

BAGWELL RICHARD

IRELAND UNDER THE
TUDORS, WITH A
SUCCINCT ACCOUNT OF
THE EARLIER HISTORY.
VOL. 2 (OF 3)

Richard Bagwell

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with a Succinct Account of the
Earlier History. Vol. 2 (of 3)**

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Содержание

CHAPTER XIX.	5
CHAPTER XX.	18
CHAPTER XXI.	31
CHAPTER XXII.	44
CHAPTER XXIII.	52
Конец ознакомительного фрагмента.	63

Richard Bagwell

Ireland under the Tudors, with a Succinct Account of the Earlier History. Vol. 2 (of 3)

CHAPTER XIX.

FROM THE ACCESSION OF ELIZABETH TO THE YEAR 1561

Accession of Elizabeth. Joy of the Protestants

The proclamation of Anne Boleyn's daughter can hardly have caused general satisfaction in Ireland, but it was hailed with joy by Protestant officials whose prospects had been clouded during the late reign. Old Sir John Alen was soon in Dublin, whence he wrote to congratulate Cecil on his restoration to office, and to remind him of his own sufferings under Queen Mary. Thomas Alen, when reminding the new secretary of his great losses, rejoiced that God had sent light after darkness, and that he and his friends were going to have their turn. A sharp eye, he said, should be kept on Sir Oswald Massingberd, who was suspected of a design to pull down Kilmainham, lest its beauty and convenience should again attract the Lord Deputy. Massingberd should be sternly restricted to his revenue of 1,000 marks, and the great seal should be transferred to a lawyer of English birth. The prior was so far successful that Kilmainham soon afterwards ceased to be a royal residence. He probably sold the lead, and the damage being aggravated by a great storm, the commandery was not thought worth repairing, and the chief governor's abode was transferred to Dublin Castle. Sir Ralph Bagenal, formerly lieutenant of Leix and Offaly, had been dismissed for denying the Papal supremacy, and had been forced to seek refuge in France, where he lived by selling at a great sacrifice a property worth 500*l.* a year. Queen Elizabeth gave him the non-residence fines of twelve bishoprics; but there were legal obstacles, and he begged for something more substantial. Staples, the deprived Bishop of Meath, pointed out his griefs to Cecil, and thinking, no doubt, more of the Queen than of his correspondent, complained that Pole had made it a grievous article against him that he had presumed to pray for the soul of his old master. Pole probably hated Henry VIII. enough to wish his soul unprayed for, but the complaint is a very odd one from a Protestant divine.¹

The limitations of the Tyrone Patent are disputed. Shane O'Neill

Sidney, whom most men spoke well of, was confirmed in the office of Lord Justice, and had soon plenty of work in the North. The old Earl of Tyrone was sinking fast, and the horrors of a disputed succession were imminent. Henry VIII. had conferred the Earldom on Con O'Neill for life, with remainder to Matthew Ferdorogh O'Neill and his heirs male for ever. The Barony of Dungannon was at the same time conferred upon the remainder man, with a proviso that it should descend upon the heir to the Earldom. Matthew's mother was Alison Kelly, and at the time of his birth she was the wife of a smith at Dundalk. He was reputed to be Kelly's son until he was sixteen, when his mother presented him to Con as his own child. 'Being a gentleman,' said his eldest son, 'he never refused no

¹ Sir John Alen to Cecil, Dec. 16, 1558; Staples to same, Dec. 16; T. Alen to same, December 18. Harris's *Dublin*, chap. ii.

child that any woman named to be his,' and he accepted Matthew with a good grace. There was a Celtic law or doctrine that a child born in adultery should belong to its real father, but there is no evidence to show that the rule was actually binding in Ulster in the sixteenth century. Shane, the legitimate eldest son, made a plain statement to the contrary, and illustrated it by an Irish proverbial saying that a calf belongs to the owner of the cow, and not to the owner of the bull. Matthew became a good soldier, and Con was willing to have him for a successor. But as Shane grew up he learned to oppose this arrangement, and, having good abilities and boundless ambition, he was designated by a great portion of the clan as successor to the tribal sovereignty. Shane oppressed his father, and perhaps ultimately induced him to acquiesce in the popular choice; but to make all safe, he took the precaution of murdering the Baron of Dungannon, whose prowess he had reason to remember, and whom he had no wish to meet again in the field. He steadily maintained that his victim was the smith's son, and no relation; but the Irish annalists lend him no countenance, for they remark that the deed was 'unbecoming in a kinsman.' The Baron had left a young son, on whom his title devolved, and the government were bound by the patent to maintain his ultimate rights to the Earldom. It is uncertain whether Henry VIII. knew that Matthew Ferdorogh was born while his mother lived in wedlock with the smith, but probably he may be acquitted of having encouraged one of the worst Brehon doctrines.²

Strength of Shane's position

Yet Shane's case against the Government was a strong one; for it was not disputed that his father had known the facts, and he was thus able to contend that the King had been deceived, and that the limitation in the patent was void. Besides, it was asked, why was not the Earldom given in the usual way to Con and his heirs male? Whether Shane knew of the above-mentioned Brehon regulation or not, it was his interest to affect ignorance, to represent both his father and King Henry as the victims of deception, and to take his stand on strict hereditary right for the title, and on tribal election for his personal supremacy. About strict veracity he was no more scrupulous than Queen Elizabeth herself. The dilemma was complete, for English lawyers could not for very shame deny the moral claims of the legitimate heir, nor could politicians ignore those Irish captainries which the Crown had acknowledged over and over again. By Celtic usage Con had of course no power whatever to alienate or transmit the property of the tribe: in that he had only a life interest. Shane argued, moreover, that according to the law of the Pale no lands could pass by patent without an inquisition previously taken. None could be taken in Tyrone, for it was no shire. If the English law were followed, there was, therefore, no power to divert the inheritance from him as rightful heir; if the Irish law prevailed, then he threw himself on the suffrages of the tribe.³

Sidney visits Shane O'Neill

Shane O'Neill robbed his father and mother of all they possessed, and drove them into the Pale, where the unfortunate Con died early in 1559. Shane, who had recovered from his defeat by the O'Donnells, and secured himself by assassination against his most dangerous rival, claimed both the Earldom of Tyrone and the tribal sovereignty of the North. At first the Queen was strongly inclined to admit his pretensions. The patent was indeed fatal to them, but Elizabeth had an eminently practical mind, and the fact that Shane was in quiet possession weighed with her more than his legitimacy. In the absence of positive orders, Sidney did his best to maintain peace in the North. He repaired to Dundalk, and summoned Shane to attend him. The wily chief was loud in his professions of loyalty,

² *Ancient Laws and Institutes of Ireland*, vol. iii.; Preface to *Book of Aicill*, p. cxlviii.; Shane O'Neill to Queen Elizabeth, Feb. 8, 1561; Campion's History; *Four Masters*, 1558. Maine's *Early History of Institutions*, chap. ii.

³ See the arguments in *Carew*, 1560, vol. i. p. 304.

but feared possible loss of reputation among his own people, and refused to go. Having less reason to regard appearances, Sidney visited Shane in his camp, and consented to act as god-father to his son, and to enter the mysteriously sacred bond of gossiped, or compaternity. O'Neill bound himself to keep the peace until the Queen should have pronounced on his claims, and Sussex, who hated him, expressed a belief that he would not keep his promise. Sidney could obtain nothing more, and Shane's arguments were indeed such as could not easily be refuted.⁴

Sussex, Lord Deputy, 1559. His instructions

Sussex struggled hard to avoid returning to the hated Irish service, and pleaded occupations public and private. He declared, with perfect truth, that Sidney would govern Ireland much better than he could, and he was doubtless unwilling to leave the field clear to Lord Robert Dudley. But the Queen would take no denial, and he had to go. She was at this time inclined to govern Ireland in her father's cheap and rather otiose fashion, and the number of pardons granted during her first years shows that she aimed at a reputation for clemency. She understood the magnitude of the task awaiting her in Ireland, but declared herself unable to spare the necessary forces on account of the huge debt bequeathed by her sister, and of the expensive legacy of a Scotch and French war. The exchequer of Ireland had been much mismanaged, and its reform was urged on the restored governor, whose standing army was fixed at 1,500 men, 300 of them horse and 300 kerne. He was authorised to spend 1,500*l.* a month, but urged, if possible, to reduce the expense to 1,000*l.* The amount either of men or money was not to be exceeded, except under the pressure of necessity. The first duty of the new Lord Deputy and his council was to set the service of God before their eyes, and, pending a Parliamentary inquiry, all English-born officials were, at least in their own houses, to use the rites and ceremonies established in England.⁵

Arrival of Sussex. The Protestant ritual restored

Sussex landed at or near Dalkey, and on the following day rode into Dublin. He was received on St. Stephen's Green by the Mayor and Aldermen. Shaking hands with the chief magistrate, the Earl is reported to have said, 'You be all happy, my masters, in a gracious queen.' Three days later he was sworn in at Christ Church, Nicholas Darton, or Dardy, one of the vicars-choral, chanting the Litany in English before the ceremony, and the choir singing the *Te Deum* in English afterwards. Ormonde at the same time took the oath as a Privy Councillor and as Lord Treasurer of Ireland. Thus was the Protestant ritual quietly re-introduced, Sidney having been sworn with the full Roman ceremonial. The work of painting the two cathedrals, and of substituting texts of Scripture for 'pictures and popish fancies,' had begun three months before.⁶

The Queen is gracious to the Irish nobility

Many important men had hastened to offer their services and forward their petitions to the new Queen. Conspicuous among them was Richard, second Earl of Clanricarde, called *Sassanagh*, or the Englishman, of whose loyalty the Queen had a very good opinion, but who in one important respect fell short even of a Court standard of morals. The names of seven of his wives and sultanas have come down to us, and of these at least five were living at this time. He was acknowledged as captain of

⁴ There is an account of the interview in *Hooker*.

⁵ Instructions to Sussex, 1559, in Carew, pp. 279 and 284.

⁶ Mant from Loftus MS.; Ware's *Annals*.

Connaught, his Earldom was confirmed by patent, and he received other marks of favour. The Queen also lent a favourable ear to Ormonde's uncle, brother, and cousin, and to the new Earl of Desmond. Connor O'Brien, whom Sussex had established in the Earldom of Thomond, and MacCarthy More, were also well treated, and so were several of the corporate towns.⁷

Parliament of 1560. The royal supremacy restored

The first Parliament of Elizabeth met on January 12, 1560, and was dissolved on February 1. It was attended by three archbishops, seventeen bishops, and twenty-three temporal peers, including all the earls then extant in Ireland. Ten counties sent two knights each, and twenty-eight cities and boroughs were represented by two burgesses each. Ten other counties, King's and Queen's among them, are mentioned, Connaught counting as one, and Down being divided into two; but they either received no writs or made no returns, and the same may be said of the borough of Kilmallock. James Stanihurst, Recorder of Dublin and member for that city, was chosen speaker. The chief business was to establish the Queen's title, and to restore her father's and brother's ecclesiastical legislation. First-fruits were restored to the Crown, and so was the commandery of St. John. Massingberd's alienations were annulled, and, as he was suspected of secret dealings with the Irish, he was attainted unless he should surrender within forty days.

Variations from the Anglican theory

So far English legislation was closely followed, but in two important respects the Church was made more dependent on the State than in England. Royal Commissioners, or Parliament in the last resort, were to be the judges of heresy without reference to any synod or convocation, and *congés d'élire* were abolished as useless and derogatory to the prerogative. These matters having been arranged to his satisfaction, Sussex again went to England, and Sir William Fitzwilliam, who had just come over as Treasurer at War, was appointed Lord Justice in his room.⁸

The Catholics will not yield

Fitzwilliam, who was new to Ireland, at first found the Irish pretty peaceful, but admitted that the overtaxed people of the Pale were less so than they were bound in duty to be. Causes of disturbance were not long in coming. Old O'Connor escaped from Dublin Castle, and uneasiness was immediately observable in the districts where he had influence. Calvagh O'Donnell's wife, who was Argyle's half-sister, had brought over some 1,500 Scots, 'not to her husband's enrichment,' as the Lord Justice supposed, but as a plague to Shane, who had married O'Donnell's sister and ill-treated her. Shane had engaged a similar force, and all these combustibles could scarcely be stored without mischief. The priests who were beaten in England showed signs of an intention to transfer the struggle to Ireland, where they had many partisans and might create more. At all events, they were flocking across the Channel, 'not for any great learning the universities of Ireland shall show them as I guess.' The Government only was weak. There were but fifty hundredweight of lead in store, and Fitzwilliam thought he might have to strip the material for bullets from some house or church.⁹

⁷ Memorial of answers by the Queen, July 16, 1559, and Instructions to Sussex, July 17, both in *Carew*; note of the Earl of Clanricarde's wives and concubines now alive, Feb. 1559 (No. 18).

⁸ The list of this Parliament is in *Tracts relating to Ireland*, vol. ii., Appendix 2; *Printed Statutes*, 2 Elizabeth; *Collier*, vol. vi. p. 296 (ed. 1846); Ware's *Annals*; *Leland*, book iv. chap. i.

⁹ Fitzwilliam to Sussex, March 8 and 15, 1560.

Intrigues of Kildare. Lord Justice Fitzwilliam expects a general rising

Kildare, whose foreign education and connection made him more dangerous than any of his ancestors had been, was undoubtedly playing with edged tools. Desmond refused to pay cess. The two earls had met at Limerick, and would certainly join Donnell O'Brien if he landed with the expected foreign aid. There were rumours of French ships on the coast, and frequent messengers passed between Kildare, Desmond, and Shane O'Neill. Edmond Boy, a Geraldine who was usually employed on this dangerous service, warned a relation who had married an Englishman to sell all and fly the realm, for if all promises were kept, her husband would never reap that he had sown. Kildare not only kept his followers under arms, but declared that he and his friends would be slaves no longer, presided at assemblies of Irishmen, and ostentatiously heard mass in public. Of all this there was ample evidence, and in addition, Lady Tyrone had sought interviews with the Lord Justice, and sworn the interpreter to secrecy. Laying the Bible first on her own head and then on his, 'which is the surest kind of oath taken with them,' she made a very positive statement as to the alliance of her son Shane and the two Geraldine earls. The Countess indeed, Fitzwilliam told Cecil, was 'something busy-headed and largely-tongued, crafty and very malicious, no great heed to be given to her, unless some other thing might lend credit to the tale she telleth, as in this there is.' There was quite enough to cause anxiety, and the Government were almost defenceless. 'Send us over men,' the Lord Justice cried, 'that we may fight ere we die.'¹⁰

Attitude of Spain, France, and Scotland

It was still the policy of Philip II. to appear as Elizabeth's protector, anxious to save her from the consequences of her own rashness and to give her time to repent. This half contemptuous patronage was the result of mere statecraft, and the Queen gave no credit for kindness to a man who had no such element in his nature. The first sighs of the great storm had been heard in the Netherlands. With France and Scotland united, and with England crushed as Philip thought she might be, the power of Spain in Northern Europe would be endangered. The Catholic King would therefore give no help to Catholic Ireland. The Christian King could give none; nor even maintain his ground in Scotland. The French fleet had been cast away, and the Huguenots were at no pains to hide their sympathy with English and Scotch reformers. The conspiracy of Amboise showed what might be expected. Francis II. was nought, and the hatred of Catherine de' Medici for her lovely daughter-in-law paralysed the efforts of the statesmen who ruled about him. Brave and full of resource, but without help or hope, D'Oysel was shut up in Leith, the national skill of his followers making the best of rats and horseflesh while Winter's ships lay off Inchkeith, the unchallenged tyrants of the sea. Mary of Lorraine died with a Calvinist preacher by her bedside, and the power of Rome was for ever broken in Scotland. Under such circumstances no outbreak in Ireland could have a chance of success, and the plottings of the Geraldines with O'Briens and O'Neills came for the time to nothing.

Sussex made Lord-Lieutenant, 1560

Fortified by constant intercourse with the Queen and Cecil, Sussex returned to Ireland with the title of Lord-Lieutenant, which had not been conferred since the death of Henry VIII.'s son, and which was not to be conferred again till it was given to the rash favourite whose fate darkened Elizabeth's last days. He told the Queen that he was willing to surrender his post to anyone who

¹⁰ Fitzwilliam to Cecil, April 11, 1560; Advertisements out of Ireland, May (No. 15), and many other papers about this time.

would go against Shane O'Neill on easier terms. 'She seeth,' he said, 'that I affect not that governance.' He had repudiated with scorn the accusation that he had put to death those who surrendered under protection. 'If the cause,' he said, 'were mine own I would ask trial like a gentleman, but it is the Queen's. My word is not the Earl of Sussex's word but Queen Elizabeth's word, my lie her lie.' Noble words: but too imperfectly remembered in the hour of trial.¹¹

Private and public instructions to Sussex

Sussex's written instructions show no apprehension of foreign enemies, except that he was authorised to contribute a sum not exceeding 250*l.* to the fortification of Waterford. If Sorley Boy MacDonnell's profession of loyalty were fulfilled, he might receive a grant of the lands he claimed. But Shane O'Neill was to be curbed either by fair means or force. There was no longer a disposition on the Queen's part to accept him as an established fact, and the young Baron of Dungannon was if possible to be maintained against him. Noblemen and gentlemen were to be encouraged to surrender their estates and to receive them back by fresh grants, while Sussex was urged to proceed with the settlement of Leix and Offaly, which was visible only on paper. The garrisons were in fact the only fixed inhabitants. The remaining instructions were such as were generally given to Irish governors, and were chiefly concerned with improvements in the revenue and with the satisfaction of private or official suits.¹²

The Queen sees the difficulty of Irish government

But in private conversation with her representative Elizabeth held language of which her indefatigable secretary did not fail to make a minute, and which showed how deeply impressed she was with the magnitude of the Irish difficulty. The chief danger was evidently from Kildare's dealings with the foreigners, and Sussex was to persuade him if possible to go to England. It was the habit of Irish lords on such occasions to plead the want of ready cash, and the Earl was to be authorised to draw to any reasonable amount on London on giving his bond for repayment in Dublin. Kildare would have been a gainer, and the Queen a loser by the exchange. If he would not cross the Channel by this golden bridge Sussex was authorised to use a letter written by the Queen herself to Kildare, in which she commanded his attendance at Court. A date was to be affixed which might make it appear that the royal missive had followed and not accompanied the Lord-Lieutenant to Ireland. If this failed, Kildare and his most prominent friends, including Desmond, were to be arrested at the earliest opportunity. 'And for satisfaction of the subjects of the land the Lord-Lieutenant shall cause to be published by proclamation or otherwise the reasonable causes of his doings, leading only to the quiet of the realm.'¹³

Attempts to reconcile Desmond and Ormonde

The death of the Regent and the expulsion of the French from Scotland put an end for the time to any apprehensions from France. If Desmond and Ormonde were once at peace the Lord-Lieutenant would have leisure to settle Shane O'Neill's account. The manors of Clonmel, Kilsheelan, and Kilfeacle had long been in dispute between the two earls, and a thousand acts of violence were the result. The lawsuit was now about to be decided in a pitched battle. Men came from the Lee and the

¹¹ Memorial by the Earl of Sussex for the Queen, May 1560 (No. 21).

¹² See the two sets of Instructions in *Carew*, vol. i. May 1560, Nos. 223, 225.

¹³ Memorial of such charge as the Queen's Majesty has given by her own speech to the Earl of Sussex, &c., May 27, 1560, in *Carew*.

Shannon on one side and from Wexford on the other, and met near Tipperary, but separated without fighting, probably owing to the efforts of Lady Desmond. Sir George Stanley, Marshal of the Army, the veteran negotiator Cusack, and Parker the Master of the Rolls, were sent to Clonmel to decide the most pressing matters in dispute, which consisted chiefly of spoils committed by the tenants and partisans of the two earls on each other. The White Knight especially, whose lands bordered on Tipperary, was constantly at war with his Butler neighbours. An award was given, on the whole favourable to Desmond; but the peace thus obtained was not destined to endure.¹⁴

Shane O'Neill holds his own

Meanwhile Shane O'Neill, in spite of his 'misused' MacDonnell wife, sought Argyle's sister in marriage; but that chief was engaged in the English and Protestant interest, and sent the letter of proposal to Elizabeth. So far from allying himself with the O'Neills, Argyle offered to provide 3,000 Highlanders for immediate service in Ireland, if the Queen would pay them, and 1,000 for permanent garrison duty on the same terms. James MacDonnell was willing to serve in person. These were no empty promises, for Argyle and MacDonnell had the men ready in the following spring; and the Queen thought she saw her way to 'afflict Shane with condign punishment to the terror of all his sept.' Gilbert Gerrard, Attorney-General of England, who had been sent over to report on the revenues, told Cecil that Ireland would be difficult to govern, and that many people cared for nothing but the sword. O'Donnell, O'Reilly, and Maguire might be induced to act loyally in hopes of throwing off O'Neill's tyranny, and the MacDonnells from the fear of losing their estates. All pointed to the necessity of vigorous action; but the summer passed and nothing was done.¹⁵

Reports as to the Queen's marriage

These were the days when everyone expected Elizabeth to marry. Cecil went to Scotland, where the general wish was that the half-witted Arran should unite the two kingdoms. On his return he found that his policy had been thwarted by 'back counsels;' and he talked of resigning his place. Sussex wrote in horror at the prospect, for he thought the Queen would be but slenderly provided with counsel elsewhere, and under certain circumstances, such perhaps as a Dudley ministry, he himself would not serve ten months in Ireland – no, not for 10,000*l*. The dark tragedy on the staircase at Cumnor left Dudley free, and for a moment most men supposed that the Queen's partiality would end in marriage. Sussex did not take so unfavourable a view of the match as the secretary. According to his view the great national requirement was an heir to the Crown, and there would be a better chance of one if Elizabeth married the object of her affections. Sussex declared himself ready to serve, honour, and obey any one to whom it might please God to direct the Queen's choice. Had this advice been given to Elizabeth the writer might be suspected of flattery, and of seeking friends of the mammon of unrighteousness; but, spoken to such unwilling ears as Cecil's, it must be considered highly honourable.¹⁶

Reform of the coinage

In Ireland as in England, Elizabeth gained great and deserved credit by reforming the coinage. From the time of John till that of Edward IV. there had been no difference between the two standards;

¹⁴ Orders taken by the Lord-Lieutenant and Council, Aug. 1, 1560. Award for the Earl of Desmond, Aug. 23.

¹⁵ The Queen to Sussex, Aug. 15, 1560, and Aug. 21; list of plain rebels, July 19. Gerrard, A.G., to Cecil, Sept. 5.

¹⁶ Sussex to Cecil, Oct. 24 and Nov. 2.

but in the latter reign that of Ireland suffered a depreciation of twenty-five per cent. An Irish shilling was henceforth worth no more than ninepence in England. There must have been a loss to the public and a gain to the Exchequer at first, but bullion finds its own level like water, and there were no further fluctuations. Having become a settled and understood thing, the difference caused little trouble. But when Henry VIII. began to tamper with the currency great loss and inconvenience followed. The quantity of silver – the common drudge 'twixt man and man – in any given piece of money could scarcely be guessed at by the ordinary citizen. Barrels full of counterfeit coin were imported, and added much to the confusion. Tradesmen raised prices to save themselves. All good coin was exported to buy foreign wares, and the course was continually downwards, as it must inevitably be under similar circumstances. Inconvertible notes proved highly inconvenient in America and in Italy; but they were nothing to the metallic counters of the Tudors, which depended less upon credit than upon uncertain intrinsic values. Communications were difficult, there were no newspapers, and money dealers flourished. At every exchange a burden was imposed on industry. Those who have been in Turkish towns, and have seen a sovereign waste as it passes from one currency to another, can form an idea of what Dublin and Drogheda suffered through the ignorance and dishonesty of the English Government.

Chaotic state of the currency

What Henry began Edward and Mary continued, and Ireland was deluged with innumerable varieties of bad money. Some of Mary's shillings were worth little more than the copper they contained. She also by proclamation authorised the adulterated rose-pence of her father and brother to be used in Ireland, though they were prohibited in England. In a paper drawn up for Elizabeth's Council, five kinds of small coins are enumerated, of every degree of baseness, and of values between $5\text{-}1/3d.$ and $1\text{-}1/3d.$ English. One of these, the old Irish groat, was worth threepence, but had several varieties. Thus *Dominus* groats were those struck before Henry VIII. assumed the royal title, *Rex* groats were those struck after; none were of a good standard. The quantity of coin no more than three ounces fine was estimated at from 60,000 to 100,000 lbs. To cleanse the Augean stables it was proposed to restore the Irish mint, which had been abandoned for want of silver at the end of Edward VI.'s reign. The repair of the furnaces was begun, wood was cut, and the mixed money was cried down for a recoinage. But the inducements offered proved insufficient, and the merchants hoarded the Irish money instead of bringing it in. The plan was then changed. A reward was offered for bringing in the bad coin, and fresh money was struck in England on the basis of the practice which prevailed from Edward IV. to Henry VIII. Ninepence sterling was fixed as the value of an Irish shilling; some of the old money, particularly that of the lower denominations, seems to have been put in circulation, but it was used merely as counters and was not complained of. The currency question slumbered until 1602, when Elizabeth fell away somewhat from her early virtue, and partially revived the grievance which she had redressed.¹⁷

The O'Mores

Kildare had the wit to see that times were changed, and that the Crown would be too strong for any possible combination; but others were less well informed, or more sanguine. Some of the O'Mores held a meeting at Holy Cross in Tipperary, where Neill M'Lice was chosen chief of Leix.

¹⁷ Ware's *Antiquities*, by Harris, chap. xxiii.; 'Le case de mixt moneys' in Davies's Reports. There are a great many letters on this subject in the R.O., 1560 and 1561. See particularly the valuation of silver coins, &c., Dec. 1560 (No. 62), several of Feb. 23, 1561; Fitzwilliam to Cecil, May 4; to the Queen May 5; and the Queen's letter of June 16. See also Queen's Instructions to Sussex, May 22, 1561, in *Carew*, and the proclamations near the end of the last volume of that collection.

The object of this unfortunate clan was of course the retention of their lands, to which they clung with desperate resolution. Shane sent a rymer, one of those *improvisatori* who were always at hand to carry dangerous messages, bidding them to trust no man's word, but to wait for orders from him. Desmond was also consulted. According to one account he offered the conspirators a refuge in the last resort; according to another, he had promised to send actual assistance. The matter came to Ormonde's ears, and he appeared suddenly at Holy Cross, dispersed the meeting, and took three of the principal men prisoners.¹⁸

Fitzwilliam made Lord Justice. Shane O'Neill holds out

Elizabeth saw that nothing of importance could be done without an effort, and being in one of her frugal moods, she was disinclined to make that effort. She summoned Sussex over for a personal conference, reminding him that she had formerly been charged with other items besides his salary, and suggesting that part of it should now be devoted to the payment of a Lord Justice, 'which, considering our other charges, we think you cannot mislike.' As soon as Fitzwilliam's commission arrived, Sussex left Ireland; but Shane O'Neill did not wish to let the Lord-Lieutenant have the sole telling of the story. Shane was in communication with Philip, who bade him not be discouraged, for that he should not want help. Letters to this effect were brought by the parish priests of Howth and Dundalk, and O'Neill then wrote to the Queen in a very haughty strain. He asked leave to correspond freely with the Secretary, and solicited the admission of his messenger to the Queen's presence. 'There is nothing,' he said, 'I inwardly desire of God so much' as that 'the Queen should know what a faithful subject I mean to be to her Grace.' For her Majesty's information, he stated forcibly his case against the Dungannon branch, invariably calling his rival Matthew Kelly, and laying great stress on his own election by the tribe. 'According,' he wrote, 'to the ancient custom of this county of Tyrone time out of mind, all the lords and gentlemen of Ulster assembled themselves, and as well for that I was known to be the right heir unto my said father, as also thought most worthiest to supply my father's room, according to the said custom, by one assent and one voice they did elect and choose me to be O'Neill, and by that name did call me, and next under your Majesty took me to be their lord and governor, and no other else would they have had.' The effect had been magical. All the North for eighty miles had been waste, without people, cattle, or houses, 'save a little that the spirituality of Armagh had,' and now there was not one town uninhabited. If the Queen would give Ireland into his keeping, she would soon have a revenue where she had now only expense.

Shane will not acknowledge 'Matthew Kelly.'

As to Matthew Kelly, he had tried to turn him out of lands which his father had long ago given him, in which the bastard pretender was 'maintained and borne up by the chin' by Sussex. Had he not been wholly occupied in hunting Matthew up and down, he would long since have expelled the Scots, who had been reinforced by Lady Tyrone, and supported by Sussex. The Lord-Lieutenant had given them MacQuillin's land, 'which time out of mind hath been mere Englishman,' having held his estate since the first conquest. The Queen was thus answerable for the strength of the Scots, and without her help he could not undertake to drive them out. Kelly had been killed in a skirmish by chance of war, and he was not to be held answerable for so usual an accident. In fact, he was a blameless subject, who had committed no fault knowingly; 'but through being wild and savage, not knowing the extremity of her Majesty's laws, nor yet brought up in any civility whereby he might avoid the same, having also many wild and unruly persons, and hard to be corrected in his country.' By a stretch of

¹⁸ Queen to Sussex, Dec. 15; to Ormonde, Dec. 16, 1560. Examinations of Donell MacVicar, Jan. 14, 1561.

legal ingenuity their misdeeds might possibly be laid at his door, and to avoid that, and 'not for any mistrust of his own behaviour,' he asked for protection. Unable to trust Sussex, he had sent over the respectable Dean of Armagh to bring a safe-conduct from the Queen herself, which would enable him to lay his case in person before the English Council, and to return safely. For his expenses he should require 8,000*l.* sterling, which, with a fine irony, he declared himself quite willing to repay in Irish currency. For fear of mischances, the Earl of Kildare and other men of rank should be directed to put him safely on board, and to deliver him at Holyhead into Sir Henry Sidney's charge. After his return Sussex should not be allowed to molest him for three months.

Shane's grievances against Sussex

Besides the main grievance about Matthew Kelly, Shane had fault to find with governors in general, and Sussex in particular. When a very young man he had discovered a plot to attack the Pale, and having respect to the common weal of his native country, he had gone boldly to Sir Anthony St. Leger without any safe-conduct. St. Leger had been so much impressed with his virtue that he and all his Council had signed a contract, 'which I have to be showed,' to give him 6*s.* 8*d.* sterling a day. Since that he had suffered much, but not a groat of the pension had ever been paid. Still he bore no malice, and had offered his services to Sussex against the Scots. The Lord-Lieutenant was nevertheless firmly prejudiced in favour of Matthew Kelly, and determined that he, the legitimate chief, should be no officer of his. He accused Sussex of putting innocent men to death, and thus making it impossible for any one to trust him. Sussex always indignantly denied this charge, and he was borne out by Kildare and by the Irish Council.

He compares Tyrone favourably with the Pale

Shane proudly contrasted the state of his country with that of the Pale, and suggested that the Queen should send over two incorruptible men joined in commission with the mayor and aldermen of Dublin and Drogheda, 'which are worshipful and faithful subjects,' to judge which country was the better governed. They might hear the charges against him, and also the complaints of the families of the Pale, 'what intolerable burdens they endure of cess, taxes, and tallages both of corn, beefs, muttuns, porks, and baks.' Not only did the soldiers live at free quarters, but they had 'their dogs and their concubines all the whole year along in the poor farmers' houses, paying in effect nothing for all the same.' Not less than 300 farmers had gone into Shane's county out of the Pale. These men were once rich, and had good houses, but they dared not so much as tell their griefs to the Queen, 'yet the birds of the air will at length declare it unto you.' Shane considered it 'a very evil sign that men shall forsake the Pale, and come and dwell among wild savage people.'

Shane's legitimacy

Besides his pretensions to the Earldom, or to the captaincy of Tyrone, Matthew Kelly also advanced a claim to the manor of Balgriffin, in the county of Dublin, which had been granted to Con O'Neill, with remainder to his son, Matthew O'Neill, and in default of him and his heirs, with remainder to the right heirs of Con. Shane had taken legal opinions, and was advised that he had a title to Balgriffin, because there was no Matthew O'Neill at the time of the grant. 'It follows plainly,' he argued, 'that I am my father's right heir, legitimate begotten, and although my said father accepted him as his son, by no law that ever was since the beginning, he could not take him from his own father and mother which were then in plain life.' Besides which he had inherited the land of 'his own

natural father the smith.’ If the premise that Matthew was Kelly and not an O’Neill be admitted, the reasoning is irrefragable.

He desires an English wife

Badly as he had been treated, Shane declared himself ready to make restitution wherever anything could be proved against him. His savagery, which he confessed again and again, he thought could best be eradicated by an English wife, ‘some gentlewoman of some noble blood meet for my vocation, whereby I might have a friendship towards your Majesty.’ This impossible she would indeed be much more than an intermediary between him and the Queen to declare his grief and those of his country. ‘By her good civility and bringing up, the country,’ he hoped, ‘would become civil, and my generation so mixed, I and my posterity should ever after know their duties.’ Some educated companion was necessary to him; for the men of the Pale would not even show him how to address his letters properly, and he feared to offend, whereas he desired nothing so much as her Majesty’s approbation and favour. How Shane treated an accomplished woman when he had her in his power will appear hereafter.¹⁹

Shane threatens the Pale

To enforce his demands, and to show how disagreeable he could be, Shane burned three villages on the borders of the Pale. Their crime was giving asylum to Henry, son of Phelim Roe O’Neill, who had offended by his loyalty. With much difficulty and many smooth words, the invader was prevented from spreading his ravages further; but he went so far as to threaten the town of Dundalk for sheltering his disobedient namesake, and he demanded an authority equal to that which Desmond had over the western seaports.²⁰

He proposes to go to England

Shane’s proposal to go to Court was accepted in order to gain time. A safe-conduct was sent, and Fitzwilliam was instructed to make his departure easy. Either really suspicious, or anxious to make it appear that he was ill-treated, the troublesome chief then began to make excuses, the most valid being that he had no money. Fitzwilliam wrote him a soothing letter, and Shane then said his retinue could not be ready for nearly two months. He held out stoutly for 3,000*l.* at least, but it was feared that he would rebel on receipt of it, ‘conduct,’ said the Lord Justice, ‘which to his kind best belongeth.’ In the meantime he amused himself by plundering the O’Reillys and those on the borders of the Pale.²¹

Intrigues with Scotland

While Fitzwilliam was temporising with Shane in Ireland, Sussex was intriguing against him in Scotland. His messenger carried credentials to the Ambassador Randolph, to Argyle, and to James MacDonnell. He was directed to visit them all, and if possible to see O’Donnell’s wife, a sister of Argyle, who continually hovered between Ireland and Scotland. He was then to cross the Channel,

¹⁹ The whole of Shane’s statements are from his letter to the Queen, Feb. 8, 1561. For the refutation of his charge against Sussex, see the Queen to the Nobility and Council of Ireland, May 21, and the Council’s answer, June 12.

²⁰ Lord Justice Fitzwilliam to Cecil, Feb. 8, 1561; Jaques Wingfield to Sussex, Feb. 23.

²¹ Protection for Shane O’Neill, March 4, 1561; Fitzwilliam to the Queen, April 5, 8, and 26.

find his way to O'Donnell, and offer him the Earldom of Tyrconnel in the Queen's name. To Argyle Cecil wrote as to a friend whom he had learned to value when in Scotland, urging him to 'use stoutness and constancy, or the adversary will double his courage, where contrariwise the Papist being indeed full of cowardness ... will yield.' Large offers were made to James MacDonnell and his brother Sorley Boy, and it was hoped that all the most powerful men in the North might thus be united against the redoubtable Shane.²²

The Queen prepares for war, but endeavours to conciliate the Irish nobility

Sir Henry Radclyffe, the Lord-Lieutenant's brother, thought Shane had money enough if he would be contented with reasonable expenses, but that he had sought counsel of those who were against the journey, and was chiefly anxious to gain time. He daily muddled his 'unstable head' with wine, and every boon companion could affect his judgment. That drunken brain was nevertheless clear enough to baffle Elizabeth for a long time. Perhaps Shane really expected help from Philip. Radclyffe thought him hopeless, and quoted Ovid as to the desirability of cutting out incurable sores before they had time to poison the blood. These opinions prevailed, and warlike preparations were swiftly and silently made. Six hundred additional men were sent to Ireland, and a general hosting was ordered. O'Reilly was encouraged to hope for the Earldom of Brefny, and robes and coronets for him and for O'Donnell were actually sent. O'Madden and O'Shaughnessy in Connaught, were thanked for former services, and exhorted to deserve thanks in the future. Shane, wrote the Queen, was the common disturber. He had offered to go to Court and then drew back, though she had with her own hands given the required safe-conduct to his messenger. Conciliation had been tried in vain; and she was now obliged to resort to force. They were directed in all things to be guided by Sussex, whom her Majesty quite exonerated from Shane's slanders.²³

Fitzwilliam and Kildare

While his official superior was at Court, Fitzwilliam had no easy time in Dublin. He disliked and distrusted Kildare, who declined all responsibility for his bastard kinsfolk, the old scourges of the marches living at free quarters and disdaining honest industry. The MacCoghlans surprised one of the Earl's innumerable castles, in which they were assisted by Ferdinando O'Daly, an Irishman in Fitzwilliam's service. Kildare made a prisoner of O'Daly, and the Lord Justice thought his position as the Queen's representative required his liberation. They were 'tickle times, and many evil and rude men depend upon his Lordship, who with one wink might stir mischief.' The Lord Justice offered to make good any harm that O'Daly might have done, but insisted on his enlargement, because it did not stand with the credit of his office that any servant of his should lie in gyves. Kildare at first refused to give the man up, and on the Lord Justice persisting, said he was in the custody of his captor, who had been promised a ransom of forty marks. O'Daly was ultimately released, and probably Fitzwilliam paid the forty marks. In the meantime Shane had been acting while his opponents talked.²⁴

²² Sir William Cecil to Argyle, April 2, 1561 (not sent till the 27th); Instructions by Sussex to William Hutchinson, sent into Scotland, April 27.

²³ Sir Henry Radclyffe to Cecil, May 3. The lines from Ovid are: —Cuncta prius tentanda, sed immedicabile vulnus Ense recidendum est, ne pars sincera trahatur. —Met. i. 190. They were quoted by Sir Edward Dering in his speech against Bishops, &c., in the Long Parliament. The Queen to the Nobility and Council of Ireland, May 21. Sussex to Cecil, July 17.

²⁴ Wingfield to Sussex, Feb. 23; Fitzwilliam to Cecil, April 5, and the enclosures.

Shane seizes O'Donnell and his wife

The O'Donnells, under a son of the chief, besieged an island in Lough Veagh, occupied by one of those pretenders who were never wanting in any Irish country. The chief himself lay at a Franciscan friary, eleven miles from his son, and with only 'a few soldiers, besides women and poets.' Among the women was his wife, by birth a Maclean, widow of an Earl of Argyle, noted for her wisdom and sobriety, a good French scholar with a knowledge of Latin, and a smattering of Italian, but at heart a rake who had been dazzled by Shane's successful career. She contrived to let the object of her admiration know her husband's defenceless condition, and he was only too ready to take the hint. A meeting of the two chiefs was arranged for May 15. O'Neill was not far off, and on the night of the 14th he appeared in force at the monastery gates. Had they been shut defence might have been possible, for O'Donnell had 1,500 Scots mercenaries within five miles; but they had been left open, probably on purpose, and O'Donnell and his wife were carried off into Tyrone. The night attack of four years before was thus amply avenged. Calvagh was kept in close and cruel confinement, and as Shane's mistress the wise countess soon had reason to deplore her folly and perfidy.²⁵

Shane is supreme in Ulster

A messenger whom O'Neill had sent to Fitzwilliam used very insolent language, such as he had no doubt been accustomed to hear from his chief's mouth. The Lord Justice complained, and Shane, whose cue was not to offend the Queen or her representative, said that his envoy was a scamp who had exceeded his instructions, and that he had tortured him and slit his ear. But the Government thought Shane incorrigible, and in this at least they were supported by Kildare. O'Neill was proclaimed a rebel and traitor. Either on this or some later occasion an Irish jester remarked that, except traitor was a more honourable title than O'Neill, he would never consent to Shane's assumption of it, a joke which gained point from the feebleness of the proceedings against him. In the eyes of the Lord Justice he was the bully of the North; in the eyes of the Irish he was King of Ulster from Drogheda to the Erne, with power very little diminished by the opposition of the English.²⁶

²⁵ Fitzwilliam to Cecil, May 30, 1561, and to Sussex same date. The *Four Masters* incorrectly place the event under the year 1559.

²⁶ Shane O'Neill to the Lord Justice, June 8. He calls his messenger 'nebulo,' and says 'diversis torquidibus torturavi eum et auriculam ejus fidi.' Campion. *Four Masters*, 1561.

CHAPTER XX. 1561 AND 1562

Sussex returns and invades Ulster

Sussex landed on June 2, and advanced within three weeks to Armagh, where he fortified the cathedral and posted a well-provided garrison of 200 men. Shane could do nothing in the field, but withdrew with his cattle to the border of Tyrconnel. Calvagh O'Donnell was hurried about from one lake-dwelling to another; and Hutchinson, the confidential agent of Sussex in Scotland and Ulster, retired to Dublin in despair. Believing that the possession of Armagh would give him an advantage in negotiation, Sussex made overtures through the Baron of Slane; but O'Neill refused to come near him until he had seen the Queen, who had given his messenger a superlatively gracious answer. In the meantime he demanded withdrawal of the garrison, maintaining that the war was unjust and unprovoked. He had not, he said, libelled the Lord-Lieutenant, and had he done so he would have scorned to deny his authorship. He professed great readiness to go to London, but repeated that money was necessary, and laid upon the Viceroy the whole responsibility of nullifying the Queen's good intentions. In future, he grandly declared, he would communicate only with head-quarters, and he hoped that her Majesty would support his efforts to civilise his wild country. He was not such a fool as to put himself in the power of an Irish Government, and he gave a long list of Irishmen who had suffered torture or death through their reliance on official promises. Sussex replied that the money was ready for Shane if he would come for it before the campaign began, and he issued a proclamation calling on the O'Neills to support the young heir to the Earldom of Tyrone. Shane merely warned the Baron of Slane to look out for something unpleasant; for Earl of Ulster he intended to be. That great dignity had long been merged in the Crown, and the Baron could hardly fail to see what Shane was aiming at.²⁷

Shane surprises the Viceregal army

When all was ready the army encamped near Armagh, which it was proposed to make a store-house for plunder. Five hundred cows and many horses were taken in a raid northwards; but the Blackwater was flooded, and nothing more could be done for several days. Not to be quite idle, Sussex sent Ormonde to Shane, who offered worthless hostages for his prompt departure to England, but refused to give up O'Donnell. An attempt was then made against some cattle which were discovered on the borders of Macmahon's country. In compliance with a recognised Irish custom, Macmahon was probably obliged to support a certain number of his powerful neighbour's stock. Sir George Stanley, with Fitzwilliam and Wingfield, went on this service with 200 horse, seven companies and a half of English foot, 200 gallowlasses, 100 Scots, and all the kerne in camp. Ormonde was ill, and Sussex in an evil hour, as he himself says, stayed to keep him company. The cattle were driven off, and no enemy appeared. On their return Shane overtook the troops with twelve horse, 300 Scots, and 200 gallowlasses. Wingfield, who commanded the rear guard of infantry, allowed himself to be surprised, and for a time all was confusion. The column was long, and some time passed before Stanley and Fitzwilliam knew what had happened. They at once attacked the Irish in flank, and Shane

²⁷ Sussex to the Queen, July 16, and the enclosures there; to Cecil, June 23. In his letter of June 28 to Sussex, Shane talks of the Queen's 'suavissima et benevola et gratiosa responsio;' as to the libels he says, 'si scriberem non renuntiassem meæ sententiæ.' Fitzwilliam to Cecil, June 22. *Four Masters*, 1561.

in turn suffered some loss; indeed, the annalists say, with a fine rhetorical vagueness, that countless numbers were slain on both sides. But the cattle, the original cause of the expedition, were not brought into Armagh. The moral effect of the check was disastrous, and Sussex, though he put the best face on the matter when writing to Elizabeth, exaggerating Shane's losses and making light of his own, did not conceal the truth from Cecil. 'By the cowardice of some,' he wrote, 'all were like to have been lost, and by the worthiness of two men all was restored.' Wingfield was chiefly blamed, but the Lord-Lieutenant bitterly reproached himself for remaining behind when so large a force was in the field. Fifty of his best men were killed and fifty wounded, and it was impossible to take that prompt revenge which alone can restore the reputation of an army when defeated in a hostile country by a barbarian enemy. 'This last July,' said the unhappy Viceroy, 'having spent our victuals at Armagh, we do return to the Newry to conduct a new mass of victuals to Armagh.'²⁸

Anger of the Queen

When Cecil heard the evil tidings he says himself that he was so appalled that he had much ado to hide his grief, the rather that Lord Pembroke being away there was no one with whom he could share it. To the Queen he spoke as lightly as he could of a little bickering in which Shane had the greater loss, which to the letter was true. For the benefit of the general public Cecil gave out that Shane had been overthrown with the loss of two or three captains. Privately he urged Sussex to use strong measures with those who had shown cowardice. But it was seldom possible to hide the truth from Elizabeth, and she soon knew all. She gave orders that Wingfield should be deprived of all his offices, and dismissed her service with ignominy. But the wrath of Sussex soon cooled, or perhaps his conscience made him generous. It was discovered that Wingfield's patent as Master of the Ordnance could not be voided, because he had acted only as a simple captain. His services among the O'Byrnes were remembered, and both Sussex and Ormonde interceded for him. At his own urgent request he was summoned to Court, when he probably succeeded in rebutting the charge of actual cowardice, and he remained Master of the Ordnance till his death in 1587.²⁹

Shane again proposes to go to the Queen

Having driven the English out of his country, Shane O'Neill proposed to treat with Ormonde, no doubt with the deliberate intention of insulting Sussex. To Ormonde accordingly he sent his messenger, Neal Gray, with power to make terms. Shane was ready to go to the Queen, and to repair the church at Armagh. But he would not make peace while the soldiers remained there, and he declared that no one in his senses would believe in the peace while such a sign of war remained. To show his own idea of peace and friendship he asked Sussex to be his gossip, and to give him his sister's hand. The Lord-Lieutenant declined to withdraw the garrison until the Queen's pleasure should be known. Fitzwilliam had gone to her, and Ormonde, knowing that nothing would be done till his return, had gone home. If Shane hurt any of his neighbours in the meantime, he was warned that he could never hope to see the Queen's face. Sussex marvelled at the constant changes in Shane's answers. 'O'Neill desired me to procure the Queen's pardon and protection, for the which at his request we have already sent Mr. Treasurer, and now he desireth to send his own messengers, whereby it seemeth

²⁸ Lord-Lieutenant and Council to the Queen, July 31, the official account for Elizabeth's eye. The fuller and truer account is in a letter of the same date from Sussex to Cecil. *Four Masters*, 1561.

²⁹ Instructions to Sussex in *Carew*, July 4, 1562. Sussex to Cecil, Aug. 23, 1562, and Jan. 11, 1563; to the Queen, Aug. 23, 1562; Ormonde to Cecil, Jan. 11, 1563. Sussex was much blamed for not punishing Wingfield himself, but in the end his view prevailed, for the disgraced officer carried confidential instructions on his return to Ireland. See the Queen to the Lord-Lieutenant, July 19, 1563. See also two letters from Cecil in Wright's *Queen Elizabeth*, Aug. 21 and Dec. 18, 1561.

he should seek delays, for that his messengers cannot go and return with such speed as Mr. Treasurer will do. And we know not to what other purpose he should send his messenger thither. Therefore we will him to send us word by writing directly whether he will go to the Queen's Majesty, according his oath taken, if Mr. Treasurer bring him the Queen's pardon and protection.' To this Shane haughtily answered that he would make no peace with any of his vassals (urraghs) but at his own time and in his own way, and that he would receive neither pardon nor protection from the Queen unless they were delivered to his own messenger. In his natural anger at such an answer, Sussex called loudly for strong measures: 'if Shane be overthrown, all is settled; if Shane settle, all is overthrown.' It was no fault of his that the arch-rebel would not go to the Queen. Indeed, it was well known that Kildare had first advised that step to gain time, and then prevented its being taken for the same reason.³⁰

Renewed preparations

Fitzwilliam was instructed to ask for an immediate aid of 200 men, and 3,000*l*. The men were ordered from Berwick, and 2,000*l*. of the money was sent. Transports were pressed upon the Lancashire coast, and the Queen wrote in her best style to encourage Sussex. His ill success, she was sure, had come from no want of goodwill, and the chances of war were to be borne patiently; but she marvelled that the General had not punished those who showed cowardice. Traitors and cowards were to be sent to gaol without favour or affection. The Queen impressed the value of patience upon Sussex, her own principle being rather to recover the subject by persuasion than force. She was willing to give Ormonde a reasonable sum for Shane's expenses, leaving the question of security to Sussex. She would not withdraw the garrison, but would undertake that it should molest no one except notorious traitors proclaimed before last March. In the meantime Sussex was to prepare for war by discharging unserviceable men, and by withholding the pay of runaways. The Lord-Lieutenant was required to forget his private dislike to Kildare, and to work with him loyally for the good of the service.³¹

Sussex proposes to have Shane O'Neill killed

Stung by failure, and fearing to be outwitted after all, Sussex now devised a safer and surer method than either war or diplomacy. There had perhaps already been one attempt to stab O'Neill, which he attributed to Sussex; but we are not bound to believe this, for a chief who punished unsuccessful agents by torturing them and slitting their ears was not likely to gain much affection. Neill Gray now declared that he was ready to serve the Queen, if Sussex would write to her on his behalf. The nature of the service required was not such as could be publicly avowed, and Gray swore on the Bible to keep it secret, on pain of death, if it became known during the continuance of the Earl's government. 'For the benefit of his country and his own assurance,' he agreed to do whatever Sussex wished, and 'in fine I brake with him to kill Shane, and bound myself by my oath to see him have 100 marks of land by the year to him and his heirs for his reward. He seemed desirous to serve your Highness, and to have the land, but fearful to do it, doubting his own escape after. I told him the way how he might do it, and how to escape after with safety;' and at last Gray promised to do it if he saw a prospect of security. Sussex assured the Queen that his accomplice might do it without danger if he chose, 'and if he will not do what he may in your service, there will be done to him what others

³⁰ Shane O'Neill to the Lord-Lieutenant, Aug. 9, 'from his woods:' – 'Pacem tractare non queo modo solidarii manebunt in aliquâ parte terrarum mearum, nam nemo sanæ mentis intelligat tranquillam pacem esse inter me et amplitudinem vestram si dicti solidarii manebunt in patriâ meâ.' The 'Urraghs' whom Shane claimed as vassals were in fact all the chiefs of Ulster except O'Donnell. The word is given in O'Reilly's Dictionary as 'a chief next to a king;' as used by Shane O'Neill, it means any chieftain over whom he claimed jurisdiction. Memorial for an answer to Shane's letters, Aug. 12.

³¹ The Queen to Sussex, Aug. 20.

may. God send your Highness a good end.' To hire a man to murder your enemy, and to determine to murder that hireling in the event of failure, are hardly matters deserving of divine favour, and it is deeply to be regretted that no letter is extant from Elizabeth expressing horror at the scheme. Such a letter may nevertheless have been written, for it would have been the interest of Sussex to destroy all evidence of the contemplated crime. On the same day that the Lord-Lieutenant attempted to make his sovereign an accessory before the fact, he informed her of the way in which he had received Shane's matrimonial proposal. 'I told him he should at his coming find my sister at the Court, and if I liked the other, I would further it as much as I could.' The treachery of Judas was hardly more dramatically complete. It must not, however, be forgotten that Shane was a proclaimed traitor, and that the political morality of the day was very different from ours. Sussex may have thought he was doing little more than putting a price upon an outlaw's head.³²

General disaffection

Nothing came of the plot; but Neill Gray was too deeply implicated to venture on a double treason, and the Lord-Lieutenant's secret was kept. But 'slandrous bruits' against him were rife on other accounts; for the feeling on the border was in Shane's favour, and there was a general hesitation about putting him down effectually. It was said that Sussex would be superseded, and the date of his intended departure was named positively. The hundred tongues of rumour were busy in giving the sword to one man to-day and to another to-morrow. Everything was believed but the truth, and as a natural consequence orders were badly obeyed. Sussex urged strongly that the campaign must be prosecuted, or that everything must be left to Shane, who claimed jurisdiction over all inhabitants of the northern province, including those who held direct of the Queen, and had never been subject to any O'Neill. 'So as we see, Ulster is the scope he challengeth,' and if he once gained that there was no reason why he should not shoot even higher. Amid the general disaffection Sussex was afraid to carry out the Queen's orders about punishing Wingfield and the other delinquents in the affair of July, when, as common report affirmed, the army was overthrown with small loss to Shane.³³

Sussex again takes the field

With a heavy heart the Lord-Lieutenant led an unusually large force to Armagh. The magnitude of the effort may be estimated from the fact that four out of the five earls then in Ireland took part in the expedition, Thomond and Clanricarde being left to defend the principal camp, eight miles north of Dundalk. From Armagh Sussex made a rapid march across Slieve Gullion to the head of Glenconkein, a wild forest tract near the southern boundary of what is now the county of Londonderry. No resistance was offered, and 4,000 head of cattle, with many ponies and stud mares, were driven back, 'so that they might see them who would otherwise have been hard of belief.' Knowing by experience how hard it was to progress when thus encumbered, the Lord-Lieutenant ordered all the beasts to be slaughtered, except a few which were kept for provisions. All the country between Armagh and the mountains was destroyed, and the army then proceeded to Omagh, and thence to Lough Foyle, where Con O'Donnell and others were expected to appear, and where a victualling fleet was supposed to be in waiting. But the ill fortune which attended Sussex in Ireland did not desert him here. The ships, which had been forty days at sea, were not to be seen, and the Earl, having had the poor satisfaction of seeing Lough Foyle, returned to Newry with 500 cows which he picked up on the march. 'Man,'

³² Sussex to the Queen, Aug. 24. In his answer to Cusack, dated Sept. 10, 1563, Shane talks of an attempt to kill him 'tempore parliamenti.' The Parliament was in 1559, but the words may mean merely 'in a time of negotiation.' 'Parliament' was sometimes so used even in English.

³³ Lord-Lieutenant and Council to the Queen, Sept. 1.

he said, 'by his policy doth propose, and God at His will doth dispose.' Con O'Donnell and Maguire, who were already well affected, had been sworn to continue so; but no general confederacy had been formed against Shane, and the impotence of the military administration had been demonstrated once more. Yet Sussex thought himself justified in saying that the credit of the army had been restored, though no enemy had been seen, because Shane had lost 5,000 cows, and had been forced to fly from wood to wood. The cunning chief was only waiting till the transient effort of civilisation was exhausted, and he soon attacked Meath, in fulfilment of his promise to Lord Slane. Some villages were burned, and Sir James Garland, a gentleman of importance who had ventured to stray from his armed company, was taken prisoner. A brother of Macmahon was with Shane, and we are told that 1,000 cows were taken from his tribe in revenge; but the result of all the operations was to prove that Sussex could neither conquer Ulster nor even defend the Pale.³⁴

Kildare makes a truce with Shane

When Shane was returning practically victorious to Tyrone, Kildare brought a letter authorising him to treat and coax O'Neill to visit England. Fitzwilliam had already brought a conditional pardon. Sussex was ordered to co-operate cordially with the Earl, who lost no time in seeking a meeting with Shane. Accompanied by Lords Baltinglass, Slane, and Louth, he came to Carrickbradagh, the usual place of meeting; but Shane was in bad humour, and would listen to nothing. Next day he proved more amenable, and the conversation resulted in his making a written offer of terms, to which Kildare agreed with a readiness for which he was afterwards blamed. The arrangement was generally condemned in official circles, and was, with difficulty, accepted by the Lord-Lieutenant and Council. Yielding everything and suggesting nothing, it was said that Kildare had shown no regard for the Queen's honour, taken no pains to fight her battle, and consented to abandon Armagh, for the retention of which he should have held out to the last. The Earl merely answered that the thing was done and could not be undone, and he had certainly full power to treat.³⁵

Arrangement for Shane's visit to England

It was agreed that Kildare and Ormonde should meet Shane, and remain in his company till he came to the Queen's presence. His passport to go and return safely was to be signed by the five Irish Earls, who were to undertake for the safety of his dependents in his absence. Kildare in particular undertook that the soldiers of Armagh, upon whose immediate withdrawal Shane did not insist, should do no harm until after the appointed meeting. A sum of money was to be advanced by Ormonde and Kildare, and paid through the latter. No Irishman owing Shane allegiance was to be maintained against him, and if such a person drove his cattle into the Pale it was to be restored. In return he was to go to the Queen, giving the very hostages which had been before rejected, and to forbear taking vengeance on Maguire and others. Shane refused any alteration in these terms; what he had written he had written. It was retorted that 'seeing he would put no more in writing than was in writing already, he should look for the performance of all things written and of nothing else.' Shane's own terms were granted, but there was little goodwill or sincerity on either side.³⁶

³⁴ Lord-Lieutenant and Council to the Queen, Sept. 21; Sussex to Cecil, Oct. 3 and 6. Kildare did not land in Ireland till Oct. 5.

³⁵ Sussex to the Queen, Nov. 21; to Cecil, Oct. 23, Nov. 3, 16, and 21; Kildare to Cecil, Dec. 3. Shane was persuaded to let the garrison of Armagh remain, though against the treaty.

³⁶ Sussex to Cecil, Nov. 21.

Shane sails for England, 1561,

Having practically humiliated the Lord-Lieutenant, Kildare had enough address to give the Queen the appearance of a diplomatic triumph. It had been agreed that the garrison should be withdrawn from Armagh, but the Earl persuaded Shane that by not insisting strictly on this article he would put her Majesty in good humour and make her favourable to his suits. After expressing some indignation that any attempt should be made to vary the written letter, Shane was at last graciously pleased to humour the Queen, 'but as to th'erle of Sussex he would not molefye one yoote of his agrements; and hereupon sent his man the garison to remayne.' Five hundred pounds were paid over to Shane before starting, 1,000*l.* awaited him at Chester, and a second 500*l.* in London.

visiting Sussex on the way

Shane came to Dublin and waited upon Sussex, who received him graciously; but this outward politeness scarcely concealed the real feelings of the two men. Shane perhaps feared that the Lord-Lieutenant, who now had him in his power, might after all send him over as a prisoner. For the same reason an encouraging letter from Mary Stuart, which only reached him in Dublin, had not the desired effect of preventing his journey. And thus, accompanied by Kildare and Ormonde, without whose escort he had positively refused to stir, and with a train suitable to his pretensions, the uncrowned monarch of Ulster took ship to visit that great princess whose authority even he was ready to acknowledge, upon the sole condition that she should never exercise it. Shane afterwards complained that he was treated as a prisoner on the journey, and that Sussex had charged the Earls on their allegiance to secure him by handcuffs.³⁷

Unpopularity of English rule

Sussex did not conceal from the Queen his mortification at the treaty which he had been obliged to sign, at the powers given to Kildare, and at the abandonment of the campaign, from which so much had been hoped, and for which such great preparations had been made. Her Majesty's letters had contained expressions of disgust which not only reflected on himself, but discredited the whole English interest of which he was the head, and he bitterly resented the small thanks given him for five years of arduous service. 'Our nation in this realm,' he said, 'is likened to the French in Scotland. We be railed on at tables with terms not sufferable. The people be incensed to wax mad, and this is hoped to be the jubilee year.' He complained that the Queen's Irish policy was as useless and unprogressive as Penelope's web, woven by one governor only to be picked to pieces by the next. It would be for the Queen's honour either to support her representative cordially, or to recall him honourably and employ him in some other place, 'where I can do her better service than I can now do here.' These criticisms were well deserved. The peace with Shane was of Elizabeth's own making, and yet, with that want of generosity which she sometimes showed, she tried to make out that its terms were not sufficiently favourable to her. Sussex showed conclusively that he had done the best thing possible under the circumstances which the Queen had thought proper to create.³⁸

³⁷ Articles whereupon the Earl of Kildare is to be spoken with, Feb. 1, 1562 (in Cecil's hand); Kildare to Cecil, Dec. 3, 1561; 'Causes and matters moving Shane O'Neill' in 1565, in *Carew* (No. 248). Ware says Shane sailed Dec. 3, 1561; he was at Court by Jan. 6. The terms virtually granted are in Shane's letter to Sussex of Oct. 18, 1561. For the intention of Sussex to interpret them literally and narrowly, see his letter to Cecil, Nov. 21. For Shane's fears, see Arnold to Cecil, Sept. 23, 1562, and Ware's *Annals*.

³⁸ Sussex to Cecil, Oct. 19 and 23, and Nov. 3; to the Queen, Oct. 23, and Nov. 21.

Shane O'Neill at Court, 1562

No sooner was Shane gone than Sussex obtained leave to follow him. The Government was left to Fitzwilliam, whose expenses were to be borne out of the pay and allowances of the absent Lord-Lieutenant, and who was directed to give all possible help to Brian O'Neill. It was perhaps thought profound policy to support the boy's claim to the Earldom of Tyrone while the real chief of Ulster was out of the way. Sussex rightly observed that if the Queen wished to support the young Earl she could best do so by treating Shane coldly at first, and by keeping him at arm's length till he himself arrived. This advice, which was not only sound in itself but calculated to restore the credit of Sussex in Ireland, came too late to be of much use; for Kildare had already presented Shane to the Queen. The bare rough heads of his gallowglasses, who did not lay aside their axes, their long curls, their wide-sleeved saffron shirts, their short tunics, and their shaggy cloaks of fur or frieze, which in Ireland covered a multitude of sins, made Englishmen stare; not less, says Camden, than they now stare at Chinamen or American Indians. The Ambassadors of Sweden and Savoy were present, and doubtless shared in the general astonishment created by her Majesty's distinguished subject. Shane prostrated himself before the Queen, and then on his knees 'confessed his rebellion with howling,' and made his submission in Irish, which few or none could understand. The language was perhaps less humble than the posture. But Cecil was not to be put off thus; the supposed meaning of the speech was engrossed in English, and two days afterwards was signed and sealed by Shane. 'For lack of education and civility,' he is made to say, 'I have offended.' He thanked the Queen for his pardon, promised to deserve well for the future, begged her favour for the gentlemen of his company, his kinsmen and friends, and admitted in writing that he had done homage on his knees to Elizabeth as Queen of England, France, and Ireland. Shane's pretensions were so extraordinary that the courtiers exercised their wit in inventing a style for him, and they dubbed him 'O'Neill the great, cousin to St. Patrick, friend to the Queen of England, enemy to all the world besides.'³⁹

Negotiations with Shane in England

Sussex received a copy of Shane's submission at Holyhead, forwarded it to Fitzwilliam, and then went on to London; a journey which bad weather and bad roads extended to about ten days. On his arrival he had to defend himself against those who had tied his hands by the commission to Kildare, and who now blamed him for not using them more vigorously against Shane. He showed very conclusively that he had done his best under the circumstances, and threw the blame on the Irish Earl, who was entirely responsible for the terms of the treaty. Either Kildare made good his case, or it was not thought prudent to follow the matter up closely; for there seems no reason to suppose that he was censured. With the help of Sussex, Cecil immediately set himself to discover the points on which Shane differed from the Government. Written interrogatories were drawn up and answered by Shane; and then the Lord-Lieutenant replied. The nature of the controversy will be best understood from an abstract of the papers, which bring out very clearly how entirely different were the English and Irish points of view.

Interrogatories administered

1. What petitions did Shane intend to make to the Queen when he first proposed to come over?

³⁹ For Shane's reception at Court, see Machyn's *Diary*, Jan. 4, 1561-2; his submission, with the names of those present, Jan. 6; Camden; and Campion. Spenser afterwards characterised the Irish mantle as 'a fit house for an outlaw, a meet bed for a rebel, an apt cloak for a thief.'

A. To acknowledge my duty, to become known to her Highness as a protection against unjust Governors, and to become civilised by the sight of her Majesty's nobility.

R. The implied accusation is too vague.

2. Shane has been profuse in offering his services – what are they?

A. To help the Governor in preventing foreign enemies from landing in the North. Sussex has brought in the Redshanks 'to the great danger of the Crown of Ireland.' Their lands should be restored to loyal subjects such as me, O'Neill, and my friends.

R. Judging from Shane's antecedents, is he likely to perform such a promise?

3. Why should not the Baron's son be Earl according to his patent?

A. That Kelly was born in wedlock and reputed the son of John Kelly and Alison his wife until sixteen. He was adopted by my father 'contrary to all order of law and to the old proverb "who bulleth my cow the calf is mine."' Matthew Kelly was then a trader in Dundalk called 'Matthew the seller of salt.' My father rechristened Matthew, 'Ferdoragh,' who then tried to usurp the headship of the O'Neills. Even if I were out of the way there are one hundred of my name who would not allow Matthew's pretensions.

Any patent must be void, for Con had no estate in the country, which was held only by consent of the Lords and inhabitants.

By the law of the Pale no letters patent took effect without inquisition, which could not be held in Tyrone because it was no shire. If 'the Queen's law' is to prevail, then I am heir-at-law.

R. The Baron's son claims by letters patent, not by legitimation, and the freeholders were consenting parties. Shane's Pale law is 'used in shire-ground and not in the Irishry, where the Prince holdeth by conquest, and ever hath done, and the breach thereof overthrows all the new Earls' states in Ireland.'

4. How he proves his title to be O'Neill, having never been admitted by the sovereign?

A. In Tyrone and most Irish countries the people assemble on the death of a chief and choose 'the most ablest and the worthiest of the headmen.' Shane was so elected without the usual contest. His ancestors never used to be confirmed by the Crown, 'yet none the less do I mean to be as good and true a subject as though any such confirmation were had in that behalf.'

R. The eldest is not accounted the worthiest, but the strongest. Shane forced the country to elect him. There are many precedents for the admission of captains of countries by letters patent, and the practice should of right be universal.

5. What authority and jurisdiction does Shane claim by virtue of tribal election?

A. What my ancestors have always claimed and no more. Most of them have held the pre-eminence by indenture, and the old men of the country will not deny the extent of the jurisdiction.

R. The claim is bad, and more particulars are required.

Shane's 'Urraghs,' according to himself

6. What countries doth Shane claim to rule thereby?

A. Magennis, MacMahon, Maguire, O'Kane, O'Hanlon, MacCartane, Dufferin, the Savages, and many O'Neills are under my rule. Clondeboye and the Rowte should belong to me, 'which the Scot engageth by the means aforesaid.' I have also ancient rights over O'Reilly's country, and rents out of 'other lords of small reputation which it were prolix to write.' The old black rent of 40*l.* out of Louth was remitted by my father. Whatever men may say, I mean to spend all my power in the Queen's service.

R. Fuller particulars are required, and records are extant to disprove all these claims.

7. What obedience and service hath O'Neill hitherto borne to the Crown of Ireland?

A. Bare allegiance only to the Lords of Ireland, and peace with the Pale. My father first acknowledged Henry VIII. King of England, France, and Ireland; I do the same 'with a more

perfection' to serve her Majesty than my ancestors. When I undertook to come I fully knew what influence the Earl of Sussex had with the nobility. Nevertheless, I had 'hope in the Queen's Highness and the uprightness of her honourable Council, and my own truth.' I now crave favour and despatch.

R. All this is false. O'Neill owes great service to the Crown of Ireland as appears by record.⁴⁰

Personal differences between Shane and Sussex

Other controversies there were of a more personal character between Shane and Sussex; a study of which shows how hopeless it was to suppose that they would ever act together, or be anything but enemies to each other. Shane declared truly enough that Sussex had designs on his life. His charges may be summed up in the statement that he thoroughly mistrusted the Lord-Lieutenant, 'by reason of which mistrust he hath escaped his traps, by the help of God and grace of the Queen, and now at length come to her gracious presence, which he hath long wished.' Refuting some charges and denying others, the Earl concentrates his wrath in the supposition 'that Shane's nature is so accustomed to lying, as after her Majesty's gracious dealing with him he is not ashamed to show the same now in her presence;' and is therefore much less to be trusted when absent.⁴¹

Consequences of Shane's detention

That Cecil was anxious to do right in O'Neill's case may be inferred from the great labour which he evidently took to understand both the legal and moral aspect of the question. The 'Tower Records' were searched for precedents as to the Earldom of Ulster, through which Edward IV. and all his successors were entitled to Tyrone, and as to the relations of the Crown with Irish captains. Inquiries into Irish customs were also set on foot with special reference to Shane's claims under them. His proved rights there was clearly no intention of withholding. But there was culpable procrastination, a hope that something might turn up, and an idea that it was well to keep Shane away from his own country and to accustom his country to do without him. O'Neill clamoured for his release, and produced evidence of the distractions of his country in his absence. Many spoils were taken to the Pale, and many disturbances raised by the Baron of Dungannon's sons and by other enemies. Tirlough Luineach took too much on himself; 'and the sept of the Neills,' said the chief's correspondent, 'do not maintain one another but are scattered abroad, every one doing for himself, and the "kereaghts" of the country (the nomad herdsmen of Ulster) in every side are dropping away to eschew the trouble of the country ... every man spake largely for the defence of the country at your being with them, yet is the country now evil defended. It is easier to redress now than hereafter, therefore come in haste and do as the proverb says, "Principiis obsta; sero medicina paratur," come with haste and you shall be welcome.'⁴²

Murder of the Baron of Dungannon

The Queen not unreasonably declared that she could not decide fairly in the young Baron's absence; but this should have been thought of before. About the time the order to send him reached Ireland the question was settled as between Shane and his nephew, or supposed nephew, by the murder of the younger claimant to the Earldom of Tyrone. Tirlough Luineach, who was probably tanist, and was certainly the second man among the O'Neills, waylaid the unfortunate boy before daybreak

⁴⁰ Articles to be answered by Shane O'Neill, Feb. 7, 1562. His answers, same date. The Earl of Sussex's reply, Feb. 14.

⁴¹ Shane's answers to the Articles of Treason, &c., of June 8, 1561; Feb. 7. Confutation of same, Feb. 14.

⁴² Brief collection of material points, Feb. 14; Private Memoranda by Cecil, March 1562 (No. 43); nameless correspondent to Shane O'Neill, March 21, with a note by Shane for the Council referring to other letters.

with 100 horse and 200 foot, somewhere between Carlingford and Newry. The victim had no more than twenty with him. He hid in a thicket, and stripped off his clothes, intending to swim the river, when the pursuit slackened. But one of his followers who was taken offered, to save his own life, to betray a better person. His hiding-place was soon found, and he was killed, 'not far, as I think,' said Fitzwilliam, 'from the spot where his father had the like friendship of his men.' Brian O'Neill left a brother behind him, who was neglected on account of his youth, but who lived to be the most formidable of all Elizabeth's Irish enemies. The murder could not be traced to Shane; and indeed Tirlough, as his presumptive successor, had an interest of his own in getting rid of a pretender who relied on letters patent. Under Tirlough's leadership the O'Neills did nearly as much harm as when Shane was present, and the last crime was considered evidence that no one but the latter could keep order.⁴³

What Shane did in London

We have but scanty information as to how Shane spent his time in London. He was present at a Court hunting party, where he saw a brother of Guise, who was on his way home from Scotland, kill two stags with a single arrow. A diarist of the time has recorded that one day 'John O'Neill, the wild Irishman, came riding into Cheapside, and dined at St. John's Head, at Master Daniel's, the goldsmith;' and that on another day he ran at the ring beyond St. James's in the field. No doubt Shane rode well enough in the field; but probably he did not shine in the tilt-yard; for he asked the Queen, until she had found him an English wife to amuse him, to appoint him 'to attend on the Lord Robert, that I may learn to ride after the English fashion, to run at the tilt, to hawk, to shoot, or use such other good exercises as I perceive my said good lord to be meet unto.' This may not have been unpleasing to the Queen, and was certainly not so to the favourite, who afterwards corresponded with Shane. O'Neill sent him hawks, horses, and greyhounds, and thanked him for his gentle and loving letters. Shane did not get the wife 'to be chosen by the Queen such as she and I may agree,' and he may have ceased to press the matter when he found that he might be expected to 'change his garments, and go like an Englishman.' Nothing was further from his thoughts than to conform to English customs, either in dress or religion, and he was in constant communication with the Spanish ambassador De Quadra, who encouraged him to hope for Philip's favour, and took care that he should not want the means of confession and absolution, which he must have required pretty often. The interpreter at these interviews was an Irish priest, who afterwards went to Louvain, and thence to Spain or Rome. One supposed consequence of his journey was that the Holy See gave Shane all the ecclesiastical patronage in his country.⁴⁴

Shane returns to Ireland

Shamed or frightened by the death of the young Baron, the Queen at last let her barbarous subject go. He was acknowledged, with a formal reservation of young Hugh O'Neill's claims, as actual captain not only of Tyrone, but of O'Cahan's county, and of the greater part of what is now the county of Antrim; but with a proviso that he should not levy Irish exactions outside of his own proper district. He promised to do his best to persuade the chiefs thus placed under him to come to Dublin and do homage, and to support those who thus evinced their loyalty against those who refused to

⁴³ Fitzwilliam to Cecil, April 23, 1562. The murder is not mentioned by the *Four Masters*.

⁴⁴ Machyn's *Diary*, Feb. 13 and 14; Shane's complaints to the Queen, March 13; Private Memoranda by Cecil, March (No. 43); Shane O'Neill to Lord Robert Dudley, Nov. 2, 1562; to the Cardinals of Lorraine and Guise, Feb. 1, 1567; Sir Nicholas Arnold to Cecil, Nov. 23, 1562. See Froude's *History of England*, Elizabeth, chaps. v. and vii. The 'Marquis' alluded to by Shane, in his letter to the Cardinals, would seem to be D'Elbœuf; but was he in England with Shane?

do so. Shane agreed to attend all general hostings in Ulster, and to keep the peace with O'Donnell, O'Reilly, and the rest for six months, during which a board of arbitration, consisting of the Earls of Kildare and Ormonde, and of four members of the Irish Privy Council, two named by himself and two by the opposite party, should sit and determine all differences. O'Neill promised to retain no mercenaries born out of Tyrone, and to take no pledges beyond the same limits. Phelim Roe's sons, and others in Tyrone who had done the Queen service, were not to be molested, and internal disputes were to be settled by arbitrators; the powers of an umpire being retained by the Council, who might send Commissioners to the border. Shane covenanted not to molest the garrison of Armagh, on condition that they were victualled out of the Pale. He consented to bring Calvagh O'Donnell into the presence of the Earls of Ormonde, Kildare, Thomond, and Clanricarde, and to submit to their decision as to Calvagh's liberation, and as to other matters in dispute. Such was the general tenor of the treaty: it was one which could not work well without complete good faith on both sides. The Queen probably acted under the advice of Sidney and of his brother-in-law Dudley, and this may have laid the foundation of the bad feeling afterwards existing between Sidney and Sussex. Shane was indeed completely triumphant. He left three hostages in London, but as they were all persons of no importance, he probably made the sacrifice with great equanimity.⁴⁵

The Queen puzzled

Unfortunately, good faith existed on neither side. Elizabeth dismissed Shane with honour because she knew not what else to do, and Shane agreed to her terms because he was in the net and saw no other means of escape. Three hundred pounds certainly, perhaps more, was lent, or rather given, for the return journey, and the Queen issued a proclamation declaring Shane's virtues, and appointing Commissioners to determine his controversies with the Pale.

Desmond and Ormonde

Shortly before Sussex left Ireland Munster was disturbed by the chronic jealousy between Butlers and Geraldines. Desmond accused Ormonde of waylaying him on his return from the great hosting, and thereupon invaded his country; but a peremptory order from the Lord-Lieutenant averted a collision for the time. Ormonde went to Sussex when sent for, but Desmond, while professing his readiness to obey, kept out of reach, and made Lord Roche and Lord Barry swear allegiance to him. Sussex recommended that both the Earls should be sent for to England as the only means to save the whole South-West from disorder, which nothing short of a regular campaign could repress. Ormonde was willing to incur the expense of the journey, for he was in an awkward dilemma. Either he must allow his country to be wasted with impunity, or he must incur the Queen's displeasure by attempting to defend it.⁴⁶

Desmond shows signs of insubordination

On receiving his patent as Lord Justice, Fitzwilliam was able to say that Shane's departure had made an instantaneous peace. Ormonde had shown extraordinary obedience and forbearance, or his rival's wilfulness and pride would have made great work. The usual causes of disturbance

⁴⁵ Indentures between Queen Elizabeth and Shane O'Neill, April 30, 1562; Sidney's opinion, April 11, substantially agreeing with the above. In his letter of Jan. 2 to Cecil, Sussex wrote that no man of credit accompanied Shane to England. Shane was back in Ireland by the end of May.

⁴⁶ Lord-Lieutenant and Council to the Queen, Oct. 23 and Nov. 23, 1561; Sussex to Cecil, Dec. 20, 1561, and Jan. 2, 1562; to the Queen, Jan. 2.

were still present, and the vacillation of the English Government confirmed the evil disposition of a people who, in Sir H. Radclyffe's opinion, were naturally 'addicted to sedition, desirous of alteration, contented with nothing but will and liberty.' Desmond was at war with all the gentlemen of the West, and they with him. The outlaws maintained by him burned towns and carried all their plunder into his country, where there was no danger of rescue. Ormonde had been ready to accompany Shane O'Neill to England, but the Queen had ordered him to wait for Desmond, lest he might leave his country exposed. The Geraldine Earl urged as a reason for staying at home that he was at war with his uncle Maurice, who bore the significant title of 'na totane,' or the incendiary, and whose propensities age had not tamed. The pretext was taken away by Thomas Fitzmaurice, who went to England and promised for himself and for his father to keep the peace during Desmond's absence. The Earl was reported to have said that he would never be in England at the same time with Kildare and O'Neill, the inference being that they had all an interest in disorder. Summoned by a letter from the Queen herself, Desmond did not answer for nearly a month, and then put in mere dilatory pleas, while he burned villages and robbed Ormonde's people of 500*l.* collected for his expenses in England. The two Earls met Fitzwilliam at Waterford, and Desmond dared the Lord Justice to interfere with the pirates who infested the Blackwater. He promised, however, that they should do no harm, and the Corporations of Cork, Kinsale, and Youghal declared that he was their only defence. The Lord Deputy and Council, said the Kinsale people, were so far off that they would rather lose their rights than hazard their lives to maintain them, and they made this their excuse for addressing the Queen directly. Desmond promised to go to England at Easter, and with this Fitzwilliam had to be content. Like Shane O'Neill, the Geraldine was willing to keep some order, provided he was not interfered with when he proposed to build a castle in Lord Roche's country. Fitzwilliam could see only rebellious intentions, but the people probably preferred one tyrant to many, and the known shortcomings of Desmond to the fluctuating policy of Lords-Lieutenant and Lords Justices. Determined to show no politeness to Fitzwilliam, Desmond slipped away at last without his knowledge, and Ormonde went over about the same time. In spite of his professions of poverty, Desmond was accompanied by an immense retinue.⁴⁷

Fitzwilliam's gloomy view of Ireland

Fitzwilliam took a very gloomy view of the country committed to his charge. He was, he said, a banished man wearing himself out among unkind people, a people most accursed, who lusted after every sin. Murder and incest were everyday matters, and a lying spirit brooded over all the land. It was difficult to make out any man's pedigree or title; for heraldry was discountenanced, records destroyed or embezzled, and everyone greedy for the reputation conferred by rhymers, whose trade was to set forth 'the most beastliest and odious parts of men's doings and their own likewise, for whom the rhymes be made; such be cherished, defended, and rewarded with garments till they leave themselves naked, besides the best piece of plate in the house, and chiefest horse away with them, not altogether departing empty-handed when they come among the Earls and others the nobility of English race.' The English Pale was, indeed, in a dreadful state, every one prophesying a total change of policy, and refusing to obey any law. Pirates infested the sea, blockading Cork and Kinsale, and even lying openly under Lambay, while the Queen's ships were nowhere visible. Robbery and arson were commonly committed with impunity. Thus Richard Keating, whose family had for generations given their service as swordsmen to the Earls of Kildare, amassed great wealth by preying on the property of the English settlers in Wexford. No one exerted himself to make the Keatings disgorge

⁴⁷ Fitzwilliam to Cecil, Jan. 15, Feb. 13, April 23, May 4; to the Queen, March 13 and 27; Sir H. Radclyffe to Cecil, Jan. 12; Ormonde to Sussex, Feb. 2; Kinsale, Cork, and Youghal to the Queen, April 8, 10, and 18; the Queen to the Lord Justice and Council, March 20.

their ill-gotten gains, fearing the vengeance of their great patron, and even Ormonde was unwilling to press them hard. 'There be such with us,' said Fitzwilliam, 'as can serve two masters, and neither truly.'⁴⁸

The Irish lawyers. Jobbing

Most important families had friends in official circles, and among the lawyers the jobbing was frightful. Records were made away with or altered, so that of seven attainders affecting the Crown's title to land, not one could be proved by documentary evidence. The judges were not above suspicion, and public justice had little chance against well-connected individuals. 'There is,' said the Lord Justice, 'neither judge, counsellor-at-law, nor any gentleman who is not by blood or marriage very near linked together, and though I cannot accuse any for doing things contrary to their conscience or corruptly, yet have I seen such things pass, whether for kindred's sake or neighbourhood I know not, but sure I am no man out of Ireland in the like case but would have made some stay for colour sake at least.' Where private interests were to be forwarded, decisions were given with indecent haste, while Crown business was systematically delayed. Fitzwilliam saw and described abuses clearly, but he had too much experience of Ireland to dream of a speedy reform. He had come with sanguine expectations, but had learned that a man may wear to skin and bones without effecting anything. The English Government had aggravated the difficulty by sending over officials of small parts or credit, far inferior to those born in Ireland. 'Let those sent hereafter,' he said, 'be as good as the best here,' and let 'every one that comes bid farewell to peace and quiet.'⁴⁹

⁴⁸ Fitzwilliam to Cecil, April 14 and 29; Lord Justice and Council to the Queen, April 17.

⁴⁹ Fitzwilliam to Cecil, May 13, with the enclosures; Matthew King to Cecil, May 7. King was Clerk of the Check, and of course saw a good deal.

CHAPTER XXI.

1561 TO 1564

State of the Pale. Memorial of Irish law students

Queen Elizabeth might show clemency or policy by her treatment of Shane O'Neill, by ignoring Kildare's intrigues and utilising him in her service, and by summoning Desmond and Ormonde to submit their controversies to her personal arbitrament; but she could not close her ears to the complaints which reached her as to the state of the English Pale. It was then, as it still is, the custom for Irish students to keep some terms in London, to study the common law at head-quarters, and to carry back legal traditions and modes of thought to their own country. The bar was the recognised road to power and influence, and young men of family chose it almost as a matter of course. Twenty-seven of these students signed a memorial specifying the miserable state of the Pale, and this document was delivered to the Privy Council. Among the names of the signatories we find Talbot, Bathe, Dillon, Barnewall, Burnell, Fleming, Netterville, Wesley, or Wellesley, and others scarcely less known. The complaints were arranged under twenty-four heads, and interrogatories were delivered to Sussex, who made the best answer he could to each. The first article set forth that the whole expense of the Government and forts was nominally borne by Dublin, Kildare, Meath, West Meath, and Louth; but that West Meath and Louth hardly paid anything, and that the real weight rested on the three first only. To this it was answered that Carlow and Wexford were contributory, and that there was also some help derived from Irish countries: poverty there might be, but not caused by the soldiers; otherwise why should West Meath, where there were seldom any troops, be the least peaceful county of all? The rejoinder was that Wexford and Carlow sometimes paid a trifle under protest, that the Lord Deputy sometimes lived at Leighlin Bridge, with the express object of getting something out of the country irregularly, and that West Meath suffered from Irish exactions, to which the Marshal and Cowley, the Governor of Philipstown, were parties. Forced labour for insufficient pay, free quarters for soldiers, goods taken far below the market price, coyne and livery, private jobbing under colour of the public service – such were the principal heads under which the law students arranged their heavy indictment. No doubt there was exaggeration, and in some cases Sussex was able to give a conclusive answer; but the students admitted that writing at a distance they made no claim to infallibility, and craved indulgence for mistakes, preferring to incur blame rather 'than that the miserable estate of our poor country should not be known to our gracious Queen.' They courted the fullest inquiry, and they certainly made a case strong enough to startle a sovereign who could never be justly accused of neglecting her subjects' welfare. Lord Robert Dudley, glad no doubt of an opportunity to annoy Sussex, and perhaps supplied with information by Sidney, supported the students; but the general official voice was loud and confident against them, and a rumour reached Ireland that the Queen gave no heed to their complaints. Thereupon twenty-seven gentlemen of the Pale addressed Elizabeth directly, supporting the original charges, protesting that their poverty and not their will made them impatient of taxation, and confiding in the Queen's readiness to learn the misery of her subjects, 'yea, from the basest sort.' They demanded an independent commission of inquiry, and begged that their interests might be represented by Lord Baltinglass and John Parker, Master of the Rolls in Ireland, himself an Englishman, but a bitter critic of Sussex and his government, and in their estimation a just and upright man.⁵⁰

⁵⁰ Book by twenty-seven students of Ireland, March 21, 1562, and the documents arising out of it (52 to 59). Sir Oliver Plunket, of Rathmore, and twenty-six others to the Queen, May 27, and their letter of the same date to Lord R. Dudley.

Martial law

One complaint of the students deserves special mention. They alleged that martial law interfered with the regular tribunals, and being pressed for particulars they stated positively ‘that Sir Ralph Bagenal, being lieutenant of the army, was for killing of a soldier arraigned at the King’s Bench, who pleaded his pardon. Whether justice hath been done by the Marshal of soldiers complained on to that we say that the man before mentioned to have been arraigned at the King’s Bench, and attempted to be taken thence by the Marshal, but upon resistance of the judges stayed and committed to gaol, was after by the Marshal taken from thence, and had none other punishment than put on the pillory, muffled, as it should seem, lest he might be known, which we count rather a mockery than execution of justice.’ No answer in effect was given to this heavy charge, but that the Marshal had authority over the military, and that the Governor had orders to maintain him. If the lawyers in Dublin were guilty of factious opposition to the Government, they were not altogether without excuse.⁵¹

Desmond in London

Encouraged probably by the success of Shane O’Neill, Desmond behaved in London very much as he had behaved at Waterford. Being charged before the Council with openly defying the law in Ireland, he answered contumaciously, and when called to order refused to apologise. He was accordingly committed to the custody of the Lord Treasurer, on hearing which Fitzwilliam expressed an opinion that Desmond lacked both education and wit, and that the effect of bringing him to such senses as he had would be most beneficial in Ireland. ‘The news,’ he said, ‘made some not only to change colour, but greatly sigh, whose nature God amend, make them banish flattery, malice, and other misdeeds.’

The Queen’s views about him

The Queen wrote to Lady Desmond to complain of the Earl’s inordinate conduct, and to state her conviction that a little gentle imprisonment would do him good. Unheard-of favour had been ill requited; nevertheless, the royal patience was inexhaustible. No harm was intended to Desmond, and his wife was charged to keep order until his return. Between her son and her husband, the position of the countess was not pleasant. Fitzwilliam thought she did her best to hold the balance, and keep the peace between them; but her husband’s friends accused her of unduly favouring Ormonde, an imputation which she indignantly denied. ‘I always,’ she declared with a certain pathos, ‘wished them to be perfect friends, as two whom I love as myself.’⁵²

Projects of Sussex

Sussex followed Shane O’Neill back to Ireland, taking with him his sister, Lady Frances, the dainty bait at which it was supposed that wary fish might rise. During his stay at Court he had taught the Queen to see Ireland partly with his eyes. About the desirability of abolishing illegal exactions there could of course be no difference of opinion; and Elizabeth was now further inclined to divide the country into presidencies, to persuade the principal chiefs to take estates of their lands and accept

⁵¹ Interrogatories by the Earl of Sussex, &c., March 21, and the answer, same date.

⁵² Fitzwilliam to Cecil, June 19, 1562; the Queen to Lady Desmond, June 7, 1562; Joan, Dowager Countess of Ormonde and Countess of Desmond, to Cecil, July 22, 1563.

titles of honour, to hold a Parliament, and to establish a Star Chamber. On other points she was at issue with her Lord-Lieutenant. Thus Sussex wished to expel Shane O'Neill absolutely from Ulster, to divide Tyrone into three districts, to encourage and flatter the Scots as long as their help was wanted, and then, with a refined duplicity, to drive them out in their turn. Elizabeth was for making the best of Shane, alluring him, if possible, to keep his promises. The Presidency Courts when established were to administer both law and equity. Sussex wished to acknowledge what was good of the Brehon law, and by systematising it gradually to accustom Irishmen to written and settled forms. The Brehons he proposed to admit, not as arbitrators, but as counsel entitled to receive fees; and by empanelling juries to find the facts, he hoped in time to fuse the two systems together. It is much to be regretted that this really statesmanlike idea was not allowed to bear fruit. The difficulty of getting juries to find verdicts against the members of powerful factions was great in Elizabeth's time, as it is now. Sussex proposed to meet it by freely changing the venue from one county to another, an obvious expedient which has only very lately and by a subterfuge been partially introduced. The constitutional pedantry of lawyers often stands in the way of justice, for the furtherance of which they are themselves supposed to exist.⁵³

The Queen sends Commissioners to report on the Pale

The Queen's evident readiness to hear the complaints of the Pale encouraged William Bermingham, who had his own ideas of reform, and who was in correspondence with the Irish law students. He went to London, and his representations perhaps decided Elizabeth to send over a Commissioner with authority and ability to discover the truth, and to report it fearlessly. The person selected was Sir Nicholas Arnold, Wyatt's fellow-conspirator, a man of resolution and industry, who cared little for popularity, and who might be trusted to carry out his orders. Arnold was instructed to confer with Lord Baltinglass and three others as to the county of Kildare, with Lords Dunsany, Howth, and three others as to Meath and Louth, and with Talbot of Malahide and three others as to Dublin. Notwithstanding this success, Bermingham complained bitterly that he had been ill-treated and his advice slighted. If he had had full and favourable hearing he would have showed how the Queen might save 30,000*l*. He was 45*l*. out of pocket by his journey, and had gained little or nothing for the public. 'I shall be the last of my country,' he said, 'that shall come hither again to complain or to declare anything for the Prince's commodity, although the occasion be never so vehement.' Anxious to get home for the harvest, Bermingham left London soon afterwards, overtook Arnold at Harlech, where he was waiting for shipping, and presented him with a long string of interrogatories proper, in his opinion, to be administered to the Queen's subjects in Ireland. The insinuations were that martial law was grievous to the innocent, and no terror to evil-doers, that officers and soldiers oppressed the people, that false musters were habitually taken, and that the Queen was kept in ignorance of the real state of Ireland. There were many covert insinuations against Sussex; and Arnold, when he reached his destination, was thus forewarned against official statements, and perhaps slightly prejudiced against the officials themselves.⁵⁴

Burdens of the Pale

The payment of cess for maintaining soldiers was the most grievous of burdens. It was impossible to dispense with it altogether; but Sussex suggested that a more economical management of the Crown lands might furnish the means of lightening it considerably. The Queen acquiesced, suspended the granting of leases, and invited the Lord-Lieutenant to consult with his Council as to

⁵³ Instructions to the Earl of Sussex, July 4, 1562; Report of the Earl of Sussex, 1562 (No. 236). Both in *Carew*.

⁵⁴ Instructions for Sir N. Arnold, July 7, 1562; W. Bermingham to Northampton, July 16; Arnold to Cecil, Aug. 13.

the redemption of those which were still unexpired. Commissioners were instructed to summon the landowners, and to inform them that the Queen was most anxious to lighten the cess; but that the monastic lands had been improvidently leased, and that she had therefore no sufficient revenue. If the country was inclined to buy out some of the lessees, their farms might be re-let at such a profit as to reduce the cess materially. The Commissioners, who were chosen from among the chief families, reported adversely to the scheme. The inhabitants of the Pale could not afford money for such a small and uncertain benefit. If they could be for ever relieved of all military burdens by letters patent, confirmed by Parliament, then they would make an effort, but for nothing less. This could not be done, and the matter dropped.⁵⁵

Shane O'Neill professes loyalty

Back in Ireland, with the consciousness that he had gained a substantial victory, and that his most dangerous enemy was dead, Shane O'Neill was at first in high good humour; and he wrote courteously to the Lord Justice saying that the Queen had enough men to inhabit her land, and that his must go with himself. Fitzwilliam, who thought he had not learned much in England, was glad that he showed his hand so openly. Very soon the wording of the letters became warmer. Shane set up a claim to correspond in future directly with the Queen, and there were signs that he was already weary of well-doing, or rather of doing nothing. When Sussex landed he found that there was but little chance of the London articles being fully carried out. A meeting was appointed at Dundalk, and Sussex began to cast about for means to get Shane into his power by straining the language of the safe-conduct, which was nevertheless full and plain to every commonly candid understanding. The Dean of Armagh, the intriguing Terence Danyell, went to confer with Shane, and on his return dined with the Lord-Lieutenant. After dinner he talked freely, advising his host not to trust Shane, who would now be worse than ever, having rejected the advice of all his principal clansmen to attend Sussex at his landing. Shane complained with some reason of his treatment in England, said he went there to get and not to lose, demanded the withdrawal of the garrison from Armagh, threatened to take back his MacDonnell wife and make friends with the Scots once more, and nevertheless clamoured for the hand of Lady Frances Radclyffe. Dean Danyell thought Shane would not appear on the appointed day. Meanwhile, at least 20,000 head of cattle belonging to the O'Donnells were driven into Tyrone, and the O'Mores and O'Connors, the miserable remnant of two powerful clans, hung upon Shane's words and waited for him to give the signal of revolt.⁵⁶

The loyal people of Ulster complain of being deserted

On the day fixed for the execution of the indentures made in England, the Lord-Lieutenant and Council repaired to Dundalk; but no Shane appeared. Letters from him came in plenty. He complained of hurts done during his absence, asserted his right over Maguire, MacMahon, Magennis, and others, and refused to come to Sussex if those rights were to be disputed. Kildare, Clanricarde, and Thomond were deputed to meet O'Neill, and to insist in temperate language upon the performance of the articles. If the worst came to the worst, they were to procure a truce for six months between him and his neighbours, and an open market for the garrison of Armagh. The meeting led to nothing, and Shane withdrew to his woods in high disdain. Maguire, O'Reilly, and

⁵⁵ Instructions for Sir N. Arnold, July 7; W. Bermingham to Northampton and Cecil, July 16; Arnold to Cecil, August 13; Instructions for the Earl of Sussex, July 3, the original in *Carew*; Sussex to Cecil, Aug. 23.

⁵⁶ Fitzwilliam to Cecil, June 13 and 19, and Aug. 31, 1562; Sussex to Cecil, Aug. 1; Sussex to the Queen, Aug. 27, with the enclosures. The words of the safe-conduct are, to come and go, 'absque ulla perturbatione sive molestatione nostra, sive alicujus subditi Dominae nostrae Reginae.' Sussex reached Ireland on July 24.

the rest, who, on the faith of English promises which could not be performed, had hoped in vain for protection and peace, 'seeing him so proudly departed and not having received that which they long had hoped on, for two or three years depending continually on the Queen's Majesty, did forthwith burst out in so large, unseemly, and also lamentable talk, yea, in effect cursing him that would believe any promise from the Queen's Highness, either by mouth or letter... Old O'Hanlon openly swore it were better to serve the worst Irishman of Ulster than to trust unto the Queen. MacRandal Boy, a Scot, who is as wise and subtle an Irishman as any among them,' spoke to the same effect, and Maguire complained bitterly of his losses, 'both at the coming in of the tide and going out of the same.' Sussex was almost ready to advise that the loyal chiefs should be allowed at once to submit to Shane, as the likeliest way to save some part of their property.⁵⁷

Ill-treatment of O'Donnell

The Pale was not less hostile to Sussex than Tyrone itself, and his policy was constantly counteracted from behind. Robert Fleming, attorney of Drogheda, who had been employed by Shane to bring his letters to Dundalk, sought a private interview, and on being admitted to the Lord-Lieutenant's presence looked in every corner and under every hanging to see that no one was listening. He declared that if his evidence were known it would cost him his life. Sussex gave him his word of honour not to disclose it, and he begged the Queen to keep the secret. Fleming then said that Shane, who had daily information out of the Pale, had heard of Sussex bringing over his sister only to entrap him, and that 'if he came to any governor he should never return.' According to Fleming, most of the nominally loyal Irish had a secret understanding with Shane, who had agreed to keep Calvagh O'Donnell a perpetual prisoner, and to make his son Con chief. Con was to marry Shane's daughter; the Macleans were to give their services in ransom of the unfortunate countess; O'Neill himself was to take back MacDonald's daughter and marry her openly; and Sorley Boy was to seek a foster-mother for his children among the O'Neills, to give Shane great gifts, and to furnish a contingent of 400 or 500 men. Whether Fleming was intentionally deceiving Sussex, or whether he really believed what he said, it is impossible to say; but the Earl evidently gave him no credit as against Con O'Donnell, whom he reported to be 'the likeliest plant,' as he thought, that ever sprang in Ulster to graft a good subject on. Con himself wrote to the Queen begging for help in earnest language, and telling her that he would rather give himself up than see his father and mother in such miserable captivity. The treatment of Shane's prisoners was indeed frightfully cruel. Calvagh had to wear an iron collar round his neck fastened by a short chain to gyves on his ankles, so that he could neither stand nor lie by day or night. 'Afterwards,' he said, 'Shane thought to torment me after another manner, to the intent that he might have all my jewels, and so he caused the irons to be strained upon my legs and upon my hands, so sore that the very blood did run down on every side of mine irons, insomuch that I did wish after death a thousand times.' Shane demanded Lifford as a ransom. This was the stronghold which old Manus had built in his best days, in spite of the O'Neills, and its surrender would lay Tyrconnel at an invader's feet. Shane could not be trusted, for he had already plundered the O'Donnells treacherously of 20,000 kine; nevertheless, it would be necessary to try the 'loathsome' experiment, unless the Queen could help her own. Con spoke for himself, and for Maguire, O'Reilly, MacMahon, Magennis, and O'Hanlon. The misery of the loyal tribes could not be exceeded, and Con's own people were dying of starvation on the highways. Shane was the tyrant of the North, inordinately ambitious, devoid of truth, and stained with every vice. If only the Queen would bestir herself, 'his pride,' said Con, 'I hope shall have a sudden fall.'⁵⁸

⁵⁷ Lord-Lieutenant and Council to the Queen, Sept. 20, with enclosures; Fitzwilliam to Cecil, Sept. 20; Arnold to Cecil, Sept. 23; Sussex to the Queen, Sept. 29.

⁵⁸ Con O'Donnell to the Queen, Sept. 30, 1562; Calvagh O'Donnell to Sussex, Oct. 29; Sussex to the Queen, Sept. 29 and Oct. 1.

Shane's violence. Maguire

While the Government hesitated O'Neill acted. He attacked O'Reilly, swept 10,000 more cattle out of Tyrconnel, though he had sworn to keep the peace, procured the escape of his hostages from Dublin Castle, took away cattle from Armagh and then contemptuously restored them, and threatened the garrison itself. The MacDonnells were forced for safety to make an agreement with Shane, and Sussex returned to Dublin and wrote an official letter to Elizabeth. This humiliating despatch was in fact dictated by Shane to the Queen's representative, whom he had outwitted, and whom he now forced to write in his favour. It was followed by another letter, in which Sussex advised Elizabeth to show no mercy to the rebel: he had only written to stop Shane's mouth, and to gain time. Maguire described in piteous language the outrages to which he was subjected, only for being a loyal subject. Shane had crossed the Erne at Belleek and burned corn and houses, falling upon the harvest people and killing 300 men, women, and children. 'I am,' Maguire had written to Sussex, 'upon my keeping every day since his coming to Ireland. In his absence I might do him much hurt, if it were not for fear of your Lordship's displeasure. Shane made offers to me, but my answer was that I will never forsake your Lordship, till your honour do forsake me. Except your Lordship will see to these matters Shane will come to destroy my country, and I shall be cast away, or else I must yield myself unto him.' The invasion had now taken place; and Hugh O'Donnell, to whom Belleek belonged, was afraid to offer any resistance. He thought it safer to join Shane, and Fermanagh was at the mercy of these two. 'I told Shane,' said Maguire, 'that I would never forsake you till you had forsaken me first; wherefore he began to wax mad, setting all on fire, and did never spare neither church nor sanctuary. He could not pass westward where my cattle were, because I stopped the passage with the help of certain hagbuteers that I have. Shane O'Neill should never have the power to banish me, except it had been through Hugh O'Donnell's castles, that stand in the borders of my country. I desire your Lordship to see to my great losses, which is innumerable to be reckoned. For I promise you, and you do not see the rather to Shane O'Neill's business, ye are likely to make him the strongest man of all Ireland, for everyone will take an example by my great losses. Wherefore take heed to yourselves betimes, for he is likely, with the help of Hugh O'Donnell, to have all the power from this place till he come to the walls of Galway, to rise against you.'⁵⁹

Ulster at Shane's mercy

O'Neill's tyranny was certainly hateful to his neighbours, who protested their loyalty and prayed earnestly for help. Maguire begged Sussex to write only in English, for clerks, 'or other men of the country,' might know his mind if he used Latin. The poor man seems not to have had a horse left to ride, and was fain to beg one of the Lord-Lieutenant, who sent him an animal for which he had given the high price of twenty-four marks sterling. The prevalence of official corruption is seen here, for the horse actually delivered was worthless. A similar mishap seems to have befallen four hand-guns. Nothing was left in Fermanagh, Shane's machinery for robbery and murder being perfect, except in some islands in Lough Erne, and Hugh O'Donnell was preparing a flotilla to harry these also, while the O'Neills lined the shores. 'I cannot,' said Maguire, 'scape neither by land nor by water, except God and your Lordship do help me at this need; all my country are against me because of their great losses and for fear, and all my men's pleasure is that I should yield myself to Shane.' It was a far cry to Lough Erne, and Sussex could only enlarge upon the value of patience. To Shane's violence

⁵⁹ Extracted from three letters of Shane Maguire to Sussex, printed in Wright's *Queen Elizabeth*, Aug. 15, Oct. 9 and 20, 1562, from the Cotton MSS. The last is also in the R.O. collection. The letter written to humour Shane, by the Lord-Lieutenant and Council to the Queen, is dated Oct. 20, and the Lord-Lieutenant's corrective, Oct. 26.

he could oppose nothing but intrigues. The most brilliant expedient which occurred to him was to go to Armagh during the moonlight nights, and there parley with the enemy, so that he might not use them to plunder his neighbours. A State policy which depends upon the phases of every moon is really beneath criticism. January had been marked by the wild man's appearance at Court. December left him with Ulster at his mercy, the Government baffled, and all those who adhered to the Queen fugitives, prisoners, or at the very least robbed of their goods, and hourly expecting a worse fate.⁶⁰

Arnold and Sussex

Like everyone who visits Ireland to learn the truth, Sir Nicholas Arnold found there was a general desire to throw dust in his eyes. The business of the musters proceeded very slowly. Bermingham was unable to prove his allegations, or many of them, and the gentry of the Pale began to think that Sussex would, after all, come well out of the inquiry. Sir Christopher Cheevers and others, who in the spring had taken an active part in denouncing abuses, were in the autumn anxious to persuade the Lord-Lieutenant that they had no hand in Bermingham's doings. Bermingham, said Sussex, was Bermingham; the knave might do his worst, but his instigators were better known than Sir Christopher and his friends supposed. The musters were but a cloak for intrigue, and he hoped the Queen would 'command Bermingham's ears to the pillory for example, for the Earl of Sussex himself (so much more being the Queen's Lieutenant) was no person to suffer to be threatened by a varlet to be touched in word, and not to be touched in deed.'⁶¹

Recriminations

Parker, the Master of the Rolls, who had strongly advocated the cause of the Pale, was suspected of compiling libellous pamphlets against the Lord-Lieutenant, and was subjected to interrogatories on the subject. After much unseemly wrangling at the Council Board in the presence of Arnold, Parker at first refused to answer, and, being outvoted on that point, asked a delay of two days, and then put in merely a general denial, requiring special orders from the Queen before proceeding further. Had the Master of the Rolls been his equal, Sussex told the Queen he would have taken personal satisfaction, at the risk of his life and goods. He could forgive plots against his life, 'but he that seeketh falsely to procure me to live discredited with you, and defamed with the world, doth, I confess, touch me so near at the bottom of the heart, as I may without offence, I trust, of conscience, pursue the party to the uttermost by my own truth and discover his falsehood... The malicious practices of Ireland seek first by secret and sinister means to utter matter of slander, thinking that the same going without punishment from hand to hand will breed to a common rumour, and so (holpen with time) endure credit, whereby, excepting indeed without punishment, they bring their intent to effect and leave the honest slandered, which danger I most humbly crave your Majesty to avoid from me, by open purgation in this and in all other like matters.' It is true that public men in Ireland have been at all times peculiarly subject to baseless and self-seeking calumnies, and Sussex may be freely acquitted of any dishonesty in his office; but his indignation would better become him did not his own letters convict him of the grossest treachery against an Irish enemy. Was not Queen Elizabeth in truth far more deeply disgraced by the conduct of her Lieutenant than by any slanders which might pursue him in the fearless discharge of his duty? It is evident that Cecil did not share the Lord-Lieutenant's

⁶⁰ O'Reilly and others to the Queen, Nov. 6, 1562, against 'illum nepharium Johannem.' Shane Maguire to the Lord-Lieutenant, Nov. 25; Sussex to Maguire, Dec. 15, and to the Privy Council, Dec. 28.

⁶¹ Lord-Lieutenant to Cecil, Sept. 29.

feelings against Parker, for he continued to consult him, and the Queen granted his suit for a lease of certain lands.⁶²

Evident unfitness of Sussex for his work

Among the many pie-crust promises of Shane O'Neill was one not to attack Dundalk, and on the faith of it the townsmen left their cattle in the fields, and lost them. Sussex feared for the safety of the town, and offered a garrison of 400 foot and 100 horse, to be victualled at the Queen's prices. This was refused, the chance of losing all by Shane appearing a less terrible alternative than the support of 500 soldiers for three months. As the townsmen well knew, Sussex would be obliged to do his best for them, whether they helped or not. Nor were the Dundalk people altogether without excuse. The best men in Ireland, even Ormonde himself, were loth to incur expense which was almost sure to be followed by failure. Sussex had shown too clearly that the Irish problem was beyond his powers. He murmured at the general remissness. 'I pray God,' he exclaimed, 'to rid me from serving with such as speak with their mouths what they mislike with their hearts, and put forth with their words that which they overthrow with their deeds, of which mischievous and direful practices I fear I shall hereafter bear the blame.'⁶³

Great preparations to attack Shane

Great exertions were made to collect two months' victuals in the Pale, and in Wexford, Carlow, and Westmeath; and to do it in the way least burdensome to the country. A general hosting was ordered, but to avoid the cost of cartage the bulk of the stores were sent by water to Newry and Carlingford, and thence to Armagh by country ponies requisitioned for the purpose. Five hundred labourers were taken out of the Pale in the same way, to cut a pass in the woods between Dundalk and Armagh. The season was a bad one, but great hopes were excited, and the people professed willingness to exert themselves to the utmost. A general hosting was ordered. The Irish chiefs who were already committed against Shane promised to do their best, and there were even hopes of Tirlough Luineach, the second man in Tyrone.⁶⁴

Small results

At last the army moved. Its composition was so heterogeneous that only a general of exceptional powers could hope to lead it to advantage, and Sussex was not such a general. The Keating kerne, the scourges of Wexford, did not agree with their Northern congeners: an affray took place, and blood was shed. There were small skirmishes with Shane's men. The soldiers chased a party to the edge of some bog or wood; then the wild horsemen appeared suddenly on all sides, or shots were fired from behind turf-ricks, and a retreat was beaten, seldom without loss. One day's work was exactly like another's. A few cows were taken, but no real service was done. For the first week the army lay encamped outside Armagh, and one dark night, while the rain was falling in torrents, a gang of thieves crept up to the lines and stole 300 pack-horses. This shameful negligence Sussex excused only by the fact that it was Easter Monday, and that it had been devoted to prayer, Sunday having been spent on the march. He forgot the natural connection between watchfulness and prayer. St. George's Day was spent by the Lord-Lieutenant in his tent, keeping the festival of the Garter; but the saint seems not

⁶² Sussex to the Queen, Sept. 6; Abstracts of Letters, Sept. 8; Calendar of Patent Rolls, Nov. 9, 5th Eliz. An anonymous duodecimo pamphlet of 29 pages calendared under June, 1562 (No. 37), is not in Parker's hand, and he denied having written anything of the kind.

⁶³ Sussex to the Privy Council, Feb. 5 and Feb. 19.

⁶⁴ Lord-Lieutenant and Council to the Privy Council, Jan. 26; Sussex to the Privy Council, Feb. 5 and 19, 1563.

to have been propitiated. Perhaps he thought the red cross should have been exhibited in the field. Three inglorious weeks passed away, and at the end the provisions were gone. The Blackwater had been crossed only for a few hours, and the baffled Viceroy returned to the Pale to bemoan his hard fate, and to lay the blame of failure upon every head but the right one – namely, his own.⁶⁵

Treachery of Andrew Brereton against the MacDonnells

Notwithstanding the perfidy of his own intentions towards them, Sussex expected the Scots to keep their promises made through Hutchinson and Randolph. Piers, the indefatigable constable of Carrickfergus, went both to Cantire and Red Bay. At the latter place he made an arrangement with James MacDonnell, by which the latter bound himself and his brother Sorley Boy to send a contingent to Armagh. Sussex had succeeded in making peace between the Scots and Andrew Brereton, the turbulent farmer of Lecale, who had called Tyrone traitor at the Council Board fourteen years before. Alaster MacRandal Boy, the acknowledged chief of the MacDonnells in that district, was a tried friend of the English, and willingly accepted Brereton's invitation to sup at Ardglass. That same night a number of Scots, including the chief and his brother Gillespie, were killed in their beds by Brereton's orders, and a third brother underwent the same fate in another village. These murders of course destroyed all hopes of help from the MacDonnells, and Scots and Irish alike called loudly and justly for vengeance. 'The voice is common,' said Sussex, 'that every Irishman that cometh to the Queen's service is either left undefended or murdered by treason, which toucheth as much the surety of the Queen's order in this realm as the breach of my "slantie" toucheth me in honour.' Brereton fled, having first sold his interest in Lecale to the Earl of Kildare. It does not appear that he was ever punished, and ten years afterwards we find the Lord Deputy recommending him for a good service pension. Such things did indeed touch the honour both of Queen Elizabeth and of her most distinguished servants.⁶⁶

Sussex can obtain no decisive success

After a fortnight's rest Sussex again took the field. Led by an O'Neill, his army crossed the Blackwater at Braintree, and penetrated to Clogher. Some cattle were taken, but the majority were driven off into Fermanagh, which was now quite under Shane's control. Provisions were short, and the raid, for it was nothing more, was supported by the beasts taken. Tirlough Luineach and the unfortunate Maguire met the Lord-Lieutenant, but the former did not, and the latter could not offer any effectual help. A general hosting was ordered, but the overtaxed and desponding Pale scarcely answered the call. The summons was repeated, and the Earls of Ormonde, Desmond, Clanricarde, and Thomond, were directed to meet the Lord-Lieutenant at Dundalk on June 14. In the meantime Sussex collected a small force at Armagh, and advanced to Dungannon. Tirlough Luineach was sent for; but he had not been favourably impressed by his last interview, and he did not come. A few O'Neills and a few soldiers, including one English captain, were slain in skirmishes, some cows were captured, and many ponies ham-strung. Shane hovered in the neighbourhood and prepared a Caudine ambuscade for Sussex near Lough Neagh. The Lord-Lieutenant escaped by taking another road, and returned to Armagh to find that MacMahon's hostages had flown. On the way back to Dundalk some plunder worth noting was taken, 3,000 kine and 1,600 stud mares belonging to the O'Neills, which had purposely been mixed up with the MacMahons' property. MacMahon sent to ask for peace. His

⁶⁵ Sussex left Dundalk on April 5, and returned to it on the 25th. St. George's Day was the 22nd. Many particulars in *Carew*, under June 7, 1563.

⁶⁶ Shane O'Neill is the authority for the details, but they do not seem to have been disputed; see his memorial in *Carew*, 1565, p. 369. Sussex to the Queen, April 24, 1563. Lord Deputy Fitzwilliam to Cecil, Feb. 20, 1573.

request was granted, and he was invited to attend the Lord-Lieutenant; but, like Tirlough Luineach, he declined to respond. Sussex returned to Drogheda, and on the same night Shane's people plundered Henry O'Neill's property close to Dundalk. Such was the usual, almost the inevitable end of these expeditions.⁶⁷

Negotiations

The preparations of Sussex for a new invasion of Tyrone led to nothing of importance. Negotiations were again tried, and Ormonde and Kildare were sent to argue the point with Shane. He agreed to a conference without listeners; there to make only such proposals as in matter and manner were worthy of a loving subject, and in sworn secrecy. The Earls offered not to divulge his statements, except to the Lord-Lieutenant and such of the Council as he should name. The desired conference took place, but Shane stiffly declared that he was not such a fool as to treat with the Scots without proper securities from the Government. He again demanded all that could be claimed by an O'Neill, and hinted to Ormonde that he had some understanding with the southern Geraldines, and that he might be worth conciliating.⁶⁸

Cusack makes a virtual surrender to Shane. Mortification of Sussex

While Shane was defying the State in Ireland, Sir Thomas Cusack was at Court advocating a conciliatory policy. In desperation the Queen sent him back with large treating powers. How much she felt the humiliation may be inferred from her thinking it necessary to apologise to Sussex. While sweetening the pill thus, she told him plainly that he had failed, that his failure had been a direct encouragement to the disaffected, and that he had confessed himself powerless to carry matters with a high hand. Under the circumstances there was nothing for it but to temporise. The mere form of a submission was the best that could be looked for. Cusack and Kildare accordingly met Shane, who descanted largely on his losses, on the attempts made to assassinate him, and on the persistent enmity of the Lord-Lieutenant towards him. He was, however, brought to consent to a treaty, by which he gained everything and yielded nothing. He was acknowledged as O'Neill, with all the powers ever exercised under that name. The Earldom of Tyrone was again dangled before his eyes, but the Queen said that for her own honour she could not go far into the matter until she had scrutinised the patents. With characteristic frugality she asked about the robes and collars sent to Sussex when he purposed to make O'Reilly and O'Donnell Earls, so that they might be available in case of a new creation. By the treaty concluded, Shane's differences with Maguire and O'Reilly were reserved for Commissioners, but they were to have no power to enforce their award. Chiefs who had committed the crime of loyalty were abandoned, and Shane was released from all obligations to appear in person before the Viceroy. His former promises to the Queen were cancelled, and he was exonerated from all responsibility for the murder of the Baron of Dungannon's son. Armagh Cathedral was to be restored to him, and he agreed to use it as became the Metropolitan Church of Ireland. Some trifling alterations were made in the treaty before ratification, but the surrender on the Queen's part was complete. Sussex felt this bitterly, but put a good face on the matter, and wrote to Shane in a conciliatory tone.⁶⁹

⁶⁷ Sussex to the Privy Council, May 11, and to his own Council, May 20; and see his Journal in *Carew*, June 1 to 7.

⁶⁸ Instructions for Ormonde and Kildare, July 26. Memorial of parley, July 30.

⁶⁹ See the treaty in *Carew*, Sept. 11, 1563; Sussex to Shane O'Neill, Sept. 16.

Shane again desires an English wife. Lady F. Radclyffe for choice

Shane still professed much anxiety to live clearly after the English fashion. An English wife was the best means to that end, and of all eligible persons he preferred Lady Frances Radclyffe. In this he had probably no other design than to humiliate Sussex, but he suggested that the Queen should give Mellifont as a dowry. If her Majesty would not make a match, then he begged leave to seek a foreign alliance; but he greatly preferred an English woman – Lady Frances above all others – to increase his civil education, and to make his followers acknowledge their duties to the Queen. In any case he was determined to be good in future, to be the ‘plague of all rebels in those parts,’ and to do all more cheaply for his sovereign than she could do it for herself. Elizabeth prudently answered that the question of an English wife must be adjourned until Shane had proved his love of civilisation by deeds as well as words.⁷⁰

Attempt to poison Shane

Just before the peace or truce an attempt had been made to poison O'Neill in wine, of which he was accustomed to drink a great deal. He and his servant suffered from the dose; but no one died. It is not disputed that the guilty man was John Smythe, who appears to have been a foot soldier of Irish birth, one of a company in the Queen's pay of which Ormonde had the command. O'Neill demanded redress, and the Queen, when she heard of the affair, wrote with becoming indignation and horror. If there was any difficulty about getting a fair trial in Ireland, the accused man was to be sent to London. Elizabeth declared her willingness to bear with much that was disorderly in Shane, and to trust him more for the future on account of this great provocation. Smythe was arrested and examined, but no punishment followed. Whether Sussex or other great men were implicated, or whether Ormonde wished to screen his man, will never now be known, and Shane was induced to forgive Smythe. The suave Cusack pointed out that he could not be hanged for a mere attempt, and O'Neill despised any other punishment. Cusack advised Cecil to let the thing blow over; and no doubt this suited the Queen, who could not have forgotten the Lord-Lieutenant's plain-spoken letters in that other affair of Neil Gray.⁷¹

New Royal Commission on the Pale, 1563

Having pacified Ulster, or rather shut her eyes to its true state, Elizabeth turned her attention to the state of the Pale. The complaints of the Irish law students in London, of Parker, of Bermingham, and of Shane O'Neill himself, had been partially investigated by Arnold. Matthew King, Clerk of the Check, was found to have been very remiss, and declared that some of his gravest misdeeds had been done under direct orders from the Lord-Lieutenant. Nothing could much exceed the ill-feeling shown by Sussex to the party of inquiry, though he did not actually obstruct Arnold, who, on his return to London, made out a case too strong to be safely neglected. Parker and Bermingham were consulted again, and Arnold received a new commission. To make the investigation thorough, all members of the Irish Council who had no men in the Queen's pay under them, and most of the principal gentlemen of

⁷⁰ See four letters from Shane O'Neill to the Queen, to Cecil, and to Cusack, all calendared under Nov. 18, 1563; also Terence Danyell to the Queen, Nov. 28.

⁷¹ Shane O'Neill to Cusack, Sept. 10, 1563 – ‘Per potionem vini in quo clam venenum, &c.’ Memorial for Cusack, Oct. 20, 1563; for Wroth and Arnold, same date. Cusack to Cecil, March 22, 1564. There was an apothecary named Thomas Smythe in Dublin about this time, and he was probably a relation of John, and may have got the poison for him. The would-be assassin was afterwards known as ‘Bottle Smythe;’ see *Irish Archaeological Journal*, N.S., vol. i. p. 99.

the Pale, were put into the Commission. Sir Thomas Wrothe was associated with Arnold, and William Dixe, a professional auditor, was afterwards joined to them. Their instructions involved inquiry into almost all civil and military, and into some ecclesiastical affairs. The Queen notified her intention of establishing provincial presidencies, and suggested a plan for a University in Dublin, to be endowed out of the revenue of St. Patrick's.⁷²

Cusack and Desmond

The indefatigable Cusack, whose great idea was the conciliation of Ireland by arrangements with the native nobility, was as anxious to obtain terms for Desmond as for Shane. The Earl was tired of his detention in England, where he was hard pressed for so moderate a sum as 4*l*. He agreed to be responsible for order in Munster, to see that the Queen got her feudal dues, and to pay her a tax of 4*d*. a year on every cow. He promised to put down the Brehon law, as well as the bards or rhymers who seem to have been thought still more important; 'for that they do by their ditties and rhymes made to divers lords and gentlemen in Ireland, in the commendation and high praise of extortion, rebellion, rape, raven, and other injustice, encourage those lords and gentlemen rather to follow those vices than to leave them.' For every shilling paid to these men, two were to be forfeited to the Queen, whose Commissioners were to have power to fine the rhymers at discretion.⁷³

Desmond and Ormonde

It is probable that neither Cusack's intercession nor Desmond's promises would have prevailed, had not the Earl's enforced absence left Munster in confusion. A dispute about the title to Killeacle was one difficulty, and the legal question cannot have been very hard to decide. But Desmond may have distrusted the impartiality of lawyers rather than the justice of his cause, and he preferred the old way of deciding lawsuits. His brother John spoiled the Butlers, while Ormonde, who was forbidden to retaliate, poured forth his griefs to Sussex. With just pride he dilated upon the loyalty of his ancestors, who had always been able to defend themselves, and to take and keep the Desmond's goods. His own services were not small, but for fear of disobeying orders he had to stand by, while he and his suffered more in two or three years than his forefathers had in two centuries. Towns were burned, women and children murdered, half Kilkenny and Tipperary lay waste. 'All this spoil, I assure your lordship, doth not so much grieve me as that the Earl of Desmond with his evil doings is like to speed as well as I that with my service have deserved at least to be restored to my own.' In trying to defend his property, Ormonde's brother John had been dangerously, if not mortally wounded. The Earl was forced to see all this, and do nothing. 'My lord, you see what I get by sufferance; my brother left as dead, and mine enemies living upon the spoil of my goods. My lord, who shall render my brother his life if he die? Shall I live and suffer all this? If I may not avenge my brother on these disobedient Geraldines, as you are a just governor lend your force against them, and let not my obedience be the cause of my destruction.' He begged that in case of Desmond being sent back to Ireland, he might at least be detained in Dublin until restitution should be made, and the rebels delivered to Sussex to be 'justified.' Ormonde threw out the significant hint that, failing this, he would leave his estate to take care of itself, and go to the Queen, 'like some other private men.'⁷⁴

⁷² Notes for musters, Sept. 8, 1563; Instructions to Arnold, Wrothe, and Dixe, Oct. 20, 1563, and Jan. 5, 1564, in *Carew*.

⁷³ Orders for Desmond, Dec. 20, 1563.

⁷⁴ Ormonde to Sussex, Dec. 10 and 17, 1563.

Desmond is restored

Desmond's head was in the lion's mouth, and he professed loyalty, while doubting the capacity of the Munster chiefs for civil life. If he was expected to do anything he must have guns and gunners to take castles, and have the right to arrest malefactors in the corporate towns. The Queen was silent on these points, but urged Desmond to put down private war, 'which hurts the innocent, to the great displeasure of Almighty God, and to our dishonour, whereof we pray you to have due regard.' She ordered him to wait at Dublin for Cusack, whose help he had himself asked. 'The Queen's sword,' she said, 'shall touch the guilty, and no other shall be drawn.' Brave words! but much belied by facts.⁷⁵

⁷⁵ Desmond to the Privy Council, Dec. 20, 1563; the Queen to Desmond, Jan. 15, 1564.

CHAPTER XXII. 1564 AND 1565

Difficulties of Wrothe and Arnold

The trouble which it cost Wrothe and Arnold to reach Ireland pretty accurately foreshadowed the trouble which awaited them there. After waiting a long time at Holyhead they at last ventured to sea, but were taken aback before they gained mid-Channel, and had to choose between scudding under bare poles towards Ulster, or returning to Wales. They chose the latter course, but failed to make the harbour. They lay for a time under the shelter of some rocks, and were glad to scramble ashore at three o'clock on a February morning, wet and sick, but safe. Nine days later they were more fortunate, and reached Dublin to find that Leix and Offaly were again in rebellion, and that the financial confusion had not been exaggerated. All captains, castellans, sheriffs, and municipal officers were at once called on to produce accounts. The inquiry into the musters was begun by demanding an accurate return of all changes and vacancies in the Lord-Lieutenant's own company. Sussex said he was ready to obey the Queen in all things, but that this had never been required of any chief governor, and was, in fact, out of his power. The debts to the Crown were great, and many of them desperate. There was not one groat in the Treasury, and the 11,000*l.* which the Commissioners brought was quite inadequate. The Pale and the wild Irish were at daggers drawn, for the former clung to their own customs and bye-laws, and looked for the Queen's protection in their attempts at self-government. The Church was in no better case than the State, but there was a pretty general wish to have St. Patrick's turned into a University. The Commissioners recommended that the judges should put the Act of Uniformity generally in force, 'not meddling with the simple multitude now at the first, but with one or two boasting mass men in every shire, that it may be seen that the punishment of such men is meant.'⁷⁶

Wrothe's horror at the general corruption

It soon became clear that Wrothe was not exactly the fittest man for the work. He was anxious to do right, but very nervous about exceeding the letter of his commission, and from the first wishing to be recalled. He fell into a fever which he felt certain would be attributed to riotous living, and he assured Cecil that he seldom took more than one meal in twenty-four hours, which was not the way to preserve health. His sense of the general corruption made it hard for him to gain friends, though he was generally praised for his willingness to work hard. The whole rapacious pack of jobbers longed to be rid of him, for he was bent on even-handed justice, a scarce commodity, and not in demand with any party. The Queen was considered fair game for every robber. Arnold, a man cast in a much rougher mould, had little regard for his colleague's feelings, and a coolness soon sprung up between them. On Sussex obtaining sick leave, the general government was entrusted to Arnold, and the new Lord Justice expected Wrothe to do the business of the Commission single-handed. He was willing enough to take routine work on himself, but declined to be responsible for any matter of moment unless Arnold was joined with him in it. 'God deal with me,' he wrote, 'as I have meant to serve the Queen here. My mind is troubled and my conscience, for God's sake help me... Our bowls here be so much biassed, and I have no skill but with upright bowls, and therefore unfit for this alley.'⁷⁷

⁷⁶ Wrothe and Arnold to Cecil, Feb. 5, 1564, and to the Privy Council, March 14.

⁷⁷ Wrothe to Cecil, July 13, 1564; see also same to same, March 16, April 7, 16, and 26.

Great abuses

After a partial examination of the public accounts, Auditor Dixe estimated that the Queen's debts were between 30,000*l.* and 40,000*l.* The victualler and the officers engaged on fortifications gave in their accounts, but they were full of mistakes. The cessors of the Pale, who were very numerous and often very incompetent, were slow to produce their books. Captains of companies delivered muster-rolls from May 1560, when they had been fully paid off by the Lord-Lieutenant's warrant, but declined to do so for the previous year on the ground that it was contrary to custom. In many cases the books were not forthcoming, but this was not unnatural in the case of officers who constantly changed their quarters, and who did not expect any further question to arise. The real fault was in the Government. We are accustomed to clock-work regularity, and can scarcely imagine the loose way in which things were done even much later than Elizabeth's days. When Lord Shelburne joined Colonel Wolfe's regiment, the future hero of Quebec told him that he must not draw his pay, but let it accumulate for the benefit of deserving officers. But it was not only in money accounts that Wrothe and Arnold found the army in Ireland defective. There was an old order that every captain should find pay for his Irish soldiers if he thought proper to have more than five in his company. As a matter of fact many companies were half Irish, and this had long been winked at. The captains were now told that the Queen wanted no Irish soldiers. Wild Irishmen could not be trusted, and tame Irishmen were necessarily a deduction from the strength of the Pale. It was not for the Queen's interest that the rebels should know all the secrets of the service and all the art of war. Irish soldiers would take less pay than Englishmen, and it was therefore for the private interest of officers to enlist them. The captains pleaded the Lord-Lieutenant's orders to make up their strength. Englishmen could not be had, and they threw themselves on the Queen's mercy; they were ready to serve her while life lasted.⁷⁸

Harsh proceedings of Arnold

But Bermingham, who was Arnold's principal adviser, understood the duties of the Commission differently. According to his view every officer, from the Lord-Lieutenant downwards, was to be visited with extreme penalties for every technical error. No allowance was to be made for men who were irregularly and not highly paid, and who had too often to make her Majesty's bricks without straw. It was hard in Queen Elizabeth's time – it is hard enough in Queen Victoria's – to apportion the blame between the English Government and its servants in Ireland, but the irregularities themselves were scandalous enough. Even Bermingham had some doubts about the policy of employing anyone living in Ireland to inquire into matters personally affecting the Queen's representative, but the Commissioners were peremptory, and he had to deliver a book of exceptions to the Lord-Lieutenant's muster. A roll of his own, accompanying this document, contained 213 names, but of these twenty-five were holders of other offices, thirty were occasionally employed by other captains, and sixty-four were of Irish birth, though by rights all but eight should have been Englishmen. Of the Englishmen born ten were no soldiers, but at best retainers. A soldier's pay was drawn in the name of the clerk of Christ Church, and still more strangely in the name of Adam Loftus, 'primate and bishop of Armagh, almost these two years.' Sussex could muster 155 men, but no more than forty-three were really fit for service, and of these twenty-eight were officers. Thomas Smythe, the apothecary, who probably kept drugs for poisoning as well as for healing, was borne on the strength, and so were butchers, carters, woodcutters, scullions, makers of arras, musicians, a mariner, an old fisherman, a blind man, and a dead man. Brian Fitzwilliam's company should have

⁷⁸ Wrothe and Arnold to the Privy Council, April 7, 1564; Dixe to Cecil, May 10.

mustered 200, exclusive of officers, whereas the rank and file in reality only numbered 128. Captain Fortescue's followers were found to be nearly all Irish; they were disbanded, and as Fortescue declined to account, he was committed to prison.⁷⁹

Wrothe is recalled, 1564. Irregularities in the army. Proceedings against the officers

When the Commission had been at work for a year, Elizabeth found out that it was very slow and very expensive. She recalled Wrothe, much to his own delight, but to the despair of Dixe, who was left single-handed to cope with Arnold and Bermingham. Unrestrained by an English colleague, the Lord Justice now proceeded to extremities, a course in which he was encouraged by the local magnates joined with him in the Commission. The captains were required to enter into recognizances, binding themselves under penalties to give a detailed account of all they had received, and to make good deficiencies. The captains were willing to bind themselves to account for all the money or value which they could be proved to have received, and confessed that they had been negligent about the preservation of books, but refused to admit the evidence of private soldiers instead of documentary proofs. Any one who has had anything to do with paying troops will know that they were amply justified in the refusal. The Commissioners proceeded in the most arbitrary way, refusing to make any allowance for men employed as servants, and proposing to pay all according to the roll, and without the knowledge of the captains. All Irishmen above six in each company were to be peremptorily disallowed, without considering the explanations offered on this head. The Commissioners swore in twelve soldiers from each company, and encouraged them to say all they could against their captains; and having thus collected much hostile evidence, they refused copies to the officers concerned. Captain George Delves having declined to submit to the requirements of the Commissioners, though he offered to give all reasonable security, was sent to prison. Sir Henry Radclyffe, the Lord-Lieutenant's brother, and Sir George Stanley, the Marshal, 'seeing their staves to stand next the door,' as they themselves expressed it, protested strongly against the 'opening of matters, we do not say the forging of matters,' to their prejudice. They significantly added that all the Commissioners were blood-relations to each other and to Bermingham. Auditor Dixe, who seems to have been really anxious to do right, heard the Lord Justice talk much of the 'exactions, impositions, cessings, and cuttings,' of Sussex and the captains, to the impoverishment of the Pale, and warned him that he would be considered partial if he did not report the same of the native nobility, who extorted twice as much. The auditor reminded Cecil that he was but one man against fourteen. The jobbing of family parties, as they have been called, has indeed been for centuries one of the chief difficulties of ministers who have been successively charged with the government of Ireland.⁸⁰

Arnold is too harsh and too zealous. Sir Henry Radclyffe's case

Arnold imprisons the Lord-Lieutenant's brother

Sir Henry Radclyffe, the most highly placed and best connected officer in Ireland, was summoned before Arnold to give fuller answers to Bermingham's charges. He refused to go back to a period before the last general payment, but offered to wait on the Commission at any time after one

⁷⁹ Bermingham's Book of Defects in the Lord-Lieutenant's band, July 1564 (No. 23), and other papers (Nos. 24 and 25); Memorandum in Cecil's hand on Sir T. Wrothe's letter of July 30; Dixe to Cecil, Nov. 22.

⁸⁰ The Queen to Wrothe, Oct. 4, 1564; Dixe to Cecil, Nov. 22 and Jan. 26, 1565; Wrothe to Cecil, Nov. 14; Sir Henry Radclyffe, Sir George Stanley, and Captain George Delves to the Privy Council, with enclosures, Jan. 10, 1565.

hour's notice, and begged that his soldiers might not be paid in his absence. Well might Radclyffe exclaim, 'fiat justitia,' when this common measure of justice was denied to him. Dixe was ordered to settle with Sir Henry's company according to their own report. He obeyed; but took the precaution to have some of the Commissioners present, and declined to be bound by the results of such a monstrous order. It was hardly worth while to brand the character of the Queen's officers, and to destroy the discipline of her troops for the sake of 10*l.*, saved in the payment of a company of fifty. Radclyffe asked for a passport, and even offered to be tried by his own soldiers. Both requests were refused, and the Commissioners, who seem to have surrendered themselves to Bermingham's guidance, declared that if fraud appeared on the face of the incriminating document drawn up by him, they would force Radclyffe to give the details which he had already refused. He was made to appear about 6,000*l.* in debt, nearly half of which was on account of Irishmen enlisted above the number officially allowed. The accused officer was then committed to prison, and Arnold, having undertaken to see his men paid, refused to settle the tradesmen's bills for necessities, alleging that all should fall on the captains. There may have been great negligence, but the Lord Justice did not venture to accuse Radclyffe of any false statement; and it must be admitted that, whatever his faults, he had managed to keep Leix and Offaly quiet. As much could not be said for Arnold, whom the English Council gently rebuked for taking such an extreme course with an officer of high rank, a Privy Councillor, and a man of family. There could be no objection to detaining him in Ireland if necessary, but he might have been left at liberty. Cecil and Leicester, after privately examining the voluminous and contradictory reports, declared themselves puzzled in some things, and advised Arnold to take a good many of the Irish Council into his confidence. They reminded him that Dixe, with whom he appeared unable to agree, was chosen for a man of honesty and ability. What Leicester and Cecil could not fully understand at the time, we shall hardly be able to clear up now. That Radclyffe had committed irregularities was not denied, that they were much smaller both in amount and in kind than Arnold supposed may be gathered from the fact that he was afterwards allowed to give a bond for 600*l.* to repay all moneys overpaid to him, if the balance should be against him at a final closing. Sir George Stanley gave a similar bond for 300*l.* Nicholas Heron, another captain whom Arnold treated with great rigour, was afterwards knighted, and died in the enjoyment of the Queen's favour.⁸¹

‘Sir Thomas Cusack’s peaces.’ Shane in his glory

While Arnold was occupied in exposing, and perhaps exaggerating the defects of military administration, the optimist Cusack was trying to keep Shane O'Neill in good humour. 'Sir Thomas Cusack's peaces' became a byword in official circles. The last was made on the basis of leaving Shane all the glories of the O'Neills until the Queen gave him his father's title. He was not to be brought before the chief governor against his will, and the disputes between English and Irish in the North were to be referred to arbitration. The Queen had made up her mind to brook the fact of a great O'Neill; but she positively refused to confirm the articles exempting him from attending on the Viceroy, and referring all to arbitration. Shane then declared that he would have all or none; but he signed a temporary agreement for the pacification of the borders, and he appears to have kept it for a time. Cusack, who was never tired of singing Shane's praises, wished to have the Great Seal affixed to the original treaty; but the Privy Council dared not mention it to Elizabeth, the alterations being deemed necessary for her honour. That saved, there was every desire to humour the tyrant of the North. Elizabeth said she thought she had yielded enough, but was willing to have Shane's disputes with the Baron of Dungannon's sons decided in the next Irish Parliament. Shane dared to claim Lady

⁸¹ For Radclyffe's case, see his letter to Cecil, Jan. 31, 1565, and the memorial of his other letters, Feb. 4; Bermingham to Cecil, Feb. 24; Answer to the Commissioners by the Earl of Sussex; Auditor Dixe to Cecil, Jan. 17 and 26. Dixe says he was not disliked, because he kept himself 'in a mean and quiet state.' See the Queen's letter to Lord Deputy Sidney, July 22, 1567.

Frances Radclyffe as having been ‘appointed to him by the Queen’s Majesty,’ and the Privy Council were afraid to say more than that the question must be left till Sussex reached the Court. How Lady Frances would have fared as Shane’s wife may be inferred from the way in which he treated his mistress. The Countess of Argyle, the accomplished lady who had left her husband for his sake, was chained by day to a little boy, and only released when wanted to amuse her master’s drunken leisure.

Shane’s offers of service

Lord Robert Dudley, mindful of their old sport together, advised the chieftain to do some notable service, and thus deserve the royal favour. He answered that the Scots were rebels and traitors, who usurped the Queen’s lands and revenues in the North, and that he would drive them all out of Ireland for no greater reward than the pay of forty men. In other words, he would gladly have had the Queen’s help in adding the MacDonnell lands to his own.⁸²

Ill-treatment and torture of O’Donnell

Cusack’s anxiety to please Shane was so great that he had no feeling left for O’Donnell, whose fate might well have moved the hardest heart. Seven years before, he told the Queen, O’Neill when hard pressed by the Government had been glad enough to take refuge in Tyrconnel, to marry his daughter, to profess loyalty to the Queen, and to swear eternal friendship to his hospitable host. O’Donnell had been glad to hear his son-in-law talk so, and said that he would befriend him only as long as he was loyal. Then Shane had taken to intriguing with his clansmen, and probably, if we may judge by the sequel, with his father-in-law’s wife. After his treacherous capture O’Donnell was bound hand and foot, an iron collar round his neck being tightly chained to the gyves on his ankles. Night or day he could neither lie down nor stand up. ‘When he perceived,’ said the victim, ‘that I could not be undone after this manner, he thought to torment me after another manner, to the intent that he might have all my jewels, and so he caused the irons to be strained upon my legs and upon my hands so sore that the very blood ran down on every side of mine irons, insomuch that I did wish after death one thousand times.’ No Christian or Turk, he thought, had ever been treated worse, and besides his personal wrongs not less than 500 people of some condition, and at least 14,000 of the poor, had lost their lives through O’Neill’s cruelty. His son Con, whose cousins delivered him to Shane, had been induced by torture to promise the surrender of Lifford. The tribesmen refused to give it up, and Shane threatened to strike off his prisoner’s leg. While Con daily expected death, his tormentor blockaded Lifford with earthworks, and his cattle ate down the green corn for miles round. The castle was taken, and all Tyrconnel was then at Shane’s mercy.⁸³

⁸² Articles between Cusack and O’Neill, Nov. 18, 1563. The following is the article struck out by the Queen: – ‘Non est habendum pro violatione pacis si non accedat personaliter ad gubernatorem, antequam intelligat an is est illi amicus et favorabilis an non, et si aliqua contentio oriatur inter Angliam et Hiberniam a boreali parte, quod probi viri eligantur ab utraque parte ad dirimendum has controversias sine pacis violatione.’ Truce between Cusack and O’Neill, March 1, 1564; the Queen to Cusack, June 24, 1564; Privy Council to same, April 2; Cusack to Cecil, March 22; Randolph to same, Dec. 24 (S.P., *Scotland*); Cusack to Dudley, June 9; O’Neill to Lord Justice and Council, Aug. 18, 1564: – ‘Ipse autem et mei non intelleximus in hac boreali parte majores rebelles et proditores Celsitudini Reginæ quam Scotos qui absque Suæ Celsitudinis consensu usurpant.’

⁸³ O’Donnell to the Queen, May 14 and Oct. 24, 1564; Wrothe to Lord R. Dudley, July 23. The deed for the surrender of Lifford is dated July 12. Old O’Donnell was released before April 17.

Release of O'Donnell. He goes to Dublin, where he gets scant comfort, and thence to England, where

O'Donnell himself was released after a captivity of two years and nine months, partly perhaps because he had been a troublesome prisoner. According to Cusack, or rather to Shane, who was his informant, he had given up Lifford, promised many kine and much plate and jewels, and released his ancient claim to the suzerainty of Innishowen. In the absence of documentary evidence no one is bound to believe this, and in any case, promises extracted by torture could hardly be thought binding. O'Donnell was indeed in no condition to pay such a ransom, for he had lost all control over his country. He had incurred unpopularity by paying a pension to Argyle as the price of his faithless wife. O'Neill had, however, seized Con in revenge for the alleged breach of contract. 'Con,' said Sir Thomas Wrothe, 'is as wise and active an Irishman as any in Ireland:' he was married to an O'Neill, and there was a suspicion that the lady favoured her father rather than her husband. Cusack advised Arnold to give O'Donnell nothing but fair words, and a letter to Shane bidding him use his prisoner well. On reaching Dublin O'Donnell was accordingly received with outward marks of respect, but Arnold refused to give him any help or to allow him to go to England. He was reminded that his grandfather, who was 'the honestest O'Donnell that ever was,' never came to the governor but to ask aid when banished by his son, and that son was in turn banished by his son the present suppliant. Calvagh was told that he came not now for service but for help, for which he would go to the Turk, and that no O'Donnell ever did come for service, nor was able to hurt the Pale, except when allied with O'Neill, Maguire, Magennis, O'Rourke, and O'Reilly. The family quarrels of the O'Donnells could not be denied, but they might at least be matched by those of the O'Neills, and there was something savouring strongly of meanness in the rest of the answer, when we reflect that Calvagh had been in alliance with the English Government at the time of his misfortune. The cause had been determined against him beforehand, but he came before the Lord Justice and Council to hear his statement read, and to add what might be required by word of mouth. 'Hearing his bill read,' says Wrothe, 'he burst out into such a weeping as when he should speak he could not, but was fain by his interpreter to pray license to weep, and so went his way without saying anything. Sure it pitied me to see him, and more because his present help is doubtful, for although it may be said that the wisest to win peace will take war in hand, and that it is likely Shane will not be reformed but by war,' yet the poverty of Ireland and the occupation of England made war well-nigh impracticable.⁸⁴

the Queen receives him kindly, but he fears Arnold, and withdraws to Scotland

Arnold seems to have thought himself bound to do in all things exactly the opposite of Sussex, and he accepted Cusack's rose-coloured view of Shane's intentions. But Wrothe's reasoning was more dispassionate. He saw the danger of letting O'Donnell's country come under the power of O'Neill, who gave good words but went his own way nevertheless. If possible he was to be pacified, but war might prove inevitable, and to be successful it would have to be conducted in a new way. He saw that O'Donnell was determined to go to the Queen with or without license, and if necessary by way of Scotland. The Queen said she would willingly see O'Donnell at Court if it would do him any good, but that the causes between him and Shane would have to be tried in Ireland, and she did not see what he could gain by the journey. She saw Arnold's bias clearly enough, and said plainly that the Dean and Chapter of Armagh, who had been named, were no fit Commissioners to judge of this

⁸⁴ Wrothe to Lord R. Dudley, July 23, 1564; Cusack to same, June 9, and a paper dated June 13, which summarises his case against O'Donnell; Cusack to Cecil, June 9, and to Arnold, June 13. The *Four Masters* say Con O'Donnell was taken by Shane O'Neill, May 14, but they have not a word of the alleged breach of contract: they are, however, partial to the O'Donnell family.

matter. Terence Daniel and his colleague had a too natural affection towards O'Neill. As Wrothe had foreseen, O'Donnell, who feared that chains and torture awaited him in Ulster, would not be denied, but took the first opportunity of slipping over to England during Arnold's temporary absence, and he made his appearance at Court, where he told his griefs to the Queen, and to Leicester, Winchester, and Cecil. Elizabeth evidently felt much for the unfortunate chief, gave him money, and sent him back to Ireland, directing Arnold to make him some allowance until his causes were decided. 'We are not,' she said, 'without compassion for him in this calamity, specially considering his first entry thereto was by taking part against Shane when he made war against our good subjects there.' No one was ever able to resist Elizabeth when she spoke graciously, but O'Donnell's experience of Arnold had not been satisfactory, and he thought it prudent to withdraw for a time to the Scottish Court, where he was sure of sympathy from the relations of his foolish and guilty wife, the daily victim of Shane's brutality.⁸⁵

Shane attacks the Scots

His hereditary enemies having been reduced to a harmless state, Shane proceeded, with the full approval of the Government, to attack the Scots, who prevented him from doing as he pleased in the North. But Arnold was not so completely blinded by his professions as to make him free of Carrickfergus, which he claimed as of ancient right. Neither was it thought convenient to withdraw Kildare from the defence of the Pale, as Shane urgently desired. Eight or nine hundred Scots, under the command of Sorley Boy, lay near the left bank of the Bann, opposite Coleraine, where Shane had made the old castle tenable. His object being to get complete command of the estuary, he sent over a small party in the country boats or 'cots,' which were his only means of transport, and having posted them strongly in the Dominican Friary, withdrew to his main body. The Scots attacked the outpost like madmen, as Dean Danyell expressed it, and lost many men, but succeeded in killing all the defenders except the mounted men, who were seized with a panic and swam their horses over the flooded river. Neither party had much to boast, but Shane could point to the affair as a test of his sincerity. He bragged about what he would do next time, when there might be no flood, and he again suggested that he might be allowed to make Carrickfergus his base until preparations for renewing the war were complete. Arnold yielded so far as to sanction his entry with some of his chief followers. Captain Piers was to show the formidable visitor every civility, but for sparing of the poor town was to keep the multitude of his company as far off as possible. Shane's views changed, or the policy of Piers was successful in keeping him at arm's length, but he plundered the town of Carlingford before doing any further service against the Scots, burned the country all about, and ravished the women far and wide, up to the walls of Dundalk. More damage has been done, said Fitzwilliam, 'than seven years of such profit as is from Shane.'⁸⁶

Nothing so dangerous as loyalty. Calvagh O'Connor

When Sussex left Ireland Leix and Offaly were pretty quiet, but his departure had been the signal for disturbance. Arnold was accused of oppressing the remnant of the O'Connors, and by his own account he cared little for peace. Ormonde's brother persecuted the O'Mores, who were reduced

⁸⁵ Wrothe to Cecil, June 18; the Queen to Lord Justice and Council, July 15 and Dec. 13; Randolph to Cecil, Dec. 24, 1564 (S.P., Scotland).

⁸⁶ Lord Justice and Council to O'Neill, Aug. 22 and Sept. 14; Terence Danyell to Lord Justice, Aug. 21 and Sept. 10; Shane O'Neill to Lord Justice and Council, Sept. 5 – 'Non est opus nunc habere me suspectum quantum ad servicium impendendum contra Scotos.' This did not prevent him from clamouring for aid at the Scotch Court; see Randolph's letter before cited. Randolph had seen two of Shane's letters. Lord Justice and Council to Piers, Sept. 17; Fitzwilliam to Cecil, Jan. 17, 1565; and the Declaration of Sussex, Jan. 29.

to a state not much above brigandage. He killed a dozen kerne near Castle-comer, and apologised for not doing more: 'if we had any ground for horsemen we should have made a fair haul.' Arnold praised Sir Edmund's activity, but looked forward to general disorder as soon as the long nights, which are still dreaded in Ireland, should give better opportunities to the disaffected. By way of precaution he imprisoned Calvagh O'Connor, as some said, with little or no cause, but, as Arnold maintained, for intriguing with tribes on both sides the Shannon, and for engaging Scots mercenaries. Yet there is good ground for believing that this poor O'Connor tried to be a loyal subject, with the result of being mistrusted by both parties. 'When I was a rebel,' he said, 'I had friends enough, but now I serve the Queen's Majesty I am daily in fear of my life.' Unable to get a hearing, Calvagh, though heavily ironed, managed to break prison, and having been treated as a rebel became one in earnest. Great preparations were made on the borders of the Pale. Arnold demanded help from all the Irish clans in the central parts of the island. The Earl of Kildare was ordered to assemble his people, and letters were sent to the gentlemen of the Pale and to the settlers in the King's and Queen's counties. Wexford and Carlow were not forgotten, and Ormonde, who received a special commission and pay for 200 kerne for three months, was directed to watch the rebels, who were proclaimed by name, and to attack them if they came near his border. These tremendous preparations for the hunt, for it was little more, were crowned with such success as was possible. Calvagh O'Connor was killed by a near kinsman, and his head presented to the Lord Justice. Sir Barnaby Fitzpatrick, Edward VI.'s old companion, dutifully attacked the O'Mores. But Sir Barnaby himself was little better off than an outlaw, for his father, the first Baron of Upper Ossory, had but imperfectly laid aside Celtic usages when he accepted an Anglo-Norman title; and under the influence of a wicked second wife, he persecuted his loyal and civilised heir. The O'Connors were dispersed into little parties of eight or ten, who lived as best they might in the bogs. The O'Mores had wider contiguous wastes, and managed to keep better together, but they were glad to sue for peace. It was an inglorious campaign, which only served to show how completely the settlement of the country had failed to reconcile the native population.⁸⁷

⁸⁷ Wrothe to Cecil, Oct. 21 and Nov. 2, 1564; Lord Justice and Council to Ormonde, Nov. 21. Some thirty years before Sir Barnaby's father had assumed the character of an independent prince, when complaining to Henry VIII. of his sufferings at the hands of Ormonde's grandfather. The story is that his messenger stood among the crowd of courtiers assembled to see the King pass, and called out 'Sta pedibus, Domine Rex. Dominus meus MacGillapatricius misit me tibi dicere ut si non vis castigare Petrum Rufum, ipse faciet bellum contra te.'

CHAPTER XXIII.

1565

Desmond, Thomond, and Clanricarde

After his return from England, Desmond kept quiet for a time. The indefatigable Cusack visited Waterford for the purpose of settling his dispute with Ormonde, but had to leave his work unfinished so as to proceed with the more pressing business of O'Neill. But Desmond's men were not idle, for they were allowed to interfere in the affairs of Thomond, taking part with Sir Donnell the tanist against the Earl. The help of Clanricarde, whose interests inclined him to the side of the latter, alone prevented him from being driven out of the country. Clanricarde expressly says that Desmond himself crossed the Shannon, and set on him by surprise, killing 30 men, and taking 800 cows, which helped to pay the intruder's gallowglasses. They were indeed well paid, for they received more than half the cattle of Thomond. There was some talk of giving Clanricarde cannon to take the castle of Inchiquin, and Desmond was straightly charged by Arnold to abstain from further interference. Royal Commissioners, of whom Parker was one, visited Cork, and the gentlemen of the county appeared, offering to hold their lands by knight service, and to give security for good behaviour. Desmond described the proceedings in glowing language, but did not recall his gallowglasses from Thomond, whence the Earl continued to beg earnestly for help. Ormonde was directed to give such help as he could spare from pursuing the O'Mores, and Cusack, the general pacificator, again made his way to the South, when it was agreed that Manus Oge O'Sheehy, with his 400 gallowglasses and 200 musketeers and horsemen, should be withdrawn, and that those who ferried them over Shannon should be punished. Differences were to be settled by arbitration, and all were to live happily ever after. Thus, to borrow the contemptuous language of Sir George Stanley, 'did Sir Thomas Cusack conclude according to his accustomed manner a fyckelede peace.'⁸⁸

Ormonde resolves to put down coyne and livery

Ormonde had been brought up in England. He was a personal favourite with the Queen, and there can be no doubt that he was sincerely anxious to live the life of a civilised nobleman rather than that of a barbarous chief. Money rents, which he might spend at Court or at home in building such houses as Carrick, had a greater attraction for him than the ancient habit of eating up the country with turbulent soldiers and useless horse-boys, three or four to every horse. Perhaps too he longed to boast that, while an Earl of Desmond had been the first to bring in the curse of coyne and livery upon Ireland, an Earl of Ormonde had been the first to take it away. He accordingly issued a proclamation which throws much light on the state of the country. Reciting his right to regal power and jurisdiction in Tipperary, he confessed his obligation to see it properly governed. War and disorder had hitherto forced him and his ancestors to exact coyne and livery, necessarily showing a bad example to others who had not the excuse of responsibility. He spoke of 'the poverty, misery, and calamity whereunto the poor subjects be brought by the licentious multitude of Irish rascals which be bred and maintained by the said coyne and livery.' The Earl's officers could not do their duty, the Queen was defrauded of

⁸⁸ Cusack to the Privy Council, June 8, 1564; Clanricarde to the Queen, April 12, 1565; Lord Justice and Council to Desmond, July 1, 1564; to Thomond, July 2; Desmond to Winchester, July 26; to Cecil, July 27; Wrothe to Lord R. Dudley, Aug. 16; Orders taken by Sir Thomas Cusack and others between the Earls of Desmond and Thomond; Desmond, Dunboyne, Curraghmore, and others to Cusack, Sept. 11. Stanley's letter is in the *Arch. Journal of Ireland*, 3rd series, i. 405; *Four Masters*, 1564, who say Corcomroe Abbey, with its church patronage, was given to Donnell O'Brien as an equivalent for surrendering his claims by tanistry.

her revenue, and it was therefore agreed ‘by the consent and assent of all the lords and gentlemen of the same county, that no coyne or livery or Irish exactions should be thenceforth levied.’ This extended to the possessions of all the Butlers, of the Prendergasts, and of the Archbishop of Cashel, north of the Suir, and within the bounds of Tipperary. Proclamation was to be made in all market towns that severe penalties would be incurred by levying the said exactions after August 1, every one being licensed to resist by force. But there was danger lest this godly victory over the horrible and devouring monster should leave the country defenceless, and therefore a quarterly muster of the able-bodied people was to be taken. Every landowner was to furnish a certain fixed quota of horses, harness, and men ready for any sudden emergency. It was hoped that the towns would then increase, and that their inhabitants would supply no mean force. In case it was absolutely necessary to bring strangers into the county, they were to be regularly waged, the Earl being authorised by the freeholders to exact a fixed sum of money for the purpose. Every strange soldier was to pay for all he had at the rate of 2*d.* a meal for himself and 1*d.* for his boy, and similar payments were to be made when it became necessary to move the local militia. The lords and gentlemen of Tipperary subscribed this treaty.⁸⁹

His reforms interrupted by threats from Desmond

Ormonde, however, was not able for this time to carry out his good intentions. Desmond attacked his tenants, and he was forced to ‘continue one disorder to withstand another.’ The cheerful views of Cusack, who believed that he had really pacified Munster in a manner redounding to his own and the Queen’s honour, were soon woefully belied. The real pacificator had been Lady Desmond, and her death at this juncture removed the last restraint from her husband, and cured her son of his last compunction. Sir Maurice Fitzgerald of the Decies, who lived at Dromana on the Blackwater, and who was descended from the second son of the seventh Earl, possessed part of the original Desmond estate, which he claimed to hold of the Crown by feudal tenure. But Desmond preferred to regard him as a subordinate Irish chief, liable to the payment of various Irish dues and exactions. Sir Maurice, who was Ormonde’s first cousin, appealed to him for protection against distraint, and requested him to take charge of his cattle until the storm had blown over. Desmond alleged that distress had been taken time out of mind in the Decies, but Ormonde held that it was part of the county of Waterford, and that all such pretensions were therefore void in law. Having also good reason to believe that an attack upon Tipperary was meditated, Ormonde led a force to Clonmel, and encamped at Knocklofty, near the foot of the mountain pass leading into Sir Maurice’s country. In due course came a special messenger to say that Desmond was already on his way, and Ormonde lost no time in obeying the summons. With 100 horse and 300 or 400 foot, and accompanied by his brothers Edmund, James, and Edward, he hastened across the mountains, and found that Desmond was already collecting rents in the familiar fashion of his House.⁹⁰

Desmond attacks the Decies. Ormonde goes to the rescue

From the preparations made, it can hardly be supposed that the Geraldine chief had no design beyond the avowed one of making Sir Maurice pay his dues. Some of the O’Connors, proclaimed traitors, were with him, and he went to Clare to summon those O’Briens who were in the same case. The White Knight came to Lismore with an armed party, and the Knight of Kerry, with MacCarthy More, and O’Sullivan Beare were reported to have come as far as Conna. The Earl himself was accompanied by his brother Thomas, by John FitzEdmund, seneschal of Imokilly, a valiant man,

⁸⁹ Earl of Ormonde’s proclamation, July 1, 1564. The copy in the R.O. is by Sir T. Wrothe’s clerk, and the signatures are not given.

⁹⁰ Ormonde to Cecil, Nov. 22, 1564; Cusack to same, Jan. 12, 1565; Desmond’s petition to the Queen, June 1, 1565 (No. 53), and Ormonde’s answer, June 6.

who afterwards gave much trouble, and by the White Knight's eldest son. His force consisted of 80 or 100 horse, 300 or 400 foot, and several hundred of the mixed camp followers and plunderers, comprehensively described as 'rascally.' Desmond was intriguing among such of the Butlers as were inclined to oppose the head of their House. Sir Piers Butler, of Cahir, who complained that he was oppressed by Ormonde, was with the White Knight at Lismore, and Desmond, though his wife was only just buried, already sought the hand of Lord Dunboyne's daughter. The marriage eventually took place, and was not destined to bring good fortune to the Geraldines.

Attitude of Desmond

Desmond left Lismore with the first light of a winter's morning, and marched to a place called Bewley, where there is now a bridge over the Finisk, near the highest point to which the tide comes. He sent Lord Power and one of his captains to demand Irish service from Sir Maurice, who rode with them towards Desmond, and offered to abide by the order of the Lord Justice and Council, or by the award of four lawyers, two to be chosen by either side. He professed himself willing to do as his ancestors had done. Desmond insisted that all should be left to the decision of 'his own judge,' probably a Brehon, and in any case a partial person. He prepared to encamp in the neighbourhood, killed sixty head of cattle, and sent to Dungarvan for wine. Sir Maurice rode back, without having met the Earl, and saw three houses on fire, one of them being that in which the invader had rested during the forenoon. Sir Maurice and two of his men then went to watch his progress from a neighbouring hill, whence they espied Ormonde and his men coming down the opposite mountain.

The fight at Affane. Desmond is taken prisoner

The Butlers rested on the hill side. Their horses were scattered about at grass, and a countryman galloped off to Desmond, offering himself as guide, and advising an immediate attack. Desmond inquired eagerly whether my Lord of Ormonde were there himself, and on receiving an incorrect answer in the negative, exclaimed, 'Let us go upon them, for they are but young boys, and rascally, and we shall take them grazing their horses.' Lord Power advised him not to meddle with the Butlers, who were perhaps in superior force, but to retire to his house at Curraghmore, where they could not harm him. Desmond's road to Youghal was also open, but he preferred the middle course of returning to Lismore, where his auxiliaries were, with whose help he might hope clearly to outnumber the Ormondians, who refreshed themselves, and continued the even tenor of their way southwards to the ford at Affane. The Geraldine foot went on in advance, and no collision seems to have been at first intended, for they passed Ormonde's main body at the cross roads; but as soon as their leader saw his hated rival, he put spurs to his horse like Cyrus at Cunaxa, and some of his men discharged their pieces. Ormonde seems to have been still unwilling to fight, for he allowed the hostile foot to recross him. Being actually charged, the Butlers stood on their defence, and soon proved the wisdom of Lord Power's advice, for Sir Edmund Butler broke Desmond's thigh with a pistol shot, and some 300 of his men fell. Desmond afterwards said that many of his people tried to escape by swimming the Blackwater, where they were intercepted by armed boats; and he offered this as a proof that the fight resulted from a plot hatched between Ormonde and Sir Maurice. But this was strenuously denied. The wounded Earl was carried to Clonmel, and thence to Waterford, and his adherents withdrew to their own homes.⁹¹

⁹¹ The official correspondence about this affray is among the S.P., *Ireland*, Eliz., vol. xii. It is printed in the *Irish Arch. Journal*, 3rd series, i. 394. Russell, the *Four Masters*, O'Daly, and O'Sullivan Beare all say Desmond was outnumbered, and Ormonde treacherous. I see no reason to believe either statement. Desmond's own account is certainly incorrect. Lord Power's is unfortunately missing. The best is Sir George Stanley's, who took the trouble to visit the place, and to make a sketch or plan; he is perhaps rather partial to

The Queen's anger. The Earls are summoned to England

Ormonde charges his rival with high treason

The battle or skirmish at Affane seems to have been the last on English or Irish ground in which two noblemen without any commission made private war upon each other. Sir Maurice Fitzgerald says that banners were displayed on Desmond's side, and that Ormonde 'staying still at the beginning of the conflict, did suddenly put up a thing of red silk upon a staff.' It was probably intended as a rallying point for his men, but Ormonde himself denied that a flag had been displayed. The Queen had declared that no sword but hers should be drawn, and angrily summoned the two Earls to her presence. Both letters are guarded in expression, but that to Desmond is rather the more severe of the two. With the consideration which she often showed to old and tried servants, she wrote very graciously to Cusack, the failure of whose policy was now apparent to all. 'He had done his best,' she said, 'but the enmity between the two Earls was greater and deeplier rooted than could be reformed by any but her own princely directions.' Arnold came to Waterford soon after the arrival of Ormonde and his prisoner, and interrogatories were administered to the persons principally concerned. To do the legal business, the Lord Justice took with him Mr. Justice Plunkett, who was married to Kildare's daughter, and thus, in the language of the country, 'ajainte and follower to the garontynes.' Sir George Stanley, Marshal of the Army, who had no reason to love Arnold, declared that it was as much as he could do to prevent the Lord Justice from prejudging the case in a sense unfavourable to Ormonde. Arnold began by demanding the custody of the prisoner, as no doubt he had a right to do; but he did it in such a way as to make it appear a slight to the captor, who demanded an order in writing. At last he was promised a copy of the entry in the Council Book, and he then brought Desmond himself. 'My Lord Justice,' he said, 'hither have I brought to you my Lord of Desmond, according to your straight commandment given me, which in no way I meant to disobey. And I deliver him unto you as the Queen's Majesty's prisoner, being taken in the field by me with his banner displayed, burning and spoiling the Queen's Majesty's good subjects within shire ground, with sundry traitors in his company.' He then charged him with high treason, and earnestly besought that he might be kept securely, and not allowed to communicate with anyone till the Queen's pleasure should be known. 'And seeing,' he continued, 'you have thus taken him from me, if men's mouths be stopped, as I fear they will, and by means thereof some part of his heinous treason come not to light, I trust therein I shall be discharged to her Majesty.' The policy of isolating Desmond had indeed been approved at the Council table, but Arnold nevertheless allowed all men free access to him. The Council were inclined to have the interrogatories administered to the two Earls answered by counsel, but Stanley refused to agree to this on the technical ground that Desmond was accused of treason. In law he was right, but morally wrong, and had Arnold dealt the same measure to both sides, little could have been said against him. But Ormonde was required to answer at once in his own person, while Desmond was allowed several days, during which he had answers drawn in writing by a lawyer. Stanley again objecting, the Lord Justice told him that he was a wilful man, and affectioned to my Lord of Ormonde. But Vice-Treasurer Fitzwilliam, who had some experience of Desmond and his doings, took exactly the same view as Stanley. 'So good an offer given of God, and so overthrown, I will not judge too far, hath not lightly been seen, but 20,000*l.* will not buy out that which (if he had been honourably kept,

Ormonde. The 'ford' of Affane was perhaps that over the tributary river Finisk. I have inspected the ground carefully. The Blackwater itself is mentioned by Desmond as being passable only by swimming or in boats. It is, on the other hand, generally believed that the ford in question was over the great river, and arms and spurs have been found near the bank. The Finisk, however, was on Ormonde's direct road to Dromana, and the Blackwater was not.

so it had been with restraint from common speech) might have been had.' Arnold stayed seven weeks at Waterford without much furthering the business, and Ormonde soon went to England. Desmond, accompanied by MacCarthy More and O'Sullivan Beare, was sent over in the custody of Captain Heron, who records that his distinguished prisoner was very sea-sick. Arnold borrowed 200 marks to defray expenses, but Heron, writing from Liverpool for orders, complained that he was not furnished with money. The Earl's long halt at Chester may have been caused less by sickness and fatigue than by a wish to hear the last news from Ireland. The Queen wrote strongly to Lords Roche, Barrymore, Power, and Dunboyne, urging them to maintain order during Desmond's absence, and the amiable Cusack doubtless felt that under his skilful management all would still go merry as a marriage bell.⁹²

Shane O'Neill attacks the Scots,

After his exploit at Carlingford, Shane O'Neill lay quiet for a long time, watching the Scots, to whom he had lately done much damage. These hardy warriors were over confident. They neither took the trouble to negotiate with Shane, nor abstained from saying that Englishmen had no right to Ireland; boasting that they had already 70 miles out of the 120 between Coleraine and Dublin, and that they would soon have the rest.

and gains a complete victory

After Easter Shane quietly collected a strong force at Edenduff Carrick, or Shane's Castle, and having cut passes to secure a retreat, marched rapidly by Broughshane and Clogh to the North. The warning fires went up from the hills about Fair Head, and James MacDonnell, who was in Cantire, came at once to the rescue. He landed at Cushendun only to find that his castle on Red Bay was already burned and dismantled. Sorley Boy had suffered severe loss while trying to stop O'Neill in the pass of Knockboy, but he effected a junction with the new comers. Sorley had a fortified residence at Ballycastle, on the north coast, and thither Alexander Oge was expected to bring a strong reinforcement. The brothers retreated towards Ballycastle, but for some unaccountable reason did not occupy it. Perhaps it was held by a hostile garrison. Shane followed to the castle, the islemen, who numbered about 1,000, lying in Glenshesk, and having thus some advantage of rising ground. No help came, and very early the next morning Shane made his attack. The O'Neills, who were more than two to one, gained a complete victory. According to Shane and his secretary, the Scots lost some 700 men, but other eye-witnesses reduce the number by one half. James MacDonnell was dangerously wounded, and taken prisoner. Sorley Boy was also taken, and a third brother, Angus, was killed. Two chiefs of the Macleods, with many other men of note, fell into the victor's hands.⁹³

Shane supreme in the North, 1565

On the following day Alexander Oge brought 900 men to Rathlin, but returned to Scotland on hearing the bad news. Dunseverick and other MacDonnell castles at once surrendered. Dunluce, which was nearly impregnable by an Irish army, held out for three days; but the garrison opened their gates when they heard that Sorley Boy had had no food during that time, and that his gentle captor would give him none as long as the place held out. Shane remained the unchallenged master of the North, and had the satisfaction of bragging about the obligations under which he had placed

⁹² Sir George Stanley and Sir W. Fitzwilliam to Cecil, April 3, 1565; Cusack to same, April 22; Lord Justice and Council to the Privy Council, April 23; Captain Nicholas Heron to the same, April 27.

⁹³ Fitzwilliam to Cecil, May 17, 1565. The fight was on May 2.

the Queen. His secretary, in a letter written some weeks afterwards, said that O'Neill had exhorted his men before the battle to be true to their Prince, that is, Queen Elizabeth; but Shane, who wrote on the day of the fight, says nothing of this, and his worthy secretary's correspondent was Sir Thomas Cusack, perhaps the only man living who would have believed such a story.⁹⁴

Sidney advises the Queen to put him down

Cusack was much delighted at Shane's services against the Scots, and continued to write in glowing terms of his good conformity. But others could tell of his twice plundering Dundalk, and the Queen had already decided in her own mind that Ireland could not be governed any longer by accommodation, and had determined to send over Sir Henry Sidney, cheaply, if possible, but if necessary, at any expense. Sidney's advice was plain. Leix and Offaly must be pacified by a general pardon, followed by gentle dealings, or else the people must be extirpated. The former would be the easier course, the latter the more thorough. Munster might best be managed by keeping the nobles at Court, and by appointing a President and Council to rule it: 200 foot and 100 horse would be a sufficient force. Thomond should be divided among as many men as possible, supreme military command being given to the Earl. The Scots should have no grant of land, which would only be a back door for the Queen's enemies. They might be winked at until Government was strong enough to expel them thoroughly; in the meantime all ports should be held, so that the fleet might cut off access to the isles. As for Shane, he was a common robber, never to be reformed unless by force; O'Donnell should be restored, and Newry, Dundalk, and Carrickfergus made thoroughly defensible, with as little noise as possible. Shane O'Neill knew that he could neither hoodwink Sidney nor hope to defeat him openly, and he began a new correspondence with Scotland. He refused to give up his prisoners to their Queen or to the Earl of Argyle, until he knew the will of his own Queen; and in the meantime he talked about enormous ransoms. Secretary Fleming says James MacDonnell offered O'Neill all his property in Ireland and Scotland for bare liberty, but that Shane declined on the ground that he was the Queen's officer, and that the quarrel was none of his. Treated with cruelty or neglect, MacDonnell died of his wounds, and Shane, who retained Sorley Boy by his side, soon began to talk about marrying the widow, Lady Agnes Campbell. So matters rested; while Sidney, among bitter recriminations, was forging a sword for his old gossip's destruction.⁹⁵

Desmond and Ormonde

The war of the two great Houses did not end with Ormonde's victory at Affane, but was carried on vigorously in London. Ormonde hated Leicester, and it is easy to see that there was a certain difference of opinion, corresponding in some degree to the Butler and Geraldine factions, between the parties of Sussex and Leicester, both in England and Ireland. Sussex, being interrogated, stated of his own knowledge that Desmond had harboured proclaimed traitors whom he refused to surrender, while Ormonde was always ready to obey the Government in such matters. Desmond had maintained the rebels in Thomond, and about this there could be no doubt. Sussex showed by records that Sir Maurice Fitzgerald's lands were in the county of Waterford, and that Desmond had no legal right there. Desmond, in short, had been a disobedient subject, and an oppressor of his neighbours, both Anglo-Norman and Celtic. Desmond kept Sussex waiting three weeks at Waterford, and refused to come to Dublin at all, though an ample escort was offered him; while Ormonde was always ready to

⁹⁴ Shane O'Neill to the Lord Justice, May 2; Gerot Fleming to Cusack, June (No. 82).

⁹⁵ Fitzwilliam to Cecil, June 8, July 13, and Aug. 23; Gerot Fleming to Cusack, already cited. Sir Henry Sidney's articles for Ireland, May 20, 1565.

obey the summons of the Government and Council. Sir Henry Radclyffe and Francis Agarde, both of whom had good opportunities of judging, spoke to the same effect.⁹⁶

Sidney inclines to favour Desmond,

Sidney preferred to dwell on the services of the late Earl of Desmond. The present man had never refused to come to him, and had come readily even to Drogheda, 'a place to him and all his county most odious for that his great grandfather upon a like letter sent from a governor was there put to death as they constantly affirm.' Desmond had offered to stand or fall in his suits on trial either by the common law or by the Governor and Council; and if Sidney had stayed in Ireland he would have been taken at his word. As to Ormonde, Sidney 'never saw a more willing man to serve the Queen, and during the time of my being there he went in more journeys and saved more to his charge than any man of Ireland birth.' As to Desmond's rights in the county of Waterford Sidney expressed himself very cautiously, merely noting that several Earls of Desmond had claimed supremacy over the Decies, and had levied grievous distresses there.⁹⁷

and maintains this position against Sussex

Six weeks later, the controversy having waxed hot in the meantime, Sidney was more decidedly favourable to Desmond. The Earl's entry into the Decies was indeed not justified by law, but still less was Ormonde's interference justifiable. Both deserved punishment for unlawful assembly, but Desmond's should be the lighter, for that he had better colour of distress than Ormonde of rescue. Desmond had but followed the custom of his ancestors up to the time of the fight, and whoever made the first onset should be answerable for the slaughter. Both Earls should be made to contribute to the support of a Presidency intended to bridle both, and in future to obey, and to make others obey, as if they lived within the Pale. Both should be bound in great sums to stand to the decision of the Governor, Chancellor, and three Chief Justices as to the lands in dispute between them. Sussex, who fortified his argument by many references to Acts of Parliament, urged that Desmond had committed treason by his invasion of Waterford, and that Ormonde in resisting him had done no more, or at least very little more, than became a loyal subject of the Queen.⁹⁸ But these statutes were confessedly obsolete, and the Crown had winked at similar irregularities too long and too often to insist on rigid adherence to written law.

The two Earls submit

Desmond submitted to the Queen to abide her judgment concerning the many treasons, murders, burnings, and other such things objected to him by the Privy Council since he last received pardon. Ormonde did the same, protesting his peaceable intention in entering the Decies. Both Earls entered into recognizances in 20,000*l.* to abide such orders as her Majesty might prescribe. With a view of bridling Desmond, MacCarthy More was created Earl of Clancare, and Sir Owen O'Sullivan

⁹⁶ Answers of Sir H. Radclyffe, F. Agarde, and the Earl of Sussex, Aug. 8, 1565. Fitzwilliam and Stanley generally supported Sussex. Arnold, Cusack, and Sidney inclined to Leicester's side.

⁹⁷ Answer of Sir H. Sidney, Aug. 8, 1565.

⁹⁸ Sir H. Sidney's simple opinion, Sept. 16, 1565; Opinion of the Earl of Sussex, Sept. 22. The twenty-seventh clause of the Statute of Kilkenny seems to the point: – 'Item ordonne est que si debate soit entre Englois et Englois par quoi les Englois dune parte et daultre ceillent a eux Englois et Irrois en pais illeque a demourer pour guerre et greves aultre a grande damage al destruction de liege pouple du Roy, Accorde est et assentu que nule Englois soit si hardide mener guerre entre autre damener nuls Englois ny Irrois en paix desormais par telle a chescun, et si les fait et de ces soit atteint soit jugement de vie et de membres leur terres forfait.''

received a grant of his country subject to such rents and services as the new-made Earl could prove himself entitled to.⁹⁹

Sidney will not go to Ireland unless his demands are granted

The general voice both of England and Ireland pointed to Sidney as the fittest man to govern. But he knew well that he was more likely to lose a great reputation than to gain fresh laurels, and he determined not to go unless treated fairly. He declined to be responsible for any debts contracted by his predecessors, and required a clear balance-sheet to start with. Stores must be put in decent order, and at least 200 horse and 500 foot given him over and above the usual establishment. Every captain should have the pay of eight dead men borne on the books, so as to enable him to reward deserving soldiers. It was desirable that St. Patrick's should be turned into a military hospital. Dublin Castle, Kilmainham, Leighlin Bridge, and Carlow must be put in repair. The Great Seal should be given to a good English lawyer, and Archbishop Curwen should be suitably provided for in England.¹⁰⁰

Some of his conditions

By serving the Queen Sidney complained that he was 3,000*l.* poorer. His plate and his wife's jewels were in pawn. To secure him from further impoverishment he asked for an ample commission, to be continued Lord President of Wales for life or during good behaviour, and to have the right of going to the Queen at all times without license. The privilege of making steel, and the right to export 6,000 coarse-dressed cloths and corn for his own household, were the other means by which he proposed to stave off financial ruin. 'If you will not grant these things,' he said to the Queen, 'give me leave to serve you anywhere except in Ireland, or to live private shall be more joyous to me than all the rest and to go thither.'¹⁰¹

The terms actually granted

Sidney's demands were only partially granted. He was allowed to retain the presidency of Wales. His salary was the same as his predecessors. He had license to export provisions for his household, but nothing was said about the coarse-dressed cloths. Some of the ruined castles were to be restored, Kilmainham at the expense of the lessees, Dublin and Carrickfergus at that of the Government. The military force was not to be increased, and Sidney was expected to heal the distracted land with 882 soldiers and 300 kerne. It was even supposed that he could put down piracy, for though the Queen was willing to lend a ship and a pinnace, she refused to give a single sailor, and coolly told her representative that he might man them out of his ordinary garrison. The captains were allowed six 'dead pays' instead of the eight which were asked for. All ecclesiastical patronage was vested in the new Governor, except archbishoprics and bishoprics, and he had the appointment of all civil officers except the Chancellor, the Treasurer, the sub-Treasurer, the Chief Justice of the Queen's Bench, the Chief Baron, and the Master of the Rolls. The powers given to Sidney were almost identical with those which Sussex had enjoyed. It was at first intended to give him the title of Lord-Lieutenant also, but either because his importunities annoyed the Queen, or to lessen the mortification which the Earl may be supposed to have felt, Sidney was obliged to be content with the lower title of Lord Deputy.¹⁰²

⁹⁹ Submission of Desmond, Sept. 12, 1565, and of Ormonde, Sept. 24. Both recognizances are dated at Westminster, Nov. 22.

¹⁰⁰ Curwen became Bishop of Oxford as Sidney advised.

¹⁰¹ Sir H. Sidney's suits, May 20, 1565.

¹⁰² The Commission, dated Oct. 13, is in *Sidney Papers*, p. 86. Even the last draft of the instructions, dated Oct. 5, has the higher title, for which Lord Deputy was substituted on revision.

Sidney's instructions

Sidney received minute instructions as to the principles on which he was to conduct the Government. He was to make close inquiry as to the best available means for establishing the 'Christian religion' among the people, and St. Patrick's was to be at once surveyed, with a view to founding a college. The judicial bench was to be purged of partial men; and if necessary, lawyers with increased stipends would be sent from England. The jurisdiction of the courts was to be extended as much as possible in the Irish districts. Sheriffs were to be regularly appointed for Leix, Offaly, and for what is now the county of Wicklow. The Celtic countries between the Shannon and the Pale were, if possible, to be joined to Meath, or to the King's and Queen's Counties. Besides the five shires of the Pale, Carlow, Wexford, Kilkenny, Waterford, Tipperary, Cork, Kerry, and Limerick were, as a matter of course, to be considered under the law; and Desmond and Ormonde were to protect sheriffs and coroners in the execution of their duties. A Presidency would be established for Munster, and perhaps another for Connaught; and in the meantime every means was to be taken to substitute English manners for Irish customs, fixed payments for arbitrary exactions, and estates of inheritance for tribal chiefries. Many existing statutes were unknown, because they had never been printed, and Sidney was directed to send exemplifications of such as appeared fit to be published and observed.¹⁰³

Revenue

The finances were to be reformed, if possible, without further charge to the Queen, and with greater ease to the subject, an impossible task, which Sidney well knew that he could never perform. Many of the rules laid down were, however, very good, and it was clearly seen that much of the financial confusion arose from private jobbing, and from a faulty system of public accounts. What Elizabeth would not as yet see was that the first and greatest irregularity consisted in leaving soldiers unpaid, and in fixing salaries at rates which would not support the incumbents. In order to keep the reforming spirit alive, the Lord Deputy and Council were ordered to read their instructions over every three months, and to report progress to the Queen. 'How strange a thing it may seem to be,' says her Majesty in Council, 'that such a realm as that is, where no just cause is to fear invasion of any other prince, where any person dwelling in that land has never directly or indirectly denied the sovereignty of that Crown to belong to the Crown of England, yet nevertheless to remain so chargeable to the Crown of England for the governance thereof only, and the revenues thereof to be so mean as the like burden and charge is not found in any place of Christendom, where commonly though the countries be subject to titles of other princes, or full of rebellions even for the sovereignties, yet the same do contribute sufficiently to the charge for their own government.'¹⁰⁴

Private instructions

Besides the public instructions, Sidney received others for his own use only. Elizabeth had evidently still some hope of Shane, and desired to temporise with him, and with the Scots; in the meantime extending the rule of Carrickfergus as far as possible, and perhaps fortifying Carlingford and other coast towns. Shane's claims were to be strictly scrutinised in Parliament, and Sidney was

¹⁰³ Instructions for Sir H. Sidney.

¹⁰⁴ Instructions for Sir H. Sidney, Oct. 5, 1565.

to confer personally with him, and to give him a safe-conduct if he demanded it. If still undutiful, he was to be left to his fate, which could not but overtake him at last.¹⁰⁵

Treatment of certain Irishmen. Sir John of Desmond to be security for his brother

O'Donnell was to go back to Ireland, to be supported by the Government in Dublin, and restored, if possible, by policy and not by war. Yet war would be preferred to Shane's holding Tyrconnel. The O'Reillys were to be persuaded into holding their lands of the Crown, and into making their country as obedient to law as those of Desmond and Ormonde were supposed to be, but were not. Sir John of Desmond was to be sent to England as a sort of hostage for his brother's performance of promises lately made.¹⁰⁶

The Queen writes a private letter to Sidney

Even more interesting than these private instructions is a letter which Elizabeth herself wrote to Sidney. It is in her usual involved style, and must be read over and over before it yields its full meaning. The Queen's chief object seems to have been to make Sidney take a view favourable to Ormonde in his controversy with Desmond. Too many, she said, were partial to the latter. 'If I did not see the balances held awry, I had never myself come into the weighhouse.' 'Make some difference,' she said, 'between tried, just, and false friends. Let the good service of well deservers be never rewarded with loss. Let their thank be such as may encourage more strivers for the like. Suffer not that Desmond's "denyinge dedes," far wide from promised work, make you trust to other pledge than either himself or John for gage; he hath so well performed his English vows, that I warn you trust him no longer than you see one of them. Prometheus let me be, and Prometheus hath been mine too long ... then are we ever knitting a knot never tied, yea, and if our web be framed with rotten hurdles, when our loom is well-nigh done, our work is new to begin... Let this memorial be only committed to Vulcan's base keeping without any longer abode than the leisure of the reading thereof, yea, and with no mention made thereof to any other wight. I charge you as I may command you. Seem not to have had but secretaries' letters from me.' The letter nevertheless was kept safely at Penshurst, where Arthur Collins found it in the reign of George II.¹⁰⁷

Arnold's policy not successful

Like many who have tried their hands at the Irish problem, Sir Nicholas Arnold began with great professions, and after much disturbing men's minds showed that he was no cleverer than those who had gone before him. Great as his failure had been in dealing with Shane, Sussex had at least kept tolerable order in the districts which paid some regard to law. Arnold was accused of caring little whether there was war or peace. His harsh treatment of the O'Connors has been already noticed, and the O'Reillys were handled in much the same way. They had plundered on the border of the Pale, and Shane O'Neill, anxious to assert his power, offered to compel restitution. Arnold preferred to make Kildare the instrument of punishment. A parley was first held, and promise of restitution made by old Malachias O'Reilly and his sons, Hugh and Edmund. Cahir O'Reilly, the chief offender, was to be punished. It soon appeared that Cahir was out of reach in Shane's country, and that some of the hostages demanded were also there. The camp was the scene of much confusion, Kildare's men

¹⁰⁵ The Queen to Lord Deputy Sidney, Nov. 12, 1565.

¹⁰⁶ Instructions for Sir H. Sidney, Oct. 5, 1565.

¹⁰⁷ *Sidney Papers*, vol. i. p. 7.

threatening and even throwing stones at Sir George Stanley, the Marshal, and raising the ominous cries of 'Cromaboo!' and 'Down with the English churls!' The Earl with difficulty pacified his men, but Arnold, who all along showed the most extraordinary subservience to Kildare, and was on the worst terms with Stanley, declined to notice the outrage.¹⁰⁸

The O'Reillys

A remarkable conversation took place between Arnold and Hugh O'Reilly, whom he urged to take the government of the country on himself. Hugh answered that O'Donnell was evil spoken of for assuming the government while his father lived, and that he saw not those punished who killed the Queen's subjects. Shane O'Neill murdered his father, and procured the murder of his brother, who was five times as valuable to the Crown as any O'Reilly could be. The politicians of the Pale would maintain his half brother against him, and perhaps seek his life. If O'Neill ceased to protect Cahir, 'then,' said Hugh, 'I say for O'Reilly, your prisoner, and for his eldest son, if any of them receive men or meat from O'Reilly's country, I will die but they shall be delivered to your governor, or all their hurts past be paid for presently.' He was quite willing to give hostages, but not to undertake to give those beyond his reach. According to Fitzwilliam Hugh meant well, and in any case the original aggressor was not Cahir O'Reilly but Kildare himself. Any damage done to the Pale had been more than paid for already. 'Arnold,' he said, 'means well, but Ireland, in my opinion, though it be brute and rude, is not known to every man for a year or two's trial.'¹⁰⁹

¹⁰⁸ Shane O'Neill to the Lord Justice and Council, June 30, 1565; Fitzwilliam to Cecil, Aug. 23.

¹⁰⁹ Fitzwilliam to Cecil, Aug. 23, 1565.

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