indispensable. Early in 1624 their stay was officially sanctioned, pending inquiry, and in 1626 there was a further extension to May 1628, and after that for another year; but neither then nor later was the transplantation really carried out. The undertakers, or some of them, had indeed their own grievances. Having been unable to perform their covenants strictly, and being afraid of forfeiture, some of them offered to

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<sup>77</sup> Brief return of the 1822 survey in *Sloane MS.* 4756.

submit to a double rent and other penalties, in consideration of a fresh title, but this arrangement was not carried out. The result of the uncertainty was that hundreds of British families gave up the idea of settling and went away, while the Irish held on desperately whether the legal landlords liked it or not.<sup>78</sup>

## **The Londoners criticised**

### **The first school**

Sir Thomas Phillips, officially described as ‘a brave soldier all his life,’ kept O’Cahan’s castle at Limavady in good repair, with drawbridge, moat, and two tiers of cannon. His two-storied residence, slated, with garden, orchard, and dovecote, stood by, and a mile from it he had built a village of eighteen small houses. He was thus in a position to criticise both Londonderry and Coleraine, and was much disgusted at the Londoners’ proceedings. It seemed to him that they cared only for present profit, and made very little attempt to carry out the conditions of their grant. The new city was, indeed, well walled when Pynnar saw it, but the gates were incomplete and the inhabitants not nearly enough to defend so great a circuit. Phillips was employed both by St. John and Falkland to superintend the settlement, and

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<sup>78</sup> *Proclamation* of December 13, 1627, in the Irish R.O.

in the survey of 1622 he was associated with Richard Hadsor, a practised official who could speak Irish. Thomas Raven, employed as surveyor by the Londoners, evidently thought Phillips right in the main, but was shy about giving information, though anxious to do so in obedience to actual orders. The number of inhabitants in Londonderry had slightly increased, but 300 more houses would be required ere the walls could be properly manned. There were actually 109 families living in stone houses, and about twelve more in cabins, but not more than 110 armed men were available in the town, and about half that number outside. There was no church except a corner of the old monastery which had been repaired before O'Dogherty's rising, and it would not hold half the people, few as they were. Near it, however, was 'a fair free school of lime and stone, slated, with a base-court of lime and stone about it built at the charges of Matthias Springham of London, merchant, deceased.' Twelve guns were mounted on the fort at Culmore. At Coleraine the number of men was nearly as great as at Londonderry, but the walls or ramparts were of earth, not faced with stones, and subject to frequent crumblings. There was a small church with a bell. The great want at this place was a bridge, and it was thought by some that the Londoners were unwilling to supply it, because they made so much by the ferry. The estates of the twelve companies were perhaps in proportion rather better managed than those of the city of London itself, but there were the same complaints everywhere of insufficient encouragement to settlers,

of leases withheld or delayed, and of Irish tenants who would promise any rent being preferred to British colonists. Phillips thought there were about 4,000 adult males in the whole county, of whom three-fourths were Irish. Of the remaining quarter not two-thirds were capable of bearing arms effectively, and in the last year of James's reign Phillips declared his belief that the colonists were really at the mercy of the natives. The towns, such as they were, seemed 'rather baits to ill-affected persons than places of security,' and there were so many robberies and murders that fresh settlers were hardly to be expected.<sup>79</sup>

## **English, Scotch and Irish**

The original idea of the plantation was to settle English and Scotch undertakers in about equal numbers. The Scotch on the whole made the best settlers, in spite of, or possibly in consequence of, their tendency to intermarry with the Irish, and there can be no doubt that the ecclesiastical policy of James and Charles drove many Presbyterians from their own country to Ulster. The chiefs of the Hamiltons and Montgomeries might favour the official Church, but Strafford found his most determined enemies among the humbler Scots, and he seriously

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<sup>79</sup> The last volume of Russell's and Prendergast's *Calendar passim*, especially T. Raven to Phillips, June 24, 1621; Survey of the Londoners' Plantation, August 10 to October 10, 1622; Phillips's petition to the King, July 6, 1624, and his proposed remedies, September 24.

thought of banishing them all. Even under Cromwell they did not get on too well with the English, but in the long run Anglicanism and Presbyterianism combined sufficiently to give a permanently Protestant tone to the northern province. The rebellion of 1641 prevented the colonists from dividing their forces as they might otherwise have done, and the alliance held good in 1688, and even, after a very short hesitation, in 1798. By the partiality of James a very great quantity of land was given to the Church, and especially to the Bishops, most of whom did not do very much for the common defence. Of the whole land granted in the six escheated counties, little more than one-tenth was given as property to the natives; the rest of them lived chiefly as dependants on the undertakers, and without legal interest in the land which they were forced to till for a subsistence. And there were a large number whose business had been fighting, and who lived on those who worked when there was no longer any fighting to be done. Thus very few of the Ulster Irish had anything to lose by a successful revolt, and many might think they had a great deal to gain. The acreage of the grants was far less than the actual contents of the different counties, and thus there was still plenty of room for the nomad herdsmen whose descendants flocked to Owen Roe's standard.

### **Distribution of land**

From what seems to be authentic abstracts it appears that out

of a nominal total of 511,465 acres in the escheated counties rather more than two-fifths were assigned to British undertakers. Outside of the Londoners' district at least, the shares of Scotch and English grantees were about equal. Rather more than one-fifth went to the Church, including 12,300 acres for education, and rather more than one-fifth to servitors and natives combined, about 60,000 acres to patentees outside the settlement, and something over 6,000 acres to individual Irishmen of whom Connor Roe Maguire's share was the largest. To servitors and natives about an equal area was given; but the latter were many times as numerous, so that their lots were very small, often as little as forty or fifty acres. 8,536 acres were devoted to schools at Enniskillen and Mountnorris, and to sites for towns at those places, as well as at Dungannon, Rathmullen, and Virginia. Many sales, exchanges, and dispositions by will were made during the reign of James, but the proportional distribution remained about the same.<sup>80</sup>

## **Results and expectations**

The permanent effects of the Ulster settlement have been very great, though statesmen like Carew could see that there were many dangers ahead. The tone of the Court and of all who wished to please the King by prophesying smooth things may

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<sup>80</sup> Three papers among the *Carew MSS.* for 1611 calendared as Nos. 130, 131, and 132.

be gathered from the masque which Ben Jonson produced at Somerset's marriage. Four Irishmen are brought on the stage, who speak in an almost unintelligible jargon. An epilogue in verse alludes to the plantation, whereby James was to raise Ireland from barbarism and poverty, 'and in her all the fruits of blessing plant.' The letter-writer Chamberlain says many people disliked the performance, thinking it 'no time as the case stands to exasperate the nation by making it ridiculous.' And most modern readers will be of the same opinion.<sup>81</sup>

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<sup>81</sup> Nicoll's *Progresses of King James*, ii. 733, where Chamberlain's letter to Carleton is dated January 5, 1513-14.

# **CHAPTER VI CHICHESTER'S GOVERNMENT TO 1613**

## **Optimism of Sir John Davies**

### **Establishment of circuits**

In the course of a very thorough investigation Carew found that while much had been done by the settlers, much still remained to do. There were indeed many surveys and inquiries yet to come, before the outbreaks which he foresaw. He knew Ireland thoroughly, and was not to be deceived by false appearances of quiet and contentment. Davies, whose acquaintance with the island was of much later date, remained optimistic. 'When this plantation,' he wrote in 1613, 'hath taken root, and been fixed and settled but a few years ... it will secure the peace of Ireland, assure it to the Crown of England for ever; and finally make it a civil, and a rich, a mighty, and a flourishing kingdom.' He had been one of the first commissioners of assize who ever sat in Tyrone and Tyrconnel, and the justice which

he administered, 'though it was somewhat distasteful to the Irish lords, was sweet and most welcome to the common people.' Davies has left a pretty full account of some of his various circuits. He visited every part of Ireland, and as his power of observation and description were unusually great it may be as well to follow him in his journeys. General peace having been made possible, first by arms and afterwards by an Act of Oblivion, it was from the establishment of justice that the greatest good was to be expected, and it was necessary to make it visible by regular assizes held in every county. 'These progresses of the law,' Davies wrote, 'renew and confirm the conquest of Ireland every half year, and supply the defect of the King's absence in every part of the Realm; in that every judge sitting in the seat of justice, doth represent the person of the King himself.'<sup>82</sup>

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<sup>82</sup> Davies's *Discovery*, 1613. It appears, however, from his letter to Salisbury, December 1, 1603, that Chief Baron Pelham held the first assize in Donegal without his help, and before his arrival in Ireland. The contemporary letter must prevail against the treatise written ten years later.

# **Leinster Assizes, 1604**

## **King's and Queen's Counties**

### **Carlow and Wexford**

#### **Churches in ruins**

#### **Poverty of priests and people**

Davies's first assize appears to have been in Leinster in the spring of 1604. The country was on the whole quiet, and the gaols only half full of petty thieves. As for the King's and Queen's counties, the O'Mores and O'Connors had been nearly rooted out by the war: 'the English families there begin to govern the country, and such of the Irishry as remain, such as M'Coghlan, O'Molloy, O'Doyn, O'Dempsey, they seem to conform themselves to a civil life, and gave their attendance very dutifully.' Carlow and Wexford, however, were infested by a band of 100 kerne, Donnel Spaniagh Kavanagh and the

sons of Feagh MacHugh O'Byrne being at the bottom of the mischief. Pardons had always been granted so easily that the outlaws had little to fear. At Carlow it appeared that there had lately been a conference between Tyrone, Mountgarret, Phelim and Redmond MacFeagh O'Byrne and Donnel Spaniagh. There was much drinking and swords were drawn. Davies did not know the object of the meeting, but dared affirm that it was not that religion and peace might be established in this kingdom. As for religion, indeed, there would be good hope of filling the churches if they were first repaired. In fact he found them everywhere in ruins, and the State clergy were lazy and ignorant, which did more harm than could be done by the diligence of priests and Jesuits whose object was political and not religious, but only 'to serve the turn of Tyrone and the King of Spain. They would be glad to be banished by proclamation, for they that go up and down the Cross of Tipperary get nothing but bacon and oatmeal, the people are so poor.'<sup>83</sup>

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<sup>83</sup> Davies to Cecil, April 19, 1604.

# **Justice in Connaught**

## **In Ulster**

## **In Munster**

## **Assizes at Waterford**

## **At Cork, 1606**

Later in the year Davies was with Lord Clanricarde at Athlone, where he held his presidential court. Clanricarde, though he had but a weak council, not only did his business very well, but kept house in a very honourable fashion. It had been reported on both sides of the Channel that Lady Clanricarde, the daughter of Walsingham, the widow of Sidney and Essex, was not satisfied with her position, but he found her 'very well contented and every way as well served as ever he saw her in England.' Davies was in London during part of the following year. He was on circuit as commissioner of assize in Ulster before

leaving Ireland, and in the spring of 1606 after his appointment as Attorney-General he was associated with Chief Justice Walshe as circuit-judge in Munster. The arrangement was contrary to modern ideas, but no doubt it was convenient to have a judge who could draw bills of indictment himself and afterwards pronounce upon their validity. He rightly thought Munster the finest province of the four, but it had one thing in common with Ulster, and that was the readiness of the people to accept the services of the judges. The poor northern people were glad to escape from the lewd Brehons who knew no other law but the will of the chief lords, and the Munster men, though not dissatisfied with the President, felt that the local justices might have interested motives, and were 'glad to see strangers joined with them, and seemed to like the aspect of us that were planets, as well as that of their own fixed stars.' At Waterford, where they held their first sittings, the judges found very few prisoners that were not 'bastard imps of the Powers and Geraldines of the Decies.' They always had cousins on the jury, and no convictions could be had unless the evidence was absolutely clear, when threats of the Star Chamber generally produced a verdict. The 'promiscuous generation of bastards' he believed due to slack government both civil and ecclesiastical. They were considered just as good as the lawful children, and commonly shared the inheritance as well as the name. 'I may truly affirm,' he said, 'that there are more able men of the surname of the Bourkes than of any name whatsoever in Europe.' And so it was with all

the great families, whether Anglo-Norman or Celtic. To scatter and break up these clannish combinations appeared to Davies an excellent policy. The judges slept at Dungarvan and Youghal, where they saw the chief people, dined with Lord Barrymore on their way to Cork, and found the gaols there pretty full. They lectured the chief gentry upon their addiction to ‘coshery and other Irish occupations,’ in spite of the King’s proclamation.<sup>84</sup>

### **Assizes for Limerick and Clare**

At Mallow Davies stayed at Lady Norris’s house ‘by a fair river in a fruitful soil, but yet much unrepaired and bearing many marks of the late rebellion.’ From Mallow the judges went by Kilmallock through ‘a sweet and fertile country to Limerick, where the walls, buildings, and anchorage were all that could be wished; yet such is the sloth of the inhabitants that all these fair structures have nothing but sluttishness and poverty within.’ They held first the assizes for Clare, of which Lord Thomond was governor. He and Lord Bourke had provided a large house on the right bank of the Shannon, so that Limerick served as quarters for both counties. In Clare, said Davies, ‘when I beheld the appearance and fashion of the people I would I had been in Ulster again, for these are as much mere Irish as they, and in their outward form not much unlike them,’ but speaking

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<sup>84</sup> Davies to Salisbury, December 8, 1604 and May 4, 1606.

good English and understanding the proceedings well enough. He found the principal gentry civilised, but the common people behind those of Munster, though much might be hoped from Lord Thomond's example. Having delivered the gaols, the judges considered how they might cut off Maurice McGibbon Duff and Redmond Purcell, 'notorious thieves, or, as they term them, rebels,' who were allied to and protected by the White Knight and by Purcell of Loughmoe in Tipperary. Purcell was enticed into a private house and given up to the Lord President, who promptly hanged him, as well as 'many fat ones' who sheltered Maurice McGibbon, but the latter seems to have escaped for the time, though snares were laid for him on all sides.<sup>85</sup>

### **Assizes at Clonmel**

From Limerick by Cashel, 'over the most rich and delightful valley,' the judges came to Clonmel, the capital of Ormonde's palatinate, and 'more haunted with Jesuits and priests' than any place in Munster. There was evidence to show that some of them were privy to the Gunpowder Plot, and yet all the principal inhabitants refused any indulgence founded upon a promise to exclude them from their houses. A true bill for recusancy was found with some difficulty against 200 of the townsmen, and the chief of them were handed over to the Lord President 'to

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<sup>85</sup> Davies to Salisbury, May 4, 1606; Brouncker's letter of September 12, 1606.

be censured with good round fines and imprisonment.’ From Clonmel Davies went to rest on Easter Sunday at Ormonde’s house at Carrick-on-Suir. The old chief, who was blind and ill, insisted on his staying over St. George’s day, ‘when he was not able to sit up, but had his robes laid upon his bed, as the manner is.’<sup>86</sup>

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<sup>86</sup> Davies to Salisbury, May 4, 1606; Brouncker’s letter of September 12, 1606.

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